NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
1200-CN CONSTRUCTION STORMWATER DISCHARGE PERMIT

Oregon Department of Environmental Quality
700 NE Multnomah St. Suite 600, Portland OR 97232

Issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act

Permit Area:

The 1200-CN NPDES Construction Stormwater General Permit authorizes discharges from eligible construction activities located within the MS4 boundaries of local jurisdictions that administer a DEQ-approved Qualified Local Program (QLP). See Condition I for more information on QLPs.

Permit coverage must be obtained directly from DEQ for discharges from construction activities undertaken by the QLP jurisdiction itself, or by federal or state agencies.

DEQ retains the authority to require registration under the 1200-C Construction Stormwater General Permit for discharges from construction activities within QLP jurisdictions when DEQ determines it is necessary to ensure protection of water quality, including but not limited to any construction activity discharging stormwater that may be a significant contributor of pollutants to waters of the state or may cause an exceedance of a water quality standard, regardless of project size.

The permit area excludes: tribal trust and reservation lands, and Lands of Exclusive Federal Jurisdiction.

Coverage under this Permit:

Permit coverage is automatically assigned upon issuance of qualifying authorization by the QLP jurisdiction. Coverage is required for eligible construction activities described below that have the potential to discharge to surface waters of the state or to conveyance systems draining to such waters, except where the same discharges are already authorized under a separate NPDES permit.. Construction activities include but are not limited to:

- Clearing, grading, excavating, grubbing, stumping, demolition, stockpiling, installation of new or improved haul/access roads and staging areas, and other land disturbing activities; and
- On- or off-site construction support activities that specifically support the permitted construction project and involve earth disturbance or pollutant-generating activities of their own, including portable/temporary concrete or asphalt batch plants, portable rock crushers, equipment and material staging and storage, excavated material storage and disposal areas, borrow areas, haul roads, construction access roads, side-cast areas, and parking areas.

Permit coverage is required for the following:

- Construction activity that will disturb one acre or more, but less than five acres over the entirety of the project, including cumulative off-site disturbance acreage related to construction support activities, regardless of project phasing;
- Land use conversion activities meeting the disturbance threshold above, including: conversion of forestland to non-forestry or non-agricultural use following completion of timber harvest operation, and conversion of agricultural or farm use land to non-agricultural or farm use.

SIGNATURE, Administrator Water Quality	DATE, 2026 Issuance Date	DATE, 2026 Effective Date

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CONDITION I: PERMIT COVERAGE REQUIREMENTS

1. Limitations of Coverage

Discharges authorized under this permit are subject to the following limitations:

a. DEQ-approved QLPs:

DEQ evaluates local programs for QLP eligibility based on the jurisdiction's construction stormwater requirements, plan review, inspection, enforcement, legal authorities, and other applicable program elements. DEQ may reevaluate or withdraw QLP approval if the program no longer satisfies eligibility criteria. DEQ will maintain a current list of approved QLPs on its Construction Stormwater webpage.

b. Permit relationship to QLP requirements:

For construction activities authorized under this permit, compliance with the QLP's approved construction stormwater program satisfies the corresponding requirements of this permit, except where this permit establishes requirements that are more stringent or expressly reserved to DEQ (for example, Environmental Management Plans). Where this permit establishes requirements that are more stringent than local requirements, the permit operator must comply with the requirements of this permit. Nothing in this provision limits DEQ's authority to inspect, investigate, or enforce compliance with this permit.

c. Local agency authority:
This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or otherwise control discharges to municipal storm sewer systems, sanitary sewer systems, underground injection control (UIC) systems, post-construction stormwater management facilities, or other stormwater water management or disposal systems within their jurisdiction.

d. Common plan of development:

Construction activities that are part of a common plan of development or sale (CPD) that will ultimately disturb five (5) acres or more are not eligible for coverage under the 1200-CN permit and must apply for 1200-C Construction Stormwater General Permit, even if the initial phase disturbs less than five acres.

Construction activities disturbing less than one acre that are part of a larger CPD are not required to obtain separate 1200-CN permit coverage if the activity receives qualifying authorization by the QLP.

The permit does not authorize:

e. In-water work or activities that may result in the discharge of fill or dredged material into waters of the U.S. and/or state, which are regulated by other programs and agencies. Operators must identify, apply for, and resolve any state (Oregon Department of State Lands) or federal (US Army Corps of Engineers) and DEQ 401 water quality certification requirements before commencing construction activities.

f. Stormwater discharges associated with industrial activities [defined in 40 CFR§122.26(b)(14)] or stormwater associated with municipal separate storm sewer systems [defined in 40 CFR §122.26(b)(8) and (b)(16)]. Such discharges are regulated through DEQ's NPDES Industrial Stormwater General Permits (1200-A/Z), DEQ's NPDES MS4 Stormwater Permits, or other appropriate NPDES permit.

g. Stormwater discharges to unpermitted or unregistered UIC systems.

2. Permit Administration

a. Denial or revocation of permit coverage:

DEQ or the QLP may deny or revoke permit coverage under this general permit and require the operator to apply for 1200-C general permit coverage or for an individual NPDES permit in accordance with the procedures in OAR 340-045-0033(10). If that occurs, DEQ or the QLP will notify the operator in writing that 1200-C general permit coverage or an individual permit is required.

b. Termination:

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Coverage under this permit is terminated when construction activities have ceased and the site has achieved final stabilization as determined by the QLP.

c. Continuation of coverage:

All operators that received permit coverage on or prior to September 26, 2026 must comply with the following new Schedule B conditions by <DATE: 2 months after permit renewal>: Select and comply with one of the new inspection frequencies, inspection report content, and recordkeeping logbook.

3. Authorized Discharges

Subject to compliance with the terms and conditions of this general permit, the following discharges from construction sites are authorized (unless otherwise prohibited by local ordinance):

Authorized stormwater discharges:

a. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage associated with construction activity described on the cover page of this permit.

Authorized non-stormwater discharges:

b. Discharges from emergency or unplanned firefighting activities;

c. Fire hydrant flushing;

d. Landscape irrigation;

e. Water used to wash dust and soils from vehicles, provided soaps, detergents, and solvents are not used and detention and/or filtration is provided. Wash removal of oil, asphalt, concrete, or other construction material or waste is not authorized;

f. Water used for dust control (i.e. overspray, runoff from paved surfaces);

g. Potable water, including uncontaminated water line flushing;

h. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances;

i. Pavement wash water, provided spills or leaks of hazardous materials have not occurred (or have been completely cleaned up) and soaps, solvents, and detergents are not used. Pavement wash water must not be directed to any water of the state or stormwater conveyance, unless connected to a sediment basin, sediment trap, or similarly effective control for the pollutants present;

j. Uncontaminated air conditioning or compressor condensate;

k. Uncontaminated, non-turbid groundwater, spring water and construction dewatering water; and

l. Foundation/footing drains that do not contain process materials or contaminated groundwater.

4. Prohibited Discharges

All unauthorized discharges to waters of the state or conveyance systems leading to surface waters of the state and to groundwater, are prohibited. Prohibited discharges include, but not limited, to:

a. Visually turbid or sediment-laden water;

b. Concrete and concrete wastewater;

c. Wastewater from washing of stucco, paint, form release oils, curing compounds and similar materials;

d. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

e. Soaps, solvents, or detergents used to wash vehicles, equipment, sanitary facilities, etc.;

f. Wheel/tire wash wastewater;

g. Hydro-demolition water, and saw-cutting slurry; and

h. Toxics or hazardous substances from a spill or other release.

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SCHEDULE A: EFFLUENT LIMITATIONS AND CONTROL MEASURES

Technology-Based Effluent Limitations and Control Measures

Operators are required to comply with the following technology-based effluent limitations (TBELs) and control measures for all regulated construction activities, as applicable.

1. General Control Measure and Plan Requirements

The operator must design, install, and maintain effective stormwater control measures to prevent the discharge of pollutants in stormwater from construction activities. To meet this requirement, the operator must:

Account for site-specific conditions when designing stormwater controls, including:

a. The anticipated amount, frequency, intensity, and duration of precipitation events;

b. Site topography, drainage patterns, runoff and run-on, including anticipated flows from existing and proposed impervious surfaces and site drainage features;

c. Measures to reduce volume, velocity, and erosive forces onsite and at discharge points;

d. Soil characteristics that may affect erosion, infiltration, sediment transport, suspension, etc; and

e. Applicable engineering principles, design specifications, and manufacturer's instructions, and other generally accepted professional and industry practices.

Minimize soil exposure

f. Sequence clearing, grading, and other land disturbing activities to the maximum extent practicable to minimize the area and duration of exposed soils.

Adaptively manage and maintain stormwater controls

g. Evaluate and adjust stormwater controls throughout each stage of construction to reflect changing site conditions, drainage patterns, and construction activities.

h. Immediately initiate repairs or replace controls upon discovery of any issues (including but not limited to damage, failure, malfunction, clogging, displacement, or other conditions that reduce effectiveness) and complete the work by the end of the next business day. If completing the repair/replacement by that time is infeasible, document the reason in the inspection report. In such cases, complete the repair or replacement no later than seven (7) calendar days from the time the issue was identified.

Develop and Implement Erosion and Sediment Control Plan (ESCP)

i. Develop and implement site-specific ESCP that complies with QLP requirements and addresses the control measure considerations in this schedule.

2. Pre-Construction Requirements

Before construction activities commence, the operator must:

a. Conduct on-site pre-construction meeting with the designated erosion and sediment control inspector(s), general contractor representative (e.g., superintendent or foreman), and pertinent subcontractors involved in erosion and sediment control operations in order to review the ESCP, establish lines of communication, and identify the location of permit-related documents; and

b. Identify and clearly mark off clearing limits, sensitive areas (e.g., streams, wetlands, springs, groundwater seeps) and their buffers, trees to be preserved), and post-construction stormwater facilities.

3. Natural Buffer Zone Protection

When a surface water of the state is located within 50 feet of the project's land disturbances, the operator must comply with local natural buffer zone (NBZ) or riparian setback requirements. If local requirements do not exist, operators must select one of the compliance options listed below and comply with the additional conditions

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contained in Appendix B. For operators that received permit coverage on or prior to September 26, 2026, the previously approved NBZ compliance approach is deemed appropriate.

a. Compliance Option 1: Maintain an undisturbed 50-foot natural buffer; or

b. Compliance Option 2: Maintain less than the 50-foot natural buffer (but greater than 5-foot) and provide additional erosion and sediment control measures that achieve the sediment load reduction similar to that of a 50-foot undisturbed natural buffer.

c. Compliance Option 3: If infeasible to maintain an undisturbed natural buffer of any size, stormwater must be collected and treated prior to discharge.

Buffers for Impaired Surface Waters

For construction activities located within 125 feet of, and with the potential to discharge to, a receiving water identified as Category 5 for turbidity or sedimentation on the EPA-approved 303(d) list in effect at the time permit coverage is assigned, the operator must provide an increased alternative natural buffer width in accordance with Appendix B. This requirement applies only when the first receiving water to which the construction activity may discharge has the applicable Category 5 impairment.

4. Perimeter Controls

The operator must install sediment controls along perimeter areas downslope from any exposed soil, stockpiles, staging areas, or other disturbed areas and remove accumulated sediment from sediment barriers (e.g., sediment fence, straw wattles, compost socks) before it reaches one-third of the above ground barrier height.

5. Track-out

The operator must implement and maintain effective track-out controls at construction entrances and access points to prevent the tracking of sediment and other construction materials onto roads and sidewalks. If track-out occurs, the operator must remove the material before the next precipitation event and no later than the end of the same business day using dry cleanup methods (e.g., sweeping or vacuuming). Hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the state is prohibited.

6. Stockpile Management

The operator must manage stockpiles and land clearing debris piles by locating them away from stormwater conveyances, drain inlets, and concentrated stormwater flow paths, NBZs and by protecting stockpiles from erosion through appropriate cover/stabilization when they have the potential to discharge sediment.

7. Dust Control

The operator must prevent wind-blown soil and dust through the appropriate application of water or other dust suppression techniques. Oil may not be applied as a dust suppressant.

8. Storm Drain Inlet Protection

The operator must design, install and maintain storm drain inlet protection measures as follows:

a. Inlet protection measures must effectively remove sediment from discharges and must be adequately sized and installed to prevent bypass;

b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. At a minimum, clean catch basin inserts before sediment retention capacity is reduced by 50%; and

c. Remove accumulated sediment adjacent to inlet protection measures immediately and no later than the end of the same business day. The operator must not intentionally wash, sweep, or otherwise convey sediment or debris into storm inlets.

9. Concrete Management

The operator must control concrete activities as follows:

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a. Direct all concrete wash water and concrete waste into an impermeable, lined pit or leak-proof container designed so that no overflows can occur due to inadequate sizing or precipitation. Washout facilities must be cleaned, or new facilities must be constructed and ready for use, once the washout is 75% full.

b. Locate washout activities a minimum of 50 feet from stormwater conveyance, storm drain inlets, or waters of the state. If 50 feet is infeasible, the operator must use off-site washout facilities, self-contained washout systems (those that eliminate stormwater inputs), or seal off storm inlets, conveyances, or other discharge pathways to waters of the state located within 50 feet.

10. Sediment Basin

Sediment basins or similar impoundments used for stormwater storage and passive treatment must be designed by an Oregon Registered Professional Engineer and meet the following requirements.

a. At a minimum, the basin must be designed to provide storage capacity for one of the following:

   i. 2-year, 24-hour storm according to the National Weather Service (NWS) Precipitation Frequency Data Server or the Oregon Department of Transportation (ODOT) Precipitation Data Viewer; or

   ii. 3,600 cubic feet per acre of drainage area;

b. Provide sufficient treatment capacity to effectively settle sediment and sufficient storage capacity to accommodate any dewatering discharges directed to the basin;

c. Include outlet structures that withdraw water from the surface of the basin and use erosion controls within basin and at outlets; and

d. Identify the maximum sediment storage depth in the design and remove accumulated sediment as necessary to maintain basin treatment and storage capacity.

11. Engineered/Cementitious Soils

The operator must install an engineered sediment basin in accordance with Schedule A.10 above to capture and treat runoff from engineered or cementitious soils (e.g., Portland cement-treated base, cement kiln dust, or fly ash). The operator must ensure discharges comply with the applicable pH criteria of the receiving water under OAR 340-041-0021. If necessary, treat runoff by using CO_2 sparging or dry ice to achieve compliance. The operator must monitor and record pH in accordance with Schedule B.5. Any chemical treatment other than CO_2 sparging or dry ice requires an EMP in accordance with Schedule A.15.

12. Stabilize Exposed Soils

The operator must implement and maintain stabilization measures (e.g., seeding, erosion control blankets, hydro mulch, gravel) to prevent erosion from areas of exposed soils in accordance with the deadlines in this section. Where more than one stabilization deadline applies to an area, the shortest deadline must be followed.

Initiate stabilization immediately where construction activities have permanently ceased or in areas that will be temporarily inactive for 14 calendar days or more, except as provided in subsection d. below. For purposes of this section, "immediately" means as soon as practicable, but no later than the end of the next workday following the day after construction activities cease in the applicable area.

Complete stabilization as soon as practicable, but no later than the applicable deadline below:

Site condition	Stabilization completion deadlines
a. All areas of exposed soil except those subject to a shorter deadline below	Within 14 calendar days after stabilization is initiated
b. Areas of exposed soil with the potential to discharge to waters listed as Category 5 for turbidity or sedimentation on Oregon's most recently approved 303(d) list	Within seven (7) calendar days after stabilization is initiated

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Site condition	Stabilization completion deadlines
c. Areas of exposed soil upgradient of an encroached natural buffer where NBZ Compliance Option 2 or 3 is selected	Within seven (7) calendar days after stabilization is initiated
d. Areas of exposed soil within an encroached natural buffer where NBZ Compliance Option 2 or 3 is selected	Stabilize exposed soils at the end of each workday. In any areas of where construction activities have permanently ceased, immediately initiate installation of final stabilization measures and complete the installation within three (3) calendar days.

13. Pollution Prevention

The operator must implement pollution prevention controls in accordance with the following requirements:

a. Ensure adequate supplies are always available to handle spills, leaks, and disposal of used liquids.

b. Bulk storage (individual containers of 55 gallons or greater) for petroleum products and other liquid chemicals must have secondary containment, or equivalent protection, to contain spills.

c. Store hazardous or toxic waste in sealed, properly labeled containers designed to prevent leakage and corrosion, and store within secondary containment or an equally effective spill prevention system.

d. Dispose of oily, hazardous, or toxic waste in accordance with the manufacturer's recommendations and all applicable federal, state, and local requirements.

e. Stabilize and position sanitation facilities (portable toilets and wash stations) at least 50 feet away from stormwater conveyance, storm drain inlets, or waters of the state. Sites with limited space that cannot meet this distance requirement must utilize secondary containment.

14. Dewatering

The operator must prevent the discharge of pollutants from dewatering operations as follows:

a. Direct dewatering water through an appropriate sediment control measure (e.g., sediment basin, pumped water filter bag) that effectively reduces turbidity.

b. Discharge dewatering water onto fully vegetated, upland areas located a minimum of 50 feet from any surface water or inlet, ensuring space for it to infiltrate into the ground.

c. Prevent erosion at discharge location by utilizing stable surfaces and velocity dissipation controls.

d. Utilize offsite disposal methods (e.g., pump and transport, or approved sanitary sewer disposal) if onsite management is infeasible or if highly turbid dewatering water cannot be effectively treated/infiltrated.

15. Environmental Management Plan

The operator must submit an Environmental Management Plan (EMP) and review fee to DEQ if the conditions below apply (see Appendix A for more information). EMPs must be prepared and stamped by an Oregon Registered Professional Engineer. The EMP must be approved by DEQ before covered work may commence.

a. <u>Contaminated Media Management Plan (CMMP):</u>
Contaminated soils, contaminated groundwater, or hazardous materials will or have the potential to be encountered during construction activities. Provide detailed information in a CMMP on the nature and extent of the contamination (concentration, location, and depth) as well as pollution prevention and/or treatment Best Management Practices (BMPs) proposed to control the discharge of impacted soil, groundwater, or hazardous building material debris in stormwater.

If undocumented contamination, underground storage tanks, or other potentially hazardous conditions are encountered that are not addressed in the CMMP, discharges exposed to the contaminated media must cease and DEQ must be notified within 48 hours. The discharges exposed to the contaminated media may not occur until DEQ approves a revised CMMP.

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Similarly, if these conditions are discovered after registering for permit coverage without an approved CMMP, discharges exposed to the contaminated media must cease and DEQ must be notified within 48 hours. The discharges exposed to the contaminated media may not occur until DEQ approves a CMMP.

b. Chemical Treatment Plan (CTP):
A treatment system (e.g., electro-coagulation, flocculants, filtration, polymers, hydrochloric or sulfuric acid) for sediment, pH neutralization, or other pollutant removal is planned or implemented at the project site. The use of carbon dioxide (CO_2) sparging or dry ice to neutralize runoff from concrete work areas does not require a CTP; please refer to Schedule A.11 for additional information.

EMP Revisions

The operator must submit a revised EMP to DEQ before implementing any changes. Significant changes require additional DEQ review and fee payment. A revised EMP may be required for the following:

c. Change in water volumes that requires system storage/system sizing adjustments.

d. Change in contaminated materials management and/or water treatment requirements related to encountering unexpected contamination.

e. Change in the treatment systems, including use of different treatment chemicals, dosage rates, area of application, effluent discharge location, or change in the monitoring program.

f. DEQ determines that the approved EMP or site management approach are insufficient to prevent prohibited discharges to waters of the state.

Water Quality-based Effluent Limitations

16. Compliance with Water Quality Standards

16.1 Discharges to Surface Waters

Compliance with the conditions of this permit is expected to result in discharges that will comply with Oregon's water quality standards as established in OAR 340-041. If site discharges cause or contribute to an exceedance of an applicable water quality standard, the permit operator must take immediate corrective actions. Turbidity and sedimentation are the most common pollutants associated with construction stormwater and the applicable standards are provided below.

a. Turbidity per OAR 340-041-0036: No more than a 10% (ten percent) cumulative increase in natural stream turbidities may be allowed, as measured relative to a control point immediately upstream of the turbidity causing activity.

b. Sedimentation per OAR 340-041-0007(11): The formation of appreciable bottom or sludge deposits or the formation of any organic or inorganic deposits deleterious to fish or other aquatic life or injurious to public health, recreation, or industry may not be allowed.

16.2 Discharges to Groundwater

Discharges to groundwater through an injection well must comply with state and federal underground injection control (UIC) regulations (OAR 340-044 and 40 CFR § 144-146). Construction stormwater discharges with visible turbidity or other contaminants are prohibited.

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SCHEDULE B: INSPECTIONS, MONITORING, AND RECORDKEEPING

1. Designated Erosion and Sediment Control Inspector

Inspections must be conducted by an individual with one of the credentials listed below. Inspectors must also possess the knowledge, skills, and authority necessary to evaluate the effectiveness of erosion and sediment controls, understand the project scope, revise the ESCP, and direct corrective actions to maintain compliance.

a. Certified Erosion, Sediment and Stormwater Inspector (CESSWI),
b. Certified Professional in Erosion and Sediment Control, (CPESC),
c. Certified Professional in Stormwater Quality (CPSWQ),
d. Certified Inspector of Sediment and Erosion Control (CISEC),
e. Washington State Certified Erosion and Sediment Control Lead (CESCL),
f. Rogue Valley Sewer Services Erosion and Sediment Control Inspector (ESCI),
g. Oregon Registered Professional Engineer (PE),
h. Oregon Registered Landscape Architect (RLA); or
i. Oregon Certified Engineering Geologist (CEG).

Multiple Inspectors: Operators with multiple site inspectors must designate one Primary Inspector to review and sign inspection reports generated by other inspectors within three (3) business days to confirm reports meet frequency and content requirements in Schedules B.2 and B.4. An inspection team is limited to three inspectors.

2. Inspection Frequency

A site inspection must be completed on the initial date of the commencement of construction activities. Subsequent inspections must follow one of the two frequencies specified below. The selected frequency must be maintained for the duration of permit coverage.

a. Inspection frequency option 1: At least once every seven (7) calendar days; or
b. Inspection frequency option 2: Once every 14 calendar days and within 24 hours of:
    i. A storm event that produces 0.25 inches or more of rain within a 24-hour period.
        A. If a storm event produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), conduct an inspection within 24 hours.
        B. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, the operator must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm period).
    ii. A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period. The operator is required to conduct one inspection once the discharge of snowmelt from a 3.25-inch or more snow accumulation occurs. Additional snowmelt inspections are only required if following the discharge from the first snowmelt, there is a discharge from a separate storm event that produces 3.25 inches or more of snow.

The 24-hour period for storm event tracking begins and ends at midnight of a given calendar day. If the required 24-hour window falls entirely outside normal working hours (i.e. no work is being conducted on site), the inspection must be completed by the end of the next business day.

Storm event data must come from either an on-site rain gauge or a nearby representative weather station. Snow measurements must either be taken directly at the site or obtained from a representative nearby weather station.

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3. Reductions in Inspection Frequency

Inspection frequency may be reduced under the scenarios outlined below. The start and end dates of the reduced inspection period must be documented in the inspection records, along with all supporting data.

Stabilized Areas: The operator may reduce inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of the site where final stabilization has been completed. If "wash-out" of stabilization materials and/or sediment occurs, following re-stabilization, inspections must resume at the frequency required in Schedule B.2. If construction activity resumes in this portion of the site, inspections must resume at the frequency required in Schedule B.2

Frozen Conditions: The operator may suspend inspections when construction activities are suspended due to frozen conditions and discharges are unlikely. If weather conditions (such as above freezing temperatures or rain events) make discharges likely, immediately resume regular inspection frequency in Schedule B.2

4. Inspection Report

Complete inspection reports within 24 hours any site inspection and include the following (as applicable):

a. Inspection date, inspector name, and site name,

b. Selected inspection frequency; For frequency option 2, include:

   i. Applicable weather data that triggered the inspection, including data source; and

   ii. Confirmation whether a discharge from the site occurred within 24 hours of a 0.25 inch or more storm event (attach date-stamped photos to report),

c. Visual observations of discharges from the site (e.g. clear, turbid, opaque, sheen) and confirmation that no unauthorized discharges have occurred or are occurring,

d. Locations and conditions of BMPs requiring maintenance or corrective actions, including BMPs that failed to operate as designed or proved inadequate for a particular application,

e. Stabilization status in areas where construction activities have permanently ceased or are temporarily inactive,

f. If portions of the site are unsafe or inaccessible, document the affected areas and the reason and conduct a follow-up inspection as soon as safe access is available, and

g. Inspector signature and the following statement: "I certify that this report is true, accurate, and complete to the best of my knowledge, abilities, and belief."

5. Monitoring pH

If using engineered/cementitious soils, the operator must conduct pH monitoring as follows:

a. Perform pH monitoring within 15 minutes of sample collection with a calibrated pH meter. Begin the pH monitoring period when engineered soils are first exposed to precipitation and continue every seven (7) calendar days when the basin/impoundment contains runoff. The operator must also document pH within 24 hours of discharge from the basin/impoundment. Monitoring period ends when final stabilization of the area of engineered soils is established.

b. Document the dates when engineered soils are used, date of final stabilization, all monitoring results, and any pH adjustment treatments in the on-site logbook.

6. Recordkeeping Logbook

The operator must retain an on-site logbook that contains the following records: Current ESCP with dated and signed revisions, DEQ-approved EMP (if applicable), pre-construction meeting sign-in sheet, inspection reports, and water quality sampling results conducted per Schedule A.15 or Schedule B.5 (if applicable).

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SCHEDULE D: SPECIAL CONDITIONS

1. Standard Conditions and Schedule Precedence

Federal regulations require that the Standard Conditions at 40 CFR §122.41 be applied to all NPDES permits. The operator is required to comply with those Standard Conditions. In the event of any inconsistency between 40 CFR §122.41 and any other schedule of the permit, Schedules A through D take precedence.

2. Other Requirements

Coverage under this permit does not relieve the operator from any other permitting and licensing requirements. Prior to beginning construction activities, the operator must obtain all other necessary approvals.

3. Availability of Records

The operator must make the Erosion and Sediment Control Plan, inspection reports, and other compliance records available to DEQ and government agencies responsible for stormwater management in the project area.

4. Twenty-Four Hour Reporting

The operator must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the operator becomes aware of the circumstances. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System, OERS).

5. Permit-Specific Definitions

Agricultural or Farm Use: per ORS 308A.056: current employment of land for the primary purpose of obtaining a profit from activities such as crop cultivation, livestock production, dairying, animal husbandry, and equine stabling and training. These activities are exempt from 1200-CN permitting requirements. The exemption does not apply to the construction of buildings or associated roads that disturb over an acre of land, nor does it apply to activities that prepare a site for non-farm use, such as clearing of non-crop vegetation, grading, stockpiling, road building, or other similar activities.

Best Management Practices or BMPs: schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, erosion and sediment control, source control, and operating procedures and practices to control site runoff, spillage or leaks, and waste disposal.

Construction Activity: ground disturbing and associated activities which include but are not limited to: clearing, grading, excavating, grubbing, stumping, demolition, stockpiling, installation of new or improved haul/access roads and staging areas, and other land disturbing activities. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility as defined in 40 CFR 122.26(b)(15). Activities to conduct repairs that are not part of routine maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is exposed as part of the repaving operation are considered construction activities.

Construction Support Activity: on- or off-site construction-related activity that specifically supports the permitted construction project and involves earth disturbance or pollutant-generating activities of its own. This includes but is not limited to: portable/temporary concrete or asphalt batch plants, portable rock crushers, equipment and material staging and storage, excavated material storage and disposal areas, borrow areas, haul roads, construction access roads, side-cast areas, and parking areas.

Common Plan of Development or Sale: a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

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Conveyance System: installed structures, such as sewers, ditches, pipes, channels, and swales, designed to carry stormwater within and out of the construction site.

CO_2 Sparging: technique in which carbon dioxide gas, sometimes introduced by dry ice, is bubbled through a liquid in order to lower the pH of the liquid.

Dewatering: the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation.

Hazardous Materials: the materials defined in 40 CFR part 302.

Natural Buffer: an area of undisturbed natural cover bordering surface waters within which construction activities are restricted. Natural cover includes vegetation, exposed rock, and barren ground that existed prior to commencement of land disturbing activities.

Operator: the party that obtains authorization from the QLP to conduct construction activities regulated under this permit. The operator is responsible for ensuring compliance with the requirements of this permit and applicable local construction stormwater requirements. Operators of automatically covered construction activities are not permit registrants.

Pollutant: dredged spoil, solid waste, sewage, domestic sewage sludge (biosolids), filter backwash, garbage, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, and industrial, municipal, and agricultural waste.

Pollution or Water Pollution: per ORS 468B.005(5): such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

Sediment: solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.

Sediment Basin/Impoundment: pond used to capture construction stormwater for storage and treatment.

Site: the area where the regulated construction activities and associated construction support activities occur. It is the geographic boundary within which the operator must implement permit conditions to prevent off-site sedimentation or prohibited discharges from occurring.

Stockpile: storage or sidecast pile of dirt, soil, aggregate, brush piles mixed with soil, non-washed gravel or cobble, waste or recyclable concrete or pavement, or any other material that contains sediment or other fines that can be entrained in stormwater flow.

Storm Event: a precipitation event that results in a measurable amount of precipitation.

Stormwater: per 40 CFR §122.26(b)(13): stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stumping: removing tree stumps from the ground, typically involves uprooting the stump and its root system using mechanical equipment like excavators, stump grinders, or bulldozers.

Surface Water: all water naturally open to the atmosphere (e.g., rivers, lakes, wetlands, reservoirs, ponds, streams, impoundments, oceans, estuaries, springs, etc.).

Turbidity: turbidity measures the “cloudiness” of water; more precisely, it measures the extent to which light is scattered and absorbed by suspended sediment, dissolved organic matter, and, to a lesser extent, other microscopic organisms. Turbidity is most commonly expressed as nephelometric turbidity units (NTUs) measured with a calibrated turbidity meter.

Underground Injection Control or UIC: any system, structure, or activity that is created to place fluid below the ground or sub-surface (e.g., sumps, infiltration galleries, drywells, trench drains, drill holes, etc.)

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Water or Waters of the State: per ORS 468B.005(10): lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

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Appendix A

Environmental management plan review applications for contaminated media management and chemical treatment

Appendix applicability:

The purpose of this appendix is to guide 1200-CN operators in complying with Schedule A.15 Environmental Management Plan (EMP) requirements. These requirements apply to both EMP subtypes: 1) contaminated media management plans (CMMPs), and 2) chemical treatment plans (CTPs). For projects with contaminated media and chemical treatment for managing stormwater and/or groundwater, you must complete both section 1 and 2 of this appendix and refer to the plan as a CMMP. For projects where a chemical treatment system is needed only for treating turbidity, and no contamination is present, complete section 2 and refer to the plan as a CTP.

Administratively, both types of plans are subcategories of an EMP and DEQ's online permitting system refers to both CMMPs and CTPs as an "EMP."

The operator must complete the required EMP submittal steps, pay the review fee (See Table 70F) if applicable, and submit the required documents found on DEQ's website and electronic reporting system. Revisions must be submitted for conditions listed in Schedule A.15.c-f.

Please note that if your CMMP is both 1) project-specific, and 2) was developed with the oversight of the DEQ Cleanup Program, you are not required to submit the EMP to DEQ's stormwater program via YDO for review. The CMMP should be provided to the QLP with the application materials for the applicable local .

This appendix is organized as follows:

Table of Contents

1.0 Contaminated media management plans (CMMPs)..... 2

2.0 Chemical treatment plans (CTPs)..... 6

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1.0 Contaminated media management plans (CMMPs)

This section of Appendix A provides the EMP review application form for construction projects that will encounter or are reasonably expected to encounter contaminated soils, contaminated groundwater, or hazardous materials. Schedule A.15 requires the operator to provide detailed information in the CMMP on the nature and extent of the contamination (concentration, location, and depth) as well as pollution prevention and/or treatment Best Management Practices (BMPs) proposed to control the discharge of impacted soil, groundwater, or hazardous materials to waters of the state. If undocumented or unanticipated contamination, underground storage tanks, or other potentially hazardous conditions are encountered that are not addressed in the CMMP, discharges exposed to the contaminated media must cease and DEQ must be notified within 48 hours. The discharges exposed to the contaminated media may not occur until DEQ approves the revised CMMP.

Operators must provide findings from any environmental due diligence (e.g. Phase I/II Environmental Site Assessment, geotechnical investigations, etc.) conducted for the project in the CMMP application.

Operators can search the DEQ public databases for information on known or suspected contamination for project sites. For sites not listed in the databases with potential contamination (such as former agricultural sites, or industrial properties), DEQ encourages the property owner to complete the necessary due diligence and also provides the following guidance.

Unanticipated and unknown contaminated soil is soil that exhibits any of the following: Soil with distinctly different physical characteristics compared to undisturbed native soil or documented fill, such as unusual staining, color variations, unusual odors, building debris (bricks, stained timber, or charcoal), and sheen or oily liquids. Odors, such as a petroleum hydrocarbon odor, may coincide with elevated constituent concentrations indicative of gasoline or diesel fuel, herbicides, or pesticides. Unanticipated and unknown contaminated soil is present if it exhibits a volatile organic compound (VOC) vapor concentration in excess of 50 parts per million (ppm), as measured with a photoionization detector (PID) using a soil sample head space reading. Upon discovery of suspected contaminated soil, immediately suspend all activities in the vicinity, and notify DEQ within 48 hours. Any additional project work should be performed in accordance with an approved CMMP.

For groundwater, additional management protocols for known and/or unknown or unanticipated contamination should be followed throughout site-work where groundwater is encountered. Evidence of groundwater pollution may include visual indicators such as sheen, cloudy or discolored water, floating matter, algae, odors (i.e., rotten egg smell, pesticides, fuel, sewage), or test results for specific contaminants that are odorless (i.e., metals). In the event of discovery of unknown groundwater contamination, suspend work activities and notify DEQ within 48 hours.

Any additional work at the project should be performed in accordance with an approved CMMP. In the event of sheen or free product, the operator should remove the sheen and/or free product and containerize the water in a temporary aboveground storage tank for characterization to determine the appropriate management and disposal requirements.

Free-phase petroleum should be removed and disposed of in compliance with local, state, and federal regulations. Removal of free product may be accomplished by vacuum truck collection of product from the surface of the groundwater (if sufficient product is present) directly into the vacuum truck or into drums. Adsorbent booms/pads may also be used to remove product/sheen but are discouraged due to increased health and safety risks associated with handing used booms/pads and higher disposal costs. Alternatively, groundwater can be treated through a DEQ-approved treatment system prior to discharge to stormwater or sanitary sewer. The use of chemical treatment requires an approved CTP, which can be a component of a CMMP. Discharge of treated or untreated groundwater to storm or sanitary sewers requires approval from the local jurisdiction.

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Contaminated media management plan review application

Complete steps I-IV of this section if submitting a CMMP to DEQ for review and approval.

If the CMMP also requires the use of chemical treatment, a CTP is also required, and the Operator must also complete steps I-VI of section 2 in addition to this section. The CTP requirements in section 2 must be stamped by a State of Oregon Registered Professional Engineer

1.1 Permit operator information

Permit Operator Name:	Title:
Mailing Address	
City	
State	
Zip	
County	
Phone	
Email	

1.2 Project or site information

Permit Operator Name:	
Project/Site Address	
City	
State	
Zip	
County	

1.3 Names of receiving waterbody

1.4 Coordinates in decimal degrees

Lat	Long

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1.5 Site contact (if different from permit operator

Name	Title
Phone	**Email**

1.6 Engineer (if applicable and different from permit operator

Name	Title
Phone	**Email**

1.7 Plan

The purpose of the CMMP is to explain the status of the impacted media at the site and provide site-specific information and guidance to the site contractor regarding contaminated media that may be encountered during construction activities and site improvements. Please review the comprehensive review checklist for the plan. The items below are also required to illustrate how the CMMP will be implemented in the context of the ESCP. Provide a descriptive writeup, table, and figures, as needed, to illustrate the entire site and management plan as an attachment to this completed form, that includes, but may not be limited to, all of the items below:

- DEQ Environmental Cleanup Site Information (ECSI), Leaking underground storage tank (LUST), heating oil tank (HOT) site number (s), if applicable
- A description of the site history and known pollutant sources
- A description of the project lines of communication
- A description of soil types within areas to be disturbed
- A list or table of all known contaminants with lab tests results showing sample name, concentration and depth
- A description of relevant permits required for the site work
- Description of impacted soil re-use approvals, if applicable, and any necessary decisions, including, but not limited to Soil Beneficial Use Determination or a Solid Waste Letter of Authorization, available through DEQ Materials Management program.
- A map with sample locations, with areas of known contaminated media highlighted
- A map showing the extents of any earth disturbance
- Temporary Erosion and Sediment Control Plans specific to contaminated media
- Locations of contaminated media stockpiles and details for containment berm
- A list of all disposal locations
- A map showing sufficient indication of topography to indicate where stormwater flows
- Approximate extent of a known or suspected contaminated groundwater plume
- Location of construction stormwater and groundwater basins that will be used for water storage/management (if applicable)
- A detailed schematic of the dewatering system (if applicable), showing equipment, locations of all additives into the system, pipe diameters, recirculation piping (note: the system must have the capacity to hold water for testing

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and to re-treat water that does not meet water quality standards), system discharge location and system sampling locations

- Notice of approval from local jurisdiction if discharge is to public storm or sanitary system
- Proposed point(s) of discharge to receiving U.S. and/or state waterbodies or wetlands

1.8 Certification information

I hereby certify that the following information is correct and has been documented in the CMMP for this project:

- The CMMP includes a complete site-specific description of the impacted media that may be encountered at the site, including specific information and guidance for the management of contaminated media that may be encountered during construction.
- The controls identified to be used on the site are compatible with the contaminated media expected to be encountered at the site.
- A copy of the DEQ approved CMMP will be always kept on-site and made available to any firm or person with the potential to come into contact with the contaminated media at the site prior to starting work.
- The procedures and best management practices outlined in the CMMP will be adhered to throughout construction activities at the site to ensure protection of human health and the environment.
- If unanticipated or unknown contamination is encountered, the sitework will be stopped and DEQ will be notified within 48 hours.
- I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

1.9 Signature

Print Name (First, Middle Initial, Last)	**Title**
Authorized Signatory	**Date**
Email:	

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2.0 Chemical treatment plans (CTPs)

This Section of Appendix A provides the Environmental Management Plan review application for projects where a chemical treatment system (e.g., electro-coagulation, flocculants, filtration, polymers, hydrochloric or sulfuric acid) for sediment, pH neutralization, or other pollutant removal is planned or implemented at the project site.

Direct discharge of chemically treated stormwater and/or groundwater to surface waters of the state is prohibited. Treatment systems must include post-treatment settling or filtration to remove flocculated sediment. Settling basins designed to allow sufficient settling time are commonly used, preferably with surface discharge and porous baffles. Where space is limited, mechanical sand filters can remove the flocs and pump the sediment backwash sludge to contained storage areas for decanting and disposal. When cationic treatment chemicals are proposed, the operator must ensure that discharges contain no detectable levels of cationic chemicals.

When treatment chemicals are proposed to treat stormwater and/or authorized non-stormwater prior to discharge, Schedule A.15 of the 1200-CN permit requires the operator submit the following EMP review application and pay the EMP review fee.

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Chemical Treatment Plan Review Application

Complete steps I-V of this section if submitting a CTP to DEQ for review and approval

2.1 Permit Operator Information

Permit Operator Name:	Title:

2.2 Mailing address

Address	
City	
State	
Zip	
County	
Phone	
Email	

2.3 Project/Site Information

Permit Operator Name:	
Project/Site Address	
City	
State	
Zip	
County	

2.4 Names of receiving waterbody

2.5 Coordinates in decimal degrees

Lat	Long

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2.6 Site Contact (if different from permit operator)

Name	Title
Phone	**Email**

2.7 Engineer (if applicable and different from permit operator)

Name	Title
Phone	**Email**

2.8 Plan

The purpose of the CTP is to provide detailed information for the system design, and operation and maintenance requirements that will be used to treat impacted stormwater, groundwater, and/or turbidity. The CTP must be prepared and stamped by an Oregon Registered Professional Engineer and should include the following:

- DEQ Environmental Cleanup Site Information (ECSI), Heating Oil Tank (HOT), and/or Leaking Underground Storage Tank (LUST) site number (if applicable)
- A list, table, or description of all known contaminants with available laboratory tests results showing concentrations that may be treated by the system
- Description of the water collection methods (well, sump, pit) and storage requirements (basins, pond, tanks)
- Description of the treatment system
- Description of the system additives, including type, dosage, pH requirements (if applicable), sampling method for residual testing, and SDS for all proposed additives
- A list of all disposal locations by media
- Figure showing water treatment system plan overview, including water collection/storage locations, equipment staging area, piping layout, location of generators (if applicable), treated effluent discharge locations and site-specific BMP's specific to the treatment system.
- Detailed schematic of the treatment system, showing treatment process, equipment, piping layout and sizes, locations of pumps, chemical additives, recirculation system, valves, sampling ports, and discharge locations
- System monitoring plan for chemical and/or physical monitoring including analytical methods, monitoring frequency, and applicable benchmarks/screening levels for each parameter (specific to each discharge location)
- System management plan, including a list of personnel, system operators, and project lines of communication for who individuals responsible for operating the chemical treatment systems and application of the chemicals
- Documentation requirements for record keeping
- Notice of approval from local jurisdiction if discharge is to public storm system
- All proposed point(s) of discharge, soil type at the discharge locations, any energy dissipation requirements that will be employed at the discharge location

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- Map showing the location of discharge points to any receiving waterbodies Calculated total storage volume, water volume/flow rates to be treated, based on 2-year, 24-hour storm event and should include dewatering volume, if appliable. Please note, in addition to sufficient holding capacity upstream of treatment, the system must have the capacity to hold water for testing and to re-treat water that does not meet water quality standards.

2.9 Proposed treatment

Check proposed treatment system:	
Chitosan enhanced sand filtration with discharge to infiltration (ground water)	
Chitosan enhanced sand filtration with discharge to temporary holding ponds (batch).	
Chitosan enhanced sand filtration with discharge to surface waters (flow-through).	
Other (describe below and submit documentation that the proposed system and chemical(s) demonstrate the ability to remove turbidity and produce non-toxic effluent/ discharge)	

Check proposed cationic chemical(s) to be used:	
FlocClearTM (2% chitosan acetate solution)	
ChitoVanTM (1% chitosan acetate solution)	
LiquiFlocTM (3% Chitosan acetate solution)	
LiquiFlocTM (1% chitosan acetate solution).	
StormKlearTM	
StormKlearTM LiquiFlocTM (1% chitosan acetate solution)	
Other (if an alternate additive is to be used, provide additional information below to ensure compatibility of additive with proposed discharge location, i.e., surface water)	

Estimated Treatment Period Start Date:	Estimated Treatment Period End Date:

2.10 Certification information

I hereby certify that the following information is correct and has been documented in the CTP for this project:

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- The CTP includes a complete site-specific description of the chemical treatment system herein proposed for use, including specifications, design, and Material Safety Data Sheets for all chemicals to be used.
- The controls to be used on the site are compatible with the safe and effective use of chemical treatment.
- I verified through bench top and/or jar tests that the site soil is conducive to the proposed treatment methods.
- I verified that the chemical treatment system operators for this project received training.
- I read, understand, and will follow all conditions and design criteria in the applicable use designation(s).
- I will keep the use level designation, operation and maintenance manual, and training certificate on site prior to and during use of chemical treatment.
- A licensed engineer designed the system for this project including system sizing, pond sizing, and flow requirements.
- I verify that the discharge will not adversely affect downstream conveyance systems or stream channels (e.g. cause erosion).
- If unanticipated or unknown contamination is observed within the water treatment system, the water treatment process will be stopped and DEQ will be notified within 48 hours.

Print Name (First, Middle Initial, Last)	**Title**
Authorized Signatory	**Date**
Email:	

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APPENDIX B

Natural Buffer Zone Requirements

Appendix Applicability:

Operators must select one of the compliance options listed in the Natural Buffer Zone condition in Schedule A.3 and comply with the additional conditions contained within this appendix.

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1.0 Introduction

A natural buffer zone is an area of undisturbed natural cover bordering surface waters within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, and barren ground that existed prior to initiating land disturbing activities. Buffer zones are sometimes called riparian buffers or riparian zones. Buffers play a critical role in water quality protection, erosion control, and habitat preservation.

1.1 Determine natural buffer zone applicability

Schedule A.3 of 1200-CN permit requires that operators provide and maintain natural buffer zones when surface water is located within 50 feet of the project's construction activity and stormwater flows to the surface water. This is the "default" requirement for sites where it is feasible to maintain a 50-foot undisturbed buffer. For sites where maintaining the default buffer is not feasible, operators must use additional or enhanced erosion and sediment control measures to protect receiving waters.

If a surface water of the state is not located within 50 feet of earth disturbing activities, the natural buffer zone conditions (Schedule A.3 and this appendix) do not apply. See Figure B-1.

For construction activities that discharge to an impaired surface water of the state: If a surface water of the state is located within 125 feet of construction activities, see condition 2 below to determine whether the natural buffer zone conditions apply to the site.

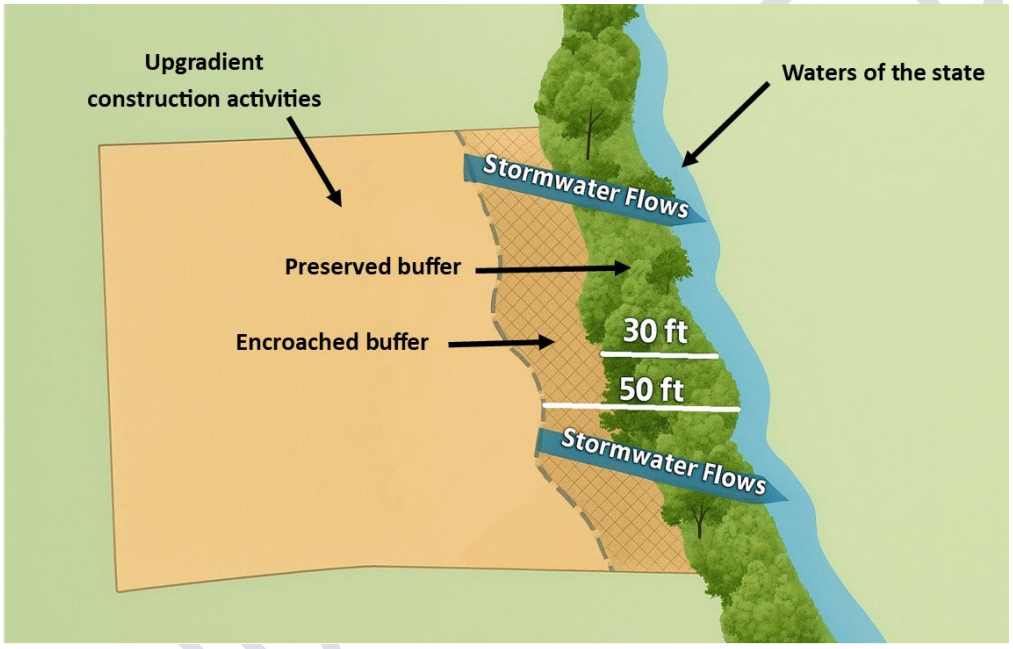


Figure B-1: Example of earth-disturbing activities within 30 feet of a water of the state.

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2. Activities discharging to impaired surface waters

For construction activities located within 125 feet of receiving waters that are impaired for turbidity or sedimentation, and that have the potential to discharge to such waters, an increased natural buffer zone width is required. In these circumstances, the applicant must calculate and provide an alternative natural buffer width in accordance with the procedures set forth below.

This condition applies to waters listed as Category 5 impairments on the EPA-approved 303(d) list in effect at the time permit coverage is assigned, as published on the Department's "Water Quality Assessment" web page. Where a discharge enters an impaired watershed unit, this condition applies only to the first receiving water.

For construction activities that meet the above criteria, the default 50-foot buffer must be increased by 5 horizontal feet for every 1 degree of slope between the construction activity and edge of the receiving water.

For the sake of readability, this appendix designates the 50-foot buffer zone as the default buffer width to be protected; where a greater buffer width is required, substitute "50-foot" with the appropriate adjusted or alternative buffer value.

2.1 Example 1:

A site discharges to an impaired waterbody located 75 feet from away, with an average slope of 7% between the project boundary and the receiving water. The alternative buffer is determined using the method below:

Default buffer width + (5 ft/1 degree × x degree of slope) = buffer width to be protected

$$50 \text{ ft} + (5 \text{ ft}/1 \text{ degree} \times 7 \text{ degrees}) = 85 \text{ ft}$$

In this case, the alternative buffer width is 85 feet, but the construction activity will occur within 75 feet of the waterbody. The operator must comply with the enhanced buffer requirements (option 2) for the 10 feet of encroachment within the 85-foot alternative buffer.

2.2 Example 2:

A site discharges to an impaired waterbody located 100 feet away, with an average slope of 8% between the project boundary and the receiving water.

$$50 \text{ ft} + (5 \text{ ft}/1 \text{ degree} \times 8 \text{ degrees}) = 90 \text{ ft}$$

In this case, the alternative buffer width is 90 feet, but the disturbance will occur 100 feet from the edge of the receiving water. Because there is no encroachment into the alternative buffer, the operator is not required to implement any additional buffer protections outlined in this appendix.

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3. Natural buffer zone compliance options

There are three natural buffer zone compliance options from which to choose, unless you qualify for any of the exemptions listed in section 4 below.

- Provide and maintain a 50-foot undisturbed natural buffer; or
- Maintain less than a 50-foot natural buffer (but greater than 5 feet) and provide additional erosion and sediment control measures that achieve the sediment load reduction similar to that of a 50-foot undisturbed natural buffer. These measures consist of the development of a buffer protection plan, accelerated stabilization timeframes, installation of redundant controls, use of enhanced BMPs, etc.; or
- If infeasible to provide and maintain an undisturbed natural buffer of any size, stormwater must be collected and treated prior to discharge.

The compliance option selected must be maintained throughout the duration of all construction activities until final stabilization has been reached on all areas discharging to the buffer zone or receiving surface water.

3.1 Qualifications to develop ESCPs:

If selecting compliance option 2 or 3, the ESCP must be developed and stamped by a professional with one of the following credentials, and their name and credentials must be included in the ESCP:

- Certified Professional in Erosion and Sediment Control (CPESC),
- Certified Professional in Stormwater Quality (CPSWQ),
- Oregon Registered Professional Engineer (PE),
- Oregon Registered Landscape Architect (RLA); or
- Oregon Certified Engineering Geologist (CEG).

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4. Exemptions

The following activities are allowable and may qualify for an exemption from the requirement to preserve an existing natural buffer. These items may eliminate the requirement for the entire buffer or for a portion of the buffer and take into consideration the feasibility of preservation, including practical and economic limitations. Any natural buffer outside the following exemptions must be preserved:

a. Projects involving existing infrastructure within 50 feet of surface waters of the state where there is no significant new disturbance to the buffer zone or water resources. This includes but is not limited to activities such as repairing or replacing parts of bridges, roads, utilities, or stormwater management systems that are already located within the buffer zone. Qualifying actions aim to maintain the structural or functional integrity of the infrastructure without involving major excavation, clearing of vegetation, or other activities that would significantly alter the existing buffer zone or impact water quality.

b. For sites with existing development disturbances (e.g., buildings, pavement) that were in place before planning began for the current project:

    i. No natural buffer exists (see Figure B-2): The operator is not required to establish or maintain a natural buffer and must use compliance option 3.

    ii. Some natural buffer exists, but part of the 50-foot area adjacent to the surface water is occupied by preexisting development disturbances: The operator must maintain the existing natural buffer. If disturbance to the buffer is necessary:

        1. If more than 5 feet of the buffer can remain undisturbed, the operator may use compliance option 2 or 3.

        2. If the buffer will be eliminated or reduced to less than 5 feet, operator must use compliance option 3.

c. Construction activity where there is no discharge of stormwater to surface water of the state. This includes sites with existing physical barriers such as a levee, berms, retaining walls, sheet piling, or other impermeable measures. Natural buffer zone conditions apply to the construction of new physical barriers.

d. Construction for water-dependent structures or water access areas (pier, boat ramp, trail, etc.).

e. Construction activity with a 401 Water Quality Certification (WQC) or equivalent (such as Mutual Agreement & Order in Lieu of a 401 WQC). The reduced/eliminated buffer zone is limited to the scope of impact in the applicable approval.

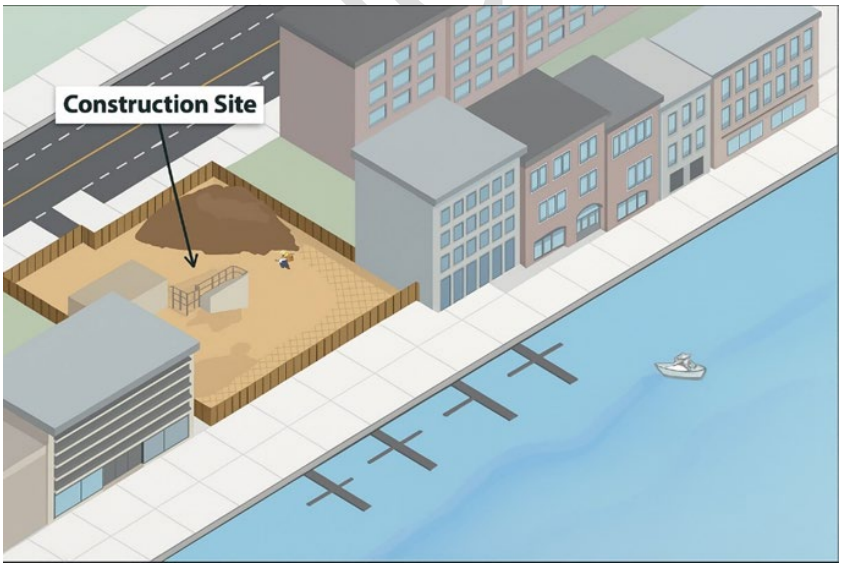


Figure B-2: Example of a disturbance where no vegetated buffer exists due to previous development.

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5. Determining natural buffer zone width

The buffer should be measured perpendicularly from any of the following points, whichever is further landward from the waterbody

a. The ordinary high-water mark of the waterbody, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; Refer to Figure B-2.

b. The edge of the stream or riverbank, bluff, or cliff, whichever is applicable. Refer to Figure B-3.

c. The boundary of wetland as depicted in a current wetland delineation (completed within 5 years).

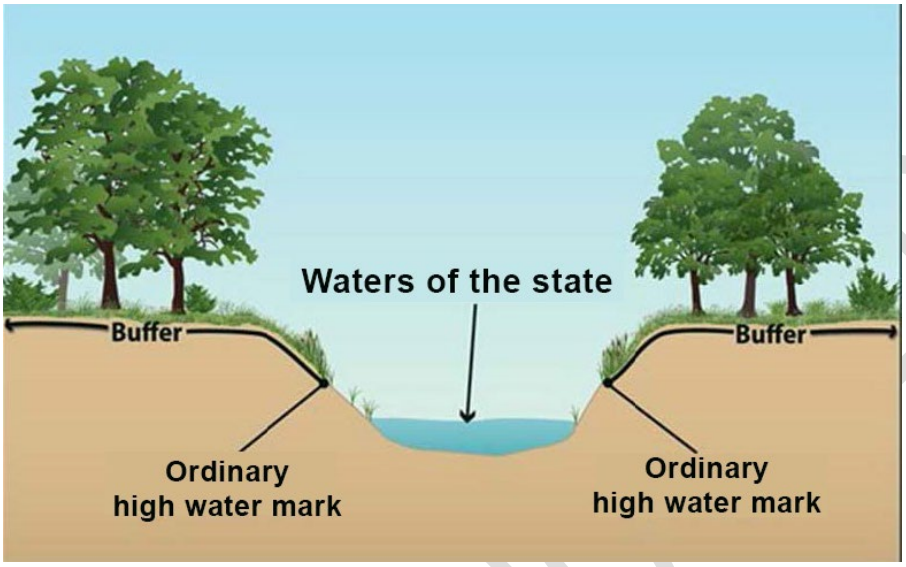


Figure B-3: Buffer measurement from the edge of the ordinary high-water mark.

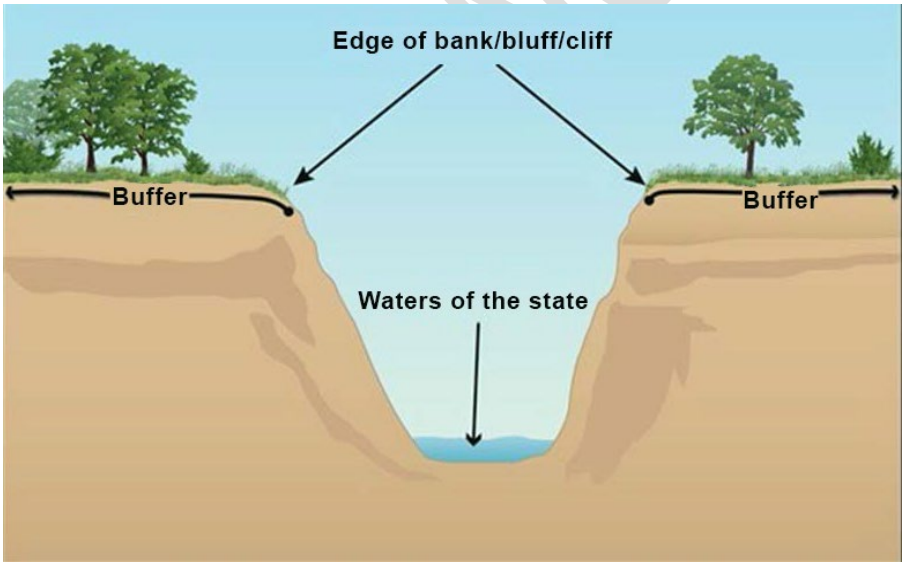


Figure B-4: Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

If construction activities will take place on both sides of a surface water of the state that flows through the project site, the natural buffer zone conditions apply to both sides. For example, if the operator chooses compliance option 1, and the project calls for disturbances on both sides of a small stream, the operator will need to retain the

full 50 feet of buffer on both sides of the water. Similarly, the natural buffer zone conditions apply to the entire perimeter of an isolated wetland.

If a portion of the buffer area adjacent to the surface water of the state is owned by another party and is not under the operator's control, the operator is only required to retain and protect from construction activities the portion of the buffer area that is under their control. For example, if the operator selects compliance option 1 (maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the surface water of the state is owned by a different party, the operator does not have control over that land and only the 40-foot buffer area that occurs adjacent to the construction activities must be retained and protected.

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6. Compliance option 1 requirements

This section applies if compliance option 1 is selected (maintain an undisturbed 50-foot buffer).

6.1 Earth disturbance limitations

To ensure that the water quality protection benefits of the buffer are retained during construction, operators are prohibited from conducting any earth disturbing activities within the buffer during permit coverage. Operators must delineate, and clearly mark off, with flags or fencing, the buffer area prior to commencing construction activity on the project site. The demarcation of the buffer is in addition to required perimeter control BMPs. The purpose of this requirement is to make the buffer area clearly off-limits to the people working on site so that unintended disturbances are avoided.

If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), the operator is not required to plant vegetation.

6.2 Discharges to the buffer

The operator must ensure that all discharges from upgradient construction activities are first treated by the site's erosion and sediment controls. Dewatering discharges must be routed to upland areas to prevent concentrated flows to the buffer.

6.3 ESCP requirements

Identify all surface waters and associated buffers and distinguish those that will be preserved in accordance with this appendix. The preserved buffers must be utilized in project planning including but not limited to the layout of lots, new infrastructure, post-construction measures, etc.

All necessary controls to meet the natural buffer zone requirements and any disturbances related to the exemptions in Section 4 must be included in the ESCP.

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7. Compliance option 2 requirements

This section applies if compliance option 2 is selected (provide and maintain a buffer that is less than 50 feet but greater than 5 feet that is supplemented by enhanced control measures). The operator must meet the requirements of the preceding section (compliance option 1) for any preserved buffer in addition to the following conditions.

7.1 Accelerated stabilization

a. Encroached Buffer Stabilization:

   i. Temporarily stabilize bare soils at the end of each day. Erosion control blankets, mulching, and anchored plastic sheeting, are examples of acceptable daily stabilization measures.

   ii. For areas of exposed soil where construction activities have permanently ceased, complete the installation of stabilization measures within three (3) calendar days in accordance with the initiation and completion deadlines in Schedule A.12.

b. Upgradient Construction Activities:

   i. Complete installation of stabilization measures within seven (7) calendar days in accordance with the initiation and completion deadlines in Schedule A.12.

7.2 Redundant controls

a. Runoff must pass through at least two of the following sediment control devices in series, spaced a minimum of 5 feet apart, to treat sediment and turbidity. Any existing vegetation retained between the two controls is not considered part of the preserved buffer.

   i. Sediment fence (Note: Use of two sediment fences in series is only permitted if a 5-foot grassy strip is planted between to intercept sediment and infiltrate turbid water that may pass through the first sediment fence.); or

   ii. Compost berm or compost sock; or

   iii. Engineered sediment trap, basin, or swale; or

   iv. Other substantially equivalent sediment or turbidity BMP approved by the QLP. Straw wattles are not considered substantially equivalent for redundant perimeter controls.

7.3 Disturbance Limitations in the encroached buffer

a. Only essential construction is allowed in the encroached buffer area, and disturbance to inactive areas must be minimized. Material staging and vehicle/equipment traffic and parking are prohibited unless directly supporting active construction.

b. Stockpiles must not be placed in the encroached buffer; if fill is required in the area, stockpiled material must be placed for final disposition within three (3) calendar days of creation or delivery.

7.4 Maintain sufficient BMP supplies

a. Ensure that sufficient erosion and sediment control products are available on site to:

   i. Promptly repair or replace damaged controls, no later than the next business day.

   ii. Install additional controls as needed to properly treat stormwater and prevent erosion from discharges to the preserved buffer.

b. Supply quantity must exceed the minimum necessary to meet the initial installation and temporary stabilization criteria of this section as construction activities progress.

c. Properly store BMP supplies to prevent damage and ensure their availability when needed.

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7.5 Erosion prevention and mitigation

a. Prevent concentrated flows by filling depressions and channels to prevent undermining or overtopping perimeter controls. If necessary, divert concentrated flows to armored conveyances to prevent in-channel erosion and discharge of sediment to the preserved buffer.

b. Create effective sheet flow conditions by dispersing and slowing flows along slopes.

c. If control measures fail and sediment is discharged into to the preserved buffer, remove the sediment with minimal impact to the buffer and repair/replace the failed sediment control(s).

7.6 High-risk considerations

a. For areas where there is high erosion potential due to steep slopes (>15%), soil type, heavy precipitation during significant grading work, or other factors, the operator must consider implementing enhanced controls, including but not limited to those listed below.

   i. Armored or reinforced silt fence.

   ii. Diversion dikes or channels.

   iii. Compacted and vegetated earthen berms installed at the start of construction.

   iv. Upgrade all sediment traps and basins by increasing the storage volume from 3,600 cubic feet/acre to 5,400 cubic feet/acre drained.

   v. Capture all stormwater and treat with chemical treatment system (see Schedule A.15); or

   vi. Eliminate mass grading. All cut and fill work must be completed in steps (e.g. stabilize one grading unit before initiating the next).

7.7 ESCP requirements

a. Supporting Narrative

   i. Circumstances that make it infeasible to provide and maintain a 50-foot undisturbed buffer.

   ii. Rationale for chosen BMPs to protect preserved buffer.

   iii. Timeline for BMP installation, including all changes based on construction stages.

b. ESCP Plan Elements

   i. Clearly delineated preserved and encroached buffers areas, and upgradient construction activities.

   ii. Location and minimum inventory of additional BMPs supplies.

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8. Compliance option 3 requirements

This section applies if compliance option 3 is selected (infeasibility of maintaining an undisturbed natural buffer). Construction activity with less than 5 feet of preserved buffer cannot meet the perimeter BMPs spacing requirement (5 feet apart) outlined in compliance option 2 and must therefore choose compliance option 3.

Operators selecting compliance option 3 must also meet the enhanced BMP requirements outlined in the compliance option 2 section above: accelerated stabilization, disturbance limitations in the encroached buffer, maintain sufficient BMP supplies, erosion prevention and mitigation, and high-risk considerations.

8.1 Stormwater capture and treatment

The operator must capture and treat* construction stormwater prior to discharge to waters of the state. This can be achieved by implementing the following:

a. Install impermeable barrier (berm, sheet piling, etc.) between construction activities and surface waters.
b. Intercept and divert stormwater (using dikes, channels, piping, etc.) to a designated area.
c. Utilize a passive or active treatment system, which must:
    i. Be designed, installed, and maintained to provide adequate capacity to prevent overflows.
    ii. Not cause erosion at the discharge point.
d. Treated stormwater discharges must be visually clear and free of sediment and must meet the in-stream water quality standard for turbidity if upstream and downstream measurements are feasible.
e. Sediment basins or similar impoundments must meet conditions of Schedule A.10.

*Treatment is not required when there are no exposed soils upgradient and within the encroached buffer and construction stormwater is visually clear, pollutant-free, and meets the turbidity water quality standard.

8.2 ESCP requirements:

a. Supporting Narrative as outlined in compliance option 2.
b. Locations and minimum inventory of additional BMPs supplies.
c. Method of intercepting, collecting, and directing captured stormwater (i.e. location of collection point, pump system, etc.) to the storage and treatment location, including a schematic.
d. Location of discharge point for treated stormwater and associated erosion prevention BMPs at the outfall.
e. Chemical treatment requires submittal of an Environmental Management Plan per Schedule A.15. An additional review fee is required.

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