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November 7, 2025

Via Email
Kathleen Sloan
Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, OR 97301

Re: Yellow Rosebush Energy Center – DPO Hearing Comments

Dear Ms. Sloan:

Thank you for the opportunity to respond to the comments provided during the Draft Proposed Order (DPO) Public Hearing held October 23, 2025, on behalf of Yellow Rosebush Energy Center, LLC (Applicant). We appreciate working with the Oregon Department of Energy (ODOE) and look forward to the continued application review process for the Yellow Rosebush Energy Center (Project) with the Department and the Oregon Energy Facility Siting Council (EFSC or Council).

The Applicant appreciates the numerous supportive comments that were made both at the hearing and in written comments. We have worked hard in collaboration with local landowners, local agencies, and ODFW to strike a balance, minimizing impacts both to sensitive habitat and to productive agricultural land and mitigating for those impacts that will occur, resulting in construction and operation of an energy generation facility that will help support Oregon's clean energy future. In this letter we provide additional information and clarification to help address some of the concerns raised by residents and local agencies during the comment period on the DPO.

Before diving into the detailed comments, we would like to correct a misconception about the location of proposed facility components that underpinned several of the comments. No panels will be placed in the canyons or other steep topography. Solar panels and related electrical components will remain within the identified micrositing area, which includes a setback from the canyons. The alternate gen-tie route, if constructed, would cross Buck Hollow, paralleling the existing 500-kV transmission line. When crossing canyon-type features such as this, support structures are typically placed at the top of the slope on either side of the canyon such that no permanent disturbance would occur within the canyon and temporary disturbance, if any, would be minimal along the canyon slopes. The existing line at this location provides an example of how this crossing is typically accomplished.

<u>Fire Hazard and Emergency Response</u>
Several comments were received both in writing and at the Public Hearing expressing concerns about risk of wildfire and the ability of volunteer emergency responders to respond to fire or medical emergencies that may occur during facility construction and operation. Comments included a concern about the level of detail presented in the draft Wildfire Mitigation Plans, whether the fire danger was correctly characterized, and whether emergency response teams are sufficiently staffed to be able to

effectively respond to fires and other emergencies (such as medical emergencies) that could occur during construction and operation of the facility.

Fire Hazard

The Applicant respects and acknowledges the risk of wildfire in and around the Project area. As part of the Application for Site Certificate (ASC), the Applicant has developed a Draft Construction Wildfire Management Plan (CON WMP) and a Draft Operational Wildfire Management Plan (OPR WMP) in coordination with ODOE and the Oregon State Fire Marshal's Office, Maupin Volunteer Fire Department, Shaniko Volunteer Fire Department, South Sherman Fire District, and Bakeoven-Shaniko Rural Fire Protection Association. These plans are based on ODOE's wildfire management plan templates to ensure that fire risks and mitigation strategies are comprehensively addressed. Measures included in the draft plans include vegetation-free, noncombustible space or gravel surfaces around service roads within the fence line, the interior side of the perimeter fence line, the collector substation, O&M building, and BESS. Consistent with Council precedent, the plans are prepared as draft plans, with the requirement that they be finalized prior to construction once the construction contractor is selected and final design has been developed. This practice allows for the final plans to be tailored to construction methodologies and final equipment selection, and also affords the opportunity for continued coordination with local fire response agencies as the time of construction grows closer.

One comment was concerned with an apparent contradiction between areas identified as "very high fire hazard" shown on Figure V-6 (in Exhibit V) and flame lengths of 4-8 feet, compared to the conclusion of moderate overall fire risk for the facility as a whole. There was also concern expressed about data availability. Here we provide a summary and some additional context to help address these concerns.

Overall wildfire risk is quantified as a combination of the fire likelihood (burn probability), fire intensity (e.g., flame length), and the impacts (susceptibility) of highly valued resources or assets for which risk is being evaluated. The overall fire risk data in Exhibit V was sourced from the Oregon Community Wildfire Protection Plans (CWPP) Planning Tool[1], which is a data source sponsored by the Oregon Department of Forestry and completed by Oregon State University in collaboration with the Oregon Department of Forestry, Washington State Department of Natural Resources, the U.S. Bureau of Land Management, and the U.S. Forest Service. At the time the data for the Overall Fire Risk table (see Exhibit V: Section 2.4 and Table V-7) and figure was obtained (August 2023), there was limited data available for the area as exhibited by the "No Data" for 97 percent of the Project Site Boundary in Table V-7 of Exhibit V. The data that was available showed that 3 percent of the Project Site Boundary had a "Very High" or "High" overall fire risk. Since the original data was gathered in 2023, the data gap has been significantly reduced in the Oregon CWPP Planning Tool, and a revised table has been developed (see Table 1 below). The updated data set reflects "No Data" available for just 6.5 percent of the Project Site Boundary. The results of the revised overall fire risk[2] analysis within the Project Site Boundary support the previous conclusion that the overall fire risk is moderate due to the majority of the Project Site Boundary (85 percent) having a moderate to low or even beneficial overall fire risk.

[1] Oregon CWPP Planning Tool, https://oregon-explorer.apps.geocortex.com/webviewer/?app=fccd4dfc5a974213aa1fa6a01b9c07e1

[2] Which is now called the "Integrated Expected Wildfire Risk" by the Oregon CWPP Planning Tool.

In summary, this updated overall fire risk rating table does not alter the original conclusion presented in fASC Exhibit V. We concluded that the overall wildfire risk for the Facility was considered moderate due to the combination of mapped and modeled hazards to potential structures, burn probability, and expected intensity as measured by expected average flame length, fuels, weather, and topography.

Table 1. Overall Fire Risk Rating

Overall Fire Risk Rating	Acres of Analysis Area	Percent of Analysis Area	Acres in Site Boundary	Percent in Site Boundary
Very High	76	0%	28	0%
High	2,365	13%	623	8%
Moderate	8,040	44%	3,838	48%
Low	3,021	16%	1,994	25%
Neutral	344	2%	79	1%
Low Benefit	1,072	6%	733	9%
Moderate Benefit	835	5%	224	3%
High Benefit	166	1%	28	0%
Total[1]	15,918	87%	7,547	93%

1. No data are available in the CWPP Planning Tool for overall fire risk rating for 13 percent of the analysis area and 7 percent of the Project Site Boundary. Therefore, the columns will not total 100 percent.

In order to further reduce fire risk specifically associated with mowing and vegetation maintenance, the Applicant proposes to follow the mowing and vegetation management schedule described in the draft construction and operation WMPs in relation to the fire season and fire danger levels provided by the Oregon Department of Forestry (ODF):

- Non-Fire Season (Approx. October to May): Mowing is allowed at all times
- Fire Season (Approx. June to September or as designated by ODF): Mowing is allowed before 1pm and after 8pm
- Fire Weather Watch: Mowing is allowed before 10am or after 8pm
- Red Flag Weather Warning: Mowing is prohibited at all times

During fire season, fire weather watch and red flag weather warning designations, fire watch personnel will be on duty when power driven machinery is in use and for one hour afterward as described in the WMPs.

The construction and operations WMPs will be further refined and finalized prior to construction in coordination with local stakeholders, with the aim of developing facility infrastructure that reduces the fire protection and emergency response burden to local agencies to the maximum extent practicable.

Emergency Response

Savion has spoken with a representative of Southern Wasco County Ambulance Service (SWCAS) and commits to maintaining an ongoing dialogue with SWCAS and other stakeholders to support volunteer emergency responders. This dialogue will continue up to and through construction to ensure the

organization has what they need to adequately support the Project. Savion is amenable to contributing financially to SWCAS to ensure they can adequately support the Project through construction and operation.

While injuries and medical emergencies can occur at any time, even with careful safety plan implementation, injury statistics for the construction industry reflect that the probability of injury during construction of the Yellow Rosebush facility is low, and the probability that such an injury would require emergency medical treatment is even lower. According to the National Safety Council,[3] the average fatality rate across the construction industry is 9.6 per 100,000 workers per year, while nonfatal slips, trips and falls averaged 151.9 per 10,000 workers. With an anticipated maximum of 400 workers on-site during construction of the Yellow Rosebush facility, it is highly unlikely that any fatal injuries would occur (average of less than 0.04 per 400 workers), while less than 2 non-fatal slips, trips, and falls would be anticipated annually on average, the majority of which would not require ambulance support. When a robust health and safety plan is implemented on the job site, the frequency of injury is significantly reduced. Attachment 1 to this letter provides an example safety plan from construction of a Savion facility in Oklahoma (SOLV Energy Site-Specific Safety Plan Choctaw Fields). A similar plan will be implemented for Yellow Rosebush to aid in minimizing the likelihood of any emergency response need.

Savion and its construction contractors have experience working in remote areas. On-site protocols will focus on ways to prevent injuries in the first place, while also providing on-site treatment capability to avoid or minimize the need for off-site transfer and, if necessary, to stabilize an individual while waiting for emergency transport to arrive. For example, heat-related injuries are some of the most common injuries experienced by solar facility construction workers in hot summer climates. Under conditions that may lead to heat stress, the construction contractor maintains on-site supplies including on-site ice trucks, water stations, coolers, and electrolytes, and workers are provided with mandatory breaks in air-conditioned trailers. These types of supplies and protocols are mandated by construction on-site safety managers and enforced through required trainings of those site management teams. Workers are trained to understand heat safety protocols, and requirements are posted in job site trailers and provided to workers on wallet (3x5) cards. Examples of these materials are provided in Attachment 1.

To further address the concern regarding training for volunteer firefighters and emergency responders, the Applicant proposes that the following condition be included in the Site Certificate:

> *Prior to and during facility construction and operation, the certificate holder shall provide annual advanced emergency response and fire training to local first responders. This training must be:*
>
> *(a) tailored to emergency and fire response at utility-scale solar and battery energy storage facilities,*
>
> *(b) conducted by qualified instructors, and*
>
> *(c) made available to the Southern Wasco County Ambulance Service, the Bakeoven-Shaniko Rural Fire Protection Association, the South Sherman Fire District, the Wasco County Sheriff's Office, and other local first responders at no cost to the attendees. If allowed by emergency*

[3] NSC (National Safety Council). 2023. Work-related Incidence Rate Trends. https://injuryfacts.nsc.org/work/industry-incidence-rates/work-related-incident-rate-trends/. Accessed November 2025.

response organization bylaws, the certificate holder shall compensate attendees for their time at a rate to be agreed with the emergency response organization.

Traffic Management/Safety

Concerns regarding construction worker commute traffic were expressed at the public hearing on October 23. These concerns seemed primarily focused on the potential that workers may create excessive traffic or hazardous driving conditions for local residents, and that heavy traffic could degrade road conditions.

The Applicant is aware of traffic concerns in the region associated with commuting by construction workers. In Exhibit U of the ASC, the Applicant identified likely primary and secondary transportation routes and prepared a draft Construction Traffic Management Plan (Attachment U-7) to address potential traffic concerns along these routes. The Applicant will implement the BMPs identified in the draft Construction Traffic Management Plan to reduce impacts along transportation routes and to minimize traffic through the City of Maupin during construction. Further, as required by Wasco County, a road use agreement (Attachment U-12 to the ASC) will be signed with the county to ensure that roadways will be maintained and any damage will be repaired during the construction process. The Applicant proposes that the following condition be included in the Site Certificate:

Prior to construction of the facility, or facility component, as applicable, the certificate holder shall:
a. Submit to the Department an executed road use agreement between Wasco County and the certificate holder or its contractor. Any Final Construction Traffic Management Plan that is part of the road use agreements shall include, at a minimum, the provisions designated in ASC Exhibit U.
b. If a Final Construction Traffic Management Plan designated in sub (a) is not included in road use agreements executed with Wasco County, then submit a Final Traffic Management Plan. A copy of the Final Traffic Management Plan shall be provided to the Department and the Wasco County Public Works Department. The Construction Traffic Management Plan shall, at a minimum, include the provisions in ASC Exhibit U.

The Applicant will continue to coordinate with the Wasco County Sheriff's Office prior to construction to verify these concerns are addressed. Management of traffic will also be supported through compliance with Public Services Condition 4 (CON)[4], which requires regular coordination with the Wasco County Sheriff's Office and ODOE to discuss and address any traffic issues.

Construction Housing

At the October 23, 2025, public hearing in Maupin, Mayor Carol Beatty raised questions regarding where workers would be housed. These concerns were based on the town's experience during construction of a neighboring solar facility. Following the public hearing, the Applicant followed up with the Mayor and is committed to addressing these concerns to ensure adequate housing is available for workers during construction of the Facility.

[4] Yellow Rosebush Energy Center – Draft Proposed Order on Application for Site Certificate – October 1, 2025, pp. 207-208.

The Applicant understands that housing for construction workers is an important topic and has provided an assessment of the anticipated housing needs in Exhibit U consistent with the requirements of OAR 345-021-0010. While the information provided in the ASC is sufficient to demonstrate that the Public Services standard (OAR 345-022-0110) is met, the Applicant is willing to commit to developing a housing plan for the construction workers in coordination with ODOE, the town of Maupin, and Wasco County prior to construction. The plan will provide strategies to minimize impacts to the local housing supply based on an ongoing evaluation of patterns of uses and potential shortages or changes in housing demand.

We also suggest inclusion of a condition in the Site Certificate to require development of a housing plan similar to the condition that was included for the Sunstone Solar Facility:

> *Prior to construction of any phase of the facility, the certificate holder shall provide to the Department and Wasco County a temporary housing plan for the construction workforce. The plan shall provide for coordination with contractors and local officials on housing options and strategies to minimize impacts to local housing supply based on an ongoing evaluation of patterns of uses and potential shortages or changes in housing demand.*

Habitat Mitigation

Several comments were received questioning whether the habitat impacts would be sufficiently mitigated. Specifically, commenters questioned whether the Tygh Ridge Ranch Habitat Mitigation Area (HMA) is sufficiently "in proximity" to the Project, and whether potential impacts to big game are being adequately avoided or mitigated. The Applicant takes great pride in having worked closely with ODFW to avoid, minimize, and appropriately mitigate identified impacts to both habitat and wildlife, resulting in a plan that has been thoroughly reviewed by ODFW as well as the Department to ensure that it is in compliance with ODFW's habitat mitigation policy.

As described in Exhibit P of the ASC, the Applicant has provided substantial evidence showing compliance with OAR 345-021-0010(1)(p). The Applicant has been in consultation with ODFW since May 2023 to coordinate and confirm survey protocols, discuss findings, and assess habitat avoidance and mitigation requirements and options. Among the avoidance measures identified in consultation with ODFW is that the fenced areas containing solar panels be contained on the plateau above Buck Hollow and Hauser Canyon, which reduces impacts to Priority Wildlife Connectivity Areas (PWCAs) and higher-quality habitats including shrub-steppe habitats. Although the leased parcels ("Facility Site Boundary") include portions of these canyons, the Micrositing Corridor (area where facilities may be placed) avoid the canyons, and indeed the facility layout depicted in the ASC also avoids tributary channels leading to the canyons. Figure C-2 in Exhibit C demonstrates how canyons and their tributary channels are being avoided by the facility layout. While specific component locations may shift somewhat within the Micrositing Corridor during final design, it is not practical to place solar panels on steeply sloped areas. Typically, solar panels will be set back at least 50 feet and often more than 500 feet from steeper slopes to minimize the potential for erosion and allow implementation of suitable best management practices in these areas, as well as to provide a fire break between solar panels and the canyon rims.

Setbacks from the canyon rims not only reduce impacts to some of the higher value shrub-steppe habitat within the Project Site Boundary, but these setbacks and the facility HMA also facilitate wildlife movement in the adjacent canyons. In fact, these areas were referenced by Jeremy Thompson, in his

capacity as ODFW's energy coordinator, during his presentation at the January 17, 2025, EFSC hearing regarding the Fish and Wildlife Habitat Standard. He used the Yellow Rosebush project as an example of how developers should be adjusting their projects using ODFW's data and how developers should be coordinating with ODFW prior to submitting their application.

One commenter suggests that the Applicant has not disclosed the location of the Tygh Ridge Ranch HMA in the application. The Draft Habitat Mitigation Plan (HMP; Attachment P-2 of Exhibit P in the fASC) states that the Tygh Ridge Ranch is located 15 miles northwest of the Facility, while Figure 1 of Attachment P-2 shows the boundary of the Tyge Ridge Ranch and its location directly north of the intersection of State Highways 197 and 216 in Wasco County. This HMA was identified by ODFW as a priority area for conservation because it is used for seasonal elk migration between the Deschutes River and higher elevation forests, and because it extends into a PWCA region as well as two connectors that facilitate big game movement between regions.[5] Specific habitat enhancement actions that are planned both for the Facility HMA and the Tygh Ridge HMA are described in the Draft HMP.

The Project avoids direct impacts to Buck Hollow and Hauser Canyons and adjacent sensitive habitat within the Project Site Boundary; therefore, these areas are available for use as mitigation. As described in the Draft HMP (Attachment P-2 to the ASC), the facility HMA is sited along the northern boundary and borders Buck Hollow and Hauser Canyons, which are also mapped ODFW PWCAs. By protecting these PWCAs, big game movement is facilitated in the areas they are already most likely to use. Similarly, a commenter questioned why no species-specific surveys for bighorn sheep were conducted. The Applicant understands that there are herds of bighorn sheep in the area. Potential impacts to big game species were addressed in Exhibit P and impacts will be minimized through avoidance of the PWCAs. ODFW did not identify a need for species-specific surveys for any big game species (e.g. mule deer, elk, or bighorn sheep).

A commenter also expressed concern that portions of the Project Site Boundary were not field-surveyed or were surveyed outside the identification period of the species. The majority of the areas that were not surveyed are too steep for placement of facility components and will instead be included in the facility HMA. Due to access restrictions, the Alternate Gen-Tie route also has not yet been field-surveyed. In the case that this route is selected for construction, the Site Certificate contains conditions (PRE-TE-01, PRE-HC-01) requiring that field surveys be completed and results reviewed for impact assessment prior to construction.

One comment expressed a concern that *Myosurus sessilis* (sessile mousetail) was not surveyed within the appropriate window. Botanical surveys were conducted from June 6–June 14, 2023, a timeframe when all of the target species, with the exception of sessile mousetail, were likely to be in flower (see Attachment P-1 in Exhibit P). Surveys were conducted just after the typical period of flowering for sessile mousetail (March-May) because only one vernal pool wetland (the plant's habitat) was found within the

[5] As provided by the ODFW Mitigation Policy, "In-proximity Habitat Mitigation" means habitat mitigation measures undertaken within or in proximity to areas affected by a development action. For the purposes of this policy, "in proximity to" means within the same home range, or watershed (depending on the species or population being considered) whichever will have the highest likelihood of benefiting fish and wildlife populations directly affected by the development.

Survey Area. This wetland and the surrounding area were surveyed closely for sessile mousetail individuals but there was no evidence of the plant. Moreover, no element occurrence was identified in the Oregon Biodiversity Information Center (ORBIC) database within 5 miles of the Micrositing Corridor. This survey methodology and survey findings as well as impact analysis were reviewed by the Oregon Department of Agriculture to support a conclusion that the facility is not likely to adversely impact sessile mousetail.

Soil Erosion Impacts

Commenters expressed concern that evidence provided regarding soil characteristics and avoidance/minimization measures was not sufficient to demonstrate compliance with OAR 345-022-0022 (Soil Protection Standard). Together, the provision of the desktop information and the requirements of the site certificate to conduct a site-specific geotechnical investigation (PRE-SS-01), obtain a 1200-C NPDES permit (PRE-SP-02), and implement best management practices during construction (GEN-SP-01) allow the Council to ensure compliance with the standard.

The Applicant understands the concern that soils at this location are susceptible to erosion and intends to maintain best management practices to avoid and minimize erosion or soil degradation at the site and ensure compliance with the Soil Protection Standard. At this stage of development and with a design that has not yet been finalized, a desktop analysis of soil characteristics is sufficient to identify appropriate additional studies and Site Certificate Conditions that can be implemented to avoid and minimize impacts. Site Certificate Conditions PRE-SP-01 (Fugitive Dust Control Plan), PRE-SP-02 (NPDES 1200-C Permit and Erosion and Sediment Control Plan), and PRE-SP-03 (Construction Spill Prevention Countermeasures and Control Plan) will be implemented to avoid adverse impacts to soils.

Commenters also expressed a concern about the potential for erosion to result in sediment transport to Buck Hollow Creek and connected waterways, causing degradation of fish habitat. The setbacks implemented between the facility fenceline and the canyons, along with implementation of best management practices and Erosion and Sediment Control measures required under the Facility's NPDES permit, will prevent such erosion from transporting sediment off-site. Attachment 2 to this letter provides a copy of the Oregon Department of Environmental Quality (ODEQ) 1200-C General Permit, which identifies measures that must be taken to avoid erosion during construction. Site Certificate Conditions PRE-SP-02 and GEN-SP-01 require that the certificate holder obtain an NPDES 1200-C General Permit from ODEQ, and conduct construction activities in accordance with its requirements. Further, the facility's Draft Revegetation and Reclamation Plan (Attachment P-3 to the fASC) requires that disturbed areas be revegetated following construction. Site Certificate Conditions PRE-FW-01 and CON-FW-01 require that this plan be finalized prior to construction and implemented during construction of the facility.

Because implementation of the 1200-C General Permit and associated Erosion and Sediment Control Plan will prevent erosion from transporting sediment off-site, there will not be any impacts to fish habitat.

Water Use/Supply

Commenters expressed concern that water availability has not been sufficiently demonstrated and requested clarification of the water needs for the Project.

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Potential water providers were asked to confirm whether, and how much, water they could provide during facility construction. The following information was identified in inquiries to each of the water providers contacted:

> *"Construction water use is estimated at a maximum of approximately 36.4 million gallons (Mgal; up to 62,917 gallons per day) over the phased construction of the Facility and under annual average conditions. A worst-case water estimate could increase the total construction water use total to approximately 54.5 Mgal for full build-out of the Facility, with approximately 1.51 Mgal per month."*

Based on responses obtained from the various providers contacted, the Applicant provided evidence from multiple potential sources of water to show that the Project is not limited to obtaining water from one source. The Applicant does not intend to obtain water from all of the potential sources identified. The Applicant instead showed a range of water source options to the Department to indicate that more than enough water could be available at the time of construction, and that there will be flexibility at the time of construction in the case that one or more of these providers is unable to supply the full requested amount.

The specific water source(s) will be confirmed by the Department as part of the pre-construction compliance process (Public Services Condition 1 [PRE-PS-01; Final Order on ASC])[6]. The potential water sources all indicated they were interested in providing water for construction and operation, although some providers identified limitations on the amount of water they could provide, depending on the timing of construction of this project and other renewable projects in the area. The City of Maupin, whose reservoir is currently damaged, stated they were actively obtaining funding to repair its reservoir with an anticipated completion in January 2027. Once repairs are complete, the City of Maupin anticipates that it likely would be able to provide sufficient water to support facility construction.[7]

One comment indicated concern that water would not be successfully provided through the limited licenses discussed in Exhibit O. The Applicant is aware of this possibility as stated in Exhibit O: *"Each license only allows water to be used for construction for a maximum of five consecutive years and is authorized using a separate process from a groundwater permit, a surface water permit, or a water right transfer.[8] Pursuant to ORS 537.143(2), a limited license is subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time by OWRD if it is determined the use causes injury to any other water right or minimum perennial streamflow."* However, as discussed above, if a landowner is not able to provide water to the Project, other bulk water providers either alone or in combination have the ability to provide the estimated water needs of the Project.

Thank you for your consideration and please let us know if you would like to discuss any of this information. If you have any questions, or require further information, please contact me at:

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[6] Yellow Rosebush Energy Center – Draft Proposed Order on Application for Site Certificate – October 1, 2025, pp. 202.
[7] Water System Improvements – Phase 1, accessed November 2025, https://cityofmaupin.org/projects/water-system-improvements-phase-1/
[8] *Limited Licenses*, accessed July 2025. https://www.oregon.gov/owrd/programs/waterrights/otherauth/pages/ll.aspx

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Jeffrey Watson
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Sincerely,

Signed by:
Jeff Watson
DD2DA4D86792483...

Jeffrey Watson
Development Manager, Yellow Rosebush Energy Center, LLC

C: Christopher Powers, Savion, LLC
Sarah Stauffer Curtiss, Stoel Rives LLP
Linnea Fossum, Tetra Tech, Inc.

Enclosures/Attachments:

Attachment 1. Safety Materials
- 1.1 SOLV Energy Site-Specific Safety Plan Choctaw Fields
- 1.2 Heat Safety Protocols

Attachment 2. 1200-C Construction Stormwater General Permit

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Attachments

SOLV Energy SITE-SPECIFIC SAFETY PLAN CHOCTAW FIELDS

Prepared by
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SITE-SPECIFIC SAFETY PLAN

ATTACHMENTS:

MASTER ENVIRONMENTAL HEALTH AND SAFETY PLAN

INTRODUCTION

This Site-Specific Safety Plan (SSSP) has been prepared, exclusively, to accommodate all phases of the construction activities associated with the development/redevelopment:

Jobsite Address: 3511 US-HWY 70
Fort Towson, OK 74735

Relevant Safety and Environmental Documents for Review

The following documents are available for review:

1. Name of Document: SOLV Energy Site Safety Plan
   Location: SE Jobsite Office
2. Name of Document: Crisis Management & Emergency Plan
   Location: SE Jobsite Office
3. Name of Document: SOLV Energy Site-Specific Dust Control Plan
   Location: SE Jobsite Office

PURPOSE OF THIS DOCUMENT

The SSSP serves three "Key" functions:

- The SSSP identifies key personnel and project organization.
- The SSSP is the primary health and safety resource tailored specifically for the project and sets forth the minimum work practice standards for all work on the project including, but-not-limited-to requirements for: incident reporting, Incident investigation and medical management, public safety, employee safety, transportation, waste management, excavation, equipment management, site security, emergency response and site evacuation, environmental conditions, construction safety, agency relations, sanitation, decontamination, hazard awareness and training and so forth.
- The SSSP sets the minimum environmental health and safety standards contractors will use to incorporate into their own individual HSPs or JHAs.

PROJECT MANAGEMENT AND STAFF ORGANIZATION

General Contractor Key Personnel

Operations Manager (OM)		
Name: Mike Schott, Operations Manager	Office:	
	Mobile:	(619) 327-1381
	Email:	Mschott@solvenergy.com
Project Engineer (PE)		
Name: Lucas Fancher	Office:	
	Mobile:	(479) 426-5486
	Email	Lucas.fancher@solvenergy.com
Project Superintendent (PS)		
Name: Oscar Rodriguez	Office:	
	Mobile:	(661) 492-6893
	Email:	Oscar.rodriguez@solvenergy.com
SE&H Director		
Name: Michael Darling, Director, MBA, CSP, CHST, CESCP, CEAS	Office:	(408) 470-9981
	Mobile:	(408) 470-9981
	Email:	MDarling@solvenergy.com

Sr. SE&H Manager (SSM)			
Name	Nick Boudoures	Office:	
		Mobile:	(760) 504-9731
		Email:	nboudoures@solvenergy.com
Site Safety Manager			
Name:	Wilfredo Ramos	Office:	(858) 204-7450
		Mobile:	(858) 204-7450
		Email:	wilfredo.ramos@solvenergy.com

Owner/Developer Key Personnel

Owner Representative:			
Name:	Michael Domangue	Phone:	(832) 985-4731
Company:	Bureau Veritas	Fax:	
Address:	3511 US-70 HWY		
	Fort Towson, OK 74735		
Developer/Owner			
Name:	Ana Bolling	Phone:	(816) 912-7489
Company:	SAVION	Fax:	
Address:	422 Admiral Blvd		
	Kansas City, MO 64106		

Emergency Contacts - Agencies

Regional Water Resources Board		Phone:	(405) 530-8800
Address:	3800 North Classen Boulevard, Oklahoma City, OK 73118		
Local OSHA Office		Phone:	(405) 608-4160
Address:	5104 N. Francis Ave., Suite 200		
	Oklahoma City, OK 73118		
State Office of Emergency Services		General:	
		Warning Center: Phone:	1-800-832-8224
		Hazardous Material Spills: Phone:	1-800-832-8224

National Response Center: Phone:	1-800-424-8802
CHEMTREC: Phone:	1-800-424-9300
Fish & Game, Environmental Division Phone:	(405) 521-3851
Address:	1801 N Lincoln Blvd
	Oklahoma City, OK 73152
Police/Fire Department Phone:	(580) 837-2628 OR 911
Local Hospital/Urgent Care Clinic	
Phone: (580) 317-9500	
Address:	Choctaw Memorial Hospital ER
	1405 E Kirk St., Hugo, OK 74743

PERSONNEL ROLES AND ORGANIZATIONAL RESPONSIBILITIES

Management Team

The Management team for this Project includes SOLV Energy's Operations Manager (OM), SOLV Energy's Superintendent, and Owner's Representative.

All inquiries and decisions regarding this Project should be addressed to O&M or Superintendent who will act as liaison to the Management Team.

Management Team Members, by name, for this Project include:

OM: Mike Schott, Operations Manager

PM: Dean Byrd

Superintendent: Oscar Rodriguez

Owner's Representative: Michael Domangue

Safety Representative: Wilfredo Ramos SOLV Safety Manager

Developer Personnel

Developer Representative: Ana Bolling

The representative is the liaison between the developer and the OM and SUPERINTENDENT. However, any questions regarding the Project should be directed through the OM or SUPERINTENDENT.

General Contractor Personnel

SOLV Energy's Operations Manager (OM)

OM is charged with the overall responsibility for the successful completion of field operations. OM's responsibilities include, but are not limited to:

- Prepare and organize project activities on-site.
- Review and approve the site-specific HSP.
- Provide operational needs, supplies, etc.
- Coordinate cost controls.

SOLV Energy's Project Engineer (PE)

The Project Engineer is charged with the responsibility to work with the developers, OM and the Superintendent to assure the quality and accuracy of the engineering plans. The Project Engineer responsibilities include but are not limited to:

- Oversees engineering and design.
- Manages construction drawings and works with owner to assure accuracy and completeness.
- Coordinates with OM and Superintendent to interpret engineering drawings.
- Provide and coordinate contractual obligations.
- Provide materials and supplies.

SOLV Energy's Superintendent

Superintendent coordinates Contractor and Subcontractor activities on the site. The Superintendent's responsibilities include but are not limited to:

- Hold and maintain a current OSHA 10 Hour Training Card (current to mean within five (5) years) and a current First Aid/ CPR certification.
- Prepare and organize project activities onsite.
- Supervise Contractors and Subcontractors for compliance with job scope and quality.
- Supervise field operations and implement safety procedures.
- Develop the Site-Specific Safety Plan with the Division Safety Manager.
- Enforce implementation of Site-Specific Safety Plan and established health and safety practices for the jobsite.

Subcontractor Supervisors

All subcontractor supervision on site will work with the SB Superintendent to coordinate work activities to maximize the safety of everyone on site. The Subcontractor supervisor's responsibilities will include but are not limited to:

- Hold and maintain a current OSHA 10 Hour Training Card (current to mean within five (5) years) and a current First Aid/ CPR certification.
- Conduct daily Pre-Task Plans with employees.
- Conduct effective weekly safety meetings with all their employees.

- Ensure appropriate training for all employees prior to commencement of work on site.
- Continuously evaluate employees and provide additional training as necessary.

Project Employees
All project employees will attend the jobsite safety orientation prior to commencing work on the project. Employees are trained in the use of the JHA and OJT. Employees will participate in Pre-Task-Planning daily. They will actively participate in the jobsite safety program and will report any, and all unsafe acts, behaviors or conditions that they encounter. ***ALL EMPLOYEES HAVE STOP WORK AUTHORITY AND WILL EXERCISE THIS AUTHORITY IN A PROFESSIONAL AND APPROPRIATE MANNER.***

JOBSITE SAFETY POLICY AND MISSION STATEMENT

It is the policy of SOLV Energy's to provide a safe and healthy work environment. All contractors (all tiers) will adapt the project safety program and include it into their own safety program. Everyone involved in the project will actively participate in the safety efforts of the project and will ensure that all employees follow the programs and procedures that are established for this project. In the event, that a safety committee is established, all subcontractors will participate in safety committee activities. The levels of participation will be determined by the project superintendent and division safety manager.

The Site Name Project safety team is a collaborative effort between SOLV Energy and all of the professional subcontractors on site. Our goal is to work together as a team to promote and support project safety for every employee, worker, visitor and the public. This goal will be reached through Teamwork, Training, Respect and Trust. As a team, we will lead by example, work to help prevent injuries and to eliminate hazards. We will be pro-active, encourage active participation from all employees and workers on our site and work to create good positive safety behaviors and a strong safety culture on this and all other jobsites where our teams work.

GENERAL SITE REQUIREMENTS

General Site Conditions and Requirements Applicable to All General and Subcontractor Personnel.

In the event of the discovery of human remains or potentially significant deposits of cultural material are encountered during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The coroner having jurisdiction shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, the coroner shall notify the Native American Heritage Commission, which shall identify the most likely descendent (MLD) of the deceased Native American. The disposition of the remains shall comply with State law (Public Resources Code Section 5097.98 [b]).

As required by the state the work is being done in, each Subcontractor shall develop their Injury, Illness and Prevention Program (IIPP) and shall provide written documentation to Superintendent verifying existence of program.

Each Subcontractor shall provide a copy of their Hazard Communication Program to the Superintendent at the onset of activities at the Project.

Each Subcontractor is required to provide one employee per crew/shift that holds current standard First Aid training. Standard first aid training covers First Aid and CPR.

Any hazardous material products brought onto the project will be cleared with the SBS or SSSM. Safety Data Sheets (SDS) will accompany each product and must be turned in to the Superintendent as soon as the material enters the Project. Each Subcontractor will be responsible for submitting a list of SDS on the job. The SOLV Energy's Superintendent shall maintain an SDS binder on the job site.

Job Hazard Analysis (JHA) / Pre-Task-Plan (PTP)

Each subcontractor shall perform a Job Hazard Analysis for jobs:

1. New to their crews
2. Not done by their crews in more than 6 months
3. Tasks which require complicated instructions.

These shall remain on the site for review by the SOLV Energy's Superintendent, SSSP and DSM's.

Each subcontractor shall perform and document Pre-Task Planning to identify any hazards related to their daily work. These plans must be documented and reviewed on a daily basis with the employees performing the work. Employees are also required to actively participate in the pre-task planning process.

Site Security/Visitors

All visitors to the Project shall enter and exit through the designated jobsite gate(s) and will report directly to the SOLV Energy jobsite office. A Visitors Sign-in Log will be available inside the SOLV Energy office where visitors must sign in and out. All visitors, including the owner's representatives, consultants, architects, etc. are required to sign in and be escorted while on site (unless they have completed the site safety orientation). All visitors must wear appropriate footwear (no open-toed, tennis or high heeled shoes allowed), long pants, shirts with sleeves, and all required personal protective equipment while on site (Hard Hat, Safety Glasses and High Visibility Vests).

Incident Reporting

All Incidents and Near Misses will be reported to the Superintendent and Site Safety Manager as soon as possible. Care of the injured is the priority. A follow-up completed written Incident investigation report will be submitted to the Superintendent within 72 hours of the Incident. SOLV Energy will notify the owner as soon as possible of any incident involving property damage or personal injury that occurs on site and will follow

up with investigation reports upon availability. ***Post-Incident drug testing is required. See Superintendent for additional information.***

Incidents resulting in injury *will be reported as soon as possible. A written Incident Report will be completed in 72 hours (about 3 days). Care is the priority. No injured person requiring medical care will leave the site unescorted by their immediate supervisor or a designee.* ***Any admission to a hospital or death requires notification to OSHA and the SOLV Energy DSM within 8 hours.*** *First Aid cases should be administered On-Site using a medical service if possible. A Risk Alert will be generated as soon as possible.*
Incident investigation(s) will be handled by each Subcontractor using its own internal reporting system. A copy of this report will be submitted to the Superintendent as described above.

Incident investigations involving hazardous materials or waste will be handled jointly by each Subcontractor and the Superintendent. This is to ensure that the cause of the Incident is completely determined, and proper precautions implemented for other activities in the area or performing similar work, and the information is relayed to other Subcontractors.

An Incident/ Incident Review Conference will be held after all facts are gathered for the final Incident investigation. This review should include the injured employee, his/ her partner or coworker (if involved), subcontractor supervisor, safety manager and the SOLV Energy project team members as appropriate to determine the root cause and any additional measures that need to be taken to ensure that the injurious situation is not repeated.

Safety Audits/Inspections/ Third Party Inspections
Each Contractor is expected to conduct reasonable and customary self-audits of their operations and promote safe work practices. Daily safety inspections of work areas are required. Inspections should include, but are not limited to the following items:

- Work areas.
- Tools and Materials.
- Overall Site Conditions.
- Work Habits of Employees/ Unsafe Acts and/or Behaviors – Attitude Matters.

Each Contractor will be required to submit a copy of their job site safety inspection to the Superintendent on a weekly basis, however, the documentation must be available for review upon request.

All contractors (regardless of tier) will participate in any third party (owner rep, insurance company, consultant, etc.) inspection on the project, as required. Any observations and suggestions made during these inspections will be corrected in a timely manner and a formal written response is to be prepared and sent within 48 hours of receiving any report as a result of these inspections, as necessary.

Action Plan for OSHA Inspections
If a OSHA Compliance Officer approaches any contractor, they will refer them to a SOLV Energy Superintendent. **Immediate notification to the SOLV Energy Safety Department** will be made. A member of the SE Safety Team will manage the visit via phone call.

Tailgate/Toolbox Training
Each Subcontractor is required to attend any safety meeting held by SOLV Energy. In addition, each contractor must conduct their own Weekly Site Safety Meeting for their employees. This training must be relevant to work activities taking place on site and must be documented and effective. A copy of the meeting records, which must enumerate the content of the meeting and contain an attendance roster, shall be turned into the Superintendent on a weekly basis.

A schedule of weekly tailgate/ safety meetings must be provided to SOLV Energy at the beginning of the project so that the Superintendent can occasionally participate. Any permanent changes to this schedule must be reported to SOLV Energy. Inconsistent meeting schedules or too many changes may result in SOLV Energy setting the schedule for the weekly safety meetings for the subcontractor.

Contractor Safety Orientation Meeting
Prior to mobilization to the project site, each subcontractor is required to sit down for a Subcontractor "Safe Start" Orientation. This orientation will include the SOLV Energy Superintendent and requires attendance from site supervision of the subcontractor responsible for work on this project. All required safety documentation should be submitted at this meeting, including the subcontractors IIPP, complete inventory list of all materials to be brought to the project site with attached SDS as appropriate, training records for supervisors and Competent Person's to be on site including, at minimum, current First Aid/ CPR certification and an OSHA 10-hour training card received within the past five years.

In addition, each subcontractor is required to provide at their orientation, their own Site-Specific Safety Plan which must include, at minimum:

- Identification of project personnel and their responsibilities on the site.
- Schedule of weekly safety meetings for subcontractor.
- Incident Investigation procedures.
- Emergency procedures with designated medical clinic and hospital and maps to each attached.
- List of First Aid/ CPR trained personnel assigned to the project.
- Planned locations of First Aid supplies for their work.
- List of Competent Persons to cover subcontractor scope of work.
- List of training requirements for subcontractor scope of work.
- Required Personal Protective Equipment and the location of equipment.
- Disciplinary program.
- Fall Protection and Fall Rescue Plan.
- Heat Illness Training Program and Schedule.

- Global Harmonization System Training and Hazard Communication Program.
- Code of Safe Work Practices for subcontractor scope of work.
- Pick Plans – Crane work if applicable
- LOTO / Red Rope / Energization plan.
- WEAP issues for the site.

Employee Safety Orientation Meeting

Contractor and subcontractor employees will not be permitted to begin work without participating in the on-site safety orientation. Topics discussed during this orientation will include general safety requirements, project specific safety requirements, hazard communication, Environmental issues, site security procedures, emergency procedures, fire prevention and rescue procedures, site evacuation procedures, traffic control and any other applicable site or project rules and regulations. All subcontractors shall fully instruct /orient their respective personnel on the requirements of this "Project Specific Safety Plan" and the safety practices required by their assignments ***prior to the start of any work/task on this project***. Orientation documentation will be given to the site Admin daily. All visitors will receive orientation prior to leaving the office/job trailer areas or will be escorted always while on the site to ensure their safety. This includes representatives of the owner, architects, consultants or any other personnel that may come to the project. All visitors must sign in at the SOLV Energy jobsite office prior to entering the project.

Project Disciplinary Program

All subcontractors and their employees will participate in the jobsite safety program. Failure to actively participate in the safety efforts of the project team will result in a progressive disciplinary action plan. Knowing and accepting that 88 percent of incidents in construction are the direct result of unsafe acts and behaviors, it is crucial to the success of any safety program that good safe acts and habits are promoted at all times. The following disciplinary program will be implemented on this project:

Per the SOLV Energy IIPP and Site-Specific Safety Program for this jobsite, SOLV Energy's Safety Manager, DSP and/or Superintendent reserves the right to remove anyone from the site "at will" for a serious safety infraction. The following disciplinary procedures will be used for this project:

1. The first offense will result in verbal coaching with the employee and notification of the company representative. Depending on the infraction, training/ re-training may be required.
2. A second infraction will result in a suspension from the project for the rest of the day and the following three (3) working days. If an employee is suspended for a safety violation, that individual will also be disqualified from working overtime in the week of the suspension. Upon the return of the employee to the jobsite, he/ she will be required to attend the jobsite orientation as re-training. A meeting with the employee, their company DSP, supervisor and

the SOLV Energy Safety Manager and Superintendent(s) will also take place to discuss the situation and correct the behavior.

3. A third violation will result in permanent removal from the jobsite/ termination of the employee. If an employee is removed/ terminated from the jobsite, a meeting with the SOLV Energy Safety Manager, Superintendent and the subcontractor DSP and supervision will take place. An action plan will be required to be submitted from the company within 48 hours of the meeting detailing steps that will be taken to re-enforce and strengthen their company safety program for the jobsite.

A serious violation (i.e. Fall Protection) may result in immediate termination from the site.

Failure to follow LOTO procedure may result in immediate termination from the site.

Noise

Noise exposures above 85dBA may be expected when working near or operating machinery and equipment (e.g. graders, backhoes and generators*).*

If noise levels cannot be controlled under this limit, the Superintendent shall be notified and the work may be suspended until suitable controls can be implemented.

Personnel will be required to wear approved hearing protection to maintain exposures below 85dBA. Anyone involved in Pier-Pounding will wear both ear plugs and ear muffs.

Sanitation Stations and Drinking Water

Superintendent will be responsible for providing sanitation stations. At least one toilet and one wash facility will be provided for each 20 employees or fraction thereof of each sex. Each individual Subcontractor is responsible for providing potable drinking water to its own workers as required by Cal/OSHA's Heat Stress Standard.

First Aid Station

Each Subcontractor is required to provide a minimum of at least one first aid/CPR trained supervisor and first aid kit/supplies that meet Cal/OSHA Standards.

A central first aid station will be designated at the SOLV Energy's trailer to facilitate off-site emergency response and off-site medical emergency facilities will be posted on the bulletin board in the SOLV Energy's trailer. Subcontractors are required to advise their own employee(s) of the name and telephone number of the designated facility and the location of this information on the project site.

Fire Protection Requirements/ Plan

Each Subcontractor is required to have at least one 20lb ABC fire extinguisher properly tagged with a current inspection. A current inspection indicates servicing and/or inspection within the past twelve months.

Fire extinguishers shall be inspected at the start of the project and not less than once per month thereafter.

The following table enumerates the minimum fire protection necessary per item and activity. These minimum standards are required for every Subcontractor working on the project.

Cranes, forklifts, aerial devices, loaders, backhoes, etc.	10: BC	1 per piece of equipment
Work generating sparks or open flames	10: ABC	1 per operation
Temporary heating devices	4A: 40BC	1 per piece of equipment
Fueling areas	Dry chemical or carbon dioxide 20 ABC	2 per station
Floors	10: ABC	2 per floor <3,000 ft2 or every 100 ft of travel

Stored oxygen and acetylene shall be stored separately, at least a minimum of 20 feet or separated by a wall not less than 5 feet in height. Storage of cylinders means the caps are on tight. If stored on the cart – caps shall be on and valves off the tanks.

If this project includes some burning and/or welding all burning and welding operations should provide a fire watch person and/or burning blankets and a fire extinguisher to protect adjacent areas. Appropriate (leathers, face shields, etc.) shall be used. • identify and control ignition sources • Before starting any hot work: - confirm flammable materials has been removed or isolated - I obtain authorization • Before starting any hot work in a hazardous area, confirm: - A gas test has been completed - Gas will be monitored continually

Excavation and Trenching

A competent person will be responsible for supervising excavations, drilling, and trenching. Type A, B, C soils will be checked by the competent person, daily, to determine the minimum type and level of protection necessary. Soil inspections shall be checked and documented daily by the competent person for the duration of the soil excavation.

Objects and spoils shall not be stored within 2 feet of the edge or the height of the piles of all excavations.

When employees are required to be in trenches a trench inspection form shall be completed daily. When over 4 feet deep, adequate means of exit, such as ladders, ramp or steps, shall be provided and located to require no more than 25 feet lateral travel. Ladders will be in good condition, extend from the floor of the trench to 3 feet above the top of the excavation, and be secured at the top. **No step or A-frame ladders shall be used in trenches.**

At 5 feet trenching shall be protected by benching, sloping or shoring.

At 6 feet the edges of the trenches will be marked with signage or red tape. If the edge is hidden by topography, they will be marked with red tape to make them visible to vehicles and personnel.

All underground utilities shall be checked two days in advance of excavation and provisions made for their protection. All appropriate and/or required utility location services shall be contacted. Potholing or ground surveying is recommended to verify findings.

The determination and design of the supporting system shall be based on careful consideration of the following: depth of the cut; anticipated changes in the soil due to air, sun, freezing temperature and water; and ground movement caused by vehicle vibration and earth pressures (not only the angle or repose).

All temporary access/ egress must be in place prior to any excavation that reaches below 24'. Two separate points of access/ egress must be provided by either temporary stairs, ramps and/or ladders. Work with a valid permit when required. • have confirmed if a permit is required • am authorized to perform the work • understand the permit • have confirmed that hazards are controlled, and it is safe to start • stop and reassess if conditions change

In case of emergency, workers will be able to leave the trench or excavation quickly.

UTILITIES IDENTIFICATION AND PROTECTION

Introduction

Each contractor shall be required to identify, locate, arrange for removal and/or protect, any utilities, which might interfere with work to be performed. Or within 25 feet within known existing IT conduits. Pot-Holing or Ground Surveying will be done if underground utilities are suspected in an area.

Public Utilities

Because public utilities are not controlled by the General Contractor these utilities can be installed, removed, relocated, activated or deactivated without General Contractor

knowledge that these activities ever occurred. Therefore, it is essential that the location of these items be determined prior to the start of any work. The General Contractor shall locate public utilities by either consulting with the individual utility company or calling a recognized underground service locator.

Protecting Utilities
Once identified and located, each contractor shall take all steps necessary to protect utilities from damage. Each contractor shall:

- Use hand or controlled mechanical excavation procedures for underground utilities.
- Shore, support, brace and/or reinforce (as necessary) any utility.
- Clearly mark or identify any exposed utilities and provide appropriate warning or danger signs as needed to protect employees, the public and the utility itself.

Notification
At least three (3) working days (72 hours) prior to breaking ground or performing work which will impact Utilities, each contractor shall notify in writing the General Contractor's Superintendent, all public utility companies and any persons having property, structures or improvement near the work area.

Fall Protection (Where Applicable)
All contractors (all tiers) must implement and enforce a mandatory 6-foot fall protection policy for this project and ensure that they are in compliance with all OSHA fall protection regulations. No employees shall be on top of containers without fall restraint.

Fall protection shall be provided on all fixed elevated surfaces above 6' feet for all trades. This will include work around the perimeter of floors, shafts, walls and/ or roof edges or roof openings. The 6' fall protection rule does not pertain to ladders and scaffolding as long as this equipment is used within the guidelines provided by the manufacturer and/or OSHA standards, whichever is more stringent.

Subcontractors that work from temporary elevated surface heights of 6' foot or more will be required to provide a written fall protection and fall rescue plan (for fall arrest). This plan shall be submitted and approved prior to Subcontractor starting any work on site. **FALL RESTRAINT IS THE PREFFRED SYSTEM.**

All employees shall wear a full body harness and double shock-absorbing lanyard system anytime a worker is required to disconnect and reconnect to travel around an obstacle (100% Fall Protection). At no time will a worker be totally "unhooked". Fall restraint is preferred over fall arrest. **No arrest system may be used for heights less than 18 ½ feet.** If an arrest system is used, a *written fall rescue plan must be on the site and the personnel trained to retrieve a suspended worker.*

Materials should not to be stored within six (6) feet of any perimeter edge, unless secondary means of securing the material is in place and permission from the

Superintendent is obtained. All materials on the uppermost floor during construction must be secured to prevent it from being blown off of the building.

All employees using any fall arrest and /or restraint system must have current (within the past year) training on the appropriate fall protection system being used.

Controlled Access Zone (CAZ), Warning Line Systems and/or Controlled Decking Zones are not recommended to be used. These zones require an attendant.

Whenever possible, guardrails or some other passive fall protection system is to be utilized in lieu of a personal fall arrest / restraint system. Protect yourself against a fall when working at height. • inspect my fall protection equipment before use • secure tools and work materials to prevent dropped objects •tie off 100% to approved anchor points while outside a protected area

Traffic Control and Pedestrian Protection
Orange/yellow-orange, or equivalent safety vests will be provided for all employees, flagmen and traffic monitors working around heavy moving or rotating equipment. Each contractor is responsible to provide the appropriate equipment, signage and personal protective equipment required for traffic/ pedestrian control.

Introduction
Each contractor and subcontractor has a responsibility to provide a job site that is free of recognizable hazards, which could cause possible exposures or loss to the general public.

Public Liability Safe Work Rules
All traffic signs or devices used for protection of the public shall conform to American National Standards Institute, Manual of Uniform Traffic Control Devices for Streets and Highways or other Governmental Requirements, whichever offers the greatest degree of safety.

Barricades, cones, K rails, and/or similar protective devices shall be used whenever employees or the public are exposed to traffic or similar hazards.

When traffic patterns are closed or altered due to work activity, instructional or warning signs shall be posted.

Flagmen and signalmen shall be trained by each contractor in the required procedures for safely moving and processing traffic around construction activities; all training will be documented.

In addition, all activities involving traffic control must have a pre-task plan completed daily and must include the unique hazards of performing traffic control duties specific to the site.

Employees working adjacent to traffic shall wear a high visibility vest. Refer to the Cal/OSHA regulations on safety vests.

Risk Assessment: a risk assessment must be performed. The scope of the risk assessment must be appropriate for the task. All tasks require a JHA and daily pre-task plan.

Hazard Identification
and Mitigation: Identify hazards, Provide mitigation for those identified, hazards, Ensure the ongoing effectiveness of mitigations
For control of work activities, ensure that acceptable work conditions are communicated to affected personnel.

Changes in Work Scope and/or Conditions: Stop the work, Reassess the hazards, Verify effectiveness of existing and/or any new safeguards prior to recommencing work.

Training and Competency: all workers will be trained and/or competent for the task they are to perform.

Fitness for Duty: confirm that all workers are fit for duty.

Temporary Access/ Egress to Structure
Prior to the structure reaching a height of 2 stories or 24' high temporary access must be provided by means of either temporary stairs, ladders and/ or ramps. A minimum of two (2) separate means of access/ egress must be provided. If ramps are used, they must be installed in a way that they will not deflect and must be a minimum of 20" in width. Ensure that all ramps have non-slip materials placed on them to avoid slip hazards.

Confined Space Entry Requirements
For confined space work identified as permit required, an entry permit shall be performed only under the supervision of a competent person. Only trained and authorized employees shall be allowed to enter any confined space. A Confined Space Entry Permit has been provided for use by SOLV Energy. Subcontractors may also use any equivalent permit. **SOLV Energy Safety Department should be consulted for this work.**

Confined Space applies to all open top vessels, confined spaces, pits, closed vessels, sewers, tanks, silos, vats, bins, tubs, pits, and pipes or other areas which must be entered through a manhole or other constructed opening. These procedures prescribed minimum standards for preventing employee exposure to dangerous air contaminations, oxygen deficiency, hazards from fixed or mobile Mechanical/electrical equipment, the presence of combustibles, and establish minimum requirements for safe entry, work processes and emergency rescue. Work with a valid permit when required. •have confirmed if a permit is required •am authorized to perform the work •understand the

permit •have confirmed that hazards are controlled, and it is safe to start • I stop and reassess if conditions change.

Entry and Operation Procedures
The requirement such as, but not limited to, safety glasses, hard hats, self-contained breathing apparatus, body harness and lanyard, hoists, atmospheric testing devices, ventilation blowers, and communication devices will be provided by each subcontractor as required for each job.

Employees will be trained by their supervisors in the use of safety equipment, operating and rescue procedures, including instructions about the hazards, which are likely to be experienced. Said training will be documented.

Housekeeping
Daily housekeeping is a part of this job safety plan with special emphasis placed on stairways. All stairways will be artificially lit and be clean of debris. Each subcontractor is responsible to remove their debris from the building on a daily basis. Failure to do so will require SOLV Energy employees to remove the debris and associated costs will be charged to the respective contractor.

Scaffolds
All Subcontractors using scaffolding on this site must be trained in the proper use of scaffolding. This includes rolling, aluminum and frame type scaffolds. All frame type scaffolds must be green tagged by the contractor who erects the scaffold. Nobody is permitted to work on any scaffold unless it has been green tagged and inspected daily by a competent person. All scaffolding, regardless of type, must be inspected daily by a competent person. If any scaffold or scaffold part is damaged or questionable, it is to be removed from service immediately and, if necessary, the scaffold red tagged until repaired.

Electrical
LOTO / Red Rope / Energization Plans shall be reviewed and approved by the SOLV Energy Safety Department.

All temporary power sources will be provided with Ground Fault Circuit Interrupters (GFCI), and all cords, plugs and receptacles shall be checked for damage daily. Testing of the ground and labeling of the cords will be performed as needed or at least monthly. Remove any damaged equipment from use and tag out of service until repaired.
Verify isolation and zero energy before work begins. • have identified all energy sources • confirm that hazardous energy sources have been isolated, locked and tagged • have checked there is zero energy and tested for residual or stored energy.

Tools and equipment shall be routinely inspected and tested before use.

Cranes

Crane erection and maintenance and care shall comply with the manufacture's specifications and limitations. Rated local capacities and recommended operating speeds shall be visible to the operator. Crane certifications must be in the cab at all times and all crane operators must have a current certification. **A proposed pick plan shall be submitted to SOLV Energy Safety 3 days prior (at a minimum) for review and approval.**

Cranes shall be level and located on firm footing or cribbing when necessary and accessible areas within the swing radius of the rear-rotating superstructure of the crane shall be barricaded or cordoned off to avoid being struck by the crane.

Cranes shall be annually inspected and a record of this inspection shall be provided upon request.

All cranes must have a current (within 30 days prior to commencement of operations) third party annual inspection.

Critical Lift Plans will be written and reviewed with everyone involved for any crane pick exceeding 75% of capacity. Critical Lifts are the exception and all means will be reviewed before approval of this plan.

Only qualified riggers and signalers will be allowed to work with cranes. Certifications/ Qualifications must be provided to SOLV Energy prior to work commencing. Keep yourself and others out of the line of fire. • position myself to avoid: - moving objects - vehicles - pressure releases - dropped objects • establish and obey barriers and exclusion zones •take action to secure loose objects and report potential dropped objects.
Plan lifting operations and control the area. • confirm that the equipment and load have been inspected and are fit for purpose • only operate equipment that I am qualified to use • establish and obey barriers and exclusion zones • never walk under a suspended load

Scissors Lifts
If scissors lifts are required on this project the following standards shall apply:

- A scissors lift shall not travel in an elevated position with men in the basket.
- Chains and gates shall be utilized whenever the scissors lift is in an elevated position.
- All operating and maintenance instructions and recommendations must be followed.
- The manufacturers operating manual shall be with the equipment at all times.

Aerial Lifts, Snorkel Lifts, Boom Supported Work Platforms
If aerial lifts, snorkel lifts, or boom supported elevating work platforms are required on this project the following standards shall apply:

- All personnel in the lifts shall be tied-off to an appropriate location on the lift.
- Lifts shall not travel in an elevated position with personnel in the basket.
- All operating and maintenance instructions and recommendations must be followed.
- The manufacturers operating manual shall with the equipment at all times. Keep yourself and others out of the line of fire. •position myself to avoid: - moving objects - vehicles - pressure releases - dropped objects • establish and obey barriers and exclusion zones • take action to secure loose objects and report potential dropped objects

Forklifts
No modifications or additions that affect the capacity or safe operations of the equipment shall be made without the manufacture's written approval. In no case shall the original safety factor of the equipment be reduced and only trained and certified personnel shall be permitted to operate forklifts.

If a load is lifted by two or more trucks working in unison, the proportion of the total load carried by any one truck shall not exceed its capacity.

Operator must have a current certification in their possession. Nobody operating any piece of equipment on site is permitted to be using a phone, radio or other handheld device that may distract him/ her from the task at hand. Two way radios or a hands free device is permitted if used for the sole purpose of communications in connection with the operation being performed. Plan lifting operations and control the area. • I confirm that the equipment and load have been inspected and are fit for purpose • only operate equipment that I am qualified to use • establish and obey barriers and exclusion zones • never walk under a suspended load

Tools
Impact tools, such as drift pins, wedges and chisels shall be kept free of mushroomed heads.

The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.

When working along the perimeter of the building or at a shaft opening, tools and materials shall be secured to prevent them from falling to a level below.

Lock Out/Tag Out
Before any modifications, maintenance, or repairs are done on equipment, tools, or power panels, the energy source shall be disconnected or turned off (turn valve, pull fuse, switch breaker) and locked out or blocked out with a padlock, chain or both to ensure energy source is locked off.

1. Place a tag at the disconnect point, identifying who you are, who you work for, and why you locked it off. Never move or remove another person's tag.

2. Be sure to release residual energy (i.e. lead line grounding circuits).
3. Test equipment or energy source to ensure it will not run. Turn on equipment or test circuits to ensure it is disconnected.
4. Restore energy safely when you are finished with your repairs. Remove lock and tag.

Personal Protective Equipment (PPE)
The minimum personal protective equipment (PPE) required for everyone on site includes hard hats (ANSI Z89), high visibility clothing, sturdy work boots, shirtsleeves (no tank tops), long pants, and safety glasses (ANSI Z87) standard are to be worn at all times. Goggles, and/or face shields shall be worn as necessary for additional eye and face protection.

Each subcontractor is responsible to provide all required personal protective equipment to their employees and visitors. Anyone not wearing the appropriate gear will be escorted off of the project. This includes visitors to the site. A small quantity of basic PPE will be maintained by SOLV Energy at the on-site office for visitors only.

Respiratory protection shall be worn, as necessary, to prevent breathing harmful concentrations of paint, welding fumes, concrete and sheetrock dust, solvent vapors, etc. Any employee required to wear a respirator must first receive a medical evaluation and fit test. The evaluation and fit test are only valid for a one-year period. Both must be documented and a list of authorized employees to wear respirators must be provided to SOLV Energy. Failing to provide the list of authorized/ cleared employees will cause delays to the work to be performed.

Hot Work
A hot work permit will be required for any work activity performed in an enclosed environment, including but not limited to inside a building or a confined space, that generates sparks, open flames or creates in any way a potential fire hazard. A fire watch may also be required if the slag/ sparks fall to a lower level out of the sight of the employee performing the work. Fire watch must be maintained for a minimum of 30 minutes after work has completed. Work with a valid permit when required. • have confirmed if a permit is required • am authorized to perform the work •understand the permit •have confirmed that hazards are controlled, and it is safe to start • I stop and reassess if conditions change

CONTINGENCY AND EMERGENCY RESPONSE PROCEDURES

Site Evacuation Plan / Assembly Area
Site evacuation procedures are required as part of an emergency response plan. Every job site should at the outset, determine a safe corridor for escape and assembly.

Examples of emergencies requiring a site evacuation include:

- Explosion from underground pocket of flammable/combustible gases.

- Equipment fire or explosion.
- Inclement weather.
- Toxic gas/vapor release from subsurface pocket of gases or containers.
- Cave-in from excavated trenching.

Evacuation routes are established upwind and cross from the direction of wind flow as determined by either a windsock or other visual means of determining air movement. In the event of an evacuation signal, every worker is required to cease operations, note the wind pattern and move in a cross and upwind direction to the designated assembly point.

Response to a Release of Hazardous Materials/Wastes, Liquids, Unusual Smell or Odor

If there is a release, i.e. oil, diesel, or other petroleum product, hazardous waste, or the perception of an unusual foul or irritating smell or odor, immediately evacuate the area by moving across and up-wind from the source to the designated assembly point. Remain there until cleared to return. Notify SOLV Energy Management Team prior to resuming operations.

If the identity of the released product/waste or odor is known and does not pose an immediate threat to the safety and/or health of the workers or the environment, notify the SSM and implement steps to contain and control the release.

Fire

Alert and immediately evacuate personnel away from the immediate area. Notify SOLV Energy Management Team regarding any size fire that occurs on the Project. If necessary, the Management Team will notify the Fire Department by calling 911.

For small fires (a fire that can be controlled with one 20 lb., fire extinguisher), contain and extinguish the fire as quickly as possible.

For large fires, immediately evacuate the affected area and report to the designated assembly point.

Explosions

Following an explosion, immediately survey the affected area for injured workers. If safe to enter, remove the injured to a safe distance. Injured workers will be transported to the nearest emergency medical facility.

Immediately evacuate the affected area and report to the designated assembly point. If a fire develops, follow emergency procedures for fire control and evacuation, as described above.

Incidents

All incidents/incidents shall be reported to the Superintendent and Site Safety Manager immediately for investigation and follow-up. A written incident report shall be submitted to the Superintendent within 24 hours of the incident.

For incidents involving personal injury, immediately apply appropriate first aid and transport the injured party to the designated medical facility as needed. Never allow the injured employee to transport themselves. The project management will summon emergency medical response for injuries requiring emergency assistance. ***A Risk Alert and an Incident Report online must be filled out for all injury/ significant incidents within 24 hrs.***

Vehicle Incidents
Stop the vehicle as soon and as safely as possible. Assess the damage to the vehicle and collateral damage to equipment and any other objects. If injuries are sustained, follow the Incident procedures above. Report all vehicle incidents to your supervisor immediately. *A Risk Alert and an Incident Report online must be filled out for all incidents/incidents within 24hrs.*

Follow safe driving rules. • always wear a seatbelt • do not exceed the speed limit, and reduce my speed for road conditions • do not use phones or operate devices while driving • am fit, rested and fully alert while driving • follow journey management requirements

Equipment Failure or Power Outage
Turn off equipment or power. Assess damage and notify your supervisor. Wait for further instructions.

Natural Disaster/Earthquake
Complete the following:

1. Shut down all operations/equipment in a safe effective manner.
2. Check all personnel for injury and follow appropriate procedures
3. Inspect all fuel/oil/waste water tankage and/or containment structures for signs of leakage or damage.
4. Inspect all operational units for proper operations made, and manually check to insure all automatic and alarmed features are working properly.
5. Inspect all piping, values, and fixed pumping units for damage.
6. Re-inspect electrical circuits and power supplies for damage.
7. Report to assembly point and wait further instructions.

Exposure Assessment
Subcontractors will become familiar with the potential hazards on the job, as described in the SSSP, train, manage and provide appropriate measures to protect their employees.

Each Subcontractor shall provide appropriate tools, i.e., PPE, equipment, environmental exposure monitors, to assess and assure that its own employees are working in a safe area and manner.

Liaison, Notification Requirement for Incidents, Incidents and Injuries
Should any of the events listed above occur, Superintendent shall be contacted immediately. The SSM will assist Subcontractors in resolving the issue and coordinate the preparation of a written report to the PM within 24 hours.

SOLV Energy will notify the owner immediately and will also determine the appropriate reporting and notification procedures involving notification to local authorities.

MEDICAL MANAGEMENT PLAN

The following medical management plan is established to be in accordance with California Title 8 §1512. At least one (1) supervisor will hold a current First-Aid/ CPR certification from each contractor on site and each contractor on site will provide adequate first aid supplies for their employees on site. A sufficient amount of eye-wash will be maintained on site and, when necessary, eye-wash stations will be made available. Emergency procedures and Incident/ incident reporting procedures shall be reviewed with all employees and personnel that perform work on site at the jobsite safety orientation.

Medical Support Facilities
Emergency medical facilities shall be identified and posted for emergency response. The following designated medical facilities have been established for this project:

Local Hospital / Clinic: Phone: (580) 317-3500

Address: Choctaw Memorial Hospital ER
1405 E Kirk St., Hugo, OK 74743

After Hours Clinic: Phone: (580) 317-3500

Address: Choctaw Memorial Hospital ER
1405 E Kirk St., Hugo, OK 74743

First Aid: On-Site Health & Safety Phone: (719) 821-7968

First Aid is provided by trained site personnel. If additional First Aid is requested by the employee, On-Site Health & Safety may be contacted with the injured employees consent.

NOTE: Maps to the above facilities are posted on the jobsite bulletin board and a copy of these directions along with a medical authorization form (when required) is available from the SOLV Energy project superintendent or project manager on site.

HEAT ILLNESS PLAN

This plan is covered under the SOLV Energy Heat Stress Program. This plan will be implemented on each jobsite by the site superintendent or his appointee. Every jobsite is required to designate a recovery location on site for any employee who reports symptoms of Heat related illness. The recovery location shall be shaded and have readily available cool potable drinking water and first aid supplies. Training is also to be provided to all employees on an annual basis in compliance with the SOLV Energy Heat Stress Program and Cal/OSHA regulations. All subcontractors are required to conduct training and provide an adequate amount of potable drinking water for their employees on site. The Heat Plan is to be used when temperatures reach, or are expected to reach, 80 degrees. (See the Heat Plan for more detail).

The Designated Recovery Location for this site is: Site Office Parking Area
For additional information on Heat Related Illness of this plan, please contact: (Site Superintendent) at

Lightening Plan

1. Monitor weather conditions for reports of impending severe weather in your area. If warranted, continue to monitor weather conditions throughout the day. Use a lightening monitoring software to give the site personnel warning at:
    a. 50 miles (80.5 Km),
    b. 20 miles (33 Km), pull personnel from the field.
        i. Please be advised that storms can move from 30 to 70 mph (48 to 113 kph). **At 10 miles you can have fewer 25 minutes to clear the work area.**
    c. Recommendation is to stay out of the field minimum of 30 minutes after last strike within the 20 mile radius.
    d. http://www.lightningmaps.org/extra/coverage?lang=en is an example of live lightening monitoring.
2. All employees are to understand the site lightning safety plan in place, which includes what shelters are available to them at that work site.

SITE DUST CONTROL PLAN

This plan covers the construction activities on site and describes the minimum required procedures for managing exposure and risk from dust during construction. This plan applies to all construction contractors, whose workers may be exposed to and/or create dust on the Project. Each contractor shall prepare an environmental health and safety plan (HSP) or job hazard analysis (JHA), tailored to mitigate the dust created by their specific work.

Dust Control Requirements

1. The Contractor/Sub-Contractor shall implement procedures to ensure that dust reduction systems maintain their effectives for the control of the dust created. This procedure shall maintain its effectiveness throughout the work shift.

Dust Control (Engineering Control)

1. The release of dust into the environment will be prevented by using a fine spray mist to wet down or use of dry sweep compounds on any visible dust to prevent it from emanating from any ground disturbance activities. In addition, the temporary storage of dust and/or soil piles and spoils must be covered, i.e. tarps, visqueen, etc. whenever dust control activities may not be employed.
2. The protective measures include spray misting as needed to prevent visible dust emissions while loading transport vehicles, minimizing drop heights, and a requirement to sweep up daily any tracking of dirt onto public streets.
3. The Contractor/Sub-Contractors are required to provide the proper PPE (Personal Protective Equipment) required to protect their employees from dust created by their job tasks.
    - The direct supervisor of the employee is required to verify the employee has the PPE required and is trained in its proper use and care.
    - This includes respirators and/or the use of dust masks.

Valley Fever

1. Valley Fever (coccidioidomycosis or “cocci”) is an infectious disease caused by a fungus called *Coccidioides* which lives in the soil and dirt in certain areas. The fungus usually infects the lungs causing flu-like symptoms. Most of the time symptoms get better on their own. Valley Fever is found in some areas of Arizona, Nevada, New Mexico, Utah, and Texas.
2. People can get Valley Fever by breathing in dust containing a form of the *Coccidioides* fungus called spores which are too small to be seen. Anyone who lives, works, or visits in an area with Valley Fever can be infect about 60% of people infected with Valley Fever have no symptoms and will fight off the infection naturally. The people who get sick usually develop a flu-like illness 1−3 week after exposure to the fungus.
3. Those who get sick can experience some of the following symptoms:
    • Fever • Muscle or joint aches • Headaches • Tiredness• Cough
    • Night sweats • Unexplained weight loss • Chest pain • Rash

    These symptoms can last a month or more but most people recover fully. Most people who have been infected become immune and will not get the infection again.

4. **Reducing Exposer to Valley Fever**
    a. When it is windy outside and the air is dusty, especially during dust storms:
    b. When working outdoors in dusty air, consider wearing an N95 mask or respirator.

c. Wet down soil before disturbing it to reduce dust.
d. After work change out of clothes if covered with dirt. Take care not to shake out clothing and breathe in the dust before washing. Warn the person washing these clothes if you are not washing them yourself.

WEAP

1. Site will consider and follow all laws and regulations concerning the wildlife (Raptors, birds, mammals, reptiles and insects) that affect their work areas. Each person will be made aware of site-specific conditions for dealing with the wildlife on the site.
2. All persons will go through the WEAP orientation (if applicable) before going into the field. This training will be documented with the workers / visitor's signature on a training sheet.
3. As a general rule, no wildlife will be handled or moved without notification of the Site management personnel or environmentalist assigned to the site.

Pandemic Plan

1. SOLV Energy maintains and continually updates a COVID-19 plan that meets the CDC and local requirements.
    a. This plan is available for review as an addendum.
2. Any other specified pandemic shall have a plan implanted to protect workers as directed by the CDC.

VISITOR SIGN-IN SHEET

PROJECT:
SOLV Energy #

The individual visitor signing below agrees to follow the reasonable direction of construction site personnel. In addition, he/she recognizes that this is a construction site which has inherent dangers and risks. The undersigned assumes the risk of visiting the site and agrees to hold __ (*Owner*) and SOLV Energy harmless from any and all claims of personal or property injury or damage arising out of the visit to the project site located at

ALL PERSONAL PROTECTIVE EQUIPMENT MUST BE USED AT ALL TIMES WHILE ON SITE.

	NAME	COMPANY	DATE	TIME IN	TIME OUT
01					
02					
03					
04					
05					
06					
07					
08					
09					
10					
11					
12					
13					
14					
15					
16					

FORMS/VISITORS

SOLV Energy will comply with the most current OSHA requirements for employers to protect workers from the hazards associated with working in temperatures over 80 degrees (or any day 10 degrees higher than average in the last 5 days) and will elevate levels of awareness and supervision when temperatures equal, or are expected to reach or exceed, 95 degrees, otherwise known as "High Heat."

Important Note: There are references to OSHA in these guidelines, however, be aware that Fed/OSHA may still cite your project under the General Duty Clause when no state-specific standard is available.

*First Aid – always offer the most complete and accessible **on-site health & safety** services available for your project when heat illness events occur. There must be at least one employee/ supervisor on every jobsite with First Aid certification to administer heat stress protocols.

A. Outdoor temperatures above 80 degrees increase the risk of heatstroke or heat illness, especially with high humidity and the heat load from sunlight radiation. Shade must be always readily available for the number of employees on meal, recovery, or rest periods. When temperatures exceed 80 degrees, shade will be up and available for all employees.

B. The *shade shall be located as close as practicable* to the areas where employees areworking, and within walking distance from those active work areas, unless it can be demonstrated that terrain or other conditions prohibit locating the shade within the prescribed distance.

C. Shade may be provided by any natural or artificial means that does not expose employeesto unsafe or unhealthy conditions and that does not discourage access.

D. Individuals may have personal risk factors for heat illness that also contribute such asobesity, recent alcohol consumption, and lack of being acclimated to heat stress.

E. There can be an added burden of heat load on the body caused by exertion, clothing, andpersonal protective equipment. Wear light color clothing.

F. SOLV Energy requires that shade be provided if the National Weather Service forecast isfor temperatures greater than 80 degrees F. Check the next day's forecast at http://www.weather.gov/.

G. All SOLV Energy employees will be permitted to access shade provided by SOLV Energy. The shade will have adequate natural ventilation or fan ventilation. They must also notify their supervisor that they are suffering the symptoms of heat-related illness.

H. SOLV Energy will supply sufficient water to employees; at least 2 gallons a day/4 cups per hour, per employee. The water provided shall be fresh, pure, and suitably cool, and shall be provided to employees free of charge. Each employee will be provided with bottled water or sanitary cups.

I. The *water shall be located as close as practicable* to the areas where employees are working and shall not in any event be farther than 400 feet walking distance from any employee at any time, other than when the employee is using a restroom or traveling between the restroom and an area where employees are working, unless the employercan demonstrate that conditions prohibit locating the drinking water within the prescribed distance.

J. It is highly important to drink small quantities of water, up to 4 cups per hour, when thework environment is hot, and employees are likely to be sweating more than usual in the performance of their duties.

K. It is important that workers become acclimatized to hot conditions so that the body becomes efficient at throwing off its heat burden. Acclimatization can take one to twoweeks to achieve. SOLV Energy will have a gradual work hardening heat acclimatization program for new workers. New employees will be assigned a buddy.

L. Employees shall be allowed and encouraged to take a rest and cool down in the shade for a period of no less than five minutes. An employee who takes a cool-down rest shall be encouraged to remain in the shade (no less than 5 minutes *in addition* to the time neededto access the shade).

M. Employees will be monitored by a designated person while on the job. If an employee shows any signs or symptoms of heat illness, First Aid services shall be called and/or administered by an employee already on the site. 911 may be called by any employee.
*Employees with heat illness symptoms shall not be returned to work for the remainder of that day and monitored closely for the next 1-3 days.

N. If a supervisor observes, or any employee reports, any signs or symptoms of heat illness in any employee, First Aid services shall be called and/or administered by an employee already on the site. *Employees with heat illness symptoms shall not be returned to work for the remainder of that day and monitored closely for the next 1-3 days.

O. If the signs or symptoms are indicators of severe heat illness (such as, but not limited to, decreased level of consciousness, staggering, vomiting, disorientation, irrational behavior, or convulsions), the employer must implement emergency response procedures.

P. It is important that employees immediately report to their employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves or in co-workers. Thiswill allow treatment and recovery to begin as soon as possible. Communication between supervisor and employees is critical. SOLV Energy also encourages the buddy system, and no worker should be left alone or isolated on high heat days.

Q. An employee exhibiting signs or symptoms of heat illness shall not be left alone or senthome without being offered onsite First Aid* and/or being provided with emergency medical services in accordance with SOLV Energy procedures.

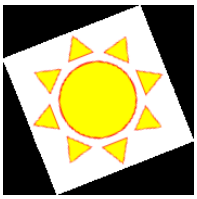
R. The early warning sign of heat exhaustion is the cessation of sweating often accompanied bychills and 'goose bumps' on the skin. *If this occurs, you may have very limited time left to shut down your work and get to shade.* In direct sunlight, heat exhaustion can progress rapidly to heatstroke.

S. If heatstroke is suspected, or if the employee is progressing toward heatstroke, SOLV Energy requires immediate First Aid* procedures including spraying the victim with water and calling 911 for immediate emergency medical services.

T. In the event of an emergency, provide clear and precise directions to the work site as needed to emergency responders. These procedures shall include designating a person to beavailable to ensure that emergency procedures are invoked when appropriate.

High Heat Procedures for Temperatures Confirmed or Expected to be 95°or more:

1. Daily/Pre-shift meetings will be held before the start of each work shift to review high heat procedures, encourage, and remind employees to drink plenty of water, remind employees of their right to take cool-down rests as needed, and to communicate any other relevant heat/temperature/weather-related information. NOTE:2 work shifts in same day = 2 pre-shift meetings.
2. Supervisors and/or coworkers must have a designated person – use the checklist – for monitoring workers for alertness and signs and symptoms of heat illness. The employer shall ensure effective employee observation/monitoring by implementing one or more of the following:
   (A) Supervisor or designee observation of 20 or fewer employees
   (B) Mandatory buddy system
   (C) Regular communication with sole employee such as by radio or cell phone
   (D) Other effective means of observation
3. Designate an onsite employee authorized to call for emergency medical services. If designated person is unavailable, other employees may call for emergency services.
4. Remind employees throughout the work shift to drink plenty of water.
5. Ensure that effective communication by voice, observation, or electronic means (if reception is reliable) is maintained so that employees can contact a supervisor when necessary.



Training – Employee's Rights & Recognition of Heat Illness Symptoms

Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work, where it can be reasonably anticipated that the risk of exposure arising from heat illness exists. The employer's procedures for complying with the requirements of this standard, include, but are not limited to:

- The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.
- The employer's responsibility to provide water, shade, cool-down rests, and access to FirstAid* as well as the employee's right to exercise their rights under this standard without retaliation.
- The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot, and employees are likely to be sweating more than usual in the performance of their duties.
- The different types of heat illness, and the common signs and symptoms of heat illness, and appropriate First Aid* and/or emergency responses to the different types of heat illness, andin addition, that heat illness may progress quickly from mild symptoms and signs to a serious and life-threatening illness.

Standard First Aid* Responses for Heat Illness: Heat Exhaustion

Heat exhaustion is one of the heat-related syndromes which range in severity from mild heat cramps to heat exhaustion to potentially life-threatening heatstroke.

Signs and symptoms of heat exhaustion often begin suddenly, sometimes after excessive exercise, heavy perspiration, and inadequate fluid intake. They resemble those of shock and may include:

- Feeling faint or dizzy
- Nausea
- Heavy sweating
- Rapid, weak heartbeat
- Low blood pressure
- Cool, moist, pale skin
- Low-grade fever
- Heat cramps
- Headache
- Fatigue
- Dark-colored urine

If you suspect heat exhaustion:

- Get the person out of the sun and into a shady or air-conditioned location.
- Lay the person down and elevate the legs and feet slightly.
- Loosen or remove the person's clothing.
- Have the person drink cool water.
- Cool the person by spraying or sponging them with cool water and fanning.
- Monitor the person carefully. Heat exhaustion can quickly become heatstroke. If fever greater than 102 F (38.9 C), fainting, confusion or seizures occur, dial 911 or call for emergency medical assistance.

Heatstroke: First Aid*

Heatstroke is highly dangerous. It may result from exercise or heavy work in hot environments combined with inadequate fluid intake.

Young children, older adults, people who are obese and people born with an impaired ability to sweat are at high risk of heatstroke. Other risk factors include dehydration, alcohol use, cardiovascular disease, and certain medications.

Heatstroke is severe and potentially life-threatening. The body's normal mechanisms for dealing with heat stress, such as sweating and temperature control, are lost. The main sign of heatstroke is a markedly elevated body temperature — generally greater than 104˚ F (40˚ C) — with changes in mental status ranging from personality changes to confusion and coma. Skin may be hot and dry — though if heatstroke is caused by exertion, the skin may be moist.

Other signs and symptoms of HEAT STROKE/SEVERE HEAT ILLNESS may include, but are not limited to:

- Rapid heartbeat
- Rapid and shallow breathing
- Elevated or lowered blood pressure
- Cessation of sweating accompanied by chills and goose bumps
- Irritability, confusion, or unconsciousness
- Irrational behavior or convulsions
- Feeling dizzy or lightheaded
- Disorientation
- Staggering
- Headache
- Nausea or Vomiting
- Fainting, which may be the first sign in older adults

If you suspect heatstroke:

- Move the person out of the sun and into a shady or air-conditioned space.
- Dial 911 or call for emergency medical assistance.
- Cool the person by covering them with damp sheets or by spraying with cool water.
- Direct air onto the person with a fan or newspaper.
- Have the person drink cool water, if able.

If you suspect heat cramps:

- Rest briefly and cool down.
- Drink clear juice or a sports drink containing electrolytes.
- Practice gentle, range-of-motion stretching and gentle massage of the affected muscle group.
- Seek medical attention if cramps do not subside after one hour.

Heat Cramps: First Aid*

Heat cramps are painful, involuntary muscle spasms that usually occur during heavy work in hot environments. The spasms may be more intense and more prolonged than typical nighttime leg cramps. Inadequate fluid intake often contributes to heat cramps.

Muscles most often affected include those of the calves, arms, abdominal wall and back, though heat cramps may involve any muscle group involved in physical activity.

SUPERVISOR'S DAILY HEAT ILLNESS PREVENTION CHECKLIST

Water

- ☐ Plenty of fresh, cool, clean, drinking water located as close as possible to employees
- ☐ Water is provided free of charge to employees
- ☐ Remind employees throughout the work shift to drink plenty of water
- ☐ Plan in place for refilling water coolers or otherwise replenishing water throughout the day
- ☐ Identify the person responsible for monitoring and maintaining/replenishing water supply

  Name:_____ **Company:**_____ **Phone:**_____
- ☐ Add procedure to the Site-specific Safety Plan and the Site-Specific Orientation

Shade and Rest

- ☐ Shade available AT ALL TIMES for ALL EMPLOYEES to rest and cool down – *regardless of the weather*
- ☐ Shade accessible when the weather forecast is 80 degrees or higher
- ☐ Have checked the National Weather Service (NOAA) for the temperature

Training

- ☐ Employees trained to recognize and prevent heat illness BEFORE they start working
- ☐ Workers can identify symptoms of heat illness
- ☐ Plan in place to allow employees to get used to the heat ➔ acclimatization
- ☐ Active and immediate system for monitoring workers for alertness, and signs & symptoms of heat illness
- ☐ Plan in place to establish, implement, and maintain, effective Heat Illness Prevention Procedures, in compliance with OSHA regulations

Emergency Plan

- ☐ Everyone knows who to notify if there is an emergency
- ☐ Employees can describe their location if they need to call an ambulance
- ☐ Employees know who will provide First Aid*

Management

- ☐ Supervisor will verify that employees take breaks when performing high-stress work in extreme temperatures every two hours at a minimum (15 minutes).
- ☐ SOLV Energy requires that subcontractors provide breaks for their employees performing high-stress work in extreme temperatures every two hours (15 minutes).

Employee Reminders

- ☐ Drink water frequently
- ☐ Rest in the shade as needed – minimum 5 minutes once you get to the shade
- ☐ Look out for one another and report any symptoms ***immediately***
- ☐ Designated person will verify employee status and water replenishment every 2 hours

HIGH HEAT PROCEDURES CHECKLIST ITEMS

(For temperatures confirmed or expected to be 95 degrees or above)

IN ADDITION TO ALL PREVIOUS STATED

- ☐ Daily/Pre-shift meetings held before the commencement of work to review high heat procedures.
- ☐ Have effective communication by voice, observation, or electronic means in place, so that employees at the work site can contact a supervisor when necessary (**Circle at least one** - cell phone - radio - voice communication) will be used if anyone is identified or indicates heat stress.
- ☐ Means for distribution of water (**Circle one** - ATV, Truck, Hand delivered by Supervisor)
- ☐ Designated employee monitoring workers trained to give first aid and call emergency services.
  Name:_____**Company:**_____**Phone:**_____
- ☐ Ensure effective employee observation/monitoring by implementing one or more of the following:

  (A) Supervisor or designee observation of 20 or fewer employees, or
  (B) Mandatory buddy system, or
  (C) Regular communication with sole employee such as by radio or cell phone, or
  (D) Other effective means of observation.

- ☐ **Person Designated as emergency contact for site / crew.**

  Name:_____**Company**_____**Phone** _____

ACKNOWLEDGEMENT OF RECEIPT

NAME/*NOMBRE* _____

Print Legibly/*Letra de Molde*

SOLV ENERGY AND ALL AFFILIATED COMPANIES

As part of my safety orientation, I have received a copy of the Site-Specific Orientation and reviewed the Heat Plan. I understand that I am required to observe these rules and any other safety instructions given while employed by SOLV Energy Incorporated and all affiliated companies.

I also understand that if I am injured in the course of my work, I will report such injury to a supervisor at once, obtain First Aid if appropriate, or will obtain a Medical Service Order before going to the Doctor for medical treatment.

Como parte de mi orientación, he recibido la copia de las Reglas de Trabajo Seguro como dichas en el Manual de la Seguridad del Empleado. Entiendo que se require respetar estas reglas y cualquier otras instrucciones sobre la seguridad mientras esté empleado/a por SOLV Energy y/o cualquier de sus empresas.

De la misma manera, entiendo que si sufro lesión alguna durante mis labores, se la reportaré de inmediato al supervisor, obtendré Primeros Auxilios si sean necesarios, u obtendré la Orden de Servicio Médico antes de ir al Doctor para tratamiento médico.

_____ _____

Employee Signature/*Firma* Witness/*Testigo*

_____ _____

Date/*Fecha* Date/*Fecha*

_____ _____

Project Name/*Nombre Proyecto* Project No./*Número Proyecto*

HEAT ILLNESS

-KNOW THE SIGNS-

HEAT EXHAUSTION

OR

- Light Headed/Dizzy
- Excessive Sweat
- Faint and Rapid Pulse
- Cold, Pale, Clammy Skin
- Nausea/Vomiting
- Cramps

HEAT STROKE

- Throbbing Headache
- NOT SWEATING!
- Temperature of 103 Deg. +
- Skin Red and Dry
- STRONG Pulse
- Fainting/Confused
- Unconcious

WHAT TO DO:

Get to a cool place, drink water, pour water on and use cold compress on head/body, fan body.

CALL 911!

Take immediate action to keep victim as cool as possible, until help arrives!

FEEL SOMETHING? TELL SOMEONE!

SOLV ENERGY

BE READY FOR EIGHTY!

Per Cal/OSHA standards, all job sites are required to provide shade, water, and rest stations at 80 degrees!

TIPS TO STAY COOL IN THE HEAT!

- Hydrate before work!
- Eat lighter meals
- Wear clothes that are breathable & protective
- **DO NOT** consume energy drinks, caffeine, or alcohol during or before work!
- Drink water/ hydrate even when you're not thirsty

HOW MUCH WATER DO WE CARRY?

2/8
GALS/HRS

JOBSITES SHOULD PROVIDE AT LEAST
2 GALLONS
OF WATER PER 8-HOUR SHIFT, FOR EACH WORKER!

DEADLY COMBO!

High temperatures and high humidity will increase the chance of working in very dangerous conditions!

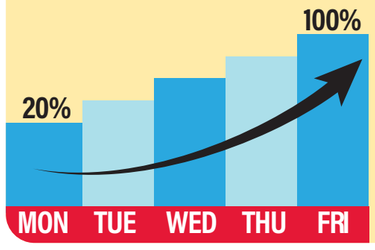
Always check the relative humidity for your site and stay safe and hydrated.

Prevent Heat Illness at Work

Outdoor and **indoor** heat exposure can be dangerous.

Ways to Protect Yourself and Others

Ease into Work. Nearly 3 out of 4 fatalities from heat illness happen during the first week of work.



- ✓ **New** and **returning** workers need to build tolerance to heat (acclimatize) and take frequent breaks.
- ✓ **Follow the 20% Rule.** On the first day, work no more than 20% of the shift's duration at full intensity in the heat. Increase the duration of time at full intensity by no more than 20% a day until workers are used to working in the heat.

Drink Cool Water

Drink cool water even if you are not thirsty — at least 1 cup every 20 minutes.

Take Rest Breaks

Take enough time to recover from heat given the temperature, humidity, and conditions.

Find Shade or a Cool Area

Take breaks in a designated shady or cool location.

Dress for the Heat

Wear a hat and light-colored, loose-fitting, and breathable clothing if possible.

Watch Out for Each Other

Monitor yourself and others for signs of heat illness.

If Wearing a Face Covering

Change your face covering if it gets wet or soiled. Verbally check on others frequently.

First Aid for Heat Illness

The following are signs of a medical emergency!

- Abnormal thinking or behavior
- Slurred speech
- Seizures
- Loss of consciousness

1. » CALL 911 IMMEDIATELY
2. » COOL THE WORKER RIGHT AWAY WITH WATER OR ICE
3. » STAY WITH THE WORKER UNTIL HELP ARRIVES

Watch for any other signs of heat illness and act quickly. When in doubt, call 911.

If a worker experiences:

- Headache or nausea
- Weakness or dizziness
- Heavy sweating or hot, dry skin
- Elevated body temperature
- Thirst
- Decreased urine output

Take these actions:

- » Give water to drink
- » Remove unnecessary clothing
- » Move to a cooler area
- » Cool with water, ice, or a fan
- » Do not leave alone
- » Seek medical care if needed

OSHA® Occupational Safety and Health Administration

For more information: 1-800-321-OSHA (6742)
TTY 1-877-889-5627 www.osha.gov/heat

Federal law entitles you to a safe workplace. You have the right to speak up about hazards without fear of retaliation. See **www.osha.gov/workers** for information about how to file a confidential complaint with OSHA and ask for an inspection.

OSHA 3431-05R 2021

TRAINING ATTENDEE SIGN-IN

I have understood the materials presented and have had my questions answered satisfactorily. In the event of any other questions, I know the individuals to contact. ESPAÑOL: *He entendido todo el material presentado y me han contestado todas las preguntas que tenía. Si tengo alguna pregunta más en el futuro, sé con quién comunicarme.*

Training/Meeting: _____

Training Topic(s): _____

Trainer(s): _____

Date: _____

Location: _____

ATTENDEE'S NAME PLEASE PRINT	TITLE OR POSITION	COMPANY NAME or O&M or EPC	ATTENDEE'S SIGNATURE
1.			
2.			
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7.			

TRAINING ATTENDEE SIGN-IN

ATTENDEE'S NAME PLEASE PRINT	TITLE OR POSITION	COMPANY NAME or O&M or EPC	ATTENDEE'S SIGNATURE
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18.			

State of Oregon
Department of
Environmental
Quality

GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
CONSTRUCTION STORMWATER DISCHARGE PERMIT

Oregon Department of Environmental Quality
700 NE Multnomah St. Suite 600, Portland OR 97232
Telephone: (503) 229-5279 or 1-800-452-4011 (toll free in Oregon)

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

REGISTERED TO:

Date:

Gen 1200-C

File No.

EPA No.

Site:

PERMIT AREA

This 1200-C Construction Stormwater General Permit authorizes discharges in Oregon excluding tribal trust and reservation lands.

SOURCES COVERED BY THIS PERMIT

Permit coverage is required under this General Permit if the following activities have the potential to discharge to surface waters or to a conveyance system that leads to surface waters of the state in Oregon and do not have coverage under another NPDES permit:

a. Any construction activity and materials or equipment staging and stockpiling that will disturb one or more acres of land; or
b. Any construction activity and materials or equipment staging and stockpiling that will disturb less than one acre of land but is part of a common plan of development or sale that will ultimately disturb one or more acres of land; or
c. Any construction activity that results in the disturbance of less than one acre of land that is a necessary and required component (e.g. utilities, structure, or infrastructure) of a final project that will ultimately disturb one or more acres of land; or
d. Any construction activity that may discharge stormwater to surface waters of the state that may be a significant contributor of pollutants to waters of the state or may cause an exceedance of a water quality standard.

Justin Green
Water Quality Division Administrator

Effective: December 15, 2020
Expiration Date: December 14, 2025

LIMITATIONS OF COVERAGE

This permit does not authorize:

a. In-water work or projects that may result in the discharge of fill or dredged material into waters of the U.S. and the state, which are regulated by other programs and agencies.

    1. DEQ recommends applicants identify, apply for and resolve any state (Department of State Lands) or federal (US Army Corps of Engineers) and DEQ 401 water quality certification requirements before applying for 1200-C NPDES permit coverage to prevent unintended non-compliance situations with other regulatory programs. If additional regulatory requirements, such as those listed above, are deemed necessary by other regulatory jurisdictions and agencies for the construction activity identified in the 1200-C application or Erosion and Sediment Control Plan, the registrant may be required to significantly alter the project and erosion and sediment controls to accommodate other regulatory jurisdiction requirements.

b. Stormwater discharges associated with industrial activities [as defined in 40 CFR §122.26(b)(14)] or stormwater associated with municipal separate sto1m sewer systems [as 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) or DEQ's NPDES MS4 Stormwater Permits; or another appropriate NPDES permit.
c. Post-construction stormwater discharges that originate from the site after completion of construction activities and the site is stabilized.
d. Stormwater discharges to underground injection control (UIC) systems.

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SCHEDULE A
CONTROLS AND EFFLUENT LIMITATIONS

1. CONSTRUCTION GENERAL PERMIT

Until this permit expires, is modified, revoked, or terminated the permit registrant is authorized to construct, install, modify, and operate erosion and sediment control measures and stormwater treatment and control facilities. The registrant may discharge stormwater and authorized non-stormwater discharges to surface waters of the state or conveyance systems leading to surface waters of the state only in conformance with all requirements, limitations, and conditions set forth in this permit.

Unless specifically authorized by this permit, by regulation issued by EPA, by another NPDES permit, or by Oregon Revised Statute, Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited, including discharges to underground injection control systems.

To register for this permit, the eligibility conditions and permit coverage requirements must be met.

1.1 ELIGIBILITY CONDITIONS

1.1.1 Responsible person that must obtain coverage under this general permit

The following is considered a responsible person and must register with DEQ or Agent for coverage under this general permit if either of the following criterion are met:

a. The responsible person has operational control over construction plans and specifications, including the ability to make or approve modifications to those plans and specifications (e.g. in most cases this is the owner of the site, agent of owner, engineer); **or**
b. The responsible person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g. in most cases this is the general contractor).

The responsible person must register with DEQ or Agent for coverage under this permit before any land disturbance occurs.

1.2 APPLICATION REQUIREMENTS FOR PERMIT COVERAGE

A complete and accurate application must be submitted to DEQ or Agent at least thirty (30) days prior to the planned land disturbing construction activities. Construction activities are not authorized until DEQ or Agent issues discharge authorization.

1.2.1 Application submittal

The responsible person must ensure the application materials are submitted, and is hereafter referred to as the Permit Registrant (also referred to as Registrant, see Definitions). The registrant must sign the application in accordance with the signatory requirements of Schedule F Section D8.

1.2.2 Application

The application must include the items below and be submitted to DEQ or Agent in the format required per Section 1.2.13:

a. A complete and accurate DEQ or Agent approved application form;
b. The Erosion and Sediment Control Plan (ESCP) developed for the project area that necessitates permit coverage;
c. A Land Use Compatibility Statement (LUCS) indicating that the proposed activities are compatible with the local government's acknowledged comprehensive plan; and
d. The application fee and annual fee for the first year of permit coverage according to OAR 340-045-0075, Table 70G.

1.2.3 Multi-Phase developments (e.g. residential subdivisions)

A map and description of each phase of the multi-phase development must be in the ESCP and submitted with the permit application. All phases of the development for which land use approvals are approved must be included in the ESCP. The addition of post-coverage phases within the proposed development will require separate 1200-C permit coverage. Construction activities, including stockpiling and staging, cannot commence within a phase unless that phase has a DEQ or Agent approved ESCP.

1.2.4 Construction projects that disturb five or more acres

Registrants seeking coverage under this permit for construction activities that disturb or are likely to disturb five or more acres after permit coverage is issued, are subject to a 14 calendar day public review period before permit registration is granted. The public review period will begin after DEQ or Agent determines that the application and ESCP are complete. If construction activities expand beyond five acres after permit coverage was originally assigned, a 14 calendar day public review period will be required. During the 14 calendar day public review period, registrants are not authorized to conduct construction activities in accordance with 340-045-0033(6)(b) until and unless permit coverage is approved by DEQ or Agent.

1.2.5 Discharge authorization

Permit coverage begins when the registrant receives documented notice from DEQ or Agent that the registration is approved.

1.2.6 Annual fee

Registrants must pay the annual fee, if applicable, until DEQ approves termination of permit coverage.

1.2.7 Changes to application information

Registrants must notify DEQ or Agent regarding any changes to the information provided on the 1200-C application by submitting the following within 30 days of occurring:

a. Changes to the registrant's mailing address, email address, and phone number;
b. Changes to the on-site contact person information; and

c. Changes to the area/acreage affected by construction activity from the originally submitted LUCS requires a LUCS reflective of the project site.

1.2.8 Transfer of permit registration

Permit coverage may not be transferred to a third party without prior written approval from DEQ or Agent.

a. If the registrant intends to transfer permit registration to a new registrant:
    i. The current registrant must resolve all outstanding compliance and enforcement issues;
    ii. Pay all outstanding permit fees; and
    iii. Submit permit transfer form with the applicable fees prior to permit expiration and within 30 calendar days of the planned transfer.

b. If ownership changes (through sale, foreclosure or other means) and the previous registrant cannot be found:
    i. The new responsible person for the discharge source must:
        a) Register for coverage under the permit if the site is not stabilized; and
        b) Register for coverage under the permit prior to any additional land disturbance.
    ii. The new responsible person does not need to register for coverage under the permit if the site meets the conditions for termination (see Section 7.1) and there is no ongoing or additional land disturbance planned.

DEQ or Agent may terminate permit coverage after sixty (60) calendar days if the previous owner is nonresponsive and the site has not been transferred per the conditions above.

1.2.9 Environmental Management Plan

The registrant must complete an Environmental Management Plan (EMP, see Appendix A), pay the review fee, and submit the required documents found on DEQ's website and electronic reporting system with the 1200-C permit application when the following conditions exist or are anticipated. If these conditions are discovered after registering for permit coverage, the EMP must be approved before work at the site begins. An approved EMP becomes a component of the ESCP. An EMP must be submitted for the following:

a. If contaminated soils, contaminated groundwater, or hazardous materials will or have the potential to be encountered during construction activities. Provide detailed information with the Contaminated Media Management Plan (CMMP) on the nature and extent of the contamination (concentration, location, and depth) as well as pollution prevention and/or treatment BMPs proposed to control the discharge of impacted soil, groundwater, or hazardous building materials debris in stormwater. In the event that undocumented contamination, underground storage tanks, or other potentially hazardous conditions are encountered that are not addressed in the Environmental Management Plan, 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 CMMP.
b. An active 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. When "cationic treatment chemicals" are proposed, the registrant must demonstrate to DEQ that appropriate controls and implementation procedures are used to ensure that the use of cationic treatment chemicals will not lead to discharges that cause an exceedance of water quality standards or harm aquatic life.

DEQ may assign coverage under this permit after the registrant has included appropriate controls and implementation procedures designed to ensure that the above activities will not lead to discharges that cause an exceedance of water quality standards. In the absence of authorization, the registrant must apply for and receive coverage under an individual permit prior to discharging from the site.

1.2.10 Procedures for denial or revocation of coverage

DEQ or Agent may refuse to authorize or revoke coverage under this general permit and require the responsible person to apply for an individual NPDES permit in accordance with the procedures in OAR 340-045-0033(10). If that occurs, DEQ or Agent will notify the registrant in writing that an individual permit is required.

1.2.11 Application considerations

DEQ or Agent will not authorize discharges under this permit if:

a. DEQ or Agent determines that application materials are incomplete or do not meet the permit requirements;
b. The site is covered under a different NPDES permit for the same discharge (i.e. 1200-CN), or any other NPDES permit for a stormwater discharge associated with construction activity (NPDES wastewater and industrial permit coverage for separate discharges associated with the site are allowed); or
c. DEQ or Agent determine that the conditions of this general permit are not adequate to achieve water quality standards or protect beneficial uses.

1.2.12 Renewal application for permit coverage

If a registrant intends to continue coverage under this permit after the permit expiration date of December 14, 2025 a complete renewal application must be submitted to DEQ along with any other required documents (i.e. ESCP) at least 180 days prior to permit expiration to ensure uninterrupted permit coverage unless DEQ grants permission to submit an application less than 180 days in advance.

1.2.13 Electronic system use requirement

Permit registrants must submit all required documents and payments using DEQ's electronic reporting system, available on DEQ's website, when directed to do so. Permit registrants unable to submit reports electronically (for example, those who do not have an internet connection) must contact DEQ to request a waiver. DEQ will notify the registrant if an electronic waiver request is approved or denied.

Permit registrants who obtain a waiver not to use DEQ's electronic reporting system must use the reporting forms provided to them by DEQ, if applicable, and an additional fee may be assessed. DEQ may limit the duration of approved waivers from electronic reporting.

Permit registrants reporting to an Agent of DEQ must use the DEQ electronic reporting system when directed to do so.

1.3 AUTHORIZED STORMWATER DISCHARGES UNDER THIS PERMIT

The following is a list of stormwater discharges from construction sites that are authorized under this permit provided that all stormwater controls are designed, installed, and maintained (See Sections 2, 3, and 4) as required by this permit:

1.3.1 Stormwater discharges including stormwater runoff, snowmelt runoff, and surface water

These stormwater discharges also include drainage associated with construction activity described in the Sources Covered section of this permit.

1.3.2 Stormwater discharges from construction support activities at the construction site when:

a. The support activity is directly related to the construction site covered by this NPDES permit.
b. The support activity is not a commercial operation, nor does it serve multiple unrelated construction projects.
c. The support activity does not operate beyond the completion of the construction activity at the last construction project it supports; and
d. The appropriate control measures are implemented to ensure compliance with the discharge and water quality requirements of Sections 2 and 3 of this permit.

1.4 AUTHORIZED NON-STORMWATER DISCHARGES

The following non-stormwater discharges from construction sites are authorized if the terms and conditions of this permit are met, all necessary controls are implemented to minimize sediment transport, the discharge is not a significant source of pollutants and not contaminated, and the discharge is not prohibited by local ordinance:

a. Water and associated discharges from emergency firefighting activities;
b. Fire hydrant flushing;
c. Properly managed landscape irrigation;
d. Water used to wash equipment and vehicles (excluding the engine, undercarriage, and wheels/tires) provided there is no discharge of soaps, solvents, or detergents used;
e. Water used to control dust;
f. Potable water including uncontaminated water line flushings;
g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances;
h. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. Directing pavement wash waters into any surface water, storm drain inlet, or stormwater conveyance is prohibited, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control for the pollutants present.

Per 2.2.19.b, hosing of accumulated sediments on pavement into any stormwater conveyance is prohibited;

i. Uncontaminated air conditioning or compressor condensate;
j. Uncontaminated, non-turbid discharges of groundwater or spring water;
k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater; and
l. Construction dewatering activities (including groundwater dewatering and well drilling discharge associated with the registered construction activity), provided that:
    a) The water is land applied in a way that results in complete infiltration with no potential to discharge to a surface water of the state, or the use of a sanitary or combined sewer discharge is authorized with local sewer district approval; or
    b) Best Management Practices and a treatment system approved by DEQ or Agent (see Section 1.2.9) are used to ensure compliance with discharge and water quality requirements in Section 2.4.

1.4.1 Combined discharges

Authorized stormwater discharges listed above in Sections 1.3.1 and 1.3.2 and authorized non-stormwater discharges in Section 1.4 combined in a common conveyance system are authorized under this permit.

1.5 PROHIBITED DISCHARGES

The following discharges are prohibited discharges and are not authorized by this permit:

a. Visually turbid discharge or discharge of sediment (see Section 2.2.11) from the construction site to surface waters or a conveyance system that leads to waters of the state;
b. Causing or contributing to an exceedance of any applicable water quality standard;
c. Concrete wastewater from washing tools and vehicles after pouring, prepping, or finishing concrete;
d. Wastewater from washing and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
e. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
f. Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown;
g. Wheel/tire wash wastewater, unless the discharge of wheel wash or tire bath wastewater is to a separate treatment system that prevents discharge to surface water, such as closed-loop recirculation or upland land application, or to the sanitary sewer with approval from the local jurisdiction;
h. Hydro-demolition water, and saw-cutting slurry; and
i. Toxics or hazardous substances from a spill or other release.

To prevent the above-listed prohibited non-stormwater discharges, registrants must comply with the applicable Pollution Prevention requirements in Section 2.3.

2 TECHNOLOGY BASED EFFLUENT LIMITATIONS/CONTROL MEASURES

The control measures in this section are technology-based effluent limitations (TBELs).

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

Prior to and during the discharge of stormwater and authorized non-stormwater discharges to surface waters of the state, the registrant must design, install, and maintain effective stormwater control and treatment methods required in this section to prevent the discharge of pollutants in stormwater from construction activities that may cause or contribute to a violation of water quality standards. To meet this requirement, the registrant must:

2.1.1 Factors to consider when designing stormwater controls

Consider the following factors when designing stormwater controls:

a. The expected amount, frequency, intensity, and duration of precipitation;
b. The nature of stormwater runoff and run-on (See definitions) at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features; and
c. The soil type and range of soil particle sizes expected to be present on the site.

The stormwater controls must be designed to control stormwater volume, velocity, and peak flow rates to prevent discharges of pollutants in stormwater and to prevent channel and streambank erosion and scour (i.e. hydromodification) in the immediate vicinity of discharge points.

2.1.2 Design and install all stormwater controls in accordance with engineering and professional practices

Design and install all stormwater controls in accordance with appropriate, recognized and generally accepted engineering and professional practices, including applicable design specifications and manufacturer's instructions.

2.1.3 Installation of stormwater controls

Permit registrant must complete the installation of stormwater controls before each phase of construction activities begin as follows:

a. Install and implement any downgradient sediment controls (e.g. buffers, perimeter controls, discharge point controls, storm drain inlet protection) before construction activity in any portion of the site begins;
b. Install erosion prevention measures (e.g. matting, straw mulch, compost blankets) on cleared areas that will not be worked for 14 days; and
c. Following the installation of stormwater controls for initial construction activities the registrant must adjust stormwater controls and management strategies throughout the project site to meet and match the needs of each phase of construction as the project is implemented.

2.1.4 Ensure that all stormwater controls are maintained and remain effective

Permit registrant must ensure that all stormwater controls are maintained and remain effective during permit coverage and are protected from activities that would reduce their effectiveness including:

a. Follow maintenance recommendations from the manufacturer and utilize appropriate, recognized and generally accepted engineering and professional practices based on site conditions. The registrant must document deviations from manufacturer recommendations in the inspection report.
b. Comply with any specific maintenance requirements for the stormwater controls implemented as required in this permit and in the ESCP. Regular maintenance is required and is not limited to response actions that result from inspections or identified problems.
c. Initiate repairs and replacements of stormwater controls when maintenance issues are discovered;
d. Record any stormwater controls installed (where none had previously been), repaired, replaced, or removed, as required in sections 5.2 and 6.5.

2.1.5 Maintaining erosion and sediment controls

Maintain specific erosion and sediment controls as follows:

a. Inspect and maintain erosion control measures (e.g. reseed, apply additional mulch, address blanket malformation and soil sloughing underneath).
b. Remove trapped sediment from sediment fence before it reaches one third of the above ground fence height.
c. Remove sediment before it reaches two inches above ground for sediment barriers such as straw wattles and biobags.
d. Clean catch basins before sediment retention capacity is reduced by 50 percent.
e. Remove sediments from sediment basins before design capacity is reduced by 50 percent.

2.2 EROSION PREVENTION AND SEDIMENT CONTROL AND TREATMENT REQUIREMENTS

The registrant must implement erosion prevention and sediment control, and treatment methods in accordance with the following requirements to prevent the discharge of pollutants in stormwater from construction activities. Registrant must ensure that soils are stable during all rain events throughout the year.

2.2.1 Activities before construction commences

Before construction activities commence the permit registrant must identify and protect any:

a. Riparian areas and vegetation including trees and associated root zones, and vegetation areas to be preserved;
b. Vegetated buffer zones between the site and sensitive areas (e.g. wetlands, springs, groundwater seeps, etc.), and other areas required to be preserved, especially in perimeter areas; and
c. Post-construction stormwater facilities designed and engineered to infiltrate or filter stormwater.

2.2.2 Sequence clearing, grading and other land disturbing activities

Permit registrant must sequence clearing, grading and other land disturbing actives to the maximum extent practicable to prevent exposed inactive areas from causing erosion as per Section 2.2.20.

2.2.3 Prevent bypass and ponding

Create smooth surfaces between the soil surface and erosion and sediment controls when possible to prevent stormwater from bypassing controls or ponding.

2.2.4 Establish and maintain natural buffer zones and/or equivalent erosion and sediment controls

When a surface water of the state is located within 50 feet of the site's land disturbances:

a. The registrant must comply with local natural buffer zone requirements before proposing the following compliance alternatives. For any discharges to surface waters of the state located within 50 feet of the site's land disturbances, the registrant must comply with one of the following alternatives:
    i. Maintain a 50-foot undisturbed natural buffer zone; or
        1. Maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer (see Appendix B); or
        2. If infeasible to provide and maintain an undisturbed natural buffer zone of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer zone.

b. If DEQ determines that the project requires a 401 water quality certification or impacts waters of the state, construction activities, including stockpiling and staging of materials, are prohibited from encroaching into the existing 50 foot natural buffer zone of any water of the state, unless otherwise authorized in the 401 water quality certification or any other applicable agency authorization; and the project may not claim the natural buffer zone alternatives of 2.2.4.a.

c. If a registrant's project has the potential to discharge to a waterbody that is listed as impaired and requiring a Total Daily Maximum Load (TMDL) for turbidity or sedimentation on the most recently approved Oregon 303(d) list (found on the "Water Quality Assessment" page of DEQ's website), or has an established TMDL for turbidity or sedimentation, the registrant must maintain established vegetated buffers that are sized at 50 feet (horizontally) plus an additional 25 feet (horizontally) per five degrees of slope, or propose control measures of equal effectiveness to DEQ or Agent for approval (when the discharge enters an impaired watershed unit, the listing will only be applied if there is a hydrologic connection between the receiving water and assessment water body causing the impairment).

d. Sediment and erosion control measures installed for any natural buffer zone requirement must be maintained and disposed of appropriately before project completion.

See Appendix B for natural buffer zone guidance, additional conditions applicable to each compliance alternative, and for exceptions to the compliance alternatives.

For permit registrants that received permit coverage prior to December 14, 2020, the approved natural buffer zone width and approved erosion and sediment controls are deemed appropriate.

2.2.5 Vegetation

a. When possible preserve existing vegetation;
b. Direct stormwater to vegetated areas to maximize stormwater infiltration and filtering to reduce pollutant discharges where feasible;
c. Re-vegetate open areas as soon as the site is no longer active; and
d. Identify the composition of seed mix (percentage of annuals, perennials, and clover) and other plantings used to establish temporary cover in the ESCP.

2.2.6 Install sediment controls along all perimeter areas of the site that will receive stormwater runoff

For areas at "linear construction sites" (See Definitions) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices to prevent pollutant discharges to perimeter areas of the site.

2.2.7 Prevent sediment track-out

To prevent sediment track-out onto public or private roads do the following:

a. Establish graveled or paved exits and parking areas prior to any land disturbance;
b. Restrict vehicle use to properly designated entry and exit points. Use appropriate stabilization techniques at all points that exit onto paved roads (e.g. aggregate stone with an underlying geotextile or non-woven filter fabric; and turf mats);
    i. Exception: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to prevent sediment track-out;
c. Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit (e.g. wheel and tire washing, rumble strips, and rattle plates);
d. Gravel all unpaved roads located onsite unless temporary or permanent stabilization measures are not required (see section 2.2.20) ;
e. Cover all sediment loads leaving the site;
f. When trucking saturated soils from the site, use water-tight trucks or drain loads on site;
g. Where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas outside of the site, remove the sediment by the end of the same business day that the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Track-out must be removed by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal; and
h. Hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the state is prohibited.

2.2.8 Locate stockpiles away from construction activities that contain sediment or soil

Manage stockpiles and locate them away from construction activities, and land clearing debris piles that contain sediment or soil as follows:

a. Locate the piles outside of any natural buffers established under Section 2.2.1 and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;
b. Install a sediment barrier (e.g. berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale) along all downgradient perimeter areas;
c. Soil stockpiles must be stabilized or covered at the end of each workday, and before weekends, holidays, or extended breaks in construction activities if needed based on weather forecasts;
d. Provide cover (e.g. tarps, blown straw or hydroseed) or appropriate temporary stabilization consistent with Section 2.2.20) for any piles not in use; and
e. Hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or water of the state is prohibited.

2.2.9 Prevent wind erosion and control dust

Prevent wind-blown soil and dust from areas with exposed soil through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site. Federal regulation 40 CFR Part 279 prohibits the use of used oil as a dust suppressant.

2.2.10 Steep slope (see Definitions) disturbances in areas where construction activities are not occurring or projected are prohibited

2.2.11 Prevent the discharge of sediment to surface waters or conveyance systems leading to surface waters of the state.

The following conditions indicate that sediment has left or is likely to leave the site and are prohibited:

a. Required stabilization has not been initiated or completed;
b. Earth slides or mud flows;
c. Concentrated flows of stormwater such as rills, rivulets, gullies or channels that cause erosion when such flows are not filtered, settled, or otherwise treated to remove sediment;
d. Sediment laden or turbid flows of stormwater that are not filtered or settled to remove sediment and turbidity;
e. Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or to catch basins that discharge to surface waters. Inlets and catch basins with failing sediment controls due to a lack of maintenance or inadequate design are considered unprotected;
f. Sediment basins or traps without adequate wet or dry storage volume or sediment basins or traps that allow discharge of stormwater from below the surface of the wet storage portion of the basin or trap;
g. Deposits of sediment from the project site on any property (including public and private streets) outside of the construction activity covered by this general permit; and

h. Deposits of sediment from the project site at discharge locations or the banks of any waters flowing within or immediately adjacent to the site.

2.2.12 Prevent soil compaction

In areas of the site where final vegetative stabilization will occur or where post-construction infiltration practices will be installed (See Section 2.2.1.c) the registrant must:

a. Preserve native topsoil by stockpiling or transferring to other locations, unless infeasible;
b. Restrict vehicle and equipment use in these locations to avoid soil compaction; and
c. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.13 Protect storm drain inlets

The following storm drain inlet protection measures are required:

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that conveys stormwater flow, provided the registrant has authority to access the storm drain inlet; and
b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.14 For projects involving concrete, establish concrete truck and other concrete equipment washout areas before beginning concrete work.

In addition, registrants must:

a. Wash concrete trucks and equipment in an appropriately protected area or in designated concrete washout areas only.
b. Direct all concrete wash water into an impermeable-lined pit or leak-proof container designed so that overflows will not occur due to inadequate sizing or precipitation.
c. Locate activities away from waters of the state and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the state.
d. Concrete wash may not adversely affect groundwater.
e. Concrete washout and waste concrete management areas must be maintained and functional.
f. Handle (e.g. through disposal, reuse or recycle) wash water as waste. Do not dispose of concrete wash water or wash out concrete trucks onto the ground, or into storm drains, open ditches, streets, or streams.
g. Not dump excess concrete on site, except in designated concrete washout areas.
h. Handle (e.g. through disposal, reuse or recycle) hardened concrete waste consistent with handling of other construction wastes.
i. Concrete spillage or concrete discharge to surface waters of the state is prohibited.

2.2.15 Establish material and waste storage areas, and other non-stormwater controls before construction activities commence

2.2.16 Control stormwater discharges

Control all stormwater discharges, including both peak flowrates and total stormwater volume, to prevent channel and streambank erosion and scour in the immediate vicinity of discharge points as follows:

a. Use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to prevent erosion.
b. Protect stream banks from concentrated flows by constructing runoff control measures (e.g. check dams, outlet protection (riprap), pipe slope drains, swales/dikes, surface roughening).

2.2.17 Engineered sediment basin or similar impoundment installed

If an engineered sediment basin or similar impoundment is installed the following must take place:

a. The design must be prepared and stamped by an Oregon Registered Professional Engineer per Section 4.1.b;
b. The basin or impoundment must be situated outside of any water of the state, any natural water quality buffers, and any post-construction stormwater facility designed and engineered to infiltrate established under Section 2.2.1;
c. The basin or impoundment must be designed to avoid collecting water from wetlands;
d. The basin or impoundment must be designed to provide storage for either of the following:
    i. Find the site's estimated 2-year, 24-hour precipitation. The 2-year, 24 hour precipitation can be found using the Precipitation Frequency Data Server (PFDS) developed by the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) or the Oregon Department of Transportation (ODOT) Precipitation Data Viewer; or
    ii. 3,600 cubic feet per acre drained.
e. The design must utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;
f. The design must use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and
g. Follow maintenance requirements per Sections 2.1.4 and 2.1.5.

For permit registrants that received permit coverage prior to December 14, 2020, the approved sediment basin is deemed appropriate.

2.2.18 Engineered sediment basin or similar impoundment must be installed with engineered soils

An engineered sediment basin or similar impoundment must be installed on sites with engineered soils as follows:

a. For construction activity involving the use of engineered soils (soil amendments including, but not limited to Portland cement-treated base [CTB], cement kiln dust [CKD],

or fly ash), the registrant must install an engineered sediment basin or similar impoundment in accordance with Section 2.2.17 (e.g. trap, pond) to treat high pH runoff (i.e. above 8.5 standard units) before discharge. The registrant is required to determine the acceptable pH water quality criteria range of site discharge based on criteria of the receiving waterbody according to OAR 340-041-0021. If necessary the registrant must adjust or neutralize the high pH water until it is in the range of pH Standard Units (su) using an appropriate treatment BMP such as carbon dioxide (CO_2) sparging or dry ice.

b. The permittee must obtain written approval from DEQ or Agent before using any form of chemical treatment other than CO2 sparging or dry ice (see Section 1.2.9). See Section 6.6.1 for pH sampling requirements.

2.2.19 Maintain site

a. Clean up sediment that leaves the site and place sediment back on the site and stabilize, or disposed of sediment properly within 24 hours. In addition, the source(s) of the sediment must be controlled to prevent continued or additional discharge within 24 hours of being identified, and a corrective action report submitted to DEQ or Agent per section 5.3. Until the sediment or turbidity are no longer visually detectable, immediate corrective actions or the implementation of additional and appropriate BMPs is required to ensure the registrant is not causing or contributing to a violation of water quality standards. Any instream cleanup of sediment may require authorization from the Oregon Department of State Lands.
b. Do not intentionally wash sediment into storm sewers or drainage ways. Methods such as vacuuming, dry mechanical sweeping, or manual sweeping must be used to cleanup released sediments.

2.2.20 Stabilize exposed portions of the site

Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that prevent erosion from exposed portions of the site. Initiate the installation of temporary stabilization measures (e.g. blown straw and a tackifier, loose straw, compost mulch, temporary vegetative cover, crushed rock or gravel base), final vegetation cover, or permanent stabilization measures immediately whenever any land disturbing activities have permanently ceased or will be temporarily inactive on any portion of the site for 14 or more calendar days. Document the day the activities cease and the location on site in the visual monitoring report (see Section 6.5.e). Complete the installation of stabilization measures as soon as practicable, but no later than seven calendar days after stabilization has been initiated.

2.2.21 Final Stabilization Criteria (for any areas not covered by permanent structures). Prior to permit termination, registrants must:

Prior to permit termination, registrants must:

a. Establish uniform (i.e., evenly distributed, without large bare areas) perennial vegetation that provides 70 percent or more cover on all exposed areas**.** Limited allowable exceptions include:

    i. For sites where it is difficult to establish 70 percent coverage (e.g. arid, semiarid, or drought stricken areas), the registrant must cover exposed soil between planted or

seeded areas with bio or photo degradable controls designed to prevent erosion without active maintenance, or propose a site-specific plan to DEQ for approval.

ii. Disturbed areas on farm use land as defined in ORS 308A.056 (e.g. pipelines across crop or range land, or staging areas for highway construction) that are restored to their preconstruction farm use are not subject to final vegetative stabilization criteria.

iii. Stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials);

b. Implement temporary bio or photo-degradable non-vegetative stabilization measures (e.g. mulch or rolled erosion control products) to provide effective cover while vegetation is being established, to prevent erosion of the seeded or planted area;
c. Ensure that final vegetative cover or permanent stabilization is established before temporary sediment controls are removed unless doing so conflicts with local requirements;
d. Ensure there is no reasonable potential for discharge from the site of construction-related sediment or turbidity to surface waters;
e. Remove and properly dispose of all construction materials, waste and waste handling devices, and remove all equipment and vehicles that were used during construction, unless intended for long-term use following the termination of permit coverage;
f. Remove all temporary stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following the termination of permit coverage;
g. Remove sediment from permanent (post-construction) structural stormwater facilities by over excavating and replacing with growth media before vegetating; and
h. Remove all potential pollutants, including any sediment being retained by temporary erosion and sediment controls, and discontinued pollutant-generating activities associated with construction, unless needed for long-term use following the termination of permit coverage.

2.3 POLLUTION PREVENTION CONTROLS

The registrant must implement pollution prevention controls in accordance with the following requirements to prevent the discharge of pollutants to stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities, such as building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, fuels, lubricants, and other materials present.

The registrant must provide written spill prevention and response procedures, employee training on spill prevention and proper disposal procedures, spill kits available on site, regularly maintained vehicles and machinery, material delivery and storage controls, signage, and covered storage areas for waste and supplies.

2.3.1 General conditions

Provide an effective means of eliminating the discharge of any waste from any activities performed on site by implementing the following:

a. Locate activities away from waters of the state and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the state;

b. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of liquids, and provide secondary containment (e.g. spill berms, decks, spill containment pallets);
c. Have a spill kit available on site and ensure personnel are available to respond expeditiously in the event of a leak or spill;
d. Clean up spills or contaminated surfaces immediately using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge; and
e. Store materials in a covered area (e.g., plastic sheeting, temporary roofs), or in secondary containment to prevent the exposure of these containers to precipitation or stormwater runoff, or a similarly effective means designed to prevent the discharge of pollutants from these areas.

2.3.2 Equipment and vehicle fueling and maintenance

a. Use drip pans and absorbents under or around vehicles; and
b. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements.

2.3.3 Equipment and vehicle washing:

a. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water.
b. Prevent the discharge of turbid vehicle wash water to waters of the state or conveyances that lead to waters of the state.

2.3.4 Building materials and building products:

Minimize material exposure in cases where the exposure to precipitation or to stormwater will result in a discharge of pollutants (e.g. elevate materials from soil to prevent leaching of pollutants).

2.3.5 Pesticides, herbicides, insecticides, and fertilizers:

Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Section 2.3.6). When applying fertilizers, registrants must:

a. Apply at a rate and in amounts consistent with manufacturer's specifications;
b. Apply at the appropriate time of year for the location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;
d. Never apply to frozen ground;
e. Never apply to stormwater conveyance channels; and
f. Follow all other federal, state, and local requirements regarding fertilizer application.

2.3.6 Hazardous or toxic wastes

a. Separate hazardous or toxic waste from construction and domestic waste;

b. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are clearly labeled with their contents in accordance with all applicable federal, state, tribal, or local requirements;
c. Store all outside containers within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available on site); and
d. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements.

2.3.7 Construction and domestic wastes

a. Provide waste containers (e.g., dumpster, trash receptacle) that provide ground separation and are of sufficient size and number to contain construction and domestic wastes;
b. Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either (1) cover (e.g., a tarp, plastic sheeting, temporary roof) to prevent exposure of wastes to precipitation, or (2) a similarly effective means designed to prevent the discharge of pollutants (e.g., secondary containment);
c. Clean up and dispose of waste in designated waste containers; and
d. Clean up immediately if containers overflow.

2.3.8 Sanitary wastes

Position portable toilets so that they are secure and will not be tipped or knocked over, and located away from waters of the state and stormwater inlets or conveyances.

2.3.9 Washing applicators and containers

Washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. No discharge of these liquid wastes is allowed in storm sewers or waters of the state;
b. Dispose of liquid wastes in accordance with applicable requirements;
c. Remove and dispose of hardened concrete waste consistent with the handling of other construction wastes in Section 2.3.7; and
d. Locate any washout or cleanout activities as far away as possible from waters of the state and stormwater inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities with signs and in the ESCP and conduct such activities only in these areas.

2.3.10 Emergency spill notification requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Section 1.5. Where a leak, spill, or other release containing a hazardous substance or oil occurs during a 24-hour period, the registrant must notify the Oregon Emergency Response System at (800) 452-0311 as soon as the registrant has knowledge of the release. Contact information must be in locations that are readily accessible and available to all employees.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

This section pertains to accumulated water from precipitation and uncontaminated groundwater seepage due to shallow excavation activities, not for the lowering of contaminated groundwater (see Section 1.2.9). Registrant must comply with the following requirements to prevent the discharge of pollutants in groundwater or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Section 1.5.

a. To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. The registrant is prohibited from using waters of the state as part of the treatment area;
b. Implement the appropriate control measures for dewatering discharges to prevent the discharge of pollutants;
c. Do not discharge visible floating solids or foam;
d. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;
e. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Section 2.2.16;
f. With backwash water, either haul it away for disposal or return it to the beginning of the treatment process;
g. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications;
h. If there is no alternative option, the use of a sanitary or combined sewer discharge is authorized with local sewer district approval; and
i. Active treatment systems for turbidity or any other pollutants must be designed and stamped by an Oregon Registered Professional Engineer.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS AND ASSOCIATED REQUIREMENTS FOR STORMWATER DISCHARGES

Discharges must be controlled to meet all applicable water quality standards. In addition, DEQ or Agent expects compliance with the permit conditions is compliance with applicable water quality standards. At any time the registrant becomes aware, or DEQ or Agent determines, that discharges do not meet applicable water quality standards, corrective actions must be undertaken as required in Sections 5.1.

3.1 GENERAL EFFLUENT LIMITATIONS TO MEET APPLICABLE IN-STREAM WATER QUALTY STANDARDS

Discharges must be controlled and may not cause or contribute to an exceedance of the applicable water quality standards as established in OAR 340-041; specifically OAR 340-041-0036: Turbidity (Nephelometric Turbidity Units, NTU); 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.

4 EROSION AND SEDIMENT CONTROL PLAN (ESCP)

The registrant must implement the ESCP at all times, from initial soil disturbance until permit registration is terminated. Failure to implement any of the control measures or practices described in the ESCP is a permit violation. The ESCP must be kept up-to-date throughout the term of coverage under this permit.

The registrant must ensure that an ESCP is revised as necessary to reflect site conditions, and submit revisions to DEQ or Agent in accordance with the requirements of this permit.

All permit registrants that received permit coverage prior to December 14, 2020 must update the ESCP content and site map to ensure that the requirements of this permit are addressed by February 15, 2021.

4.1 QUALIFICATIONS TO DEVELOP ESCP

a. For construction activities disturbing twenty or more acres, 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 as a preparer:

   i. Certified Professional in Erosion and Sediment Control,
   ii. Certified Professional in Stormwater Quality,
   iii. Oregon Registered Professional Engineer,
   iv. Oregon Registered Landscape Architect; or
   v. Oregon Certified Engineering Geologist.

b. If engineered facilities such as sedimentation basins or diversion structures for erosion and sediment control are required, the ESCP must be prepared and stamped by an Oregon Registered Professional Engineer (see Sections 2.2.17 and 2.2.18).

4.2 DESIGN THE ESCP TO MEET THE OBJECTIVES

The ESCP must be designed to meet the following objectives:

a. To implement best management practices (BMPs) in accordance with appropriate, recognized, and generally accepted engineering practices to prevent erosion and sedimentation, and to identify, reduce, eliminate, or prevent contamination of stormwater and water pollution from construction activities.
b. To prevent violations of water quality standards, erosion and sediment transport from the project site, and meet 1200-C permit technology-based effluent limitations and treatment requirements.
c. To control peak volumetric flow rates and velocities of stormwater discharges to prevent scouring by means such as diverting, collecting, conveying, and/or controlling flows.

4.3 ESCP FOR EACH PHASE OF CONSTRUCTION ACTIVITY

Sediment and erosion controls must be clearly depicted for each of the following four distinct phases of construction activities within the ESCP. In addition, a site description and site map must be developed for the following construction phases:

1. Demolition, clearing, grading, excavating and land development;
2. Street and utilities;
3. Vertical construction; and
4. Final landscaping and site stabilization.

4.4 ESCP CONTENTS

At a minimum, the ESCP must include the information specified below:

a. Clearly identify the ESCP preparer and their credentials or stamp within the ESCP per section 4.1.
b. Name of the site.
c. All contractors to perform work on site.

i. Once known, include a list of all contractors that will engage in construction activities on site, and the areas of the site where the contractor(s) will engage in construction activities. Revise the list as appropriate until permit coverage is terminated.
ii. Include a list of all personnel (by name and position) that are responsible for the design, installation and maintenance of stormwater control measures (e.g. ESCP developer, BMP installer (see Section 4.10), as well as their individual responsibilities.
iii. Personnel conducting visual monitoring must be identified in the ESCP. Provide the following for all personnel conducting visual monitoring of the project site:

1. Name and title;
2. Contact information; and
3. A description of certification per section 6.1, along with any certification numbers and expiration date.

d. Environmental Management Plan per section 1.2.9 if applicable.
e. Site Description must include the following:

i. A description of the construction activities, including structures that are planned for demolition;
ii. The size of the property (in acres and length in miles if a linear construction site);
iii. A statement that clearly identifies the 303(d) Category 4 and 5 impairment status of each receiving water body (when the discharge enters an impaired watershed unit, the listing will only be applied if there is a hydrologic connection between the receiving water and assessment water body causing the impairment);
iv. Any waterbodies to be impacted by construction activities and reference in 401 water quality certifications, USACE permit, DSL permit, and/or any other applicable agency authorization;
v. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
vi. A description of any on-site and off-site construction support activity areas covered by this permit (see Section 1.3.2) such as staging areas;

vii. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;

viii. A description and projected schedule for the following:

1. Estimated start dates of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
2. Temporary or permanent stop dates of construction activities in each portion of the site;
3. Estimated dates of temporary or final stabilization of exposed areas for each portion of the site; and
4. Estimated dates of removal of temporary stormwater controls and construction equipment or vehicles, and the final end date of construction-related pollutant-generating activities.

ix. Type of fill material to be used, and of the site soils prior to disturbance;

x. Composition of seed mix and other plantings used to establish temporary cover;

xi. A statement indicating engineered soils will be used per section 6.6, and pH monitoring is required of sedimentation basins;

xii. Identify all authorized non-stormwater discharges in section 1.4 that will or may occur;

xiii. A list and description of all pollutant-generating activities on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) associated with that activity, which could be discharged in stormwater from the construction site. The registrant must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed, removed, stored, or used on site during construction;

xiv. Description of Stormwater Controls. For each of the Section 2.2 Erosion Prevention and Sediment Control and Treatment Requirements, Section 2.3 Pollution Prevention Controls, and Section 2.4 Construction Dewatering Requirements, as applicable to the site, the registrant must include the following in the detail design sheets of the ESCP:

i. A description of the specific control(s) to be implemented to comply with the requirements of this permit;
ii. Any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);
iii. Routine stormwater control maintenance specifications; and
iv. Proposed timetable indicating when each sediment and control BMP is to be installed/implemented and the duration that it is to remain in place.

xv. Natural buffer zone and/or equivalent sediment controls (see Section 2.2.4 and Appendix B). The registrant must include the following in the narrative site description:

1. The compliance alternative to be implemented;
2. If complying with alternative 1, the width of natural buffer retained;
3. If complying with alternative 2 or 3, the erosion and sediment control(s) the registrant will use to achieve an equivalent sediment reduction, and any information the registrant relied upon to demonstrate the equivalency;

4. If complying with alternative 3, a description of why it is infeasible for the registrant to provide and maintain an undisturbed natural buffer of any size;
5. For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and
6. A description of any disturbances that are exempt under Section 2.2.1 that occur within 50 feet of a water of the state.
7. A description of the vegetated buffers, sized at 50 feet (horizontally) plus an additional 25 feet (horizontally) per five degrees of slope or DEQ or Agent approved control measures of equal effectiveness for any waterbody that is listed as impaired and requiring a TMDL for turbidity or sedimentation on the most recently approved Oregon 303(d) list, or has an established TMDL for turbidity or sedimentation.

xvi. Perimeter controls for a "linear construction site" (see Section 2.2.6). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to prevent discharges of pollutants in stormwater associated with construction activities.

1. Note: Routine maintenance specifications for perimeter controls documented in the ESCP must include Sections 2.1.5.a and 2.2.6 requirement that sediment be removed before it has accumulated to one-third of the above-ground height of any perimeter control.

xvii. Sediment track-out controls (see Section 2.2.7). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit;

xviii. Sediment basins (see Section 2.2.17). The registrant must include the design storm method and calculations, and other design details in the ESCP. In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface of the sediment basin, include documentation to support this determination, including the specific conditions or time periods when this exception will apply;

xix. Treatment chemicals (see Section 1.2.9). The registrant must include the specific controls and implementation procedures designed to ensure that the use of cationic treatment chemicals will not lead to an exceedance of water quality standards;

xx. Stabilization measures (see Sections 2.2.20 and 2.2.21). The registrant must include the specific vegetative and/or non-vegetative practices that will be used;

xxi. Spill Prevention Procedures (see Section 2.3.10). The following must be included:

1. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases;
2. The ESCP may also reference the existence of oil Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity (see Section 2.3.2.a), provided that the registrant keep a copy of on site or electronically available;
3. Waste management procedures (see Sections 2.3.1 and 2.3.4); and
4. The location of fertilizers applied on site (see Section 2.3.5).

xxii. Staff Training. Include documentation that the required personnel are trained in accordance with Section 6.1; and

xxiii. Planned business days and hours for the project known at the time.

f. Site Map. Include a legible map, or series of maps, showing the following features of the site if applicable:

i. Roads and features for DEQ or Agent to locate and access the site;
ii. Boundaries of the property;
iii. Depict the drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;
iv. Locations where construction activities will occur, including:

1. Locations where land disturbing activities will occur (note any phasing), including any demolition activities;
2. Approximate slopes before and after major grading activities (pre and post-elevation contours);
3. For steep slopes (see definitions), clearly label with the words "Steep slope" and include the percentage grade;
4. Locations where sediment, soil, or other construction materials will be stockpiled;
5. Clearly label any water of the state crossings with words "water crossing";
6. Designated points where vehicles will exit onto paved roads;
7. Locations of structures and other impervious surfaces upon completion of construction; and
8. Locations of on-site and off-site construction support activity areas covered by this permit (see Section 1.3.2).

v. Locations of springs, wetlands, surface waters, and all waters of Oregon within and one mile downstream of the site's discharge point. Also identify if any surface waters are 303(d) Category 4 and 5 listed as impaired (when the discharge enters an impaired watershed unit, the listing will only be applied if there is a hydrologic connection between the receiving water and assessment water body causing the impairment);
vi. Riparian areas and vegetation including trees and associated rooting zones, and vegetation areas to be preserved;
vii. Vegetated buffer zones and or equivalent sediment controls (see Section 2.2.4 and Appendix B) between the site and sensitive areas (e.g. wetlands), and other areas to be preserved, clearly label with the words "Natural Buffer Zone";
viii. Clearly label the type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
ix. Temporary and permanent stormwater conveyance systems;
x. Location of concrete wash out;
xi. Location of sanitary facilities;
xii. Location of the nearest official rain gauge, or, if used, location of the registrant's onsite rain gauge;
xiii. Onsite water disposal locations (e.g. for dewatering);
xiv. Storm drain catch basins depicting inlet protection, and a description of the type of catch basins used (e.g. field inlet, curb inlet, grated drain, and combination);
xv. Septic drain field;
xvi. Existing or proposed drywells or other UICs;
xvii. Drinking water wells on site or adjacent to the site;
xviii. Planters;
xix. Detention ponds, storm drain piping, and inflow and outflow details (e.g. bottom elevations and inverts);

xx. Post-construction stormwater facilities designed and engineered to infiltrate or filter stormwater and associated access restriction control measures (Section 2.2.12);
xxi. Locations of all potential pollutant-generating activities identified in Section 4.4.e.xiii;
xxii. Locations of stormwater controls, including any shared controls utilized to comply with this permit;
xxiii. Any other applicable features or controls that are associated with pollution prevention in stormwater discharges;
xxiv. Locations where polymers, flocculants, or other treatment chemicals will be used and stored;
xxv. Locations of engineered soils (see section 2.2.18);
xxvi. Locations of engineered sediment basins (see Section 2.2.17);
xxvii. Receiving water(s). Stormwater and authorized non-stormwater discharge point locations, including:

1. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets; and
2. Locations where stormwater or authorized non-stormwater will be discharged directly to surface waters of the state.

xxviii. Perimeter controls for a "linear construction site" (see Section 2.2.6);
xxix. Sediment track-out controls (see Section 2.2.7); and
xxx. Stabilization measures (see Sections 2.2.20 and 2.2.21). The registrant must include the specific vegetative and/or non-vegetative practices that will be used.

4.5 ESCP CERTIFICATION

The ESCP must be signed and dated by the preparer and in accordance with Section 4.1 if applicable.

4.6 ESCP ATTACHMENTS

Once the registrant is assigned coverage under this permit, the registrant must include the following documents as part of the ESCP:

a. A copy of the application submitted to DEQ or Agent along with any correspondence exchanged between the registrant and DEQ or Agent related to coverage under this permit;
b. A copy of the 1200-C assignment confirmation provided by DEQ or Agent, along with the identification number provided by DEQ or Agent;
c. A copy of this permit (an electronic copy is available on the DEQ website and also acceptable); and
d. A copy of the DEQ approved Environmental Management Plan if applicable (see Section 1.2.9)

4.7 ON-SITE AVAILABILITY OF THE ESCP

The registrant must keep a current copy of the ESCP at the site and be available for inspections or upon request by DEQ or Agent. The ESCP can be stored electronically as long as the personnel on-site can access it and make it available for inspector review.

4.8 ESCP REVISIONS

The ESCP and the site maps must be revised, within seven days of any of the following to accurately reflect site conditions and BMPs used onsite:

a. Changes to the construction plans that impact erosion and sediment control measures;
b. Changes to the stormwater control BMPs, their location, maintenance required, and any other revisions necessary to prevent and control erosion and sediment runoff;
c. An increase in construction activities to adjacent lots (see Section 1.2.7);
d. Other activities at the site that are no longer accurately reflected in the ESCP. This includes changes made in response to corrective actions triggered under Section 5. The ESCP does not need to be modified if the estimated dates in Section 4.4.e.viii change during the course of construction;
e. To reflect areas on the site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
f. If inspections by DEQ or Agent determine that ESCP revisions are necessary for compliance with this permit;
g. Where DEQ or Agent determines it is necessary to install and/or implement additional controls at the site in order to meet the requirements of this permit, the following must be included in the ESCP:
    i. A copy of any correspondence describing such measures and requirements; and
    ii. A description of the controls that will be used to meet such requirements.
h. Change of contractors that will engage in construction activities on site, and the areas of the site where the contractor(s) will engage in construction activities;
i. Change of any personnel (by name and position) that are responsible for the design, installation and maintenance of stormwater control measures (see Section 4.10);
j. Change of the Certified Erosion and Sediment Control Inspector, or of their contact information and any applicable certification and training experience;
k. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater controls implemented at the site; and
l. If a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application as applicable.

4.9 SUBMISSION OF ESCP REVISION TO DEQ OR AGENT

Revisions to the ESCP that require submission are a reporting requirement. The registrant must submit a revised version of the complete ESCP to DEQ or Agent within ten calendar days of the revision. If the registrant does not receive a response to the revisions from DEQ or Agent within ten calendar days of receipt, the proposed revisions are deemed accepted.

a. ESCP revisions must be submitted if they are made for the following reasons:
    i. Part of a corrective action requirement in Section 5;
    ii. Registrant change of address. The registrant must notify DEQ or Agent of their current address. Failure to do so may be used as grounds for termination of coverage;
    iii. An increase or decrease of the project size;
    iv. An increase or decrease of the size or location of disturbed areas;
    v. Change to BMPs (e.g. type, design, or location); or

vi. Change of the certified visual monitoring inspector.

b. The registrant must maintain records showing the dates of all ESCP revisions. The records must include the name of the person authorizing each change (see Section 4.8 above) and a brief summary of all changes.
c. All revisions made to the ESCP consistent with Section 4.8 must be authorized by a person identified in Section 4.1 if applicable.
d. Approval of the revisions by DEQ or Agent prior to implementation is not required, however the addition of an Active Treatment System must be approved by DEQ or Agent before operating and requires submission of an Environmental Management Plan (see Section 1.2.9.c).

4.10 PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES

The registrant must document the names and contact information of personnel that have responsibilities for implementing stormwater control measures and complying with the permit and ESCP requirements at the project site. The list of personnel should be kept with the ESCP. If new or additional contractors are hired to implement control measures identified in the ESCP after construction has commenced, the contact information must be updated. The registrant must ensure that the following personnel are informed of the permit and ESCP requirements and their specific responsibilities:

a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
c. Personnel who are responsible for conducting inspections as required in Section 6.1; and
d. Personnel who are responsible for taking corrective actions as required in Section 5.

4.11 THE PERMIT REGISTRANT IS RESPONSIBLE FOR ENSURING THAT ALL ACTIVITIES ON THE SITE COMPLY WITH THE REQUIRMENTS OF THIS PERMIT

The registrant must make subcontractors and outside service providers aware of any permit requirements that apply to the work they are subcontracted to perform. The permit registrant must provide subcontractors and outside service providers easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the ESCP, and other relevant documents or information that must be kept with the ESCP.

5 CORRECTIVE ACTIONS

The registrant must take corrective action(s) to comply with permit conditions, and must take corrective action if any of the following conditions exist:

a. The discharges are causing an exceedance of applicable water quality standards:
b. Sediment or turbidity (as described in Section 2.2.11) are visible in discharge from the permitted site within:

i. A conveyance system leading to surface waters; or

ii. Surface waters from the discharge point.

c. If DEQ or Agent requires the registrant to take corrective actions to prevent or control the discharge of significant amounts of sediment or turbidity to surface waters or to conveyance systems that discharge to surface waters, or as the result of a permit violations found during an inspection;
d. A stormwater control needs repair or replacement (beyond routine maintenance required under Section 2.1.4);
e. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
f. A prohibited discharge has occurred (see Section 1.5).

5.1 CORRECTIVE ACTION TIMELINES

If any corrective action is required per Section 5 above, the registrant must implement that action according to the following**:**

a. Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;
b. Complete the corrective action by the close of the next business day when the problem does not require a new or replacement control or significant repair; and
c. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than 24 hours from the time of discovery to ensure that the requirements of Section 3.1 are met. If it is infeasible to complete the installation or repair within 24 hours, the registrant must document in the records why it is infeasible to complete the installation or repair within the 24-hour timeframe and document the schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 24 hour timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in the ESCP, the registrant must revise the ESCP in accordance with section 4.8.

5.2 CORRECTIVE ACTION DOCUMENTATION

Within 24 hours of each corrective action implemented, the registrant must document the corrective actions in a report that includes:

a. The site common name and identification number provided by DEQ or Agent file.
b. Identification of discharge locations that were out of compliance.
c. The period of noncompliance.
d. Names, titles and contact information of personnel conducting inspections.
e. The specific condition and the date and time it was identified.
f. Describe the noncompliance, and evaluate the stormwater control measures and practices to determine the cause of noncompliance.
g. Within 24 hours of completing the corrective action (in accordance with the timelines in Section 5.1), document the actions taken to address the condition, and steps taken to prevent the reoccurrence of the noncompliance including whether any ESCP revisions are required. Where these actions result in changes to any of the stormwater controls or procedures documented in the ESCP, the registrant must revise the ESCP in accordance with Section 4.8.
h. Each corrective action report must be signed by the permit registrant.

i. The corrective action reports must be kept at the site or at an easily accessible location and made available to DEQ or Agent upon request.
j. The corrective action reports must be retained for three years after permit coverage is terminated.

5.3 SUBMIT A CORRECTIVE ACTION REPORT TO DEQ OR AGENT

Within 10 calendar days of identifying the need to take Corrective Actions as required in 5.a or 5.b above, the registrant must submit a corrective action report to DEQ or Agent. This report must include:

a. The site common name and identification number provided by DEQ or Agent;
b. Identification of outfalls that were out of compliance;
c. Names of personnel conducting visual monitoring;
d. A description of the noncompliance and its cause;
e. The period of noncompliance;
f. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance (such as specific BMPs that will be implemented or increased inspection frequency); and
g. ESCP revisions, if revisions were required to prevent and control erosion and sediment discharges.

SCHEDULE B
MINIMUM MONITORING AND RECORDKEEPING REQUIREMENTS

6 VISUAL MONITORING AND REPORTING REQUIREMENTS

6.1 PERSON(S) RESPONSIBLE FOR VISUALLY MONITORING THE PROJECT SITE

Visual monitoring must be conducted by a Certified Erosion and Sediment Control or Storm Water Quality Inspector (Inspector). The Inspector must be certified in one of the following sediment and erosion control programs, or any other course approved at a future date by DEQ. DEQ has approved the following programs:

1. Certified Professional in Erosion and Sediment Control,
2. Certified Professional in Storm Water Quality,
3. Certified Inspector of Sediment and Erosion Control,
4. Washington State Certified Erosion and Sediment Control Lead,
5. Rogue Valley Sewer Services Erosion and Sediment Control Certification.

By May 15, 2021, permit registrants that received permit coverage prior to December 14, 2020 must have visual monitoring of sites under 5 acres conducted by a person certified in a DEQ approved erosion and sediment control program.

6.2 FREQUENCY OF VISUAL MONITORING INSPECTIONS

At a minimum, the Inspector must document the initial date of any construction staging, construction activities, or land clearing, and conduct and document a visual monitoring inspection of the project site per the following frequency:

a. On the initial date;
b. Once every 14 calendar days; and
c. Within 24 hours of any storm event, including snowmelt that results in discharge from the site.

Storm event information can be derived from weather stations that are representative of the site location, rain gauges or other appropriate weather documentation can be used in the inspection report. (Note: in many parts of Western Oregon, a storm event of 0.10 inches will result in a discharge from construction sites**).**

6.3 REDUCTIONS IN VISUAL MONITORING FREQUENCY

The Inspector must inspect stabilized areas no more than 14 days prior to a site becoming inactive to ensure that erosion and sediment control measures are in working order. For the following scenarios, the Inspector must clearly document the following conditions have begun in the written visual monitoring reports:

a. The Inspector may reduce the frequency of inspections in any area of the site where the stabilization steps in 2.2.20 have been completed to twice per month for the first month, no less than 14 calendar days apart, then once per month. If construction activity resumes on a stabilized area of the site at a later date, the inspection frequency must immediately increase to that required in Section 6.2, as applicable. The Inspector must document the beginning and ending dates of site inactivity in the visual monitoring reports.
b. For "linear construction sites" where disturbed portions have achieved final stabilization per Section 2.2.21 at the same time active construction continues on others, the inspection frequency may be reduced to twice per month for the first month, no less than 14 calendar days apart, in any area of the site where the stabilization steps in 2.2.20 have been completed. After the first month, inspect once more within 24 hours of any storm event leading to discharge from the site. If there are no issues or evidence of stabilization problems (e.g. failure to establish 70% vegetative cover), inspections may be discontinued. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Section 6.2.a. Inspections must continue until final stabilization is visually confirmed following a storm event leading to discharge from the site, or the occurrence of a storm event resulting in discharge from the project site.

Frozen conditions:

a. If construction activities are suspended due to frozen conditions, visual monitoring inspections may be temporarily suspended on the site until thawing begins (See Definitions) if:
    i. Runoff is unlikely due to continuous frozen conditions. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, the Inspector must immediately resume the regular inspection frequency as described in Section 6.2, as applicable;
    ii. Land disturbances have been suspended; and
    iii. All disturbed areas of the site have been stabilized in accordance with Section 2.2.20.

b. If construction activities are conducted during frozen conditions, the visual monitoring inspection frequency may be reduced to once per month if:
    i. Runoff is unlikely due to continuous frozen conditions. If unexpected weather conditions (such as above freezing temperatures or rain events) results in likely discharges, the Inspector must immediately resume the regular inspection frequency as described in Section 6.2, as applicable; and
    ii. Disturbed areas of the site have been stabilized in accordance with Section 2.2.20.

6.4 REQUIREMENTS FOR VISUAL MONITORING

Visual Monitoring should be conducted during safe conditions and must include an evaluation of all elements of the ESCP including:

a. Confirmation that all stormwater controls are properly installed and are working as intended to prevent pollutant discharges;
b. Confirmation that the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site are addressed (See Section 2.3);

c. Identification of any locations where new or modified stormwater controls are necessary to meet the requirements of Sections 2, 3 and 4;
d. Checking for the presence of visible erosion and sedimentation as outlined in Section 2.2.11 and document any indication of sediment that has left or is likely to leave the project site;
e. If a discharge is occurring during the inspection:
    i. Identification of all stormwater discharge locations at the site; and
    ii. Documenting the visual quality of the discharge and take note of the characteristics of the stormwater discharge, including color, odor, suspended solids, foam, oil sheen; and any other indicators of stormwater pollutants.
f. If no discharge occurred from site within 24 hours of a storm event, the inspector must document (e.g. date stamped photos of all points of discharge from the site) that no discharge from the site occurred;
g. Identification any portion of the project site where land disturbing activities have permanently ceased or will be temporarily inactive for 14 or more calendar days and note the initial date of cessation; and
h. Identification and documentation of any necessary maintenance under Section 2.1.4, corrective actions under Section 5, or stabilization measures under Sections 2.2.20 and 2.2.21.

The Inspector is not required to visually monitor areas that, at the time of the inspection, are considered unsafe; however nearby downstream locations of any receiving waterbodies must be inspected to the extent that such inspections are safe, accessible and practical.

6.5 VISUAL MONITORING INSPECTION REPORT

The inspection report must be completed within 48 hours of all site inspections. Inspection reports must include the following as applicable to the site:

a. The inspection date;
b. The name of the site and the identification number provided by DEQ or Agent;
c. Names, titles and contact information of the inspector;
d. A summary of the inspection, including the observations made in accordance with Section 6.5, the location of BMPs in need of any necessary maintenance or corrective actions, the location of any BMPs that failed to operate as designed or proved inadequate for a particular application, the location of where additional BMPs are needed that did not exist at the time of inspection, visual observations (e.g. clear, turbid, opaque, sheen) of the stormwater discharges from the site, or if a discharge from the site did not occur within 24 hours of a storm event (attach date stamped photos to report);
e. Any unauthorized discharges from the site;
f. Any portion(s) of the site where land disturbing activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;
g. If complying with stabilization schedules for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization;
h. If complying with the stabilization schedules in arid, and semi-arid sites typical of Eastern Oregon (climate determination of the project site can be found in the National Climatic Data Center publication Climate of Oregon), or drought-stricken areas, the beginning and

ending dates of the seasonally dry period and the schedule the registrant will follow for initiating and completing vegetative stabilization;

i. All pH sampling results conducted per section 6.6.1;
j. The alternative erosion and sediment control measures (see Section 2.2.6) and the inspection frequency (see section 6.3.b) for linear construction projects;
k. Reasons for changes or modifications to the ESCP;
l. Start and end dates subject to alternative inspection frequencies listed in Section 6.3;
m. If the Inspector is inspecting the site at the frequency specified in Section 6.2 or Section 6.3.b, the applicable rain gauge, weather station readings or other source of information that triggered the inspection (e.g. weather conditions during the inspection, the approximate amount of precipitation since the last inspection, and approximate amount of precipitation during the last 24 hours);
n. If the Inspector determines that it is unsafe to inspect a portion of the site or the inclement weather makes the site, or portions of the site inaccessible, the reasoning and the locations to which this condition applies must be documented;
o. Each inspection report must be signed by the Inspector with the following statement: "I certify that this report is true, accurate, and complete to the best of my knowledge, abilities, and belief";
p. All inspection reports should be kept in chronological order at the site or at an easily accessible location (electronically is acceptable), and made available at the time of inspection or upon request by DEQ or Agent; and
q. All visual monitoring notes, sampling records and inspection reports must be kept for three years from the date that the permit coverage expires or is terminated.

6.6 STORMWATER DISCHARGE MONITORING REQUIREMENTS

6.6.1 Monitoring the pH of stormwater captured in sediment basins/impoundments when engineered soils are used.

If construction activity involves the use of engineered soils (soil amendments including, but not limited to Portland cement-treated base, cement kiln dust, or fly ash), the registrant must conduct and document pH monitoring of stormwater captured in the sediment impoundment as described below:

a. The registrant must begin the pH monitoring period when the engineered soils are first exposed to precipitation and must continue every 7 calendar days and within 24 hours of the occurrence of discharge from the site, or the occurrence of a storm event of 0.10 inches or greater until final stabilization of the area of engineered soils is established (see Section 2.2.21).
b. Document the date when soil amendments were added and final stabilization achieved in the inspection Report per Section 6.5.
c. The registrant must monitor the pH of stormwater in the sediment basins/impoundments and at discharge locations that receive stormwater runoff from the area where engineered soils were used before the stormwater discharges to surface waters.
d. The benchmark value for pH is defined in Standard Units (su), and determined by the river basin containing the receiving waterbody according to OAR 340-041-0021. Anytime monitoring indicates that the pH of the site's stormwater is the maximum allowed su or greater, the registrant must either:

i. Prevent the high pH water from entering storm sewer systems or surface waters; or
ii. Adjust or neutralize the high pH water until it is in the range of pH su acceptable for discharge to the river basin containing the receiving waterbody by using an appropriate treatment BMP such as carbon dioxide (CO2) sparging or dry ice. The registrant must obtain written permission from DEQ or Agent before using any form of chemical treatment other than CO2 sparging or dry ice per Section 1.2.9.

e. The registrant must perform pH monitoring on site within 15 minutes of sample collection with an accurately calibrated pH meter. The registrant must record the pH monitoring results and any pH adjustment treatments in the inspection report.

6.7 INSPECTIONS BY DEQ OR AGENT

The registrant must allow and make arrangements for DEQ or Agent to have access to the site at all reasonable times.

SCHEDULE D
SPECIAL CONDITIONS

7 Schedule Precedence

Schedule F contains General Conditions that are included in all general permits issued by DEQ. In the event of any inconsistency between Schedule F and any other schedule of the permit, the requirements in Schedules A through D take precedence.

7.1 Availability of ESCP and Monitoring Data.

The Erosion and Sediment Control Plan and stormwater monitoring data must be made available to government agencies responsible for stormwater management in the permit registrant's area.

7.2 Other Requirements

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

7.3 TERMINATION OF PERMIT COVERAGE

DEQ or Agent will approve permit termination only if the conditions of Section 2.2.21 are met. Permit registrants are subject to the conditions of this permit until termination has been approved by DEQ or Agent, and must pay an annual fee, according to OAR 340-045-0075, Table 70G. To terminate permit coverage, the registrant must submit a complete and accurate Notice of Termination to DEQ or Agent in the format required.

7.3.1 Conditions for terminating permit coverage

The following must be completed prior to termination approval**:**

a. Submit photo-documentation that depicts the requirements for final vegetative or non-vegetative site stabilization in Section 2.2.21, unless the site has been inspected by DEQ or Agent within 30 calendar days and verified to meet the requirements of Section 2.2.21;
b. Resolve all outstanding compliance and enforcement issues;
c. Pay all outstanding permit fees;
d. For a common plan of development or sale, the existing 1200-C will be allowed to terminate when items 7.3.1.a, .b, and .c are met and when the remaining unstabilized area is covered by the 1200-C and/or 1200-CN.

As an alternative to termination, a registrant may:

a. Transfer control of all areas of the site for which the registrant is responsible under this permit to another registrant(s);
b. Obtain an individual NPDES permit for the discharge of stormwater associated with the construction activity under this general permit; or
c. If the project never started and the registrant no longer desires to commence construction activities requiring this permit, there are no additional requirements.

7.4 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Authorization to discharge under this general permit terminates when confirmation of permit coverage termination is issued by DEQ or Agent.

7.5 Local public agencies acting as DEQ's Agent

DEQ has authorized certain local governments and special districts to act as its Agent in implementing portions of this permit. The Agent conducts the following activities, including: application and ESCP review, inspections, monitoring data review, stormwater monitoring, compliance inspections and referrals for enforcement. Where DEQ has entered into such an agreement, DEQ or Agent will notify the permit registrant of other notifications or correspondence associated with this permit.

7.5.1 Permit-Specific definitions

a. *Agent*-a government entity or water resources management utility that has an agreement with DEQ to administer this general permit within their jurisdictional boundaries.
b. *Backwash water* (per Section 2.4.f)- refers to pumping water backwards through the filters media, sometimes including intermittent use of compressed air during the process. Backwashing is a form of preventive maintenance so that the filter media can be reused.
c. *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.
d. *Borrow Area*-the area from which material is excavated to be used as fill material in another onsite or off-site area.
e. *Cationic Treatment Chemicals*-polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.
f. *Clean Water Act or CWA*-the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.
g. *Common Plan of Development or Sale*—is a plan to subdivide a parcel of land into separate parts for separate sale. This can be for residential, commercial, or industrial development. A construction activity is part of a larger common plan of development if it is completed in one or more of the following ways: in separate stages, in separate phases, and/or in combination with other construction activities.
h. *Conveyance System*-for the purposes of this permit, humanmade structures, such as a sewer, ditch, pipe, channel, swale, or similar component that is designed to carry water to and from stormwater control measures on a construction site; or any combination of such components.
i. *Construction Activity*-including but not limited to; clearing, grading, excavating, grubbing, stumping, demolition, and 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).

j. *CO_2 Sparging (*per Section 7.6*)*-is a 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.
k. *DEQ*-the Oregon Department of Environmental Quality.
l. *Detention*-the temporary storage of stormwater to improve quality or reduce the volumetric flow rate of discharge or both.
m. *Dewatering*-the removal and disposal of surface water or groundwater during site construction.
n. *Discharge Point*-the location where stormwater leaves the site. It includes the location where stormwater is discharged to surface water or a stormwater conveyance system.
o. *Encroach(ing)*- to intrude beyond a specified boundary without right or permission.
p. *Engineered soils (*per Section 6.6.1*)*-soils on site amended with cementitious compounds.
q. *Erosion*-the movement of soil particles or rock fragments by water or wind.
r. *Erosion and Sediment Control BMPs*-BMPs that are intended to prevent erosion and sediment transport, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, sediment fences, and sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.
s. *Farm Use Land*-cropland, grassland, rangeland, pasture, and other land on which agricultural or forest-related products or livestock are produced. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of land used for the production of livestock.
t. *Hazardous Materials*-the materials defined in 40 CFR part 302 Designation, Reportable Quantities, and Notification.
u. *Legally Authorized Representative*-the following (please see 40 CFR §122.22 for more detail, if needed):

- For a corporation - president, secretary, treasurer, vice-president, or any person who performs principal business functions; or a manager of one or more facilities that is authorized in accordance to corporate procedure to sign such documents.
- For a partnership - general partner.
- For a sole proprietorship - owner.
- For a city, county, state, federal, or other public facility - principal executive officer or ranking elected official.
- For a Limited Liability Company - Member [articles of organization].
- For trusts – Acting trustee.

v. *Linear Construction Site*- Examples of linear construction projects include, but are not limited to, pipeline projects, highway construction, highway resurfacing and maintenance, airport runway construction and resurfacing tunnels, mass transit systems, and railroads.
w. *Local Government*-any county, city, town, or service district.
x. *National Pollutant Discharge Elimination System or NPDES*-the national program under Section 402 of the Clean Water Act for regulation of point source discharges of pollutants to waters of the United States.
y. *Native topsoil (*per Section 2.2.11*)*-top layer of soil on site.
z. *Natural Buffer*-for the purposes of this permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural

cover includes the natural vegetation, exposed rock, and barren ground that existed prior to commencement of land disturbing activities.

aa. *Natural Vegetation*-vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals. For purposes of this permit, this includes invasive species.

bb. *Non-Stormwater Pollution Controls*-general site and materials management measures that directly or indirectly aid in minimizing the discharge of sediment and other construction related pollutants from the construction site.

cc. *Owner*-for the purposes of this permit, any person with a legal interest in the permitted activities or the property on which the permitted activities occur.

dd. *Permit Registrant*-for the purposes of this permit, the owner or registrant of the construction activity regulated by this permit that has submitted an application and received notice of registration under this general permit by DEQ.

ee. *Person*-individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the state and any agencies thereof, and the federal government and any agencies thereof.

ff. *pH neutralization (*per Section 6.6*)*-to bring the pH between 6.5 and 8.5 standard units.

gg. *Pollutant* as defined in 40 CFR §122.2-dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, cellar dirt and industrial, municipal, and agricultural waste discharge into water. It does not mean sewage from vessels within the meaning of section 312 of the FWPCA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

hh. *Pollution or Water Pollution* as defined by 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.

ii. *Responsible Person*-for the purposes of this permit, means any person associated with a construction project that meets either of the following two criteria:

(1) The person has operational control over construction plans and specifications, including the authority to make modifications to those plans and specifications; or

(2) The person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a ESCP for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the ESCP or comply with other permit conditions).

jj. *Runoff Controls*-BMPs that are designed to control the peak volume and flow rate or to prevent scour due to concentrated flows.

kk. *Sediment*-mineral or organic matter, typically deposited by water, air, or ice.

ll. *Sediment Basin/Impoundment (also includes traps/ponds)*-a sediment basin is a temporary pond built on a construction site to capture eroded or disturbed soil that is washed off during storm events, and protect the water quality of a nearby stream, river, lake, or bay. The sediment-laden soil settles in the pond before the runoff is discharged.

mm. *Sequence*-the phased order that land disturbing activities are performed.
nn. *Site*-the area where the construction activity is physically located or conducted.
oo. *Shared Control*-a stormwater control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple registrants associated with a common plan of development or sale.
pp. *Steep Slopes*-defined as those that are 70 percent or greater in grade.
qq. *Storm Event*-EPA defines a storm event at 40 CFR 122.21(g)(7)(ii) as a rainfall event with greater than 0.1 inch of rainfall and at least 72 hours from the previously measurable—greater than 0.1 inch rainfall—storm event.
rr. *Stormwater as defined by 40 CFR §122.26(b)(13)*-stormwater runoff, snow melt runoff, and surface runoff and drainage.
ss. *Stormwater Conveyance*-a sewer, ditch, or swale that is designed to carry stormwater; a stormwater conveyance may also be referred to as a storm drain or storm sewer.
tt. *Stormwater run-on*-sources of stormwater that drain from adjacent land located upslope or upstream from the regulated site.
uu. *Stumping*- For the purposes of this draft permit, "stumping" is defined as "to clear the land of stumps."
vv. *Surface Runoff* -that portion of stormwater that does not infiltrate into the ground or evaporate, but instead flows onto adjacent land or watercourses or is routed to stormwater conveyance systems.
ww. *Surface Water*-all water naturally open to the atmosphere (for example, rivers, lakes, wetlands, reservoirs, ponds, streams, impoundments, oceans, estuaries, springs, etc.).
xx. *Thawing conditions*-when frozen water onsite melts and creates runoff that may possibly discharge.
yy. *Total Maximum Daily Load or TMDL*-a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet state water quality standards. It is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. Percentages of the TMDL are allocated by DEQ to the various pollutant sources.
zz. *Toxic Substances*-are materials that are poisonous to living organisms.
aaa. *Turbidity*-the optical condition of waters caused by suspended or dissolved particles or colloids that scatter and absorb light rays instead of transmitting light in straight lines through the water column. Turbidity may be expressed as nephelometric turbidity units (NTUs) measured with a calibrated turbidity meter.
bbb. *Underground Injection Control*-any system, structure, or activity that is created to place fluid below the ground or sub-surface (for example, sumps, infiltration galleries, drywells, trench drains, drill holes, etc.)
ccc. *Water or Waters of the State as defined by 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.

SCHEDULE F
NPDES GENERAL CONDITIONS

SECTION A. STANDARD CONDITIONS

A1. Duty to Comply with Permit

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

A2. Penalties for Water Pollution and Permit Condition Violations

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions of 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to $25,000 per day for violation of a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution in the second degree, is a Class A misdemeanor and is punishable by a fine of up to $25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, unlawful water pollution in the first degree is a Class B felony and is punishable by a fine of up to $250,000, imprisonment for not more than 10 years, or both.

The Clean Water Act provides that any person who violates permit condition, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is **subject to a civil penalty not to exceed $25,000 per day for each violation.**

The Clean Water Act provides that any person who *negligently* violates any condition, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is **subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both.**

In the case of a second or subsequent conviction for a *negligent* violation, a person shall **be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.**

Any person who *knowingly* violates such sections, or such conditions or limitations is **subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both.**

In the case of a second or subsequent conviction for a *knowing* violation, a person shall be **subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.**

Any person who *knowingly* violates section any permit condition, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be **subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both.**

In the case of a second or subsequent conviction for a *knowing* endangerment violation, a person shall be **subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both.**

An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, **be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions**.

Any person may be assessed an administrative penalty by the Administrator for violating any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act.

Administrative penalties for **Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000.**

Penalties for **Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.**

A3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit. In addition, upon request of DEQ, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

A5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
e. New information or regulations.

f. Modification of compliance schedules.
g. Requirements of permit reopener conditions
h. Correction of technical mistakes made in determining permit conditions.
i. Determination that the permitted activity endangers human health or the environment.
j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.
k. For communities with combined sewer overflows (CSOs):

(1) To comply with any state or federal law regulation for CSOs that is adopted or promulgated subsequent to the effective date of this permit.
(2) If new information that was not available at the time of permit issuance indicates that CSO controls imposed under this permit have failed to ensure attainment of water quality standards, including protection of designated uses.
(3) Resulting from implementation of the permittee's long-term control plan and/or permit conditions related to CSOs.

The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rule (OAR) 340-041-0033 and section 307(a) of the federal Clean Water Act for toxic pollutants, and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

A7. Property Rights and Other Legal Requirements

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

A8. Permit References

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees

The permittee must pay the fees required by OAR.

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

B1. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B2. Need to Halt or Reduce Activity Not a Defense

For industrial or commercial facilities, upon reduction, loss, or failure of the treatment facility, the permittee must, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

B3. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass" means intentional diversion of waste streams from any portion of the treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, provided the diversion is to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs b and c of this section.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Prohibition of bypass.

(1) Bypass is prohibited and DEQ may take enforcement action against a permittee for bypass unless:

i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and

iii. The permittee submitted notices and requests as required under General Condition B3.c.

(2) DEQ may approve an anticipated bypass, after considering its adverse effects and any alternatives to bypassing, if DEQ determines that it will meet the three conditions listed above in General Condition B3.b.(1).

c. Notice and request for bypass.

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, a written notice must be submitted to DEQ at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required in General Condition D5.

B4. Upset

a. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operation error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of General Condition B4.c are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the causes(s) of the upset;
(2) The permitted facility was at the time being properly operated;
(3) The permittee submitted notice of the upset as required in General Condition D5, hereof (24-hour notice); and
(4) The permittee complied with any remedial measures required under General Condition A3 hereof.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

B5. Treatment of Single Operational Upset

For purposes of this permit, a single operational upset that leads to simultaneous violations of more than one pollutant parameter will be treated as a single violation. A single operational upset is an exceptional incident that causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one federal Clean Water Act effluent discharge pollutant parameter. A single operational upset does not include federal Clean Water Act violations involving discharge without a NPDES permit or noncompliance to the extent caused by improperly designed or inadequate treatment facilities. Each day of a single operational upset is a violation.

B6. Overflows from Wastewater Conveyance Systems and Associated Pump Stations

a. Definition. "Overflow" means any spill, release or diversion of sewage including:

(1) An overflow that results in a discharge to waters of the state; and
(2) An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately owned sewer or building lateral), even if that overflow does not reach waters of the state.

b. Reporting required. All overflows must be reported orally to DEQ within 24 hours from the time the permittee becomes aware of the overflow. Reporting procedures are described in more detail in General Condition D5.

B7. Public Notification of Effluent Violation or Overflow

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies

and other affected entities (for example, public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed under General Condition B8.

Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

B8. Emergency Response and Public Notification Plan

The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from overflows, bypasses, or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
c. Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;
d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
e. Provide emergency operations; and
f. Ensure that DEQ is notified of the public notification steps taken.

B9. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in such a manner as to prevent any pollutant from such materials from entering waters of the state, causing nuisance conditions, or creating a public health hazard.

SECTION C. MONITORING AND RECORDS

C1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ. Samples must be collected in accordance with requirements in 40 CFR part 122.21 and 40 CFR part 403 Appendix E.

C2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices must be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices must be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected must be capable of measuring flows with a maximum deviation of less than ± 10 percent from true discharge rates throughout the range of expected discharge volumes.

C3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

For monitoring of recycled water with no discharge to waters of the state, monitoring must be conducted according to test procedures approved under 40 CFR part 136 or as specified in the most recent edition of Standard Methods for the Examination of Water and Wastewater unless other test procedures have been specified in this permit or approved in writing by DEQ.

C4. Penalties for Tampering

The federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than $10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both.

C5. Reporting of Monitoring Results

Monitoring results must be summarized each month on a Discharge Monitoring Report form approved by DEQ. The reports must be submitted monthly and are to be mailed, delivered or otherwise transmitted by the 15th day of the following month unless specifically approved otherwise in Schedule B of this permit.

C6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or, in the case of sludge (biosolids) use and disposal, approved under 40 CFR part 503, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency must also be indicated. For a pollutant parameter that may be sampled more than once per day (for example, total residual chlorine), only the average daily value must be recorded unless otherwise specified in this permit.

C7. Averaging of Measurements

Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which must be averaged as specified in this permit.

C8. Retention of Records

Records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities must be retained for a period of at least 5 years (or longer as required by 40 CFR part 503). Records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.

C9. Records Contents

Records of monitoring information must include:

a. The date, exact place, time, and methods of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and

f. The results of such analyses.

C10. Inspection and Entry

The permittee must allow DEQ or EPA upon the presentation of credentials to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

C11. Confidentiality of Information

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

SECTION D. REPORTING REQUIREMENTS

D1. Planned Changes

The permittee must comply with OAR 340-052, “Review of Plans and Specifications” and 40 CFR § 122.41(l)(1). Except where exempted under OAR 340-052, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers may be commenced until the plans and specifications are submitted to and approved by DEQ. The permittee must give notice to DEQ as soon as possible of any planned physical alternations or additions to the permitted facility.

D2. Anticipated Noncompliance

The permittee must give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

D3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification, revocation, and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

D4. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date. Any reports of noncompliance must include the cause of

noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

D5. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) to the DEQ regional office or Oregon Emergency Response System (1-800-452-0311) as specified below within 24 hours from the time the permittee becomes aware of the circumstances.

a. Overflows.
   (1) Oral Reporting within 24 hours.
      i. For overflows other than basement backups, the following information must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311. For basement backups, this information should be reported directly to the DEQ regional office.

         (a) The location of the overflow;
         (b) The receiving water (if there is one);
         (c) An estimate of the volume of the overflow;
         (d) A description of the sewer system component from which the release occurred (for example, manhole, constructed overflow pipe, crack in pipe); and
         (e) The estimated date and time when the overflow began and stopped or will be stopped.

      ii. The following information must be reported to the DEQ regional office within 24 hours, or during normal business hours, whichever is earlier:

         (a) The OERS incident number (if applicable); and
         (b) A brief description of the event.

   (2) Written reporting postmarked within 5 days.
      i. The following information must be provided in writing to the DEQ regional office within 5 days of the time the permittee becomes aware of the overflow:

         (a) The OERS incident number (if applicable);
         (b) The cause or suspected cause of the overflow;
         (c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
         (d) Steps taken or planned to mitigate the impact(s) of the overflow and a schedule of major milestones for those steps; and
         (e) For storm-related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

      DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

b. Other instances of noncompliance.
   (1) The following instances of noncompliance must be reported:

      i. Any unanticipated bypass that exceeds any effluent limitation in this permit;
      ii. Any upset that exceeds any effluent limitation in this permit;

iii. Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
iv. Any noncompliance that may endanger human health or the environment.

(2) 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).
(3) A written submission must be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

i. A description of the noncompliance and its cause;
ii. The period of noncompliance, including exact dates and times;
iii. The estimated time noncompliance is expected to continue if it has not been corrected;
iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
v. Public notification steps taken, pursuant to General Condition B**7.**

(4) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

D6. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D4 or D5 at the time monitoring reports are submitted. The reports must contain:

a. A description of the noncompliance and its cause;
b. The period of noncompliance, including exact dates and times;
c. The estimated time noncompliance is expected to continue if it has not been corrected; and
d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

D7. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

Other Information: When the permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to DEQ, it must promptly submit such facts or information.

D8. Signatory Requirements

All applications, reports or information submitted to DEQ must be signed and certified in accordance with 40 CFR § 122.22.

D9. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed $125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance

or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D10. Changes to Indirect Dischargers

The permittee must provide adequate notice to DEQ of the following:

a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of the federal Clean Water Act if it were directly discharging those pollutants and;
b. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
c. For the purposes of this paragraph, adequate notice must include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

SECTION E. DEFINITIONS

E1. *BOD* or BOD_5 means five-day biochemical oxygen demand.
E2. *CBOD* or $CBOD_5$ means five-day carbonaceous biochemical oxygen demand.
E3. *TSS* means total suspended solids.
E4. *Bacteria* means but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
E5. *FC* means fecal coliform bacteria.
E6. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
E7. *Technology based permit effluent limitations* means technology-based treatment requirements as defined in 40 CFR § 125.3, and concentration and mass load effluent limitations that are based on minimum design criteria specified in OAR 340-041.
E8. *mg/l* means milligrams per liter.
E9. *µg/l* means microgram per liter.
E10. *kg* means kilograms.
E11. m^3/d means cubic meters per day.
E12. *MGD* means million gallons per day.
E13. *Average monthly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
E14. *Average weekly effluent limitation* as defined at 40 CFR § 122.2 means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
E15. *Daily discharge* as defined at 40 CFR § 122.2 means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
E16. *24-hour composite sample* means a sample formed by collecting and mixing discrete samples taken periodically and based on time or flow.
E17. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.

E18. *Quarter* means January through March, April through June, July through September, or October through December.
E19. *Month* means calendar month.
E20. *Week* means a calendar week of Sunday through Saturday.
E21. *POTW* means a publicly-owned treatment works.