

1200-CA – Protecting Surface Waters of the State



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Magnus Bernhardt is a licensed landscape architect and has been with ODOT for 19 years.

Previously he worked as a consultant on private and public projects.

He enjoys working in teams to develop the best possible projects that protect the environment and leverage opportunities for sustainable solutions.





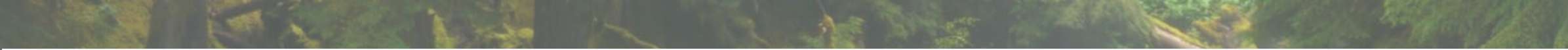
National Pollution Discharge Elimination System (NPDES)

1. Created in 1972 – Clean Water Act (CWA)
2. Administered by The U.S. Environmental Protection Agency (EPA)
3. 1200-CA – Specialize Programmatic for Public Agencies administered by Oregon Department of Environmental Quality (DEQ)
4. New 1200-CA Permit Update 2027

The Cuyahoga River 1952
Cleveland State University Library



1200-CA – Protecting Surface Waters of the State Takeaways



1. Why the 1200-CA is required: Legally required under the Federal Clean Water Act (402)



2. Permit Trigger(s): 1 Acre of disturbance including potential staging areas



3. It's about the relationships: Managing the Permit during design and construction



McKenzie River by Adam Spencer.

What Triggers the 1200-CA Permit?

- ≥ 1 Acre Disturbance:
- Phased Projects:
- Component Infrastructure:
- High Pollution Risk:

The 1200-CA, our plans, specifications and details are in place to prevent:

Turbid Discharge



Erosion



Sediment



Projects that Disturb 1 acre or more

- ODOT calculates the threshold of 1 acre of disturbance at 0.7 acres.
- Assume 0.3 acres of disturbance for contractor staging area.
- Constructor responsible for acquiring 1200-C permit for non-Agency land use.



Phased Projects

Small project phases <1 acre

Part of a larger common project that total >1 acre

In the same watershed.



King County, WA

Infrastructure Component Projects



Construction activities like utility installation or trenching that result in a final project which crosses the 1-acre.

High Pollution Risk Projects



Any size project



**Likely to contribute
pollutants – high risk**



**Near wetlands or
surface waters**



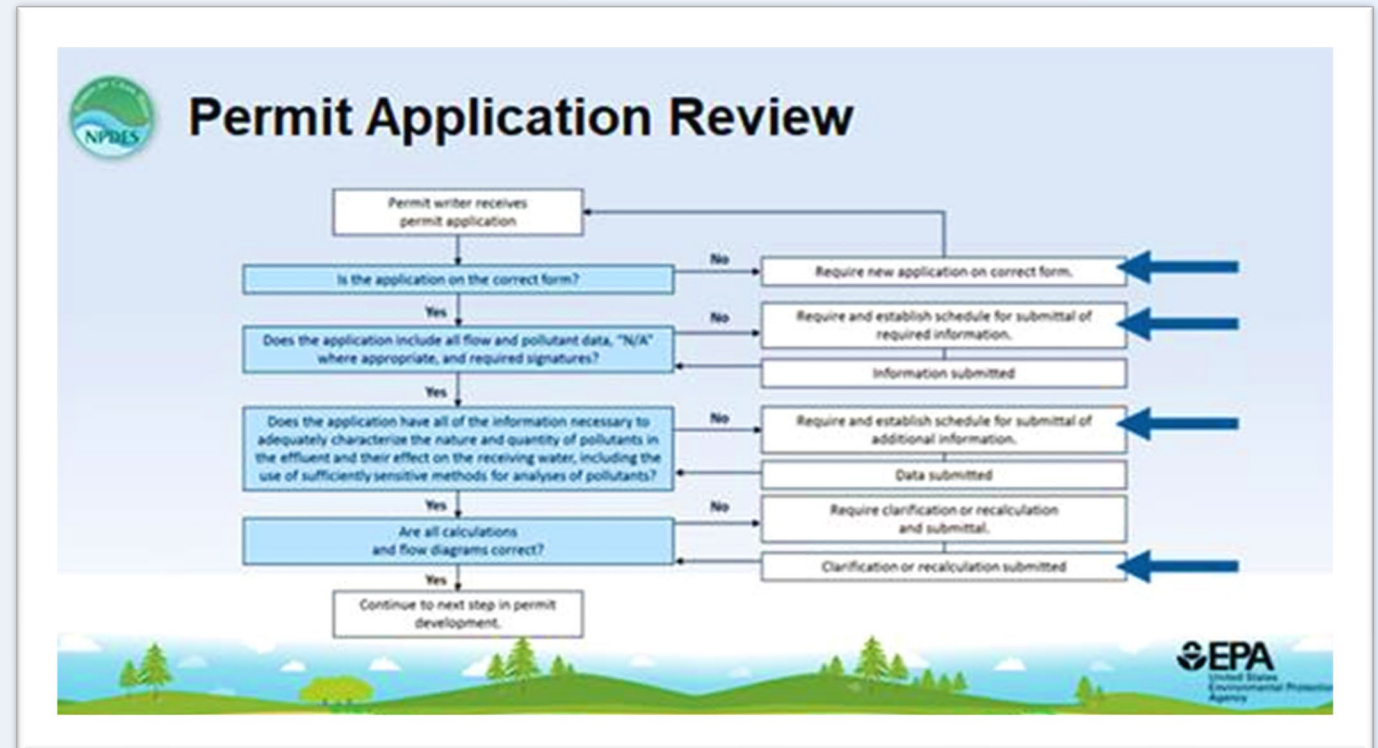


What This Permit Does Not Cover

- In-water work (fill or dredging)
- Industrial discharge
- Post-construction runoff
- Discharge to underground injection control systems

1200- CA Permit Anatomy

- **Schedule A** –
ESC Design and Special Requirements
- **Schedule B** –
Inspections, Monitoring, and Recordkeeping/Logbooks and Digital Compliance
- **Schedule D** –
Permit hierarchy and definitions
- **Schedule F** –
Legal Framework & Agency Liability





Schedule A – ESC Design and Special Requirements

- The ESCP Plan Development
- Design Priority
- Phasing Check
- Contamination Risk



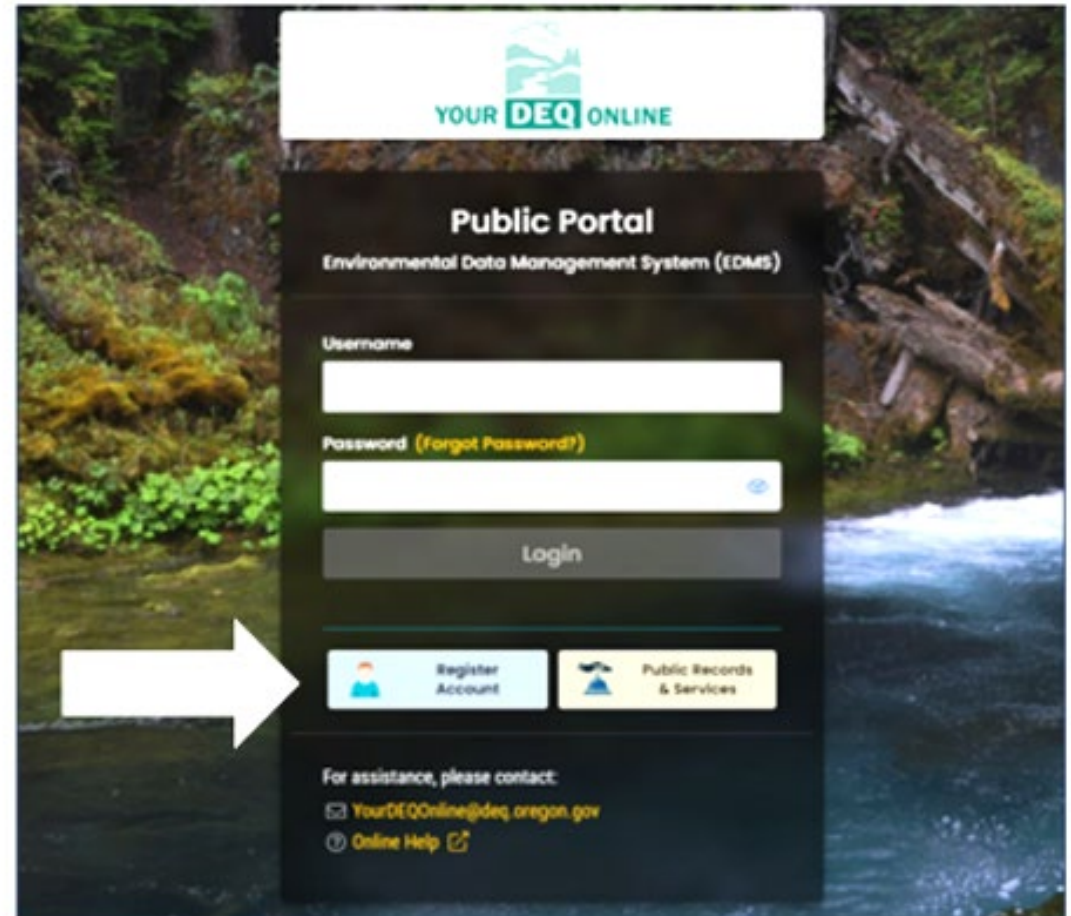
Schedule B – Minimum Monitoring and Inspection Requirements

- Quality Assurance
- Credentials
- Project Logbook

Digital Compliance & Your DEQ Online

Navigate to the [Your DEQ Online Public Portal](#). Select "Register Account."

- Digital Application to Your DEQ Online (YDO)
- Account Delegation
- All Submittals to DEQ Must Be Sent Through the Electronic YDO Portal, including
- Cover Sheets: next slide



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Schedule D – Permit Hierarchy and Definitions

Special Conditions

Permit Specific Definitions

Schedule F – Legal Framework & Agency Liability

- Section A –
Standard Conditions
- Section C –
Monitoring and Records
- Section D –
Reporting Requirements



Ben Crump Law

PM Checklist for Project Success with 1200-CA

- ✓ Pre-Bid: Schedule A
- ✓ Pre-Con: Schedule A and B
- ✓ Mid-Project: Schedule B and F
- ✓ Closeout: Schedule B and F

How to keep meetings short



“If you don't have time to do it right, when will you have time to do it over?” John Wooden



Summary

Proactive Oversight: Use the permit to help manage and design the project.

Top 3 Takeaways:

1. Why the 1200-CA is required:
Legally required under the Federal Clean Water Act (402)
2. Permit Trigger(s):
1 Acre of disturbance including potential staging areas.
3. It's about the relationships:
Managing the Permit during design and construction.



Questions?



Magnus Bernhardt

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Recommended Websites:

ODOT Geo/ENV

<https://www.oregon.gov/ODOT/GeoEnvironmental/Pages/index.aspx>

DEQ YDO

<https://www.oregon.gov/deq/permits/pages/your-deq-online.aspx>

DEQ 1200 CA Stormwater Permit March 2023 (Guide)

<https://www.oregon.gov/deq/wq/Documents/wqp1200caGuidance.pdf>

