



State of Oregon
Department of
Environmental
Quality

**GENERAL PERMIT
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
CONSTRUCTION STORMWATER GENERAL 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

AUTOMATICALLY COVERED CONSTRUCTION ACTIVITIES

PERMIT AREA

Coverage under this permit is available only in 1200-CN Jurisdictions (See Schedule A, Sections 1.1 and 1.2).

SOURCES COVERED BY THIS PERMIT

Activities that meet the permit conditions within the Jurisdictions identified as “qualified local programs.” A DEQ designated qualified local program means the stormwater management requirements of the local jurisdiction are equivalent to the conditions of DEQ’s 1200-C Construction Stormwater General Discharge Permit. The list of qualified local programs in Oregon are listed in Schedule A, Sections 1.1 and 1.2 of the permit.

An owner or operator that has received a local permit authorizing construction activities meeting the conditions in Schedule A, Condition 1 is not required to submit an application for permit coverage to DEQ. The owner or operator must comply with all applicable local jurisdiction permit requirements, codes and ordinances. The construction activities are automatically covered under the State 1200-CN permit, and are authorized to discharge in accordance with Schedule A, conditions 2 through 7. The following activities are authorized under this General Permit within the 1200-CN Jurisdictions if they have the potential to discharge stormwater 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, materials or equipment staging and stockpiling that will disturb less than 5 acres of land; or
- b. Any construction activity, 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 or 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.

DEQ retains the right to require registration of construction activities in 1200-CN Jurisdictions in accordance with the 1200-C permit when DEQ determines that registration is necessary to ensure protection of water quality, including but not limited to any construction activity discharging stormwater that may be a significant contributor of pollutants to waters of the state or may cause an exceedance of a water quality standard.


Justin Green

Water Quality Division Administrator

**Effective: September 27, 2021
Expiration Date: September 26, 2026**

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.
 - i. DEQ recommends operators 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 obtaining 1200-CN NPDES permit coverage to prevent unintended non-compliance situations with other regulatory programs. If additional regulatory requirements, such as those listed in above, are deemed necessary by other regulatory jurisdictions for the construction activity identified in the erosion and sediment control plan, the operator 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 storm 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 AUTOMATICALLY COVERED ACTIVITIES

1.1 Disturbance less than 5 acres

An operator of construction activities that meet the conditions listed below that has the potential to discharge construction stormwater to surface waters or conveyance systems that lead to waters of the state automatically receives coverage under this permit, provided that:

- a. The operator has received a local permit(s) authorizing the construction activities;
- b. The construction activities are within the Jurisdictions listed below:
 - i. Albany
 - ii. Central Point
 - iii. Corvallis
 - iv. Eugene
 - v. Keizer
 - vi. Milwaukie
 - vii. Springfield
 - viii. West Linn
 - ix. Wilsonville
 - x. Clackamas County Water Environment Services (WES), within the service area of the district
 - xi. Clean Water Services, within the service area of the district and including:
 - a. Banks
 - b. Beaverton
 - c. Cornelius
 - d. Durham
 - e. Forest Grove
 - f. Gaston
 - g. Hillsboro
 - h. King City
 - i. North Plains
 - j. Sherwood
 - k. Tigard
 - l. Tualatin
 - m. Washington County within the Urban Growth Boundary
 - xii. Portions of Marion County that are in Marion County's MS4 Phase II Permit area
 - xiii. Oak Lodge Water Service District
 - xiv. Rogue Valley Sewer Services, including:
 - (1) Phoenix
 - (2) Talent
 - (3) Portions of Jackson County in Rogue Valley Sewer Services' MS4 Phase II Permit area; and

- c. Either:
 - i. The construction activities will disturb one or more acres but less than 5 acres over the entirety of the project; or
 - ii. The construction activities will disturb less than 1 acre and are part of a common plan of development or sale or 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.

1.2 Disturbance less than 1 acre

An operator of construction activities that meet the conditions listed below and have the potential to discharge construction stormwater to surface waters or conveyance systems that lead to waters of the state automatically receives coverage under this permit, provided that:

- a. The operator has received a local permit authorizing the construction activities;
- b. The construction activities are within the Jurisdictions listed below:
 - i. Gresham
 - ii. Troutdale
 - iii. Wood Village; and
- c. The construction activities will disturb less than 1 acre and are part of a common plan of development or sale or 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.

2 Environmental Management Plan

The operator must complete an Environmental Management Plan (EMP, see Appendix A), pay the review fee, and submit the required DEQ documents for projects that receive automatic coverage under the 1200-CN permit when the following conditions exist or are anticipated. The EMP must be submitted to and approved by DEQ before work may commence on the project site. If these conditions are discovered after registering for permit coverage, the EMP must be approved by DEQ before work is initiated. The approved EMP becomes a component of the erosion and sediment control plan. An EMP must be submitted for the following:

- a. 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. Construction dewatering for the purpose of lowering uncontaminated groundwater will be or is performed, and an Active Chemical Treatment System is to be utilized before discharge. An EMP is not required for dewatering accumulated water due to shallow excavation activities (See Section 4.3).
- c. An active chemical treatment system (e.g. cationic treatment chemicals, electro-coagulation, flocculants, filtration, anionic polyacrylamide, polymers, hydrochloric or sulfuric acid) for

sediment, pH neutralization, or other pollutant removal is planned or implemented at the project site. When "treatment chemicals" are proposed, the operator must demonstrate to DEQ that appropriate controls and implementation procedures are used to ensure that the use of treatment chemicals will not lead to discharges that cause an exceedance of water quality standards or harm aquatic life.

The 1200-CN Jurisdiction may assign coverage under this permit after the operator 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 operator must apply for and receive coverage under the 1200-C construction stormwater general permit or an individual permit prior to discharging from the site.

3 Procedures for Denial or Revocation of Coverage

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

4 Performance Measures

The operator must implement erosion and sediment control measures at all times to prevent any turbid discharges or sediment from leaving the project site, from initial soil disturbance until permit registration is terminated. Failure to implement any of the required erosion and sediment control measures or practices, or the discharge of turbid water and/or sediment from the project site is a permit violation. The erosion and sediment control plan must be kept up-to-date throughout the term of coverage under this permit.

The operator must ensure that the erosion and sediment control plan is revised as necessary to reflect site conditions, and submit revisions to the 1200-CN Jurisdiction in accordance with the requirements of this permit.

4.1. Operator must 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 or is not effective on portions of the site;
- 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.

4.2. Operator must establish and maintain natural buffer zones and controls to protect surface waters of the state.

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

- a. The operator 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 operator must comply with one of the following alternatives:
 - 1. Maintain a 50-foot undisturbed natural buffer zone (See 4.2.b to determine natural buffer zone encroachment authorization on 401 WQC projects); or
 - 2. 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
 - 3. 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, construction activities, including stockpiling and staging of materials, are authorized to encroach into the existing 50 foot natural buffer zone of any water of the state as conditioned in the 401 Water Quality Certification. Projects with 1200-CN permit authorization and a 401 Water Quality Certification are not required to comply with the natural buffer zone requirements of Appendix B.
- c. If an operator'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 operator must maintain established vegetated buffers 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 1200-CN Jurisdiction for approval.
- 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.

4.3 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 2). The owner/operator 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.

- a. To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. The owner/operator 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 local agencies' velocity dissipation requirements;
- 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 chemical treatment systems for turbidity or any other pollutants must be designed and stamped by an Oregon Registered Professional Engineer.

4.4 Engineered sediment basin or similar installed impoundment

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;
- 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 (unless the stormwater facility is converted to post-construction design standards prior to permit coverage termination);
- 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 developed by the National Oceanic and Atmospheric Administration's National Weather Service or the Oregon Department of Transportation 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 of the 1200-CN Jurisdiction.

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

An engineered sediment basin, similar impoundment or engineered storage system (e.g. Baker tank) 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 operator must install an engineered sediment basin or similar impoundment in accordance with Section 4.4 (e.g. trap, pond) to treat high pH runoff (i.e. above 8.5 standard units) before discharge. The operator 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 operator 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 (CO₂) sparging or dry ice.
- b. The owner/operator must obtain written approval from DEQ before using any form of chemical treatment other than CO₂ sparging or dry ice (see Section 3). See Section 8.6.1 for pH sampling requirements.

5 AUTHORIZED DISCHARGES UNDER THIS PERMIT

The following is a list of stormwater discharges that are authorized under this permit provided that all stormwater controls are designed, installed, and maintained as required by this permit and the 1200-CN Jurisdiction:

5.1 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.

5.2 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 this permit.

6 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 as approved by local 1200-CN Jurisdiction;
- 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. The 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 uncontaminated 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 (see Section 2) are used to ensure compliance with discharge and water quality requirements.

6.1 Combined discharges

Discharges of stormwater listed in Sections 5.1 and 5.2 combined with non-stormwater discharges in Section 6 into a common conveyance system are allowed.

7 PROHIBITED DISCHARGES

The following discharges are not authorized by this permit:

- a. Visually turbid discharge or discharge of sediment (see Section 4.1) from the construction site to surface waters or a conveyance system that leads to waters of the state;
- b. A discharge that causes or contributes 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.

SCHEDULE B MINIMUM MONITORING AND RECORDKEEPING REQUIREMENTS

8 VISUAL MONITORING OF SITE AND REPORTING REQUIREMENTS

8.1 Person(s) responsible for visually monitoring the project site

All sites at least an acre in size must be visually monitored 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, or
5. Rogue Valley Sewer Services Erosion and Sediment Control Certification.

8.2 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 and other appropriate documentation can be used in the inspection reports. Note, in many parts of Western Oregon, a storm event of 0.10 inches will result in a discharge from construction sites.

8.3 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 temporary stabilization steps in accordance with the 1200-CN jurisdiction 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 8.2, as

applicable. The Inspector must document the beginning and ending dates of site inactivity in the visual monitoring reports.

- b. Exception. For “linear construction sites” where disturbed portions have achieved final stabilization per the 1200-CN jurisdiction requirements 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 temporary stabilization steps in accordance with the 1200-CN jurisdiction 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 8.2. 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 Section 9.4 Permit-Specific 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 8.2, as applicable;
 - ii. Land disturbances have been suspended; and
 - iii. All disturbed areas of the site have been temporarily stabilized in accordance with the requirements of the 1200-CN jurisdiction.
- 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 8.2, as applicable; and
 - ii. Disturbed areas of the site have been temporarily stabilized in accordance with the requirements of the 1200-CN jurisdiction.

8.4 Requirements for visual monitoring

Visual Monitoring should be conducted during safe conditions and evaluate 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;
- c. Identify any locations where new or modified stormwater controls are necessary to meet the erosion and sediment control requirements of the 1200-CN Jurisdiction;
- d. Check for the presence of visible erosion and sedimentation as outlined in Section 4.1 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. Identify all stormwater discharge locations at the site; and

- ii. Document 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. Identify 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.
- h. Complete any necessary maintenance, corrective actions, or stabilization measures.

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

8.5 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 the 1200-CN Jurisdiction;
- c. Names, titles and contact information of the inspector;
- d. A summary of the inspection, including the observations of the elements made in Section 8.4, 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 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 on the National Climatic Data Center website), or drought-stricken areas, the beginning and ending dates of the seasonally dry period and the schedule the operator will follow for initiating and completing vegetative stabilization;
- i. All pH sampling results conducted per section 8.6.1;
- j. The alternative erosion and sediment control measures and the inspection frequency (see section 8.3.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 8.3;
- m. If the Inspector is inspecting the site at the frequency specified in Section 8.2 or Section 8.3, 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 within 3 days upon request by DEQ or 1200-CN Jurisdiction; 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.

8.6 Monitoring requirements

8.6.1 Monitoring 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 operator must conduct and document pH monitoring of stormwater captured in the sediment impoundment as described below:

- a. The operator 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.
- b. Document date soil amendments were added and final stabilization achieved in the Inspection Report per Section 8.5.
- c. The operator must monitor the pH of stormwater in the sediment basins/impoundments and at discharge point locations that receive stormwater runoff from the area of engineered soils 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 is the maximum allowed SU or greater, the operator must either:
 - i. Prevent the high pH water from entering storm sewer systems or surface waters; or
 - ii. If necessary, 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 operator must obtain written permission from DEQ before using any form of chemical treatment other than CO₂ sparging or dry ice per Section 2.
- e. The operator must perform pH monitoring on site within 15 minutes of sample collection with an accurately calibrated pH meter. The operator must record the pH monitoring results and any pH adjustment treatments in the inspection report.

8.7 Inspections by DEQ or 1200-CN Jurisdiction

The operator must allow and make arrangements for DEQ and the 1200-CN Jurisdiction to have access to the site at all reasonable times.

SCHEDULE D SPECIAL CONDITIONS

9.1 Schedule precedence

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

9.2 Availability of Erosion and Sediment Control Plans 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 operator's area.

9.3 Other requirements

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

9.4 Permit-Specific definitions

- a. *1200-CN Jurisdiction*-a jurisdiction in which automatic coverage under the Oregon 1200-CN permit may apply to eligible activities. A list of these Jurisdictions may be found on DEQ's Construction Stormwater webpage.
- b. *Active Treatment System*-the use of chemicals and/or pumps to remove pollutants from water (stormwater runoff or from dewatering) before discharge from a permitted site.
- c. *Backwash water* (per Section 4.3.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.
- d. *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.
- e. *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.
- f. *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.

- g. *Construction Activities*-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).
- h. *Construction Support Activity*-a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.
- i. *Conveyance System*-for the purposes of this permit, a sewer, ditch, pipe, channel, swale or similar component that is designed to carry water; or any combination of such components.
- j. *CO₂ Sparging* (per Sections 4.5 and 8.6.1)-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. *Dewatering*-the removal and disposal of surface water or groundwater during site construction.
- m. *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.
- n. *Earth Disturbance*-actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.
- 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 sedimentation, 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. *Hazardous Materials*-the materials defined in 40 CFR part 302 Designation, Reportable Quantities, and Notification.
- t. *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.
- u. *Local Government*-any county, city, town, or service district.
- v. *Local Permit*-Permits or permit coverage issued by a local entity that is designated as a "local qualified program" or 1200-CN jurisdiction by DEQ (e.g. city or county).
- w. *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.
- x. *Natural Buffer Zone*-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.
- y. *Natural Vegetation*-vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals. For purposes of this permit, this includes invasive species.

- z. *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.
- aa. *Operator*-for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:
 - (1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 - (2) The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.
- bb. *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.
- cc. *Person*-not only individuals, but also includes, 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.
- dd. *pH neutralization* (per Section 6.6)-to bring the pH between 6.5 and 8.5 standard units.
- ee. *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.
- ff. *Pollution or Water Pollution* as defined by ORS 468B.005(3)-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.
- gg. *Runoff Controls*-BMPs that are designed to control the peak volume and flow rate or to prevent scour due to concentrated flows.
- hh. *Sediment*-mineral or organic matter, typically deposited by water, air, or ice.
- ii. *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.
- jj. *Site*-the area where the construction activity is physically located or conducted.
- kk. *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.
- ll. *Stormwater as defined by 40 CFR §122.26(b)(13)*-stormwater runoff, snow melt runoff, and surface runoff and drainage.
- mm. *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.

- nn. *Stumping*- For the purposes of this draft permit, “stumping” is defined as “to clear the land of stumps.”
- oo. *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.
- pp. *Surface Water*-all water naturally open to the atmosphere (for example, rivers, lakes, reservoirs, ponds, streams, impoundments, oceans, estuaries, springs, etc.).
- qq. *Thawing conditions*-when frozen water onsite melts and creates runoff that may possibly discharge.
- rr. *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.
- ss. *Toxic Substances*-are materials that are poisonous to living organisms.
- tt. *Treatment Chemicals*-polymers, flocculants or other chemicals that, among other things, are used to reduce turbidity in stormwater discharges by chemically bonding to the suspended silts and other soil materials and causing them to bind together and settle out. Common examples of treatment chemicals are chitosan, cationic PAM and anionic polyacrylamide.
- uu. *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.
- vv. *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.).
- ww. *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.