

Implementing the Renewed 1200-C NPDES Construction Stormwater General Discharge Permit Stormwater Program

Jan. 15 and 28, 2021
Zoom Meeting

Presentation Goals

- Identify changes from previous permit conditions
- Express intent of conditions
- Address implementation of conditions
- Application/ESCP/EMP submittal and review process
- Inspections

General Changes to 1200-C Permit

- Clear and concise language
- Expanded narrative conditions
 - Technology based effluent limitations (TBELs) (Section 2)
 - Pollution Prevention (Section 2.3)
- Integrated step-wise process that ensures stormwater control measures are designed, implemented, maintained, monitored and documentation of these procedures is performed

Sources Covered-Limitations of Coverage

- 401 Water Quality Certification
 - Recommends applicant identify buffer requirements of 401 WQC
 - <https://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401-Certification.aspx>

Section 1.1.1 Responsible person that must obtain coverage under this permit

- Applicant is referred to as “Responsible Person”
 - Owner/Agent/Engineer-operational control over construction plans and specifications
 - Prime-General Contractor-day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions
- Other titles
 - Applicant
 - Registrant
 - Legally Authorized Representative (LAR)

Section 1.2.2 Application

- Small Lot Permit deleted from permit.
 - Construction project regardless of size is required to submit same application and supplementary documents.
 - Lots less than an acre as part of a common plan of development will require permit coverage but will not pay annual renewal fee.
- DEQ, Agents and CN Jurisdictions will authorize permit coverage on small lots
- MS4 permittees that are not Agents or CN Jurisdictions- Obtain small lot permit coverage through DEQ

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

- All phases of the development that are intended to be developed and 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-(i.e. an ESCP revision will no longer be allowed to add phases to a common plan of development).

Section 1.2.4 Construction projects that disturb five or more acres

- If project size increases the acreage to 5 or more acres after permit coverage is issued, the project must be posted for mandatory 14-day public review period
- During 14-day mandatory public review period the construction activities must cease and cannot start again until DEQ or Agent approves permit coverage

Section 1.2.9 Environmental Management Plan and Appendix A

- All EMPs submitted with 1200-C permit applications should be sent directly to Blair Edwards to coordinate with Cleanup
- Agents will send EMP to DEQ for review and approval
- If a site has an ECSI Number it will be reviewed by Cleanup
 - No Further Action (NFA) designations may still require an EMP
 - Capped contaminated media that is naturally attenuating
 - Conversely-spill on site that was abated years ago=No EMP

Section 1.4 Authorized Non-Stormwater Discharges

- Wastewater from vehicle engine, undercarriage tires/wheels wash are not authorized as a non-stormwater discharge

Section 1.5 Prohibited Discharges

- Vehicle engine, undercarriage wheels/tires washwater prohibited discharges

Section 2 TBELs

- Stormwater Control Measures
- Expanded narrative criteria from previous permit
- Removed any prescriptive lists

Section 2.2.4 and Appendix B

- Mandatory 50-foot buffer
- Onus is on the applicant to prove sediment removal efficiency is equivalent to that of removed NBZ width.
- RUSLE2 and other models may be used
 - Reviewers are not required to check calculations
- If applicants do not want to use Appendix B for NBZ encroachment guidance than they must maintain 50-foot NBZ
- If 401 WQC applied for or obtained, alternatives of 2.2.4.a may not be claimed
- BMPs within NBZ must be spaced minimum 5-feet apart

Section 2.2.17 Engineered sediment basin or similar impoundment installed

- Engineered sediment basin/impoundment must be stamped by a PE

Section 2.2.18 Engineered sediment basin must be installed with engineered soils

- If soil is amended on project with Portland cement, fly ash or kiln ash or other cementitious admix a sediment basin must be constructed on site
- Stormwater runoff coming into contact with soil amendments must be retained and treated if necessary before discharge
- pH monitoring required as well-Section 6.6.1

Section 2.3 Pollution Prevention Controls

- Expanded narrative criteria for Pollution Prevention Controls

Section 3.1 WQBELs

- OAR 340-041-0036 WQ Standard added
 - 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.
- NTU Monitoring not required, however registrant may monitor to ensure WQS above is not violated
- DEQ laboratory providing guidance document for NTU monitoring
- Regardless, permit language is clear-discharge from project site shall not be visibly turbid (Sections 2.2.11, 5.b and others)



Section 4.3 ESCP for each phase of construction activity

- ESCP developers must address:
 - Demolition, clearing, grading, excavating and land development
 - Street and utilities
 - Vertical construction
 - Final landscaping and site stabilization
- Local building permits require that all 4 phases shown

Section 4.4 ESCP Contents

- List of contractors must be kept with ESCP and updated regularly
 - DEQ and Agent will be aware of party responsible for actions/areas on project site

Section 4.11

- The permit registrant is responsible for ensuring that all activities on the site comply with the requirements of this permit
- Self-explanatory

Section 6 Visual Monitoring and Reporting Requirements

- No acreage threshold for certified visual monitoring inspector
 - Required on all permitted project sites

Section 6.1 Person(s) responsible for visually monitoring the project site

- Certified Inspector of Sediment and Erosion Control (CISEC) added to DEQ approved list

Section 6.2 Frequency of Visual Monitoring Inspections

- 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.
- DEQ expects **daily** visual monitoring be performed within 24 hours of discharge from site.

Section 6.6.1 Monitoring pH of stormwater when engineered soils are used

- pH monitoring of sites with engineered soils
 - Monitor pH in sediment basin/impoundment before discharge
 - Monitor pH at discharge point from sediment basin/impoundment
- pH Standard Unit must be in range of River Basin that the receiving waterbody is in per 340-041-0021

Definitions

- Stumping
 - Only when done for future land development

Supplemental 1200-C Documents

- Application
- Name Change/Transfer Form
- Notice of Termination
- 42 Standard Notes
- ESCP Template
- Fact Sheets
 - Application
 - NBZ
 - Monitoring-pH and NTU

Questions?

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