

Construction Stormwater Application and Forms Manual

1200-C NPDES Construction Stormwater General Discharge Permit

March 2022

Water Quality Permitting

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DEQ is a leader in restoring,
maintaining and enhancing the
quality of Oregon's air, land and
water



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Department of
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DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

Table of Contents

Introduction	2
Background.....	2
Does Your Construction Site Need a Permit?.....	2
Which Agricultural and Forestry Construction Activities Need a Permit	3
Where to submit your application.....	3
What Does the 1200-C Permit Require?.....	6
Permit Application.....	9
Who Needs to Apply for Permit?	9
Obtaining a Permit Application	9
Application Steps.....	9
Permit Fees	10
Submitting a Complete Application	10
Processing the Application	10
Is My Project Subject to Public Review?.....	10
What is the Public Review Process?.....	10
Tracking Application Status	11
November 30, 2015 Expiration Date of the 1200-C Permit.....	11
Contacts for Questions.....	11
Preparing the ESCP	12
Part I: ESCP Narrative Form	12
Part II: BMPs and ESCP Implementation Schedule Form.....	12
Transfer of Termination of Permit Coverage.....	14
Can I Transfer My Permit to Another Operator?	14
When and How do I Terminate Permit Coverage?	14
Can I Terminate Coverage Before the Entire Project is Finished?	14
Final Stabilization Requirements.....	14
ESCP Revisions.....	15
Conditions That Require Submittal of ESCP Updates.....	15
Inspections.....	17
Visual Monitoring Requirement	17
Recordkeeping Requirements	18
Additional Resources.....	19

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Introduction

This guidance is intended to provide you with information about the federal stormwater regulations as they pertain to construction activities in Oregon. It is not intended to give you any detailed information on erosion and sediment control measures.

Background

In November 1990, the federal Environmental Protection Agency (EPA) adopted regulations pertaining to stormwater discharges into surface water bodies. These regulations can be found at: <https://www.epa.gov/laws-regulations/regulations>. At this time, the regulations required that National Pollutant Discharge Elimination System (NPDES) permits be obtained for construction activities, including, but not limited to clearing, grading, and excavating that disturb five (5) or more acres of land. Permits were also required for developments that disturb at least five acres over a period of time.

On December 8, 1999, EPA adopted the Phase II regulations that require NPDES permits for construction activities that disturb one or more acres of land, including smaller sites that are less than one acre that are part of a larger common plan of development.

The Department of Environmental Quality (DEQ) has developed NPDES Stormwater Discharge General Permit No. 1200-C to cover these activities. Oregon Administrative Rules (OAR) 340-045-0015 and 0033(5) require all owners or operators responsible for these activities to register under this permit or obtain an individual permit.

On December 15, 2020, DEQ revised the 1200-C Permit that was adopted pursuant to Oregon Revised Statute (ORS) 468B.050 and Section 402 of the Federal Clean Water Act. You may obtain a copy of the permit from a DEQ regional office (see Tables 1 through 3: DEQ Main Regional Offices, p. iii through v.) or at: <https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>

This permit does not authorize in-water or riparian work regulated by the Federal Clean Water Act Section 404-permit program. These types of activities are regulated by the Oregon Department of State Lands, website: <https://www.oregon.gov/DSL/Pages/index.aspx>, U.S. Army Corp of Engineers, website: <https://www.usace.army.mil/> and the Department of Environmental Quality Section 401 certification program, website: <https://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401-Certification.aspx>.

Unless specifically authorized by this permit, by another National Pollutant Discharge Elimination System (NPDES) or Water Pollution Control Facilities (WPCF) permit, or by OAR, any other direct or indirect discharge to waters of the state is prohibited, including discharges to an underground injection control (UIC) system.

Does Your Construction Site Need a Permit?

Please answer the following questions:

1. Does your construction project disturb one or more acres of land through construction activities, such as clearing, grading, excavating, grubbing, stumping, and demolition, or does it disturb less than one acre but is part of a larger common plan of development or sale that ultimately disturbs

one acre or more? Remember to count the acreage of the entire project whether in a single or in a multiphase project. This applies even if you are responsible for only a small portion (less than one acre per phase) of the larger project planned over time.

2. Is there any possibility that stormwater could run off your site during construction activities and into surface waters or conveyance systems leading to surface waters of the state? In many cases, the answer to this question is yes. However, if the topography and location of your site is such that there is no possibility that rainfall or snowmelt could leave the site or enter a waterway, you do not need permit coverage.

If you answered “yes” to both of these questions, your construction site needs permit coverage. Permit coverage may be available through the 1200-CN (see below).

Which Agricultural and Forestry Construction Activities Need a Permit

Following EPA guidelines (as stated in 40 CFR 122.3(e)), pollutants from non-point source agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, range lands, and forest lands, with the exception of Confined Animal Feeding Operations (CAFOs) as defined at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_603/603_074.html, are exempt under the stormwater regulations. CAFOs must register for the Oregon CAFO National Pollutant Discharge Elimination System General Permit 01-2009. Information on Oregon’s CAFO program is available at <http://www.oregon.gov/ODA/programs/NaturalResources/Pages/CAFO.aspx>.

This exemption does not extend to the construction of buildings. Construction of any building, areas around the building, and access roads to those buildings that disturbs 1 acre or more of agricultural or agriculture-related operations must obtain coverage under a construction permit for stormwater discharges.

Note: If an active chemical treatment system is to be used it must be approved by DEQ.

Where to submit your application

The 1200-CN

If your site is located within those jurisdictions located in Table 1 and is in the acreage range listed, contact the local government entity (city, service district, county, etc.) for information on what they will require. The local government entity will administer the construction project under their local codes and the site is automatically covered under the NPDES 1200-CN Permit. The local jurisdiction will give you a copy of the 1200-CN Permit with your local permit. You must comply with the 1200-CN Permit, but you do not need to apply to DEQ for a permit.

1200-C Administered by Agents

If your site is not eligible for the 1200-CN, but is in the jurisdiction of one of the Agents listed in Table 2, the Agent will administer the construction project under the NPDES 1200-C Permit. Submit your application for coverage under the NPDES 1200-C Permit to the appropriate Agent listed in Table 2.

1200-C Administered by DEQ

DEQ administers the 1200-C for all other sites (those not eligible for the 1200-CN and not in areas covered by Agents). Submit your application for coverage under the NPDES 1200-C Permit on Your DEQ On-Line or YDO. The YDO portal is found at: <https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>

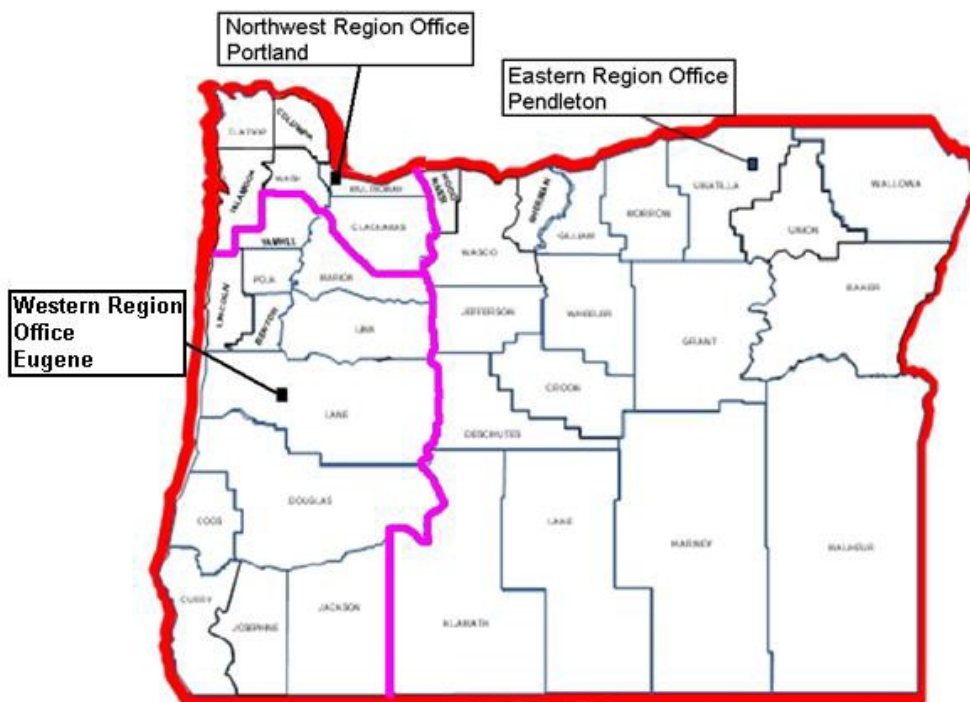
Table 1. Local Government Entities

Permit Issuance Government Entities for Construction Sites of 1 to 5 Disturbed Acres (1200-CN Permit)		
City of Albany Public Works 333 Broadalbin Street SW Albany, OR 97321	City of Corvallis P.O. Box 1083 Corvallis, OR 97339-1083	City of Eugene Public Works 99W. 10th Avenue Eugene, OR 97401
City of Milwaukie 6101 SE Johnson Creek Blvd. Milwaukie, OR 97206	City of Springfield - Public Works Engineering Division 225 Fifth Street Springfield, OR 97477	City of West Linn West Linn, OR 97068
City of Wilsonville Wilsonville, OR 97070	Multnomah County 1600 SE 190th Ave Portland, OR 97233-5910 Unincorporated portions of Multnomah County	Lane County Public Works Waste Management Division 3100 E. 17th Avenue, Eugene, OR 97403 Within the MS4 boundary
Clackamas County Water Environmental Services 150 Beavercreek Road Oregon City, OR 97045 Unincorporated Clackamas County and areas within the Cities of Rivergrove and Gladstone	Clean Water Services 2550 SW Hillsboro Highway Hillsboro, OR 97123 Includes Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, North Plains, Sherwood, Tigard, Tualatin, and portions of Washington County	Rogue Valley Sewer Services 138 West Vilas Road, PO Box 3130 Central Point, OR 97502 Includes Central Point, Phoenix, Talent, White City and portions of Jackson County
Permit Issuance Government Entities for Construction Sites of less than 1 Disturbed Acres (1200-CN Permit)		
City of Gresham Environmental Services Dept. Watershed Management Div. 1333 NW Eastman Pkwy. Gresham, OR 97030	City of Troutdale Public Works Department 342 SW 4 th St. Troutdale, OR 97060	City of Wood Village 2055 NE 238 th Dr. Wood Village, OR 97060

Table 1. Cities or Districts Acting as DEQ Agents

<p>City of Eugene 99 W. 10th Avenue Eugene, OR 97401 541-682-2706</p>	<p>City of Troutdale 342 SW 4th Street Troutdale, OR 97060 503-674-3300</p>
<p>Clean Water Services 2550 SW Hillsboro Highway Hillsboro, OR 97123 503-681-5101</p> <p>Includes Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, North Plains, Sherwood, Tigard, Tualatin, and portions of Washington County</p>	<p>Rogue Valley Sewer Services 138 West Vilas Road, PO Box 3130 Central Point, OR 97502 541-664-6300</p> <p>Includes Central Point, Phoenix, Talent, White City and portions of Jackson County</p>

Figure 1. DEQ Regional Offices



<p>DEQ Northwest Region 503-229-5263 or 1-800-452-4011</p>	<p>DEQ Western Region 541-687-7326 or 1-800-844-8467</p>	<p>DEQ Eastern Region 541-278-4605 or 1-800-304-3513</p>
<p>Northwest Region Counties: Clackamas, Clatsop, Columbia, Multnomah, Tillamook, Washington</p>	<p>Western Region Counties Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, Yamhill</p>	<p>Eastern Region Counties Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, Wheeler</p>

What Does the 1200-C Permit Require?

The 1200-C Permit requires registrants to prepare an Erosion and Sediment Control Plan (ESCP) and incorporate Best Management Practices (BMPs) into their land disturbing construction work. BMPs are used on the project site to prevent or minimize erosion and control sediment runoff from the site.

The permit focuses on preventing pollution from erosion and runoff. In addition, the permit requires registrants to inspect and maintain their controls to ensure they are working properly to prevent erosion and sediment runoff from leaving the site. Also, registrants must meet with the following requirements:

- Do not cause a violation of the state's in-stream surface water quality standards (Schedule A Section 3)
- If your construction project has the potential to discharge to a portion of a waterbody that is listed for turbidity or sedimentation on the most recently EPA-approved Oregon 303(d) list or that have an established Total Maximum Daily Load (TMDL) for sedimentation or turbidity (available at www.deq.state.or.us/WQ/assessment/assessment.htm), 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). (Schedule A Section 2.2.4.c)
- If a waters of the state is within the project site or within 50 feet of the project boundary, and a natural buffer exists within 50 feet of the water of the state, the ESCP must delineate and protect this area with orange fencing or flagging and maintain existing buffer until completion of project. (Schedule A Section 2.2.1.b) All discharge must be filtered prior to entering the natural buffer to avoid sediment build up. If scour is an issue, an energy dissipater may need to be installed. (Schedule A Section 2.2.16)

Natural Buffer means, 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. If project will reduce natural buffer zone under 50 feet of waters of the state, the ESCP must include one or more BMPs to control and treat sediment and turbidity.

- Prevent significant amounts of sediment from entering surface waters (Schedule A Section 2.2.11). The following conditions describe significant amounts of sediment:
 - Required stabilization has not been initiated or completed
 - Earth slides or mud flows;
 - Concentrated flows of stormwater such as rills, rivulets, gullies or channels that cause erosion when such flows are not filtered or settled to remove sediment;
 - Sediment laden or turbid flows of stormwater that are not filtered or settled to remove turbidity;
 - Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets, or catch basins that discharge to surface waters. Inlets and catch basins with failing sediment controls due to lack of maintenance or inadequate design are considered unprotected;
 - 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;

- 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
 - Deposits of sediment from the project site at discharge locations or the banks of any waters flowing within or immediately adjacent to the site
- If any of the following occur: 1) The discharges are causing an exceedance of applicable water quality standards; 2) Sediment or turbidity (as described in Section 2.2.11) are visible in discharge from the permitted site within a conveyance system leading to surface waters or in surface waters from the discharge point; 3) 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 water; 4) as the result of a permit violations found during an inspection; 5) a stormwater control needs repair or replacement (beyond routine maintenance required under Section 2.1.4); 6) a stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; 7) a prohibited discharge has occurred (see Section 1.5); or 8) the permit registrant must take following corrective actions (Schedule A Section 5):
 - Immediately, but no later than 24 hours after initial detection, take corrective actions or implement additional effective BMPs until the significant amounts of sediment or turbidity are no longer visually detectable.
 - Evaluate the ESCP to determine the cause of the discharge. Submit a report to DEQ or Agent within ten (10) calendar days of the discharge that includes a description of the discharge, the correction actions taken to cease the discharge, and other items as described in Schedule A.13.b.
 - Submit to DEQ or Agent ESCP revisions, if revisions were required to prevent and control erosion and sediment discharges.
 - Document in the inspection records the corrective actions taken. The following non-stormwater discharges to surface water are authorized provided they are identified in the ESCP and all necessary controls are implemented to minimize sediment transport (Schedule A Section 1.4):
 - Water and associated discharges from emergency firefighting activities;
 - Fire hydrant flushing;
 - Properly managed landscape irrigation;
 - 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
 - Water used to control dust;
 - Potable water including uncontaminated water line flushings;
 - External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances;
 - 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;
 - Uncontaminated air conditioning or compressor condensate;
 - Uncontaminated, non-turbid discharges of groundwater or spring water;
 - Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater; and
 - Construction dewatering activities (including groundwater dewatering and well drilling discharge associated with the registered construction activity), provided that:

- 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
- 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.

For other non-stormwater discharges, a separate permit may be needed. The disposal of wastes to surface waters or on-site is not authorized by this permit. The permit registrant must submit a separate permit application for such discharges.

Key permit compliance elements include:

- Prepare an ESCP that contains the required plan elements (Schedule A Section 4).
- Read the permit and keep copies of the permit and the most up-to-date ESCP on-site at all times.
- Implement the BMPs in the ESCP according to sequence of construction phases (Schedule A Section 4.3).
- If there are changes to project design, conditions, schedule, BMPs or other elements of the project, revise the ESCP and submit the revisions to DEQ or Agent if the permit conditions require (Schedule A Section 4.8).
- Visually inspect BMPs daily and within 24 hours of stormwater runoff, including runoff from snowmelt, is occurring and at least once every 14 calendar days, regardless of whether stormwater runoff is occurring. (Schedule B Section 6.2).
- Document all monitoring and inspections, and keep documentation on-site and updated (Schedule B Section 6.5).

Permit Application

Who Needs to Apply for Permit?

The “Responsible Person” needs to apply for permit. The Responsible Person is the person or entity that has operational control over the construction plans or specifications, including the ability to make or approve modifications to those plans or specifications; or day-to-day activities that are necessary to ensure compliance with permit conditions (e.g. implement the Erosion and Sediment Control Plan (ESCP)). The Responsible Person will be referred to as the Permit Registrant once 1200-C permit coverage is granted.

Responsible Person may include:

- Owners/Agent of Owner/Engineer
- Prime-General Contractors/Subcontractors
- Local government entity

It is the responsibility of the registrant to develop and implement an ESCP and maintain all BMPs during each stage of the project when the site has unstable soil that may erode and discharge turbid or sediment laden stormwater runoff to surface waters of the State (Schedule A Section 2.2.11). Note: If permit conditions are violated, DEQ may take enforcement action against the permit applicant (Schedule F.A.2).

Obtaining a Permit Application

1200-C Permit Application must be submitted on Your DEQ On-Line or YDO. Paper applications are no longer accepted. You can submit a 1200-C permit application on the YDO portal found at: <https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>

Application Steps

Note: DEQ has contracted with several local jurisdictions known as “Agents” or “local government entities” to make it easier for developers and builders to apply for a permit. If your project is located in one of the areas (see Tables 1 and 2), please contact the Agent or local government entity for their application forms, fees, and procedures.

These jurisdictions have chosen to act as DEQ's Agent or, in the case of those sites that are less than five acres, to permit them per their local stormwater codes and issue the 1200-C Permit or 1200-CN Permit as applicable, to make it easier for developers and builders to comply with the regulations. In most cases, the 1200-C Agent will use DEQ's application form and the 1200-CN jurisdiction will use their own form, but please check with them first. Please note that a Service District or County may or may not cover the municipalities within their boundaries and may cover multiple counties in the case of Service Districts. Please check with the County or Service District or other government entity before submitting the application materials to verify where to send the materials.

1. Read the 1200-C Construction Stormwater General Permit and local government construction regulations. A copy of the permit, is available here: <https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.asp>
2. Develop an Erosion and Sediment Control Plan (ESCP) for your construction project/site.
3. Complete the DEQ NPDES #1200-C Permit Application Form or the equivalent local jurisdiction form and Land Use Compatibility Statement (LUCS).
4. Obtain signoff of the LUCS by the local planning authority.

5. Complete and submit an Environmental Management Plan (EMP) Review application (See Appendix A) if an ECSI Number has been assigned to the site by DEQ, contaminated media or groundwater is found on site, or an Active Treatment System is to be used.
6. Submit the completed Permit Application form, LUCS, ESCP and EMP (if required) to the appropriate DEQ regional office for the county where your project is located or to the Agent office or local government entity.
7. Permit Fees
8. Submit the appropriate permit fees to DEQ, Agent or local government entity as applicable at the time you apply for new permit coverage.

If you are submitting your application on YDO, please visit DEQ's website at:

<https://www.oregon.gov/deq/Rulemaking%20Docs/340-045-0075WQFeeTables.pdf>

for the current fees. Make checks payable to the Department of Environmental Quality. If you send your application to a DEQ Agent or other local government entity, pay the specific application fee charged by the Agent or entity. Make checks payable to the Agent or entity. Please contact the Agent or local government entity to determine the fee.

After you receive your permit coverage, DEQ will invoice you for annual permit fees for the NPDES 1200-C Construction Stormwater Discharge Permit only each additional year after the first year that your permit coverage is in effect.

Please note that you will be invoiced these fees even if your project is finished unless you notify DEQ and terminate your coverage under the permit. Please see *Section C, Transfer or Termination of Permit Coverage* for more information.

Submitting a Complete Application

For your application to be accepted, you need to submit the following:

- ✓ Completed Application Form including the Narrative Part I, & II if applicable
- ✓ Approved Land Use Compatibility Statement (LUCS)
- ✓ Erosion and Sediment Control Plan (ESCP); one hard full sized copies and one pdf electronic copy
- ✓ Environmental Management Plan (if required)
- ✓ Fees

Processing the Application

Once you submit the application packet (application form, Land Use Compatibility Statement, Erosion and Sediment Control Plan, Environmental Management Plan (if required), fees) on YDO, DEQ or its Agent or the local government entity will review the forms to make sure the application is complete. DEQ will return any incomplete application with a list of missing information.

Is My Project Subject to Public Review?

All projects disturbing five (5) or more acres are subject to public review. A mandatory public review period of 14 calendar days will begin after DEQ or its Agent has determined that your application is 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.

What is the Public Review Process?

DEQ will post a notification on its website that the application and ESCP are available for public review at a DEQ regional office depending on where the project is located. Please note that some Agents may also make these materials available for public review at their office. The public will have 14 calendar days to submit comments to DEQ about the application and plan.

After the public comment period, DEQ will review the comments and determine if the ESCP is adequate and whether or not the NPDES 1200-C Permit should cover this project. Based on public comments received, DEQ or its Agent may request you to change the ESCP or apply for coverage under an individual permit. 10

Note: Comments regarding local land use issues need to be addressed in a local land use public notice and hearing and are outside the jurisdiction of DEQ. The public comment period is to provide the opportunity for the public to address potential water quality issues related to the construction phase of this particular site only.

Tracking Application Status

You may track your application status on YDO. You can access YDO at: <https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>.

Dec. 14, 2025, Expiration Date of the 1200-C Permit

Prior to permit expiration, DEQ will notify you of the appropriate procedures, including submitting a permit renewal application and a revised ESCP, if applicable to continue permit coverage. Because permit coverage may expire if a renewal application is not received, it is imperative that you keep your contact information (particularly your e-mail address and telephone number) up to date. Failure to pay the annual fee may result in permit coverage termination.

Contacts for Questions

If you have any questions regarding the information provided here, please contact the appropriate Regional DEQ Office or DEQ Agent Office (Figure 1 and Table 3) and ask for stormwater staff in the case of the DEQ offices.

Preparing the ESCP

The ESCP must contain the following elements: (NPDES 1200-C Permit Schedule A Section 4.4)

- Local government requirements.
- Inspection information including inspector(s) and qualification(s), if known. If not known, contact DEQ regional staff or local jurisdiction for assistance.
- Narrative site description.
- Implementation schedule and description of BMPs.
- Site map and drawings (see ESCP Part III form for complete list of items to include).

There are two options for submitting a complete ESCP:

Option 1: Fill out DEQ ESCP forms (Parts I-III) and provide ESCP Drawings

- Complete ESCP Part I: Narrative description of the site and soils present, inspector qualifications, etc.
- Complete ESCP Part II: Best Management Practices (BMPs) Implementation Schedule.
- Complete ESCP Part III and ESCP Drawings: Prepare drawings that include a site (project location) map and site drawing(s) showing location and details of the BMPs to be used. Use ESCP form Part III to verify that you placed the required information on the drawings.
- Include the Standard Notes on the drawings (as listed in ESCP form part III).

Option 2: Consolidating all of the required information (Parts I-III) into the ESCP Drawings

- Complete the ESCP Drawings and include the following information on the drawings:
- Site location map.
- Site description and soils present, inspector qualifications.
- BMP implementation schedule initialed by the engineer or architect.
- The Standard Notes (as listed in ESCP form part III), plus construction notes on the drawings which show pre-construction and post-construction contours or surface flow directions.
- BMP locations and installation and/or construction details.

An example set of drawings that meet these requirements is located on DEQ's website at:

<https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>

In addition, ESCP form Part III may be used as a tool to verify that you placed the required information on the drawings.

Part I: ESCP Narrative Form

There is information about your project that may be best provided in a text form rather than on the ESCP Drawings. If you submit the information on the Narrative Form (Option 1), do not also include this information on the drawings (Option 2) per the Example Drawings. Please fill out the ESCP form Part I.

Part II: BMPs and ESCP Implementation Schedule Form

The ESCP form Part II includes an extensive table of BMPs. Your project may only require some of these BMPs to effectively manage erosion and sediment control. DEQ expects each project to use BMPs that are appropriate for specific conditions, such as project type (residential, commercial or industrial), local site conditions (rainfall, soils types, slopes, presence of streams, wetlands, ditches and other waters of the state, drinking water wells, UICs, and so on) or surrounding properties. Some of BMPs, such as sediment fences, will require construction; some require maintenance or site inspections and reporting. List BMPs that require construction in the drawings, and include installation details or drawing notes as appropriate. Use the ESCP form Part II “BMPs and ESCP Implementation Schedule” to identify your selected BMPs for the project and a schedule for implementing these BMPs.

Transfer of Termination of Permit Coverage

Can I Transfer My Permit to Another Operator?

Permit coverage may be transferred from one registrant to another provided the new registrant assumes legal responsibility for the entire project (Schedule A Section 1.2.8). Both the previous registrant and new registrant must complete and submit the “Name Change and/or Permit Transfer” form and applicable fee to DEQ or Agent. This form may be found on YDO at: <https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>.

When and How do I Terminate Permit Coverage?

You may submit a “Notice of Termination” form after completion of construction activities and final stabilization of the site (Schedule A Section 2.2.21). This form and additional instructions may be found on YDO.

Can I Terminate Coverage Before the Entire Project is Finished?

You can submit a Notice of Termination form (including photo documentation) for your portion of a site providing:

1. You have achieved final stabilization (see below); or
2. Another operator has assumed control of any remaining areas that have not been stabilized and has obtained permit coverage.

Final Stabilization Requirements

Before termination of the permit coverage, all soil disturbance activities must be complete and the site must have undergone final stabilization (no bare soil, vegetation is established to 70% cover). Removal and disposal of all temporary erosion and sediment controls must have occurred unless a local ordinance requires otherwise. No further soil disturbances will occur in conjunction with the registrant’s project work.

For projects which have sold off some of the lots (i.e. common plan of development for subdivisions, commercial or industrial projects) registrants may terminate permit coverage if:

- (1) All portions of the original common plan of development or sale that have been sold must either meet final stabilization criteria or be covered by the 1200-C or 1200-CN; and
- (2) The permittee must submit an update of the ESCP depicting new site boundaries (based on the sale of portions of the common plan) for the stabilized remaining area covered by the permit for which the permittee is requesting termination of permit coverage.

ESCP Revisions

Conditions That Require Submittal of ESCP Updates

Keep copies of all ESCP revisions on site. Submission of all ESCP revisions is not required. ESCP revisions must be submitted only if they are made for any of the reasons listed below:

1. Changes for Emergency Situations

When immediate correction actions are required to *cease the discharge of significant amounts of sediment* from entering surface waters or nearby properties (Schedule A Sections 2.2.11 and 5), the ESCP revisions must identify the correction actions taken to cease the discharge, if such actions require a change to the ESCP or a change in the method(s) of implementing the ESCP, (for example, increased inspection frequency). (Definition of significant amounts of sediment is in permit condition A Section 2.2.11). Submit the ESCP revisions to DEQ or Agent within ten (10) calendar days of the discharge identifying the correction actions taken to cease the discharge. Approval of the revisions by DEQ or its Agent prior to implementation of corrective actions is not required.

2. 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

3. Change (increase or decrease) in the size of the project.

Submit revisions to DEQ or its Agent at least 10 days before implementing the revisions. An increase in the size of the project that is less than 5 acres to an area 5 acres or more may result in a public notice requirement. If the permit registrant does not receive a response from DEQ or its Agent within ten (10) days of receipt, the proposed revisions are deemed approved.

4. Change (increase or decrease) in the size or location of disturbed areas.

Submit revisions to DEQ or its Agent at least 10 days before implementing the revisions. An increase in the disturbed area from less than 5 acres to a disturbed area of 5 acres or more may result in a public notice requirement. If the permit registrant does not receive a response from DEQ or its Agent within ten (10) days of receipt, the proposed revisions are deemed approved.

5. Change to BMPs (for example, type, design or location).

Submit revisions when changes in the project design that may affect stormwater discharges, local conditions, or project schedule (for example, schedule delays postpone earthwork to wet weather season so additional controls are needed). In addition, submit changes (such as type or design) to the BMPs identified in the ESCP, their location, maintenance required, and any other revisions necessary to prevent and control erosion and sediment runoff. Submit revisions to DEQ or its Agent at least 10 days before implementing the revisions. If the permit registrant does not receive a response from DEQ or its Agent within ten (10) days of receipt, the proposed revisions are deemed approved.

6. Change in the erosion and sediment control inspector.

Submit name, contact information and qualifications to DEQ or its Agent. If the permit registrant does not receive a response from DEQ or its Agent within ten (10) days of receipt, the inspector(s) are deemed approved.

7. Changes that DEQ or Agent Requests

DEQ or Agent may require the permit registrant to submit ESCP revisions at any time if the ESCP is inadequate to prevent the discharge of significant amounts of sediment or turbidity to surface waters or to conveyance systems that discharge to surface waters.

There are three ways to inform DEQ or an Agent of revisions to the ESCP:

1. Submit ESCP revisions on YDO to DEQ or email to Agent when revisions to the ESCP are minimal and identify in the email the particular changes. Submit only portions of the ESCP that have changed.
2. Submit the revisions by redlining the copy of the original ESCP or drawings. Submit only drawings that have changed.
3. When the ESCP requires extensive revisions, submit the entire revised ESCP. Please keep copies of all ESCP revisions on site.

Inspections

Beginning Dec. 15, 2020 all sites must have visual monitoring inspections conducted by a person certified in an erosion and sediment control program that has been approved by DEQ. DEQ has approved the following programs:

- a) Certified Professional in Erosion and Sediment Control,
- b) Certified Professional in Storm Water Quality,
- c) Certified Inspector of Sediment and Erosion Control,
- d) Washington State Certified Erosion and Sediment Control Lead, or
- e) Rogue Valley Sewer Services Erosion and Sediment Control Certification.

Visual Monitoring Requirement

All areas of the site disturbed by construction activity must be inspected to ensure that BMPs are in working order. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking as well as areas used for storage of materials that are exposed to precipitation for evidence of spillage or other potential to contaminate stormwater runoff.

In addition, inspect all discharge point(s) identified in the ESCP for evidence of or the potential for the discharge of pollutants, and to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to surface waters. Where discharge points are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable.

All ESCP controls and practices must be inspected according to the following schedule:

Site Condition	Minimum Frequency
1. Active period	On the initial date; Daily within 24 hours when stormwater runoff, including runoff from snowmelt, is occurring; and At least once every 14 calendar days, regardless of whether stormwater runoff is occurring
2. Prior to the site becoming inactive or in anticipation of site inaccessibility	No more than 14 calendar days prior to a site becoming inactive to ensure that erosion and sediment control measure are in working order. Any necessary maintenance and repair must be made prior to leaving the site.
3. Inactive periods greater than fourteen (14) consecutive calendar days	Twice the first month, no less than 14 calendar days apart, after becoming inactive, and then once a month.
4. Periods during which the site is inaccessible due to inclement weather	If practical, inspections must occur daily at a relevant and accessible discharge point or downstream location.
5. Periods during which discharge is unlikely due to frozen conditions and construction activities are suspended.	Resume monitoring immediately upon melt, or when weather conditions make discharges likely.
6. Periods during which discharge is unlikely due to frozen conditions and construction activities are occurring.	Once a month.

Recordkeeping Requirements

Document all visual monitoring in an on-site logbook. If there are no findings, simply record the inspection date, inspector's name, weather conditions, file number and construction site name. In addition, record any findings, including:

1. At the designated discharge location(s):
 - a. Where to make observations:
 - (1) At the discharge location if the discharge is to a conveyance system leading to surface waters; and
 - (2) From the discharge point to 50 feet downstream if the discharge is to surface waters.
 - b. How to make observations:
 - (1) For turbidity and color, describe any apparent color and the clarity of the discharge, and any apparent difference in comparison with the surface waters.
 - (2) Describe any sheen or floating material, or record that it is absent. If present, it could indicate concern about a possible spill or leakage from vehicles or materials storage.
2. If a site is inaccessible due to inclement weather, record the inspections noted at a relevant discharge point or downstream location, if practical.
3. Location(s) of BMPs that need to be maintained, inspections of all BMPs, including erosion and sediment controls, chemical and waste controls, locations where vehicles enter and exit the site, status of areas that employ temporary or final stabilization control, soil stockpile area, and non-stormwater pollution (e.g., paints, oils, fuels, adhesives) controls.
4. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular

- location;
5. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
 6. Corrective action required and implementation dates.
 7. All revisions and documentation of reasons for changes or modifications to the ESCP and other corrective measures.

All inspection records and monitoring results must be kept on site and maintained by the permit registrant. The records must list the construction site name as it appears on the registrant's permit and the file or site number. These records must be made available to DEQ, Agent, or local municipality upon request. These records must be delivered or made available to DEQ within three (3) working days of request. These inspection records and monitoring results must be retained for at least three (3) years after project completion.

In addition, a copy of the ESCP and revision(s) must be retained on site and made available on request to the DEQ, Agent, or the local municipality. The ESCP can be stored electronically as long as the personnel on-site can access it and make it available for inspector review.