DEQ
State of Oregon Department of Environmental Quality

Application for a

Solid Waste Beneficial Use Determination

DEQ USE ONLY – BUSINESS OFFICE
Date Received: _____
Amount Received: _____
Check No.: _____
Deposit No.: _____
Forward confirmation of fee payment for:
Eastern Region to DEQ, The Dalles
Northwestern Region to DEQ-NWR, Portland
Western Region to DEQ, Salem

A. REFERENCE INFORMATION *(Please type or print clearly.)*

Legal name of applicant	Business name of applicant if different		
Portland Water Bureau			
Mailing address	**City**	**State**	**Zip**
1120 SW 5th Avenue Rm 405	Portland	Oregon	97204
Phone	**Mobile**	**E-mail**	**Fax**
503-319-9207		Robert.Fraley@portlandoregon.gov	

Generator of solid waste (may be same as applicant)			
Same as applicant			
Mailing address	**City**	**State**	**Zip**
Phone	**Mobile**	**E-mail**	**Fax**

B. TYPE OF BENEFICIAL USE DETERMINATION REQUESTED

Beneficial Use Determination applications are categorized based on the type of information and potential amount of work required by DEQ staff to review application materials and render a decision. A tiered review and fee system has been established in rule. The tiers are:

Tier 1 For a beneficial use of a solid waste that does not contain hazardous substances significantly exceeding the concentration in a comparable raw material or commercial product and that will be used in a manufactured product;

Tier 2 For a beneficial use of a solid waste that contains hazardous substances significantly exceeding the concentration in a comparable raw material or commercial product, or involves application on the land;

Tier 3 For a beneficial use of a solid waste that requires research, such as a literature review or risk assessment, or for a demonstration project to demonstrate compliance with this rule.

I am applying for a ☐ Tier 1 ☑ Tier 2 ☐ Tier 3 determination.

C. DOES THIS PROPOSED BENEFICIAL USE INVOLVE LAND APPLICATION OF ANY MATERIAL?

☑ Yes ☐ No

D. SIGNATURE

I hereby certify by my signature below that the information contained in this application, and the documents I have attached, are true and correct to the best of my knowledge and belief.

Signature of legally authorized representative	Print name	Title	Date
Robert Fraley	Robert Fraley	Program Analyst	4/1/24

E. REQUIRED ATTACHMENTS TO THIS APPLICATION *(For an application to be complete, it must provide the required information for each listed item of the tier which is being applied for.)*

Tier 1

- ☐ A description of the material, manner of generation, and estimated quantity to be used each year;
- ☐ A description of the proposed use;
- ☐ A comparison of the chemical and physical characteristics of the material proposed for use with the material it will replace;
- ☐ A demonstration of compliance with the performance criteria in OAR 340-093-0280 based on knowledge of the process that generated the material, properties of the finished product, or testing; and
- ☐ Any other information that DEQ may require to evaluate the proposal.

Tier 2

- ☑ The information required for a Tier 1 application;
- ☑ Sampling and analysis that provides chemical, physical, and biological characterization of the material and that identifies potential contaminants in the material or the end product, as applicable;
- ☑ A risk screening comparing the concentration of hazardous substances in the material to existing, DEQ approved, risk-based screening level values, and demonstrating compliance with acceptable risk levels;
- ☑ Location or type of land use where the material will be applied, consistent with the risk scenarios used to evaluate risk;
- ☑ Contact information of property owner(s) if this is a site-specific land application proposal, including name, address, phone number, e-mail, site address and site coordinates (latitude and longitude); and
- ☑ A description of how the material will be managed to minimize potential adverse impacts to public health, safety, welfare, or the environment.

Tier 3

- ☐ The information required for a Tier 1 & 2 application;
- ☐ A discussion of the justification for the proposal;
- ☐ An estimate of the expected length of time that would be required to complete the project, if it is a demonstration; and
- ☐ If it is a demonstration project, the methods proposed to ensure safe and proper management of the material.

F. PERFORMANCE CRITERIA *(For all tiers - An application for a beneficial use determination must demonstrate satisfactory compliance with the following performance criteria.)*

The use is productive, including:

- There is an identified or reasonably likely use for the material that is not speculative;
- The use is a valuable part of a manufacturing process, an effective substitute for a valuable raw material or commercial product, or otherwise authorized by DEQ, and does not constitute disposal; and
- The use is in accordance with applicable engineering standards, commercial standards, and agricultural or horticultural practices.

The use will not create an adverse impact to public health, safety, welfare, or the environment, including:

- The material is not a hazardous waste under ORS 466.005;
- Until the time the material is used in accordance with a beneficial use determination, the material will be managed, including any storage, transportation, or processing, to prevent releases to the environment or nuisance conditions;
- Hazardous substances in the material do not significantly exceed the concentration in a comparable raw material or commercial product, or do not exceed naturally occurring background concentrations, or do not exceed acceptable risk levels, including evaluation of persistence and potential bioaccumulation, when the material is managed according to a beneficial use determination.

The use will not result in the increase of a hazardous substance in a sensitive environment.

The use will not create objectionable odors, dust, unsightliness, fire, or other nuisance conditions.

The use will comply with all applicable federal, state, and local regulations.

G. FEES *(Must accompany the application for it to be considered complete)*

☐	Tier 1 beneficial use determination	$1,000
☑	Tier 2 beneficial use determination	$2,000
☐	Tier 3 beneficial use determination	$5,000

Make checks out to: **Oregon DEQ**

Total fees included: $2,000

H. APPLICATION PROCEDURE

Step 1
Contact a DEQ staff person for assistance with the preparation of the application. DEQ staff will help with: 1) Determination of the eligibility for a beneficial use determination of a particular waste or process; and, 2) If eligible, establish the tier of beneficial use determination review required and associated fee to submit with the application.

Step 2
Mail the original signed application, all attachments, including the fee payment plus one extra copy to the appropriate regional office (see listing below.) Note that DEQ review work will not begin until a complete application packet is received. Incomplete applications may be returned. DEQ recommends the applicant keep a full copy of all application materials to guard against possible loss in transit.

Step 3
DEQ will contact the applicant, acknowledging receipt of the application, and will identify the staff person assigned to carryout the review. This staff person will contact the applicant if any additional information is needed.

Region	Counties Served	Address & Phone
Eastern Region	Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler	Eastern Region Department of Environmental Quality 400 E Scenic Drive, Ste 2.307 The Dalles, OR 97058 (541) 298-7255 ext. 221
Northwest Region	Clatsop, Clackamas, Columbia, Multnomah, Tillamook, and Washington	Northwest Region DEQ Solid Waste Programs 700 NE Multnomah Street, Suite 600 Portland, OR 97232 (503) 229-5353
Western Region	Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, and Yamhill	Western Region DEQ Solid Waste Programs 165 E 7th Ave., Suite 100 Eugene, OR 97401 (541) 687-7465

INFORMATION FOR TIER 2 BENEFICIAL USE DETERMINATION

1.0 Description of the material, manner of generation, and estimated quantity to be used each year.

Material

Material proposed for management under the Beneficial Use Determination (BUD) consists of the upper 18 inches of soil anticipated to be excavated during the construction of a filtration facility and associated incoming raw water pipeline on approximately 94 acres of land located at tax lot 400 and tax lot 100 within Section 22 of Township 1 South, Range 4 East in Gresham, Oregon. Testing completed at the site (Clean Fill Determination Report[1]; Phase II Environmental Site Assessment – Supplemental Assessment Report[2]) identified pesticides including the chlorinated pesticide dieldrin, which occurred at concentrations greater than DEQ Clean Fill Screening Levels. Shallow soil in the project area is characterized as silty loam.

Site development activities will include the excavation and management of approximately 1 million cubic yards of soil. Managing contaminated soil in the immediate vicinity of the property rather than transport to a landfill provides a benefit in diversion of low-level contaminated soil from a landfill and reduced transportation of materials.

Manner of Generation

The Clean Fill Determination Report describes the Bull Run Filtration project, including the manner in which the material will be generated. The material will be generated during excavation of soil for construction of the filtration facility.

Estimated Quantity

The Clean Fill Determination Report describes how the soil at tax lot 400 has been classified into two soil management units, to characterize the shallow upper 1.5 feet of soil at the filtration facility as well as the deeper 1.5 to 5.0 feet of soil from the same locations. A total estimated quantity of approximately 110,000 cubic yards (cy) is anticipated to be generated from shallow soils where clean fill screening levels were not met. Soils generated from depths of 1.5 feet to 5.0 feet below ground surface met DEQ Clean Fill Screening Levels and soil generated from depths deeper than 5.0 feet below ground surface (bgs) is assumed to meet clean fill criteria.

A vertical tunnel shaft on tax lot 100 will additionally be excavated for connection of the raw water pipeline to the filtration facility. The raw water pipeline will be installed by open cut excavation from the tunnel shaft to the filtration facility inlet. It is estimated that approximately 6,000 cy of shallow soil will be generated during excavation of the tunnel shaft and raw water pipeline excavations. Soil sampling completed by Assessment Associates, Inc. (AAI) indicated that similar concentrations of pesticides were present in shallow soil in this portion of the site. Because both tax lots have historically had similar agricultural use and presumed pesticide application practices, deeper soil (>1.5 feet bgs) within the tunnel shaft area is assumed to have similar pesticide concentrations to the filtration facility area.

[1] PBS. (PBS Engineering and Environmental, Inc). (2024, January). Clean Fill Determination Report, Bull Run Filtration Facility. PBS Project 24433.000.

[2] AAI. (Assessment Associates, Inc.). (2020, February). Phase II Environmental Site Assessment – Supplemental Assessment Report.

It is anticipated that most of the soil described above will primarily be placed within tax lot 100 as non-structural fill. A smaller amount of material will be placed within the southeastern and northwestern extents of tax lot 400. The attached figure indicates placement locations.

2.0 Description of proposed use.

Excavated soil generated from the upper 18 inches of tax lot 400 and tax lot 100 will be placed on tax lots 100 and 400 during preliminary construction activities anticipated to occur in 2024 with smaller quantities of soil managed in a similar manner later in the project through construction completion in 2027.

3.0 Comparison of the chemical and physical characteristics of the material proposed for use with the material it will replace.

Excess soil from the project would require both offsite and onsite management regardless of the presence or absence of contamination. The generated shallow soil has been selected to be a component of this material due to the higher level of difficulty and cost in identifying an appropriate facility to receive such material, other than a regulated landfill.

4.0 Demonstration of compliance with the performance criteria in OAR 340-093-0280 based on knowledge of the process that generated the material, properties of the finished product, or testing.

The criteria in OAR 340-093-0280 are outlined below.

(1) The applicant has characterized the solid waste and use sufficiently to demonstrate compliance with this rule.

This has been completed.

(2) The use is productive, including:

(a) There is an identified or reasonably likely use for the material that is not speculative.

The Portland Water Bureau (PWB) will reuse the material at the filtration facility location and already owns the property where the material will be placed. The filtration facility project is required by the United States Environmental Protection Agency through an agreement with the Oregon Health Authority, and Multnomah County has issued land use approval for the project.

(b) The use is a valuable part of a manufacturing process, an effective substitute for a valuable raw material or commercial product, or otherwise authorized by the Department and does not constitute disposal.

Management of the material in the proposed manner provides a beneficial use in cost savings to the public related to transportation of this material to an alternative reuse site or landfill. Management in this manner will also reduce vehicle miles traveled, thereby reducing impacts to the environment, surrounding community and road network.

(c) The use is in accordance with appliable engineering standards, commercial standards, and agricultural or horticultural practices.

Onsite reuse of excavated soil is a standard practice across engineering and agricultural disciplines. Additionally, the onsite reuse of soil will provide cost savings, while providing environmental benefits including the reduction of trucking emissions and impacts to landfill capacity.

(3) The use will not create an adverse impact to public health, safety, welfare, or the environment, including:

(a) The material is not a hazardous waste under ORS 466.005.

Analysis of the soil did not identify the presence of hazardous waste, neither listed or characteristic and the process in which the contaminants were introduced to the soil (application of pesticides in accordance with manufacturer labeled direction) is not considered to be a release.

(b) Until the time a material is used according to a beneficial use determination, the material must be managed, including any storage, transportation, or processing, to prevent releases to the environment or nuisance conditions.

The soil will remain on-site (in-situ or stockpiled) during construction. As the exposure pathway of concern is limited to ecological receptors, the status of the area of placement on tax lot 100 and tax lot 400 as an active construction site upon start of the filtration facility construction would mitigate any potential ecological receptor exposures sufficiently. Upon completion of use of this area as a construction site, construction of a protective cap will occur. Construction of the protective cap is discussed further below.

(c) Hazardous substances in the material meet one of the criteria in this subsection:

a. Do not significantly exceed the concentration in a comparable raw material or commercial product,
Not applicable.

b. Do not exceed naturally occurring background concentrations; or
Not applicable.

c. Will not exceed acceptable risk levels, including valuation of persistence and potential bioaccumulation, when the material is managed according to a beneficial use determination.
Shallow soil (upper 1.5 feet bgs) contains detected pesticide concentrations that exceed clean fill screening levels. Concentrations are below Oregon DEQ Risk Based Concentrations (RBCs) protective of human health; however, pesticide concentrations do exceed ecological screening levels protective of potential receptors such as burrowing mammals (e.g. rodents). To mitigate ecological risk, a protective cap will be placed over pesticide-impacted shallow soil.

Two protective cap concepts are proposed, both of which have been determined to be sufficient for mitigation of identified risk:

(1) Geotextile fabric will be placed over stockpiled shallow soil upon completion of excavation or use of the area as a construction staging location, defined by construction logistics and timing. Fabric that is specified to restrict burrowing of mammals will be utilized. Additionally, a cap of one foot of material meeting the DEQ definition of "Clean Fill" will be placed over top of the shallow soil and geotextile barrier.

(2) A thicker protective cap comprising three feet of material that meets clean fill criteria may be placed over pesticide impacted soil without the use of geotextile fabric if site grading activities permit doing so.

The City of Portland requests approval of both cap designs to allow for flexibility when implementing the construction of the facility.

(4) The use will not result in the increase of a hazardous substance in a sensitive environment.
Placement of this material on tax lot 100 and tax lot 400, along with a protective cap will not result in a scenario where an increase of a hazardous substance occurs. As well, the ground surface where this material will be placed was previously tested and contains similar concentrations of contaminants of concern.

(5) The use will not create objectionable odors, dust, unsightliness, fire, or other nuisance conditions.
Soil will be managed in accordance with the Stormwater General Permit 1200-CA. Stockpiles will be managed to properly contain soil and avoid erosion by wind or stormwater. The soil does not have an odor and is not at risk for combustion.

(6) The use must comply with applicable federal, state, and local regulations
The soil will be used as non-structural fill and is not regulated. The future property use including placement of construction soil has already been approved by Multnomah County.

5.0 Sampling and analysis that provides chemical, physical, and biological characterization of the material and that identifies potential contaminants in the material or the end product, as applicable.

Assessment activities completed at the site are sufficient to meet this requirement and are presented in the referenced Clean Fill Determination Report and Phase II Environmental Site Assessment – Supplemental Investigation Report.

6.0 A risk screening comparing the concentration of hazardous substances in the material to existing, DEQ approved, risk-based screening level values, and demonstrating compliance with acceptable risk levels.

Refer to the referenced Clean Fill Determination Report. Updated tables that have been modified to include ecological risk screening values not included in that report are provided as an attachment to this submittal. Although compounds in the material exceed applicable ecological risk screening levels, the proposed manner of placement will mitigate potential risk of that exposure pathway.

7.0 Location or type of land use where the material will be applied, consistent with the risk scenarios used to evaluate risk.

The soil will be stockpiled as non-structural fill material on tax lot 100 and tax lot 400, which are owned by the City of Portland. That property has historically been used for agricultural purposes as recently as 2023 and is now vacant.

8.0 Contact information of property owner(s) if this is a site-specific land application proposal, including name, address, phone number, email, site address and site coordinates (latitude and longitude); and

Same as applicant information.

9.0 A description of how the material will be managed to minimize potential adverse impacts to public health, safety, welfare, or the environment.

Best management practices as prescribed in the site 1200CA permit such as water spray for dust control and sedimentation control devices (silt fence, etc.) will be used to prevent migration of soil during construction. Soil erosion management procedures specified in the 1200CA permit include the following:

- Sequence clearing, grading and other land disturbing activities to the maximum extent practicable to prevent exposed inactive areas from causing erosion.
- Maintaining smooth surfaces between the soil surface and erosion and sediment controls to prevent stormwater from bypassing erosion and sediment controls or ponding.
- Establishing and maintaining natural buffer zones and/or equivalent erosion and sediment controls.
- Utilizing existing vegetation as a control and stabilization measure.
- Installing sediment controls along all perimeter areas of the site and preventing sediment track-out.
- Appropriately managing stockpiles and preventing wind erosion.

A copy of the 1200CA Permit is provided as an attachment. Ecological risk exposure pathways will be incomplete during placement of this material as the area will be an active construction site. As described above, a protective cap will be placed over top shallow soil that is placed on tax lot 100 and tax lot 400 in order to prevent contact from burrowing animals once construction is complete.

Updated Filtration Facility Table

Table 1. Summary of Soil Analytical Results – Filtration Facility

Bull Run Filtration Plant

Gresham, Oregon

Sample ID	Sample Date	Depth Collected (feet bgs)	Pesticides				Herbicides	Metals										
			4,4'-DDD	4,4-DDE	4,4-DDT	Dieldrin	2,4-DB	Arsenic	Barium	Beryllium	Chromium	Cobalt	Copper	Lead	Nickel	Thallium	Vanadium	Zinc
			mg/kg															
DU-1A	11/6/2023	0-1.5	0.00240	**0.0586**	**0.0530**	**0.0366**	0.190	**5.18**	**226**	0.882	**42.0**	17.2	**30.5**	**12.4**	**26.5**	<0.208	**91.2**	**104**
DU-1B	11/6/2023	0-1.5	0.00204	**0.0382**	**0.0339**	**0.0266**	<0.100	**5.09**	**220**	0.880	**43.1**	17.2	**31.6**	**12.8**	**26.9**	<0.216	**93.4**	**102**
DU-1C	11/6/2023	0-1.5	0.00212	**0.0357**	**0.0337**	**0.0239**	0.170	**5.02**	**221**	0.865	**42.8**	16.7	**30.2**	**11.7**	**26.8**	<0.221	**91.7**	**101**
DU-2A	11/6/2023	1.5-5.0	<0.00204	0.00357	0.00473	0.00228	0.140	**4.98**	**160**	0.994	**42.8**	17.2	**28.5**	**11.9**	**25.0**	**0.240**	**96.8**	**66.4**
DU-2B	11/6/2023	1.5-5.0	<0.00204	0.00387	0.00474	0.00320	0.120	**4.88**	**156**	0.996	**42.4**	17.3	**28.5**	**11.9**	**25.9**	<0.212	**96.8**	**66.1**
DU-2C	11/6/2023	1.5-5.0	<0.00204	0.00476	0.00546	0.00337	0.110	**4.95**	**164**	1.03	**46.5**	18.1	**32.0**	**12.1**	**32.5**	**0.230**	**95.6**	**75.8**
Oregon Clean Fill Criteria[1]			0.0063	**0.01**	**0.01**	**0.0045**	25	8.8	790	2	76	43	34	28	47	5.2	180	180
Quality Control - RSD	DU-1		9%	28%	28%	23%	8%	2%	1%	1%	1%	2%	2%	5%	1%	-	1%	1%
	DU-2		-	15%	8%	20%	12%	1%	3%	2%	5%	3%	7%	1%	15%	3%	1%	8%
Oregon DEQ RBC[2] - Soil Ingestion, Dermal Contact and Inhalation (Occupational)			12	8.2	8.5	0.14	NS	**1.9**	220,000	2,300	>Max	NS	47,000	800	22,000	NS	NS	NS
Oregon DEQ Eco Risk[3] - Direct Toxicity	Plants		4.1	4.1	4.1	10	NS	18	**110**	2.5	NS	13	70	120	38	**0.05**	**60**	160
	Invertebrates		NS	NS	NS	NS	NS	6.80	330	40	NS	NS	80	1,700	280	NS	NS	120
Oregon DEQ Eco Risk[3] - Ground Feeding	Birds	T&E	0.041	**0.041**	**0.041**	**0.012**	NS	15	720	NS	**23**	76	**14**	**11**	**20**	4.5	**4.7**	**46**
		Non-T&E	0.41	0.41	0.41	0.64	NS	32	1,200	NS	73	170	43	23	81	45	**9.5**	120
	Mammals	T&E	0.047	**0.047**	**0.047**	**0.0045**	NS	19	1,800	21	**34**	230	42	56	**10**	0.42	280	**79**
		Non-T&E	0.24	0.24	0.24	**0.009**	NS	31	8,700	42	1,600	640	70	170	**21**	4.2	610	980
Oregon DEQ Eco Risk[3] - Top Consumers	Birds	T&E	0.12	0.12	0.12	0.056	NS	100	630	NS	170	620	80	83	110	48	**56**	220
		Non-T&E	1.2	1.20	1.2	3.0	NS	1000	13,000	NS	560	1,400	240	160	440	480	110	590
	Mammals	T&E	0.02	**0.02**	**0.02**	**0.0065**	NS	170	9,100	90	180	470	560	460	130	5	580	3,100
		Non-T&E	0.099	0.099	0.099	**0.01**	NS	290	44,000	110	10,000	330	1,600	1,600	580	50	1,600	30,000

Notes:

bgs: below ground surface

DB: dichlorophenoxy

DDD: dichloro-diphenyl-dichloroethane

DDE: dichloro-diphenyl-dichloroethylene

DDT: dichloro-diphenyl-trichloroethane

DU: decision unit

mg/kg: milligram per kilogram

RSD: relative standard deviation

An RSD of 35% or less is considered acceptable.

*: The results are outside of acceptable RSD limits and should be considered estimates.

T&E: Threatened or endangered

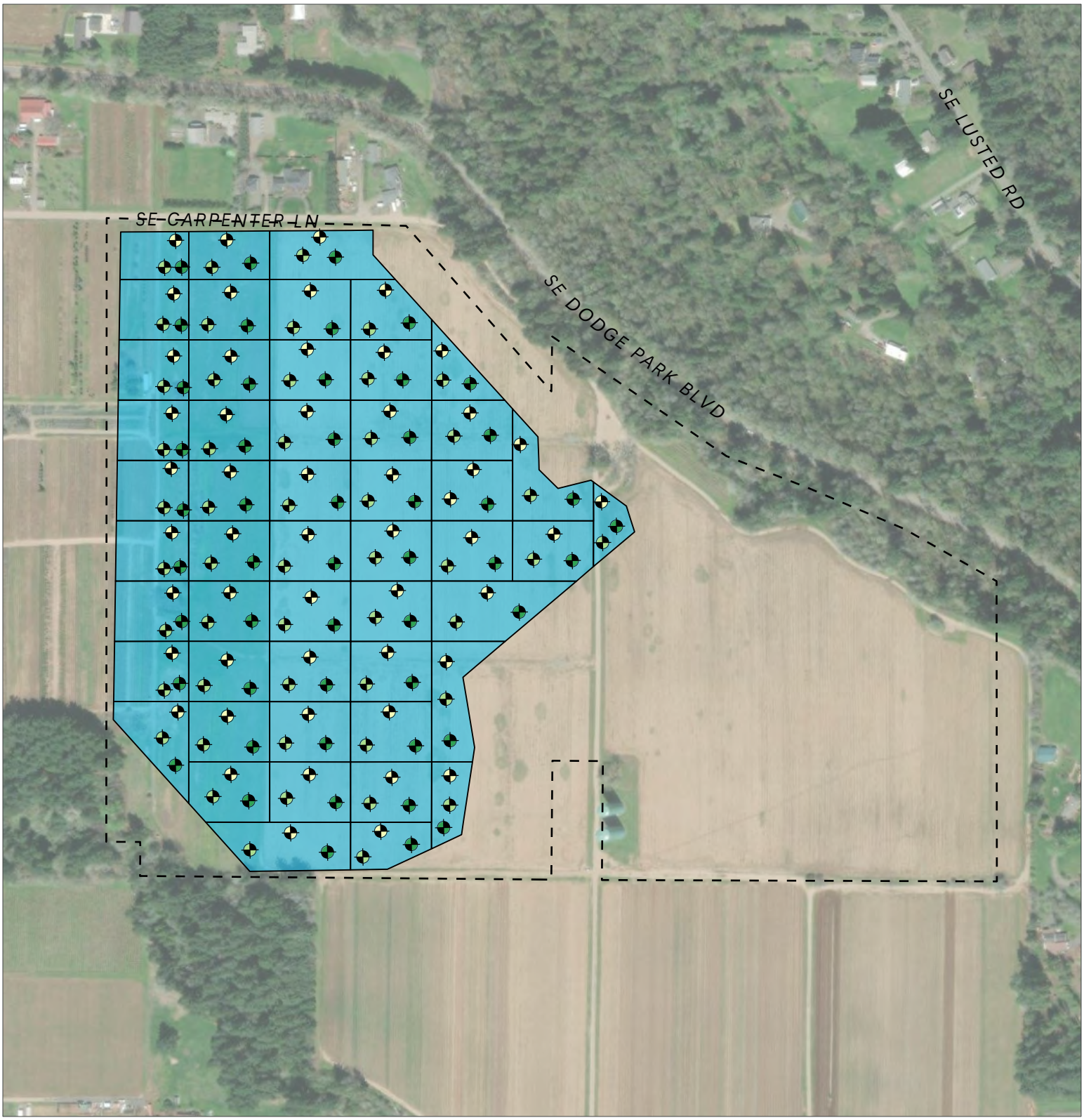
[1]State of Oregon Department of Environmental Quality (DEQ) clean fill screening levels for organics and other selected constituents.

[2]Oregon Risk-Based Decision-Making for the Remediation of Petroleum-Contaminated Sites, Oregon DEQ Sept. 2003, Revised RBCs May 2018.

[3]Oregon DEQ Conducting Ecological Risk Assessments, September 2020, Table 1a.

Bold text, if present, indicates an exceedance of one or more of the screening levels.

Clean Fill Determination Report Figures



Filtration Facility

Bull Run Filtration Facility

Date: January 2024 | Project: 24433.000

Figure: 2

Full Facility Boundary

ISM Grid

DU-A

DU-B

DU-C

N

1 INCH = 400 FEET

0 400 Feet

PBS

NAD 1983 HARN StatePlane Oregon North FIPS 3601 Feet Intl | L:\Projects\24000\24400-24499\24433 BullRunSoil\GIS\24433_BullRunSoil\24433_BullRunSoil.aprx | 12/27/2023 12:59 PM

Raw Water Facility Connection

Bull Run Filtration Facility

Date: January 2024 | Project: 24433.000

Figure: 8

Full Facility Boundary

Future Filtration Facility Sample Area

Approximate Excavation Boundary

N

1 INCH = 400 FEET

0 400 Feet

PBS

NAD 1983 StatePlane Oregon North FIPS 3601 Feet Intl | L:\Projects\24000\24400-24499\24433 BullRunSoil\GIS\24433_BullRunSoil\24433_BullRunSoil.aprx | 1/5/2024 10:52 AM

Applicable AAI Tables and Figure

Assessment Associates, Inc.

AAI Project No. 1714

Table 1
Summary of Shallow Soil Analytical Results
Priority Pollutant Metals
Composite Areas A-J

Composite Location	Sample Date	Depth (feet bgs)	Sample Results (mg/kg) Metals by EPA 6020B												Mercury by EPA 7471B
			Antimony	Arsenic	Beryllium	Cadmium	Chromium	Copper	Lead	Nickel	Selenium	Silver	Thallium	Zinc	Mercury
	Background Reference Levels ==>		0.67 [1]	19 [1]	2.1 [1]	0.54 [1]	200 [1]	73 [1]	34 [1]	110 [1]	0.52 [1]	0.17 [1]	2.8 [1]	170 [1]	0.24 [1]
	Clean Fill Reference Levels ==>		0.67 [2]	19 [2]	21 [2]	0.54 [2]	200 [2]	73 [2]	34 [2]	110 [2]	0.52 [2]	4.2 [2]	2.8 [2]	170 [2]	0.24 [2]
	EPA Generic Regional Screening Levels ==>		470 [3]	580 [3]	2,300 [3]	1,200 [3]	1,800,000 [3]	47,000 [3]	380 [3]	13,000 [3]	5,800 [3]	5,800 [3]	12 [3]	350,000 [3]	120 [3]
	Oregon Occupational Risk-Based Concentration ==>		--	1.9 [4]	2,300 [4]	1,100 [4]	>Max [4]	47,000 [4]	800 [4]	22,000 [4]	--	5,800 [4]	--	--	350 [4]
A	18-Feb-19	0.0 - 0.5	2.51 U	3.41	0.618	0.628 U	35.0	26.8	10.4	25.8	2.51 U	1.26 U	2.51 U	89.8	0.0506
B	18-Feb-19	0.0 - 0.5	2.54 U	4.95	0.644	0.636 U	34.9	32.9	10.7	26.3	2.54 U	1.27 U	2.54 U	96.6	0.0673
C	18-Feb-19	0.0 - 0.5	2.49 U	3.90	0.549	0.623 U	32.2	30.9	11.1	25.3	2.49 U	1.25 U	2.49 U	85.1	0.0642
D	19-Feb-19	0.0 - 0.5	2.50 U	4.06	0.664	0.626 U	35.0	26.7	11.5	28.0	2.50 U	1.25 U	2.50 U	83.7	0.0665
E	19-Feb-19	0.0 - 0.5	2.53 U	4.08	0.641	0.633 U	37.6	29.1	11.1	28.0	2.53 U	1.27 U	2.53 U	96.5	0.0636
F	20-Feb-19	0.0 - 0.5	2.59 U	2.87	0.605	0.647 U	34.0	27.6	9.96	27.0	2.59 U	1.29 U	2.59 U	95.2	0.0641
G	19-Feb-19	0.0 - 0.5	2.48 U	2.98	0.624	0.620 U	35.3	26.3	10.6	26.2	2.48 U	1.24 U	2.48 U	82.9	0.0559
H	20-Feb-19	0.0 - 0.5	2.63 U	2.63 U	0.576	0.656 U	34.1	29.9	12.6	28.1	2.63 U	1.31 U	2.63 U	101	0.0637
I	21-Feb-19	0.0 - 0.5	3.31 U	3.31	0.619	0.657 U	36.4	29.1	10.6	26.7	2.63 U	1.31 U	2.63 U	102	0.0699
J	21-Feb-19	0.0 - 0.5	2.68 U	3.41	0.632	0.671 U	34.9	29.8	11.0	28.5	2.68 U	1.34 U	2.68 U	96.6	0.0771
A-J	5-Dec-19	0.0 - 0.5	0.0892	3.29		0.161					0.354	0.117			
A-J	5-Dec-19	0.5 - 1.0	0.302	2.95		0.148					0.412	0.143			

-- = Analyte not listed in ODEQ RBCs Tables
U = analyte not detected above reported detection limit
bgs = below ground surface
>Max = The constituent RBC for this pathway is calculated as greater than 1,000,000 mg/kg or 1,000,000 mg/L. Therefore, this substance is deemed not to pose risks in this scenario.
DEQ = Oregon Department of Environmental Quality
mg/kg = milligrams/kilogram

Notes:

1 = Factsheet, Background Levels of Metals in Soils for Cleanups, Cascade Range, last updated January 25, 2018

2 = Based on ODEQ Clean Fill Table for Uplands, June 17, 2019

3 = Based on EPA Generic Industrial Regional Ingestion Noncancer Screening Levels (THQ= 1.0, Updated November 2018)

4 = Based on ODEQ Occupational Risk-Based Concentration for Soil Ingestion, Dermal Contact, and Inhalation (Updated November 1, 2015)

TABLE 2

Summary of Shallow Soil Analytical Results

Pesticides

Composite Areas A-J

Composite Location	Sample Date	Depth (feet bgs)			Sample Results (mg/kg) Pesticides by EPA 8081B						
					Aldrin	Alpha BHC	Beta BHC	Delta BHC	Gamma BHC (Lindane)	Chlordane	4,4-DDD
ODEQ Risk-Based Reference Levels ==>					0.13 [1]	0.36 [1]	--	--	2.1 [1]	7.4 [1]	12 [1]
EPA Generic Regional Screening Levels ==>					35 [2]	350 [2]	1.8 [2]	--	350 [2]	580 [2]	35 [2]
Clean Fill Reference Levels ==>					0.023 [3]	0.0063 [3]	0.009 [3]	--	0.0095 [3]	0.91 [3]	0.0063 [3]
A	18-Feb-19	0.0	-	0.5	0.0251 U	0.0251 U	0.0251 U	0.0251 U	0.0251 U	0.251 U	0.0251 U
B	18-Feb-19	0.0	-	0.5	0.0254 U	0.0254 U	0.0254 U	0.0254 U	0.0254 U	0.254 U	0.0254 U
C	18-Feb-19	0.0	-	0.5	0.0249 U	0.0249 U	0.0249 U	0.0249 U	0.0249 U	0.249 U	0.0249 U
D	19-Feb-19	0.0	-	0.5	0.0250 U	0.0250 U	0.0250 U	0.0250 U	0.0250 U	0.250 U	0.0250 U
E	19-Feb-19	0.0	-	0.5	0.0253 U	0.0253 U	0.0253 U	0.0253 U	0.0253 U	0.253 U	0.0253 U
F	20-Feb-19	0.0	-	0.5	0.0259 U	0.0259 U	0.0259 U	0.0259 U	0.0259 U	0.259 U	0.0259 U
G	19-Feb-19	0.0	-	0.5	0.0248 U	0.0248 U	0.0248 U	0.0248 U	0.0248 U	0.248 U	0.0248 U
H	20-Feb-19	0.0	-	0.5	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.263 U	0.0263 U
I	21-Feb-19	0.0	-	0.5	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.263 U	0.0263 U
J	21-Feb-19	0.0	-	0.5	0.0268 U	0.0268 U	0.0268 U	0.0268 U	0.0268 U	0.268 U	0.0268 U
A-J	5-Dec-19	0.0	-	0.5	0.0000351 U	0.0000581 U	0.0000329 U	0.0000203 U	0.0000395 U	0.00133 U	0.000607
A-J	5-Dec-19	0.5		1.0	0.0000351 U	0.0000581 U	0.0000329 U	0.0000203 U	0.0000395 U	0.00133 U	0.0000175 U

bgs = below ground surface

DEQ = Oregon Department of Environmental Quality

mg/kg = milligrams/kilogram

U = analyte not detected above specified reporting limit

-- = Analyte not listed in published reference table(s)

Notes:

1 = Based on ODEQ Risk-Based Concentrations for Occupational Soil Injestion, Dermal Contact, and Inhalation

2 = Based on EPA Generic Industrial Regional Ingestion Noncancer Screening Levels (THQ= 1.0, Updated November 2018)

3 = Based on ODEQ Clean Fill Table for Uplands, June 17, 2019

TABLE 2

Summary of Shallow Soil Analytical Results

Pesticides

Composite Areas A-J

Composite Location	Sample Date	Depth (feet bgs)			Sample Results (mg/kg) Pesticides by EPA 8081B						
					4,4-DDE	4,4-DDT	Dieldrin	Endosulfan I	Endosulfan II	Endosulfan sulfate	Endrin
ODEQ Risk-Based Reference Levels ==>					8.2 [1]	8.5 [1]	0.14 [1]	4,900 [1]	--	--	250 [1]
EPA Generic Regional Screening Levels ==>					350 [2]	580 [2]	580 [2]	7,000 [2]	--	--	350 [2]
Clean Fill Reference Levels ==>					0.01 [3]	0.01 [3]	0.0045 [3]	0.64 [3]	--	--	0.0014 [3]
A	18-Feb-19	0.0	-	0.5	0.0251 U	0.0251 U	0.0251 U	0.0251 U	0.0251 U	0.0251 U	0.0251 U
B	18-Feb-19	0.0	-	0.5	0.0254 U	0.0254 U	0.0254 U	0.0254 U	0.0254 U	0.0254 U	0.0254 U
C	18-Feb-19	0.0	-	0.5	0.0249 U	0.0249 U	0.0249 U	0.0249 U	0.0249 U	0.0249 U	0.0249 U
D	19-Feb-19	0.0	-	0.5	0.0250 U	0.0250 U	0.0250 U	0.0250 U	0.0250 U	0.0250 U	0.0250 U
E	19-Feb-19	0.0	-	0.5	0.0253 U	0.0253 U	0.0253 U	0.0253 U	0.0253 U	0.0253 U	0.0253 U
F	20-Feb-19	0.0	-	0.5	0.0259 U	0.0259 U	0.0259 U	0.0259 U	0.0259 U	0.0259 U	0.0259 U
G	19-Feb-19	0.0	-	0.5	0.0248 U	0.0248 U	0.0248 U	0.0248 U	0.0248 U	0.0248 U	0.0248 U
H	20-Feb-19	0.0	-	0.5	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U
I	21-Feb-19	0.0	-	0.5	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U
J	21-Feb-19	0.0	-	0.5	0.0268 U	0.0268 U	0.0268 U	0.0268 U	0.0268 U	0.0268 U	0.0268 U
A-J	5-Dec-19	0.0	-	0.5	0.0186	0.0318	0.0175	0.0000171 U	0.0000107 U	0.0000131 U	0.0000525 U
A-J	5-Dec-19	0.5		1.0	0.00974	0.00927	0.00917	0.0000171 U	0.0000107 U	0.0000131 U	0.0000525 U

bgs = below ground surface

DEQ = Oregon Department of Environmental Quality

mg/kg = milligrams/kilogram

U = analyte not detected above specified reporting limit

-- = Analyte not listed in published reference table(s)

Notes:

1 = Based on ODEQ Risk-Based Concentrations for Occupational Soil Injestion, Dermal Contact, and Inhalation

2 = Based on EPA Generic Industrial Regional Ingestion Noncancer Screening Levels (THQ= 1.0, Updated November 2018)

3 = Based on ODEQ Clean Fill Table for Uplands, June 17, 2019

TABLE 2
Summary of Shallow Soil Analytical Results
Pesticides
Composite Areas A-J

Composite Location	Sample Date	Depth (feet bgs)			Sample Results (mg/kg) Pesticides by EPA 8081B						
					Endrin aldehyde	Endrin ketone	Hexachlorobenzene	Heptachlor	Heptachlor epoxide	Methoxychlor	Toxaphene
ODEQ Risk-Based Reference Levels ==>					--	--	0.93 [1]	0.45 [1]	0.024 [1]	--	2.1 [1]
EPA Generic Regional Screening Levels ==>					--	--	930 [2]	580 [2]	15 [2]	5,800 [2]	110 [2]
Clean Fill Reference Levels ==>					--	--	0.018 [3]	0.017 [3]	0.042 [3]	310 [3]	0.44 [3]
A	18-Feb-19	0.0	-	0.5	0.0251 U	0.0251 U	0.0251 U	0.0251 U	0.0251 U	0.0251 U	0.502 U
B	18-Feb-19	0.0	-	0.5	0.0254 U	0.0254 U	0.0254 U	0.0254 U	0.0254 U	0.0254 U	0.509 U
C	18-Feb-19	0.0	-	0.5	0.0249 U	0.0249 U	0.0249 U	0.0249 U	0.0249 U	0.0249 U	0.498 U
D	19-Feb-19	0.0	-	0.5	0.0250 U	0.0250 U	0.0250 U	0.0250 U	0.0250 U	0.0250 U	0.501 U
E	19-Feb-19	0.0	-	0.5	0.0253 U	0.0253 U	0.0253 U	0.0253 U	0.0253 U	0.0253 U	0.506 U
F	20-Feb-19	0.0	-	0.5	0.0259 U	0.0259 U	0.0259 U	0.0259 U	0.0259 U	0.0259 U	0.517 U
G	19-Feb-19	0.0	-	0.5	0.0248 U	0.0248 U	0.0248 U	0.0248 U	0.0248 U	0.0248 U	0.496 U
H	20-Feb-19	0.0	-	0.5	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.525 U
I	21-Feb-19	0.0	-	0.5	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.0263 U	0.525 U
J	21-Feb-19	0.0	-	0.5	0.0268 U	0.0268 U	0.0268 U	0.0268 U	0.0268 U	0.0268 U	0.536 U
A-J	5-Dec-19	0.0	-	0.5	0.0000199 U	0.0000368 U	0.0000235 U	0.0000321 U	0.0000256 U	0.0000255 U	0.00133 U
A-J	5-Dec-19	0.5	-	1.0	0.0000199 U	0.0000368 U	0.0000235 U	0.0000321 U	0.0000256 U	0.0000255 U	0.00133 U

bgs = below ground surface

DEQ = Oregon Department of Environmental Quality

mg/kg = milligrams/kilogram

U = analyte not detected above specified reporting limit

-- = Analyte not listed in published reference table(s)

Notes:

1 = Based on ODEQ Risk-Based Concentrations for Occupational Soil Injestion, Dermal Contact, and Inhalation

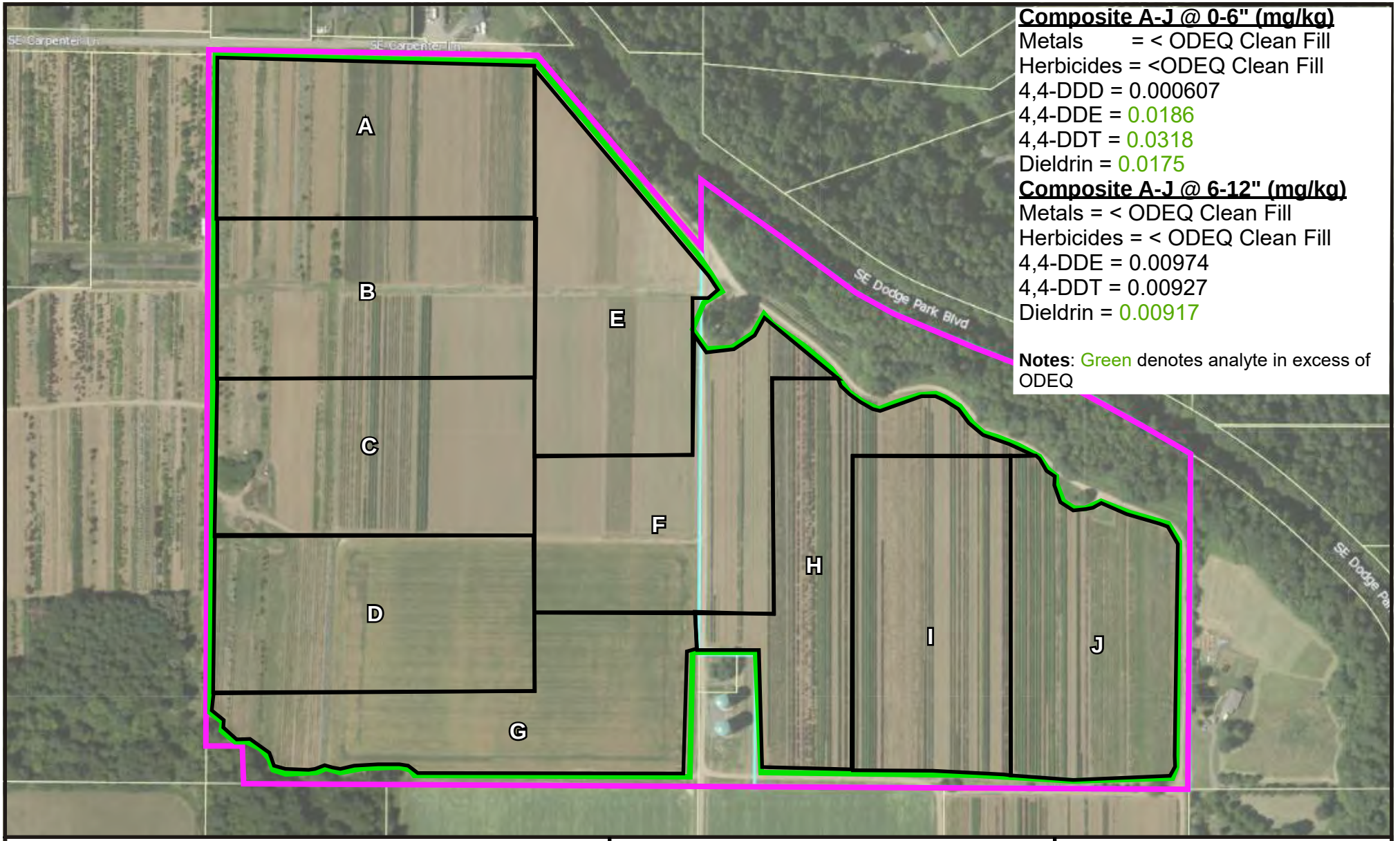
2 = Based on EPA Generic Industrial Regional Ingestion Noncancer Screening Levels (THQ= 1.0, Updated November 2018)

3 = Based on ODEQ Clean Fill Table for Uplands, June 17, 2019

TABLE 3
Summary of Shallow Soil Analytical Results
Chlorinated Acid Herbicides
Composite Areas A-J

Composite Location	Sample Date	Depth (feet bgs)	Sample Results (mg/kg) Chlorinated Acid Herbicides by EPA 8151A									
			2,4-D	Dalapon	2,4-DB	Dicamba	Dichloroprop	Dinoseb	MCPA	MCPP	2,4,5-T	2,4,5-TP
Risk-Based Reference Levels ==>			8,200 [1]	--	--	--	--	--	410 [1]	--	--	--
Clean Fill Reference Levels ==>			1.3 [2]	7.2 [2]	4.8 [2]	9 [2]	--	7.8 [2]	0.097 [2]	0.28 [2]	4.1 [2]	3.7 [2]
A	18-Feb-19	0.0 - 0.5	0.0879 U	0.0879 U	0.0879 U	0.0879 U	0.0879 U	0.0879 U	8.17 U	8.17 U	0.0879 U	0.0879 U
B	18-Feb-19	0.0 - 0.5	0.0890 U	0.0890 U	0.0890 U	0.0890 U	0.0890 U	0.0890 U	8.27 U	8.27 U	0.0890 U	0.0890 U
C	18-Feb-19	0.0 - 0.5	0.0872 U	0.0872 U	0.0872 U	0.0872 U	0.0872 U	0.0872 U	8.09 U	8.09 U	0.0872 U	0.0872 U
D	19-Feb-19	0.0 - 0.5	0.0876 U	0.0876 U	0.0876 U	0.0876 U	0.0876 U	0.0876 U	8.14 U	8.14 U	0.0876 U	0.0876 U
E	19-Feb-19	0.0 - 0.5	0.0886 U	0.0886 U	0.0886 U	0.0886 U	0.0886 U	0.0886 U	8.22 U	8.22 U	0.0886 U	0.0886 U
F	20-Feb-19	0.0 - 0.5	0.0905 U	0.0905 U	0.0905 U	0.0905 U	0.0905 U	0.0905 U	8.41 U	8.41 U	0.0905 U	0.0905 U
G	19-Feb-19	0.0 - 0.5	0.0868 U	0.0868 U	0.0868 U	0.0868 U	0.0868 U	0.0868 U	8.06 U	8.06 U	0.0868 U	0.0868 U
H	20-Feb-19	0.0 - 0.5	0.0919 U	0.0919 U	0.0919 U	0.0919 U	0.0919 U	0.0919 U	8.53 U	8.53 U	0.0919 U	0.0919 U
I	21-Feb-19	0.0 - 0.5	0.0920 U	0.0920 U	0.0920 U	0.0920 U	0.0920 U	0.0920 U	8.54 U	8.54 U	0.0920 U	0.0920 U
J	21-Feb-19	0.0 - 0.5	0.0939 U	0.0939 U	0.0939 U	0.0939 U	0.0939 U	0.0939 U	8.72 U	87.2 U	0.0939 U	0.0939 U
A-J	5-Dec-19	0.0 - 0.5	0.00133 U	0.00333 U	0.00133 U	0.00100 U	0.00127 U	0.00127 U	0.0662 U	0.119 U	0.00113 U	0.00140 U
A-J	5-Dec-19	0.5 - 1.0	0.0000200 U	0.00333 U	0.0000200 U	0.0000150 U	0.0000190 U	0.0000190 U	0.000993 U	0.00179 U	0.0000170 U	0.0000210 U

bgs = below ground surface
DEQ = Oregon Department of Environmental Quality
mg/kg = milligrams/kilogram
"ND" = Not detected above referenced laboratory method reporting limit
-- = Analyte not listed
Notes:
1 = Based on ODEQ Risk-Based Concentrations for Occupational Soil Injestion, Dermal Contact, and Inhalation (November 1, 2015)
2 = Based on ODEQ Clean Fill Table for Uplands, June 17, 2019



Composite A-J @ 0-6" (mg/kg)
Metals = < ODEQ Clean Fill
Herbicides = <ODEQ Clean Fill
4,4-DDD = 0.000607
4,4-DDE = 0.0186
4,4-DDT = 0.0318
Dieldrin = 0.0175

Composite A-J @ 6-12" (mg/kg)
Metals = < ODEQ Clean Fill
Herbicides = < ODEQ Clean Fill
4,4-DDE = 0.00974
4,4-DDT = 0.00927
Dieldrin = 0.00917

Notes: Green denotes analyte in excess of ODEQ

2015 Aerial Photograph Source: Google Earth

LEGEND

- **93.49-Acre Property Boundary**
- **80-Acre Study Area**
- **8-Acre Soil Sample Composite Areas**
- A **Sample Location**

FIGURE 2. Sampling Grid - 1 Acre Squares
Phase II Environmental Site Assessment
93.49-Acre Future Water Treatment Plant Property
35050 SE Carpenter Lane, Gresham, Oregon

January 2020

NORTH

Assessment Associates, Inc.
Environmental Consulting
3123 SE 9th Avenue
Portland, Oregon 97202
Phone 503.233.8565 • Fax 503.296.2638

Contaminated Soil Placement Figure

Site North

Top of Berm - 720'
Bottom of Berm - 705'

Matchline - See 00-LU-204 for continuation

Dedicated Right of Way

SE Carpenter Ln

Right of Way

Contaminated Soil Placement Area

Top - 720'
Bottom - 715'

Reserve Drainfield

Primary Drainfield

Site Boundary

703.25'
Clearwell

Road F

Top - 714'
Bottom - 708'

Right of Way

705.25'
CT Basin

Top - 710'
Bottom - 690'

715.20'

714.00'

Limit of Disturbance at edge of easement

Top - 699'
Bottom - 693'

701.00'

Road F

717.25'

704.50'

Core Process Area

718.00'

723.00'

Chemical Building

716.00'

Road D

716.50'

714.80'

715.00'

Top - 711'
Bottom - 707'

Right of Way

SE Dodge Park Blvd

Geohazard

693.00'

693.00'

Road E

Road G

719.00'

716.60'

Road C

See Sheet Note 3

Proposed Ground - 725'
Existing Ground - 723'

Contaminated Soil Placement Area

Emergency Access

Property Line

Top - 710'
Bottom - 704'

Top - 695'
Bottom - 683'

Top - 695'
Bottom - 683'

Top of Pond - 717'
Bottom of Pond - 712'

See Sheet Note 3

Proposed Ground - 717'
Existing Ground - 715'

Multnomah County

Clackamas County

Emergency Access to Bluff Rd (Clackamas County)

Property Line

See Sheet Note 3

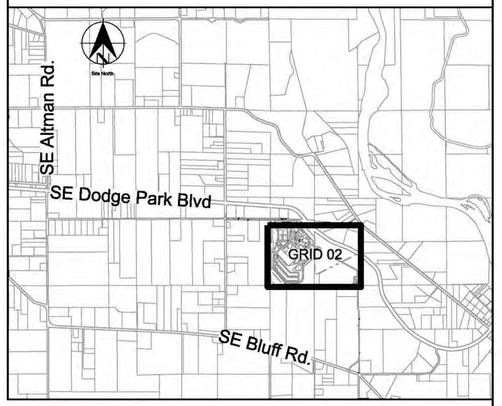
Limit of Disturbance

Property Line

See Sheet Note 3

0 120 240
SCALE IN FEET

KEY PLAN



General Sheet Notes

1. See 00-LU-507 for stormwater plan.
2. See 00-LU-508 for landscape plan.
3. Limit of Disturbance is 1ft from Geohazard line, property line, or SEC-WR line. Temporary Silt Fence is placed at Limit of Disturbance.

Sheet Keynotes

1. Protect Fence. Maintain Temporary Silt Fence minimum 1ft from existing fence.

Legend

- Major Contour
- Minor Contour
- Existing Major Contour
- Existing Minor Contour
- SEC Zone
- Geohazard
- Limit of Disturbance
- Deciduous Tree
- Evergreen Tree
- Existing Water Line
- Existing Fence
- Existing Gas Line
- Existing Overhead line
- Existing Structure
- Existing Edge of Vegetation
- Property Line
- Right-of-Way
- Easement
- Ditch
- Water Valve
- Utility Pole
- Sanitary Maintenance Hole
- Edge of Gravel
- Fire Hydrant
- Site Boundary
- Silt Fence
- Tree Protection Fence
- Inlet Protection
- Cut
- Fill

User: stanpw11\cs03$ W02229_FF_00-LU-506-Aggressive.dgn

1/12/2024

No	Date	Description	Appd
		Revision	
Survey			

Stantec

Designed By	JSL	Design Mgr	LSH
Drawn By	BYS	Const Mgr	TG
Checked By	LCS	Const Supvr	RM
Project Mgr	MRG	Date	

Warning
0 ½ 1
If this bar does not measure 1" then the drawing is not to scale

PORTLAND WATER BUREAU
FROM FOREST TO FAUCET

David W. Peters, Engineering Manager, PE No 16683 — Date

CITY OF PORTLAND OREGON 1851

Bull Run Filtration Facility

Civil

Grading Plan
Filtration Facility

SAP Project No	W02229
1/4 Section	3765 / 3766
Sheet No	00-LU-304
	4 of 10

NPDES 1200-CA Stormwater Discharge Permit

Permit Number: 1200-CA
Effective Date: September 15, 2022
Expiration Date: September 14, 2027

State of Oregon
Department of
Environmental
Quality

GENERAL PERMIT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

STORMWATER DISCHARGE PERMIT

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

Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO:

All public agencies responsible for construction activities with stormwater discharges that are covered by this permit. The submittal of an approved application and payment of applicable fees are required.

PERMIT AREA

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

SOURCES COVERED BY THIS PERMIT

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

a) Any construction activity, materials or equipment staging and stockpiling that will disturb one or more 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 that will ultimately disturb one or more acres of land; or

c) Any construction activity that results in the disturbance of less than one acre of land that is a necessary and required component (e.g., utilities, structure or infrastructure) of a final project that will ultimately disturb one or more acres of land; or

d) Any construction activity that may discharge stormwater to surface waters of the state that may be a significant contributor of pollutants to waters of the state or may cause an exceedance of a water quality standard.

Jennifer Wigal
Water Quality Administrator

Aug. 11, 2022
Issuance Date: August 11, 2022
Expiration Date: September 14, 2027

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 permit registrants 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-CA 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 permit registrants 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.

Unless specifically authorized by this permit, by another NPDES or WPCF permit, or by Oregon Administrative Rule, any other direct or indirect discharge to waters of the state is prohibited.

Permitted Activities

Until this permit expires or is modified or revoked, the permit registrant is authorized to construct, install, modify, and operate erosion and sediment control measures and storm water treatment and control facilities, and to discharge storm water to public waters in conformance with all the requirements, limitations and conditions set forth in the attached schedules as follows:

Table of Contents

SCHEDULE A

CONTROLS AND EFFLUENT LIMITATIONS

1. Application requirements for obtaining permit coverage

A complete and accurate application from a public entity must be submitted to DEQ at least sixty (60) days prior to any planned land disturbing construction activities. Construction activities are not authorized until DEQ issues discharge authorization.

The application must include the items below and be submitted to DEQ on Your DEQ Online:

a. A complete and accurate DEQ approved application form; and

b. The application fee and annual fee for the first year of permit coverage according to OAR 340-045-0075, Table 70G.

2. Discharge authorization

Permit coverage for permit registrants that were issued permit coverage prior to August 11, 2022, the issuance date of this permit, begins on September 15, 2022, the effective date of this permit.

Permit registrants issued permit coverage before August 11, 2022, must comply with all conditions in Section 16 by September 15, 2022, the effective date. Permit registrants issued permit coverage before August 11, 2022, must comply with the remainder of the permit conditions by April 1, 2023.

Permit coverage for new applicants begins when the registrant receives documented notice from DEQ that registration is approved. Permit registrants issued permit coverage after September 15, 2022, must comply with all permit conditions the date permit coverage is issued by DEQ.

3. Annual fee

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

4. Multiphase development

A map and description of each phase of the multiphase development for which land use approvals are approved with the intent of development or maintenance that requires the performing of construction activities must be included in the Erosion and Sediment Control Plan (ESCP). Construction activities, including stockpiling and staging, cannot commence within a phase unless that phase has a developed ESCP that has been submitted to DEQ.

5. Construction projects that disturb five or more acres

Permit registrants that conduct any project under this permit that includes construction activities that disturb or are likely to disturb five or more acres are subject to a 14-calendar day public review period of the Erosion and Sediment Control Plan (ESCP) that meets all permit requirements before any construction activities begin. The permit registrant will post all required and necessary project documents (i.e., site map and ESCP) for the mandatory 14-day public comment period or send to DEQ for posting.

If construction activities expand beyond five acres after construction activities are initiated, 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 the area expanded beyond the boundaries of the originally submitted ESCP in accordance with 340-045-0033(6)(b). After the public comment period is over, the finalized ESCP must be submitted to DEQ.

6. Environmental Management Plan

The permit registrant must complete an Environmental Management Plan (EMP, see Appendix A), pay the review fee, and submit the required DEQ documents for projects 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 in the area of contamination. 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 that 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 non-contaminated 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, except for when an Active Chemical Treatment System is utilized before discharge from the permitted site (See Section 13.4).

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 permit registrants 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.

DEQ will determine if the project can have coverage under this permit after the permit registrant has included appropriate controls and implementation procedures designed to ensure that the above activities will not lead to discharges that cause an exceedance of water quality standards. In the absence of authorization, the registrant must apply for and receive coverage under the 1200-C construction stormwater general permit or an individual permit prior to discharging from the site.

An EMP is not required on 1200-CA permit covered projects that began construction activities prior to the effective date of this permit, except for when unknown contaminants are discovered during construction activities performed after the effective date of this permit.

7. Procedures for denial or revocation of coverage

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

8. Renewal application for permit coverage

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

9. Electronic system use requirement

Permit registrants must submit all required documents and payments using DEQ's electronic reporting system, Your DEQ Online (YDO).

10. 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:

10.1 Stormwater discharge 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.

10.2. Stormwater discharge 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.

11. 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 flushing as approved;

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 non-contaminated groundwater dewatering and well drilling discharge associated with the registered construction activity), provided that:

   i. 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

   ii. Best Management Practices and a treatment system approved by DEQ (see Section 6) are used to ensure compliance with discharge and water quality requirements.

11.1. Combined discharges

Discharges of stormwater listed in Sections 10.1 and 10.2 combined with authorized non-stormwater discharges in Section 11 into a common conveyance system are allowed.

12. Prohibited discharges

The following discharges are not authorized by this permit:

a. Visually turbid discharge or discharge of sediment (see Section 13.2.11) 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.

13. Technology based effluent limitations/control measures

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

13.1. General stormwater control design installation, and maintenance requirements.

The permit registrant must implement erosion and sediment control measures at all times to prevent any visibly turbid discharges or sediment from leaving the project site from initial soil disturbance until project completion. Failure to implement any of the required erosion and sediment control measures or practices, or the discharge of visibly turbid water and/or sediment from the project site is prohibited. The permit registrant must ensure that the erosion and sediment control plan is revised as necessary to reflect site conditions in accordance with the requirements of this permit.

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

13.1.1. Factors to consider when designing stormwater controls

Consider the following factors when designing stormwater controls:

a. The expected amount, frequency, intensity, and duration of precipitation;

b. The nature of stormwater runoff and run-on (See Schedule D.4 Permit Specific Definitions) at the site, including factors such as expected flow from impervious surfaces, slopes and site drainage features; and

c. The soil type and range of soil particle sizes expected to be present on the site.

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

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

13.1.3. Installation of stormwater controls

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

a. Install and implement any downgradient sediment controls (e.g., buffers, perimeter controls, discharge point controls, storm drain inlet protection) before construction activity in any portion of the site begins;

b. Install erosion prevention measures (e.g., matting, straw mulch, compost blankets) on areas with exposed soil that will not be worked for 14 days; and

c. Following the installation of stormwater controls for initial construction activities the registrant must adjust stormwater controls and management strategies throughout the project site to meet and match the needs of each phase of construction as the project is implemented.

13.1.4. Ensure that all stormwater controls are maintained and remain effective

Permit registrant must ensure that all stormwater controls are maintained and remain effective during construction activities until project completion and are protected from activities that would reduce their effectiveness including:

a. Follow maintenance recommendations from the manufacturer and utilize appropriate recognized and generally accepted engineering and professional based on-site conditions. The

registrant must document deviations from manufacturer recommendations in the inspection report;

b. Comply with any specific maintenance requirements for the stormwater controls implemented as required in this permit and in the ESCP. Regular maintenance is required and is not limited to response actions that result from inspections or identified problems;

c. Initiate repairs and replacements of stormwater controls when maintenance issues are discovered; and

d. Record any stormwater controls installed (where none had previously been), repaired, replaced or removed as required in Sections 16.2 and 17.5.

13.1.5. Maintaining erosion and sediment controls

Maintain specific erosion and sediment controls as follows:

a. Inspect and maintain erosion control measures (e.g., reseed, apply additional mulch, address blanket malformation and soil sloughing underneath);

b. Remove trapped sediment from sediment fence before it reaches one third of the above ground fence height;

c. Remove sediment before it reaches one third of the above ground height of sediment barriers such as straw wattles and biobags;

d. Clean catch basins and inserts before sediment retention capacity is reduced by 50 percent; and

e. Remove sediments from sediment basins before design capacity is reduced by 50 percent.

13.2. Erosion prevention and sediment control and treatment requirements

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

13.2.1. Activities before construction commences

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

a. Riparian areas and vegetation including trees and associated root zones, and vegetation areas to be preserved;

b. Vegetated buffer zones between the site and sensitive areas (e.g., wetlands, springs, groundwater seeps, etc.) and other areas required to be preserved, especially in perimeter areas; and

c. Existing and post-construction stormwater facilities constructed during 1200-CA permit coverage that are designed and engineered to infiltrate or filter stormwater. In addition to physical protection, stormwater runoff discharge from areas where construction activities are performed may not be conveyed to existing or post-construction facilities during construction. The following exceptions are allowed:

   i. Existing post-construction stormwater facilities may receive stormwater runoff from construction activities performed on site if the ESCP states that upon project completion and final stabilization, the top 18" of soil is excavated from the entire surface of the facility and replaced with suitable growth media capable of infiltrating the runoff

volume from the drainage area of a 2-year 24-hour storm event or satisfying the hydraulic conductivity criteria specified in the stormwater management requirements of the local regulatory agency.

ii. Post-construction stormwater facilities constructed during 1200-CA permit coverage may receive stormwater runoff from construction activities on site if upon project completion and final stabilization, accumulated sediment and temporary control measures, such as rip rap, velocity dissipating pads or impermeable liners are removed before the facility is constructed to design specifications.

13.2.2. Sequence clearing, grading, and other land disturbing activities

Permit registrant must sequence clearing, grading and other land disturbing actives to the maximum extent practicable to prevent exposed inactive areas from causing erosion as per Section 13.2.20.

13.2.3. Prevent bypass and ponding

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

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

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

a. The permit registrant must comply with local natural buffer zone requirements before proposing the following compliance alternatives. For any discharges to surface waters of the state located within 50 feet of the site's land disturbances, the permit registrant must comply with one of the following alternatives:

   i. Maintain a 50-foot undisturbed natural buffer zone (See Section 13.2.4.b to determine natural buffer zone encroachment authorization on 401 Water Quality Certification projects); or

   ii. 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

   iii. 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 401Water Quality Certification. Projects with 1200-CA permit authorization and a 401 Water Quality Certification are not required to comply with the natural buffer zone requirements of Appendix B.

c. If a registrant's project has the potential to discharge to a waterbody that is listed as impaired and requiring a Total Daily Maximum Load (TMDL) for turbidity or sedimentation on the most recently approved Oregon 303(d) list (found on the "Water Quality Assessment" page of DEQ's website), or has an established TMDL for turbidity or sedimentation, the permit registrant 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 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.

For permit registrants that began construction activities prior to the effective date of this permit, the approved natural buffer zone width and approved erosion and sediment controls are deemed appropriate.

13.2.5. Utilize existing vegetation as control and stabilization measures as follows:

a. When possible, preserve existing vegetation;

b. Direct stormwater to vegetated areas to maximize stormwater infiltration and filtering to reduce pollutant discharges where feasible;

c. Re-vegetate open areas as soon as the site is no longer active; and

d. Identify the composition of seed mix (percentage of annuals, perennials and clover) and other plantings used to establish temporary cover in the ESCP.

13.2.6. Install sediment controls along all perimeter areas of the site that may potentially discharge stormwater runoff from disturbed areas identified in the ESCP

For areas at "linear construction sites" (See Schedule D.4 Permit Specific Definitions) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices to prevent pollutant discharges from perimeter areas of the site.

13.2.7. Prevent sediment track-out

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

a. Establish graveled or paved exits and parking areas prior to any land disturbance;

b. Restrict vehicle use to properly designated entry and exit points. Use appropriate stabilization techniques at all points that exit onto paved roads (e.g., aggregate stone with an underlying geotextile or non-woven filter fabric and turf mats);

   i. Exception: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to prevent sediment track-out.

c. Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit (e.g., wheel and tire washing, rumble strips and rattle plates);

d. Gravel all unpaved roads located onsite unless temporary or permanent stabilization measures are not required (see Section 13.2.20);

e. Cover all sediment loads leaving the site;

f. When trucking saturated soils from the site, use water-tight trucks or drain loads on site;

g. Where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas outside of the site, remove the sediment by the end of the same business day that the track-out occurs or by the end of the next business day if track-out occurs on a non-

business day. Track-out must be removed by sweeping, shoveling, or vacuuming these surfaces or by using other similarly effective means of sediment removal; and

h. Hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet or water of the state is prohibited.

13.2.8. Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil as follows:

a. Locate the piles outside of any natural buffers established under Section 13.2.1 and away from any stormwater conveyances, drain inlets and areas where stormwater flow is concentrated;

b. Install a sediment barrier (e.g., berms, dikes, fiber rolls, silt fences, sandbags, gravel bags or straw bale) along all downgradient perimeter areas;

c. Soil stockpiles must be stabilized or covered at the end of each workday and before weekends, holidays or extended breaks of construction activities if a storm event is forecast that may result in any discharge from the project site or wind speeds (typically 10 mph or greater) capable of soil erosion that may result in fugitive dust;

d. Provide cover (e.g., tarps, blown straw or hydroseed) or appropriate temporary stabilization consistent with Section 13.2.20) for any piles not in use; and

e. Hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet or water of the state is prohibited.

13.2.9. Prevent wind erosion and control dust

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

13.2.10. Steep slope (See Schedule D.4 Permit Specific Definitions) disturbances in areas where construction activities are not occurring or projected are prohibited

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

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

a. Required stabilization has not been initiated or completed.

b. Earth slides or mud flows.

c. Concentrated flows of stormwater such as rills, rivulets, gullies or channels that cause erosion when such flows are not filtered, settled or otherwise treated to remove sediment.

d. Sediment laden or turbid flows of stormwater that are not filtered or settled to remove sediment and turbidity.

e. Deposits of sediment at the construction site in areas that drain to unprotected stormwater inlets or to catch basins that discharge to surface waters. Inlets and catch basins with failing sediment controls due to a lack of maintenance or inadequate design are considered unprotected.

f. Sediment basins or traps without adequate wet or dry storage volume or sediment basins or traps that allow discharge of stormwater from below the surface of the wet storage portion of the basin or trap.

g. Deposits of sediment from the project site on any property (including public and private streets) outside of the construction activity covered by this general permit.

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.

13.2.12. Prevent soil compaction

In areas of the site where final vegetative stabilization will occur or where post-construction infiltration practices will be installed (See Section 13.2.1.c) the registrant must:

a. Preserve suitable native topsoil by stockpiling for reuse or transferring to other locations, unless infeasible;

b. Restrict vehicle and equipment use in designated areas (e.g., haul roads, staging and stockpiling or laydown) to their stated purpose to avoid soil compaction; and

c. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

13.2.13. Protect storm drain inlets

The following storm drain inlet protection measures are required:

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that conveys stormwater flow, provided the registrant has authority to access the storm drain inlet; and

b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

13.2.14. For projects involving concrete, establish concrete truck and other concrete equipment washout area before beginning concrete work

When performing construction activities involving concrete, the following control measures are required:

a. Wash concrete trucks and equipment in an appropriately protected area or in designated concrete washout areas only;

b. Direct all concrete wash water into an impermeable-lined pit or leak-proof container designed so that overflows will not occur due to inadequate sizing or precipitation;

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

d. Concrete wash may not adversely affect groundwater;

e. Concrete washout and waste concrete management areas must be maintained and functional;

f. Handle (e.g., through disposal, reuse or recycle) wash water as waste. Do not dispose of concrete wash water or wash out concrete trucks onto the ground, or into storm drains, open ditches, streets or streams;

g. Do not dump excess concrete on site, except in designated concrete washout areas;

h. Handle (e.g., through disposal, reuse or recycle) hardened concrete waste consistent with handling of other construction wastes; and

i. Concrete spillage or concrete discharge to surface waters of the state is prohibited.

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

13.2.16. Control stormwater discharges

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

a. Use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to prevent erosion; and

b. Protect stream banks from concentrated flows by constructing runoff control measures (e.g., check dams, outlet protection (riprap), pipe slope drains, swales/dikes, surface roughening).

13.2.17. Engineer sediment basin or similar impoundment installed

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

a. The design must be prepared and stamped by an Oregon Registered Professional Engineer or an Oregon Registered Landscape Architect per Section 15.1.b;

b. The basin or impoundment must be situated outside of any water of the state, any natural water quality buffers, and any post-construction stormwater facility designed and engineered to infiltrate established under Section 13.2.1;

c. The basin or impoundment must be designed to avoid collecting water from wetlands;

d. The basin or impoundment must be designed to provide storage for either of the following:

   i. Find the site's estimated 2-year, 24-hour precipitation. The 2-year, 24-hour precipitation can be found using the Precipitation Frequency Data Server (PFDS) developed by the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) or the Oregon Department of Transportation (ODOT) Precipitation Data Viewer;

   ii. 3,600 cubic feet per acre drained; or

   iii. A site-specific alternative capable of ensuring that water quality violations do not occur through a combination of storage (e.g., Baker tanks), retention, infiltration or other means of stormwater runoff control;

e. The design must utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;

f. The design must use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

g. Follow maintenance requirements per Sections 13.1.4 and 13.1.5.

The approved sediment basin is deemed appropriate on 1200-CA permit covered projects that began construction activities prior to the effective date of this permit.

13.2.18. Engineered sediment basin or similar impoundment must be installed when engineered soils used on site

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

a. For construction activity involving the use of engineered soils (soil amendments including, but not limited to Portland cement-treated base [CTB], cement kiln dust [CKD], or fly ash), the registrant must install an engineered sediment basin or similar impoundment in accordance with Section 13.2.17 (e.g., trap, pond) to treat high pH runoff (i.e., above 8.5 standard units) before discharge. The registrant is required to determine the acceptable pH water quality criteria range of site discharge based on criteria of the receiving waterbody according to OAR 340-041-0021. If necessary, the registrant must adjust or neutralize the high pH water until it is in the range of pH Standard Units (SU) using an appropriate treatment BMP such as carbon dioxide (CO2) sparging or dry ice.

b. The permittee must obtain written approval from DEQ or Agent before using any form of chemical treatment other than CO2 sparging or dry ice (see Section 6). See Section 17.6.1 for pH monitoring requirements.

13.2.19. The registrant must maintain site as follows:

a. Clean up sediment that leaves the site and place sediment back on the site and stabilize or dispose of sediment properly within 24 hours. In addition, the source(s) of the sediment must be controlled to prevent continued or additional discharge within 24 hours of being identified, and a corrective action report submitted to DEQ per Section 16.3. Until the sediment or turbidity are no longer visually detectable, immediate corrective actions or the implementation of additional and appropriate BMPs is required to ensure the registrant is not causing or contributing to a violation of water quality standards. Any instream cleanup of sediment may require authorization from the Oregon Department of State Lands; and

b. Do not intentionally wash sediment into storm sewers or drainage ways. Methods such as vacuuming, dry mechanical sweeping, or manual sweeping must be used to cleanup released sediments.

13.2.20. The registrant must stabilize exposed portions of the site as follows:

a. Implement and maintain the stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydro-mulch, gravel) that prevent erosion from exposed portions of the site;

b. Document the day that construction activities cease in an area and the location on site in the visual monitoring report (see Section 17.5.e);

c. Initiate the installation of temporary stabilization measures (e.g., blown straw and a tackifier, loose straw, compost mulch, temporary vegetative cover, crushed rock or gravel base), final vegetation cover or permanent stabilization measures immediately whenever any land

disturbing activities have permanently ceased or will be temporarily inactive on any portion of the site for 14 or more calendar days; and

d. Complete the installation of stabilization measures as soon as practicable, but no later than seven calendar days after stabilization has been initiated.

13.2.21. Final Stabilization Criteria (for any areas not covered by permanent structures). To achieve project completion, registrants must:

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

   i. For sites where it is difficult to establish 70 percent coverage (e.g., arid, semiarid or drought-stricken areas), the registrant must cover exposed soil between planted or seeded areas with bio or photo degradable controls designed to prevent erosion without active maintenance or propose a site-specific plan to DEQ for approval.

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

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

b. Implement temporary bio or photo-degradable non-vegetative stabilization measures (e.g., mulch or rolled erosion control products) to provide effective cover while vegetation is being established to prevent erosion of the seeded or planted area;

c. Ensure that final vegetative cover or permanent stabilization is established before temporary sediment controls are removed unless doing so conflicts with local requirements;

d. Ensure there is no discharge from the site of construction-related sediment or turbidity to surface waters;

e. Remove and properly dispose of all construction materials, waste and waste handling devices, and remove all equipment and vehicles that were used during construction, unless intended for long-term use;

f. Remove all temporary stormwater controls that were installed and maintained during construction, except those that are intended for long-term use;

g. Remove sediment from permanent (post-construction) structural stormwater facilities by over excavating and replacing with growth media before vegetating; and

h. Remove all potential pollutants, including any sediment being retained by temporary erosion and sediment controls, and discontinued pollutant-generating activities associated with construction, unless needed for long-term use.

13.3. Pollution prevention controls

The registrant must implement pollution prevention controls in accordance with the following requirements to prevent the discharge of pollutants to stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities, such as building materials, building products, construction

wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, fuels, lubricants and other material present.

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

13.3.1. General conditions

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

a. Locate activities away from waters of the state and stormwater inlets or conveyances so that stormwater coming into contact with areas where waste generating activities are performed cannot reach waters of the state;

b. Ensure adequate supplies are available at all times to handle spills, leaks and disposal of liquids, and provide secondary containment (e.g., spill berms, decks, spill containment pallets);

c. Have a spill kit available on site and ensure personnel are available to respond expeditiously in the event of a leak or spill;

d. Clean up spills or contaminated surfaces immediately using dry clean up measures (do not clean contaminated surfaces by hosing the area down) and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge; and

e. Store materials in a covered area (e.g., plastic sheeting, temporary roofs), or in secondary containment to prevent the exposure of these containers to precipitation or stormwater runoff, or a similarly effective means designed to prevent the discharge of pollutants from these areas.

13.3.2. Equipment and vehicle fueling and maintenance

a. Use drip pans and absorbents under or around vehicles;

b. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;

c. To the extent possible perform equipment fueling and maintenance off-site at authorized facilities; and

d. If allowed by the local fire department, fit fuel dispensing nozzles with "hold-open latches" with an automatic shutoff.

13.3.3. Equipment and vehicle washing

a. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

b. Prevent the discharge of turbid vehicle wash water to waters of the state or conveyances that lead to waters of the state.

13.3.4. Building materials and building products

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

13.3.5. Pesticides, herbicides, insecticides, and fertilizer

Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Section 13.3.6). When applying fertilizers, registrants must:

a. Apply at a rate and in amounts consistent with manufacturer's specifications;

b. Apply at the appropriate time of year for the location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;

d. Never apply to frozen ground;

e. Never apply to stormwater conveyance channels; and

f. Follow all other federal, state and local requirements regarding fertilizer application.

13.3.6. Hazardous or toxic waste

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

b. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are clearly labeled with their contents in accordance with all applicable federal, state, tribal or local requirements;

c. Store all outside containers within appropriately sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available on site); and

d. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements.

13.3.7. Construction and domestic wastes

a. Provide waste containers (e.g., dumpster, trash receptacle) that provide ground separation and are of sufficient size and number to contain construction and domestic wastes;

b. Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either (1) cover (e.g., a tarp, plastic sheeting, temporary roof) to prevent exposure of wastes to precipitation, or (2) a similarly effective means designed to prevent the discharge of pollutants (e.g., secondary containment);

c. Clean up and dispose of waste in designated waste containers; and

d. Clean up immediately if containers overflow.

13.3.8. Sanitary waste

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

13.3.9. Washing applicators and containers

When construction activities involve washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials, the following measures are required:

a. No discharge of these liquid wastes is allowed in storm sewers or waters of the state;

b. Dispose of liquid wastes in accordance with applicable requirements;

c. Remove and dispose of hardened concrete waste consistent with the handling of other construction wastes in Section 13.3.7; and

d. Locate any washout or cleanout activities as far away as possible from waters of the state and stormwater inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities with signs and in the ESCP and conduct such activities only in these areas.

13.3.10. Emergency spill notification requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Section 12. Where a leak, spill, or other release containing a hazardous substance or oil occurs during a 24-hour period, the registrant must notify the Oregon Emergency Response System at (800) 452-0311 as soon as the registrant has knowledge of the release. Contact information must be in locations that are readily accessible and available to all employees.

13.4. Construction dewatering requirements

This section pertains to accumulated water from precipitation and uncontaminated groundwater seepage due to shallow excavation activities, not for the lowering of contaminated groundwater (see Section 6). Registrant must comply with the following requirements to prevent the discharge of pollutants in groundwater or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Section 12-Prohibited Discharges:

a. To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. The registrant is prohibited from using waters of the state as part of the treatment area;

b. Implement the appropriate control measures for dewatering discharges to prevent the discharge of pollutants;

c. Do not discharge visible floating solids or foam;

d. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease or other products if dewatering water is found to contain these materials;

e. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Section 13.2.16;

f. With backwash water, either haul it away for disposal or return it to the beginning of the treatment process;

g. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications;

h. If there is no alternative option, the use of a sanitary or combined sewer discharge is authorized with local sewer district approval; and

i. Active chemical treatment systems for turbidity or any other pollutants must be designed and stamped by an Oregon Registered Professional Engineer and be approved by DEQ.

14. Water quality based effluent limitations and associated requirements for stormwater discharges

Discharges must be controlled to meet all applicable water quality standards. In addition, DEQ expects compliance with the permit conditions is compliance with applicable water quality standards. As soon as the registrant becomes aware or DEQ determines that discharges do not meet applicable water quality standards, corrective actions must be undertaken as required in Section 16.1.

14.1. General effluent limitations to meet applicable instream water quality standards

Discharges must be controlled and may not cause or contribute to an exceedance of the applicable water quality standards as established in OAR 340-041; specifically, OAR 340-041-0036: Turbidity (Nephelometric Turbidity Units, NTU); No more than a 10% (ten percent) cumulative increase in natural stream turbidities may be allowed, as measured relative to a control point immediately upstream of the turbidity causing activity.

14.2. Water quality limited streams

DEQ may establish additional controls on construction activities that discharge stormwater runoff to water quality limited streams if Total Maximum Daily Loads are established and construction activities are determined to be a significant contributor to these loads. DEQ may also require application for individual permit or develop a watershed-based general permit for the activity.

15. Erosion and Sediment Control Plan (ESCP)

Before any project under this permit begins, the ESCP must be submitted to DEQ. The registrant must implement the ESCP at all times, from initial soil disturbance until project completion. Failure to implement any of the control measures or practices described in the ESCP is a permit violation. The ESCP must be kept up to date throughout the term of coverage under this permit. The registrant must ensure that an ESCP is revised as necessary to reflect site conditions and submit revisions to DEQ in accordance with the requirements of this permit.

Permit registrants of projects covered under the 1200-CA permit prior to the effective date of this permit must revise and update the ESCP content and site map to ensure that the ESCP is compliant with the requirements of this permit and must submit the revised ESCP to DEQ in YDO by April 1, 2023.

15.1. Qualifications to develop ESCP

a. For construction activities disturbing twenty or more acres, the ESCP must be developed and stamped by a professional with one of the following credentials, and their name and credentials must be included in the ESCP as a preparer:
   i. Certified Professional in Erosion and Sediment Control.
   ii. Certified Professional in Stormwater Quality.
   iii. Oregon Registered Professional Engineer.
   iv. Oregon Registered Landscape Architect.
   v. Oregon Certified Engineering Geologist.

b. If engineered facilities such as sedimentation basins or diversion structures for erosion and sediment control are required, these portions of the ESCP must be designed and stamped by an Oregon Registered Professional Engineer or an Oregon Registered Landscape Architect (see Section 13.2.17).

15.2. Design the ESCP to meet the objectives

The ESCP must be designed to meet the following objectives:

a. To implement best management practices (BMPs) in accordance with appropriate, recognized and generally accepted engineering practices to prevent erosion and sedimentation, and to identify, reduce, eliminate or prevent contamination of stormwater and water pollution from construction activities;

b. To prevent violations of water quality standards, erosion and sediment transport from the project site and meet 1200-CA permit technology-based effluent limitations and treatment requirements; and

c. To control peak volumetric flow rates and velocities of stormwater discharges to prevent scouring by means such as diverting, collecting, conveying and/or controlling flows.

15.3. ESCP for each phase of construction activity

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

a. Demolition, clearing, grading, excavating and land development;

b. Street and utilities;

c. Vertical construction; and

d. Final landscaping and site stabilization.

Linear construction projects must have an ESCP that clearly defines and addresses each distinct phase of construction. An ESCP including the site description and site map for each construction phase must be submitted to DEQ before construction activities may be initiated on the subsequent construction phase.

15.4. ESCP contents

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

a. Clearly identify the ESCP preparer and their credentials or stamp within the ESCP per Section 15.1;

b. Name and location of the site;

c. All contractors to perform work on site as follows:

   i. Once known, include a list of all contractors that will engage in construction activities on site, and the areas of the site where the contractor(s) will engage in construction activities. Revise the list as appropriate until project completion.

   ii. Include a list of all personnel (by name and position) that are responsible for the design, installation and maintenance of stormwater control measures (e.g., ESCP developer, BMP installer (see Section 15.10), as well as their individual responsibilities.

   iii. Personnel conducting visual monitoring must be identified in the ESCP. Provide the following for all personnel conducting visual monitoring of the project site:

      1. Name and title

      2. Contact information

      3. A description of certification per Section 17.1, along with any certification numbers and expiration date;

d. Environmental Management Plan per Section 6 if applicable;

e. Site description must include the following:

i. A description of the construction activities, including structures that are planned for demolition.

ii. The size of the property (in acres and length in miles if a linear construction site).

iii. A statement that clearly identifies the 303 (d) category 4 and 5 impairments status of each receiving water body (when the discharge enters an impaired watershed unit the listing will only be applied if there is a hydrologic connection between the receiving water and assessment water body causing the impairment);

iv. Any waterbody to be impacted by the construction activities and reference in 401 water quality certifications, USACE permit, DSL permit, and/or any other applicable agency authorization;

v. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or quarter mile if a linear construction site);

vi. A description of any on-site and off-site construction support activity areas covered by this permit (see Section 10.2) such as staging areas;

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

viii. A description and projected schedule for the following:

1. Start dates of construction activities in each portion of the site, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil vegetation stockpiles requiring stabilization.

2. Temporary or permanent stop dates of construction activities in each portion of the site.

3. Dates of temporary or final stabilization of exposed area for each portion of site.

4. Dates of removal of temporary stormwater controls and construction equipment or vehicles, and the final end date of construction related pollutant generating activities;

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

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

xi. A statement indicating engineered soil will be used per Section 17.6, and pH monitoring is required of sedimentation basins;

xii. Identify all authorized non-stormwater discharges in section 11 that will or may occur;

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

xiv. Description of stormwater controls. For each of the Section 13.2 Erosion Prevention and Sediment Control and Treatment Requirements, Section 13.3 Pollution Prevention Controls, and Section 13.4 Construction Dewatering Requirements, as applicable to the site, registrant must include the following in detail design sheet of the ESCP:

1. A description of the specific controls(s) to be implemented to comply with the requirements of this permit.

2. Any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon).
3. Routine stormwater control maintenance specifications.
4. Proposed timetable indicating when each sediment and control BMP is to be installed/implemented and duration that it is to remain in place;

xv. Natural buffer zone and/or equivalent sediment controls (see Section 13.2.4, and Appendix B). The registrant must include the following in the narrative site description:

1. The compliance alternative to be implemented.
2. If complying with alternative 1, the width of natural buffer retained.
3. If complying with alternative 2 or 3, the erosion and sediment control(s) the registrant will use to achieve an equivalent sediment reduction, and any information the registrant relied upon to demonstrate the equivalency.
4. If complying with alternative 3, a description of why it is infeasible for the registrant to provide and maintain an undisturbed natural buffer of any size.
5. For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed.
6. A description of any disturbances that are exempt under Section 13.2.1 that occur within 50 feet of a water of the state.
7. A description of the vegetated buffers, sized at 50 feet (horizontally) plus an additional 25 feet (horizontally) per five degrees of slope or DEQ approved control measures of equal effectiveness for any waterbody that is listed as impaired and requiring a TMDL for turbidity or sedimentation on the most recently approved Oregon 303(d) list, or has an established TMDL for turbidity or sedimentation;

xvi. Perimeter controls for a "linear construction site" (see Section 13.2.6). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to prevent discharges of pollutants in stormwater associated with construction activities;

1. Note: Routine maintenance specifications for perimeter controls documented in the ESCP must include Sections 13.1.5.a, and 13.2.6 requirement that sediment be removed before it has accumulated to one-third of the above-ground height of any perimeter control.

xvii. Sediment track-out controls (see Section 13.2.7). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit;

xviii. Sediment basins (see Section 13.2.17). The registrant must include the design storm method and calculations, and other design details in the ESCP. In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface of the sediment basin, include documentation to support this determination, including the specific conditions or time periods when this exception will apply;

xix. Treatment chemicals (see Section 6). The registrant must include the specific controls and implementation procedures designed to ensure that the use of cationic treatment chemicals will not lead to an exceedance of water quality standards;

xx. Stabilization measures (see Sections 13.2.20 and 13.2.21). The registrant must include the specific vegetative and/or non-vegetative practices that will be used;

xxi. Spill Prevention Procedures (see Section 13.3.10). The following must be included:

1. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases.
2. The ESCP may also reference the existence of oil Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity (see Section 13.3.2.a), provided that the registrant keeps a copy of the SPCC on site or electronically available.
3. Waste management procedures (see Sections 13.3.1 and 13.3.4).
4. The location of fertilizers applied on site (see Section 13.3.5);

xxii. Staff Training. Include documentation that the required personnel are trained in accordance with section 17.1; and

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

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

i. Roads and features for DEQ to locate and access the site;

ii. Boundaries of the property;

iii. Depict the drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

iv. Locations where land disturbing activities will occur including:

1. Locations where land disturbing activities will occur (note any phasing), including any demolition activities
2. Approximate slopes before and after major grading activities (pre- and post-elevation contours).
3. For steep slopes (see Schedule D.4 Permit Specific Definitions), clearly label with the words "Steep Slope" and include the percentage grade.
4. Locations where sediment, soil, or other construction materials will be stockpiled
5. Clearly label any water of the state crossings with words "water crossing".
6. Designated points where vehicles will exit onto paved roads.
7. Locations of structures and other impervious surfaces upon completion of construction.
8. Locations of on-site and off-site construction support activity areas covered by this permit (see Section 10.2);

v. Locations of springs, wetlands, surface waters, and all waters of Oregon within and one mile downstream of the site's discharge point. Also identify if any surface waters are 303(d) Category 4 and 5 listed as impaired (when the discharge enters an impaired watershed unit, the listing will only be applied if there is a hydrologic connection between the receiving water and assessment water body causing the impairment);

vi. Riparian areas and vegetation including trees and associated rooting zones, and vegetation areas to be preserved;

vii. Vegetated buffer zones and/or equivalent sediment controls (see Section 13.2.4 and Appendix B) between the site and sensitive areas (e.g., wetlands), and other areas to be preserved, clearly label with the words "Natural Buffer Zone";

viii. Clearly label the type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);

ix. Temporary and permanent stormwater conveyance systems;

x. Location of concrete wash out;

xi. Location of sanitary facilities;

xii. Location of nearest official rain gauge, or if used, location of the registrant's onsite rain gauge;

xiii. Onsite water disposal locations (e.g., for dewatering);

xiv. Onsite drain catch basin depicting inlet protections, and a description of the type of catch basins used (e.g., field inlet, curb inlet, grated drain, and combination);

xv. Septic drain field;

xvi. Existing or proposed drywells or other UICs;

xvii. Drinking water wells on site or adjacent to the site;

xviii. Stormwater planters;

xix. Detention ponds, storm drain piping, and inflow and outflow details (e.g., bottom elevations and inverts);

xx. Post-construction stormwater facilities designed and engineered to infiltrate or filter stormwater and associated access restriction control measures (Section 13.2.12);

xxi. Locations of all potential pollutant-generating activities identified in Section 15.4.e. xiii;

xxii. Locations of stormwater controls, including any shared controls utilized to comply with this permit;

xxiii. Any other applicable features or controls that are associated with pollution prevention in stormwater discharges;

xxiv. Locations where polymers, flocculants, or other treatment chemicals will be used and stored;

xxv. Locations of engineered soils (see Section 13.2.18);

xxvi. Locations of engineered sediment basins (see Section 13.2.17);

xxvii. Receiving water(s). Stormwater and authorized non-stormwater discharge point locations, including:

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

xxviii. Perimeter controls for a "linear construction site" (see Section 13.2.6);

xxix. Sediment track-out controls (see Section 13.2.7); and

xxx. Stabilization measures (see Sections 13.2.20 and 13.2.21). The registrant must include the specific vegetative and/or non-vegetative practices that will be used.

15.5. ESCP certification

The ESCP must be signed and dated by the preparer and in accordance with Section 15.1 if applicable.

15.6. ESCP attachments

The registrant must include a copy of the DEQ approved Environmental Management Plan if applicable (see Section 6).

15.7. On-site availability of the ESCP

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

15.8. ESCP revisions

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

a. Changes to the construction plans that impact erosion and sediment control measures.

b. Changes to the stormwater control BMPs, their location, maintenance required, and any other revisions necessary to prevent and control erosion and sediment runoff.

c. An increase in construction activities to adjacent lots.

d. Other activities at the site that are no longer accurately reflected in the ESCP. This includes changes made in response to corrective actions triggered under Section 16. The ESCP does not need to be modified if the estimated dates in Section 15.4.e.viii change during the course of construction.

e. To reflect areas on the site map where operational control has been transferred (and the date of transfer) since initiating permit coverage.

f. If inspections by DEQ determine that ESCP revisions are necessary for compliance with this permit.

g. Where DEQ determines it is necessary to install and/or implement additional controls at the site in order to meet the requirements of this permit, the following must be included in the ESCP:

   i. A copy of any correspondence describing such measures and requirements; and

   ii. A description of the controls that will be used to meet such requirements.

h. Change of contractors that will engage in construction activities on site, and the areas of the site where the contractor(s) will engage in construction activities.

i. Change of any personnel (by name and position) that are responsible for the design, installation and maintenance of stormwater control measures (see Section 15.10).

j. Change of the Certified Erosion and Sediment Control Inspector, or of their contact information and any applicable certification and training experience.

k. To reflect any revisions to applicable federal, state, tribal or local requirements that affect the stormwater controls implemented at the site.

l. If a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate or different area of application as applicable.

15.9. Submission of ESCP revision to DEQ

Revisions to the ESCP that require submission are a reporting requirement. The registrant must submit a revised version of the complete ESCP to DEQ within 30 calendar days of the revision. If the registrant does

not receive a response to the revisions from DEQ within ten calendar days of receipt, the proposed revisions are deemed accepted.

a. ESCP revisions must be submitted if they are made for the following reasons:
   i. Part of a corrective action requirement in Section 16.
   ii. An increase or decrease of the project size.
   iii. An increase or decrease of the size or location of disturbed areas.
   iv. Change to BMPs (e.g., type, design, or location).
   v. Change of the certified visual monitoring inspector.

b. The registrant must maintain records showing the dates of all ESCP revisions. The records must include the name of the person authorizing each change (see Section 15.8 above) and a brief summary of all changes.

c. All revisions made to the ESCP consistent with Section 15.8 must be authorized by a person identified in Section 15.1 if applicable.

d. Approval of the revisions by DEQ prior to implementation is not required, however the addition of an Active Chemical Treatment System must be approved by DEQ before operating and requires submission of an Environmental Management Plan (see Section 6.c).

15.10. Prior to commencement of construction activities.

The registrant must document the names and contact information of personnel that have responsibilities for implementing stormwater control measures and complying with the permit and ESCP requirements at the project site. The list of personnel should be kept with the ESCP.

If new or additional contractors are hired to implement control measures identified in the ESCP after construction has commenced, the contact information must be updated. The registrant must ensure that the following personnel are informed of the permit and ESCP requirements and their specific responsibilities:

a. Personnel who are responsible for the installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);

b. Personnel responsible for the application and storage of treatment chemicals (if applicable);

c. Personnel who are responsible for conducting inspections as required in Section 17.1; and

d. Personnel who are responsible for taking corrective actions as required in Section 16.

15.11. Permit Registrant is responsible for ensuring that all activities on the site comply with the requirements of the permit

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

16. Corrective Actions

Permit registrants issued permit coverage prior to August 11, 2022, the issuance date of this permit, must comply with all conditions of Section 16-Corrective Actions as of September 15, 2022, the permit effective date.

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

a. The discharges are causing an exceedance of applicable water quality standards.

b. Sediment or turbidity (as described in Section 13.2.11) are visible in discharge from the permitted site within:

   i. A conveyance system leading to surface waters.

   ii. Surface waters from the discharge point.

c. If DEQ requires the registrant to take corrective actions to prevent or control the discharge of significant amounts of sediment or turbidity to surface waters or to conveyance systems that discharge to surface waters, or as the result of a permit violations found during an inspection.

d. A stormwater control needs repair or replacement (beyond routine maintenance required under Section 13.1.4).

e. A stormwater control necessary to comply with the requirements of this permit was never installed or was installed incorrectly.

f. A prohibited discharge has occurred (see Section 12), including visibly turbid discharge.

16.1. Corrective action timelines

If any corrective action is required per Section 16 above, the registrant must immediately implement that action according to the following:

a. Take all necessary steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;

b. Complete the corrective action by the close of the next business day when the problem does not require a new or replacement control or significant repair; and

c. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than 24 hours from the time of discovery to ensure that the requirements of Section 14.1 are met. If it is infeasible to complete the installation or repair within 24 hours, the registrant must document in the records why it is infeasible to complete the installation or repair within the 24-hour timeframe and document the schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 24-hour timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in the ESCP, the registrant must revise the ESCP in accordance with Section 15.8.

16.2. Corrective action documents

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

a. The site common name;

b. Identification of discharge locations that were out of compliance;

c. The period of noncompliance;

d. Names, titles and contact information of personnel conducting inspections;

e. The specific condition and the date and time it was identified;

f. Describe the noncompliance and evaluate the stormwater control measures and practices to determine the cause of noncompliance;

g. Within 24 hours of completing the corrective action (in accordance with the timelines of Section 16.1), document the actions taken to address the condition, and steps taken to prevent the reoccurrence of the noncompliance including whether any ESCP revisions are required. Where these actions result in changes to any of the stormwater controls or procedures documented in the ESCP, the registrant must revise the ESCP in accordance with Section 15.8;

h. Each corrective action report must be signed by the permit registrant;

i. The corrective action reports must be kept at the site or at an easily accessible location and made available to DEQ upon request; and

j. The corrective action reports must be retained for three years after project completion.

16.3. Submit a corrective action report to DEQ

Within 48 hours of taking Corrective Action(s) that prevent an exceedance of water quality standards, sediment from leaving the site or visibly turbid discharge as required in Sections 16.a, 16.b or 16.c above the registrant must submit a corrective action report to DEQ. This report must include:

a. The site common name and permit identification number;

b. A description of the noncompliance and its cause;

c. Identification of outfalls that were out of compliance;

d. The NTU of the turbid discharge before and after corrective actions or photo of discharge before and after corrective action(s) implementation;

e. The period of noncompliance;

f. Names of personnel conducting visual monitoring;

g. Steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance (such as specific BMPs that will be implemented or increased inspection frequency);

h. A timeline of corrective action events: From identifying the need to take corrective action to submission of a corrective action report showing that the required steps were taken in the time allotted per Sections 16.1, 16.2 and 16.3. If allotted time is exceeded, state the cause for the delay;

i. Weather conditions that varied from predicted storm events and may have contributed to prohibited discharge occurrence; and

j. ESCP revisions if revisions were required to prevent and control erosion and sediment discharges.

If the registrant performs appropriate corrective actions and reporting in accordance with Sections 16, 16.1, 16.2 and 16.3, DEQ will consider these efforts to correct and/or mitigate the violation in deciding whether to initiate an enforcement action.

SCHEDULE B

MINIMUM MONITORING AND RECORDKEEPING REQIREMENTS

17. Visual monitoring of site and reporting requirements

17.1. Person(s) responsible for visually monitoring the project site

All sites one or more acres in size must be visually monitored by a Certified Erosion and Sediment Control or Storm Water Quality Visual Monitoring Inspector (Inspector). The Visual Monitoring 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:

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,

e. Rogue Valley Sewer Services Erosion and Sediment Control Certification, or

f. Oregon Department of Transportation Erosion and Sediment Control Manager Certification (ODOT projects only).

17.2. 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. Daily 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.

17.3 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 Section 13.2.20 have been completed to twice per month for the first month, no less than 14 calendar days apart, then once per month. If construction activity resumes on a stabilized area of the site at a later date, the inspection frequency must immediately increase to that required in Section 17.2, as applicable. The Inspector must document the beginning and ending dates of site inactivity in the visual monitoring reports.

b. For "linear construction sites" where disturbed portions have achieved final stabilization criteria 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 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 17.2. Inspections must continue until final stabilization is visually confirmed following a storm event leading to discharge from the 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 conditions (See Schedule D.4 Permit Specific Definitions) exist 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 17.2, as applicable;
   ii. Land disturbances have been suspended; and
   iii. All disturbed areas of the site have been temporarily stabilized in accordance with Section 13.2.20.

b. If construction activities are conducted during frozen conditions, the visual monitoring inspection frequency may be reduced to once per month if:
   i. Runoff is unlikely due to continuous frozen conditions. If unexpected weather conditions (such as above freezing temperatures or rain events) results in likely discharges, the Inspector must immediately resume the regular inspection frequency as described in Section 17.2, as applicable; and
   ii. Disturbed areas of the site have been temporarily stabilized in accordance with Section 13.2.20.

17.4. 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 Sections 13, 14 and 15;

d. Check for the presence of visible erosion and sedimentation as outlined in Section 13.2.11 and document any indication of sediment that has left or is likely to leave the project site;

e. If a discharge is occurring during the inspection:
   i. 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; and

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.

17.5. 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 permit registrant;

c. Names, titles and contact information of the inspector;

d. A summary of the inspection, including the observations of the elements made in Section 17.4, 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 permit registrant will follow for initiating and completing vegetative stabilization;

i. All pH sampling results conducted per Section 17.6.1;

j. The alternative erosion and sediment control measures and the inspection frequency (see Section 17.3.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 17.3

m. If the Inspector is inspecting the site at the frequency specified in Section 17.2 or Section 17.3, 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 three days upon request by DEQ; and

q. All visual monitoring notes, sampling records and inspection reports must be kept for three years from project completion.

17.6. Monitoring requirements

17.6.1. 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 permit registrant must conduct, and document pH monitoring of stormwater captured in the sediment impoundment as described below:

a. The permit registrant must begin the pH monitoring period when the engineered soils are first exposed to precipitation and must continue every 7 calendar days and within 24 hours of the occurrence of discharge from the site, or the occurrence of a storm event of 0.10 inches or greater until final stabilization of the area of engineered soils is established;

b. Document date soil amendments are added, and final stabilization achieved in the Inspection Report per Section 17.5;

c. The permit registrant must monitor the pH of stormwater in the sediment basins/impoundments immediately before the stormwater discharge to surface waters and at discharge point locations that receive stormwater runoff from the area of engineered soils;

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 permit registrant 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 permit registrant must obtain written permission from DEQ before using any form of chemical treatment other than CO2 sparging or dry ice per Section 6; and

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

17.7. Inspections by DEQ

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

SCHEDULE D

SPECIAL CONDTIONS

1. Issuance of this permit coverage does not relieve the permit registrant from all other permitting and licensing requirements. Prior to beginning construction activities, all other necessary approvals must be obtained.
2. Permit coverage will remain in effect after the expiration date or until another permit is issued if the permittee has paid all fees and has filed a renewal application.
3. Any permit registrant that does not want to be covered or limited by this general permit may make application for an individual NPDES permit in accordance with the procedures in OAR 340-45-030.

4. Permit Specific Definitions:

a. Active Chemical Treatment System-the use of chemicals (e.g., cationic treatment chemicals, electro-coagulation, flocculants, filtration, anionic polyacrylamide, polymers, hydrochloric or sulfuric acid) to remove pollutants from water (stormwater runoff or from dewatering) before discharge from a permitted site.

b. Active Treatment System-the use of pumps or other non-passive means to facilitate the removal of pollutants from water (stormwater runoff or from dewatering) before discharge from a permitted site.

c. Backwash Water (per Section 13.4.f)-refers to pumping water backwards through the filter 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. Contamination-for the purposes of this permit, are generally understood to be caused by a known or unknown "Release", as defined by ORS 465.200 (22), from a known or suspected source.

j. 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.

k. CO_2 Sparging (per Sections 13.2.18 and 17.6.1)-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.

l. DEQ-the Oregon Department of Environmental Quality.

m. Detention-the temporary storage of stormwater to improve quality or reduce the volumetric flow rate of discharge or both.

n. Dewatering-the removal and disposal of surface water or groundwater during site construction.

o. 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.

p. 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 topsoil.

q. Encroach(ing)-to intrude beyond a specified boundary without right or permission.

r. Engineered Soils (per Section 17.6.1)-soils on site amended with cementitious compounds.

s. Erosion-the movement of soil particles or rock fragments by water or wind.

t. 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.

u. Farm Use Land-cropland, grassland, rangeland, pasture, and other land on which agricultural or forest-related products or livestock are produced. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of land used for the production of livestock.

v. Hazardous Materials-the materials defined in 40 CFR part 302 Designation, Reportable Quantities, and Notification.

w. 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.

x. Local Government-any county, city, town, or service district.

y. 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.

z. Native Topsoil (per Section 13.2.12)-top layer of soil on site.

aa. 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.

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

cc. 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.

dd. 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.

ee. Permit Registrant-for the purposes of this permit, the public entity performing the construction activity regulated by this permit that has submitted an application and received notice of registration under this general permit by DEQ.

ff. 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.

gg. pH Neutralization (per Section 17.6)-to bring the pH between 6.5 and 8.5 standard units.

hh. 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 dredge or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

ii. 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.

jj. Project Completion-for the purposes of this permit, it means that construction activities are completed on the 1200-CA permit covered project site and that final stabilization criteria listed in the permit conditions are met.

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

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

mm. 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.

nn. Sequence-the phased order that land disturbing activities are performed.

oo. Shared Control-a stormwater control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple registrants associated with a common plan of development or sale.

pp. Steep Slope-defined as those that are 70 percent or greater in grade.

qq. Site-the area where the construction activity is physically located or conducted.

rr. 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.

ss. Stormwater as defined by 40 CFR §122.26(b)(13)-stormwater runoff, snow melt runoff and surface runoff and drainage.

tt. 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.

uu. Stumping-For the purposes of this permit, "stumping" is defined as "to clear the land of stumps."

vv. Surface Runoff-that portion of stormwater that does not infiltrate into the ground or evaporate, but instead flows onto adjacent land or watercourses or is routed to stormwater conveyance systems.

ww. Surface Water-all water naturally open to the atmosphere; for example, rivers, lakes, reservoirs, ponds, streams, impoundments, oceans, estuaries, springs, etc.

xx. Thawing Conditions-when frozen water onsite melts and creates runoff that may possibly discharge.

yy. Total Maximum Daily Load or TMDL-a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet state water quality standards. It is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. Percentages of the TMDL are allocated by DEQ to the various pollutant sources.

zz. Toxic Substances-are materials that are poisonous to living organisms.

aaa. 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.

bbb. 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.

ccc. Underground Injection Control-any system, structure, or activity that is created to place fluid below the ground or sub-surface (e.g., sumps, infiltration galleries, drywells, trench drains, drill holes, etc.).

ddd. Visibly Turbid Discharge-refers to the cloudiness in the water discharged caused by sediment and other matter in the water column.

eee. Water or Waters of the State as defined by ORS 468B.005(10)-lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, wetlands, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

SCHEDULE F

NPDES GENERAL CONDITIONS

Section A. Standard Conditions

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes aviolation of Oregon Revised Statutes (ORS) 468B.025 and is grounds for enforcement action; for permit termination, suspension, or modification; or for denial of a permit renewal application.

2. Penalties for Water Pollution and Permit Condition Violations

Oregon Law (ORS 468.140) allows the Director to impose civil penalties up to $10,000 per day for violationof a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to $25,000 or by imprisonment for not more than one year, or by both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, a person who knowingly discharges, places or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state, is subject to a Class B felony punishable by a fine not to exceed $200,000 and up to 10 years in prison.

3. Duty to Mitigate

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

4. Duty to Reapply

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

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

5. Permit Actions

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

a. Violation of any term, condition, or requirement of this permit, a rule, or a statute;

b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

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

6. Toxic Pollutants

The permittee shall comply with any applicable effluent standards or prohibitions established under Section307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit References

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

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee shall allow the Director, or an authorized representative upon the presentation of credentials to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and

d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall comply with Oregon Administrative Rules (OAR) 340, Division 52, "Review of Plans and Specifications". Except where exempted under OAR 340-52, no construction, installation, or modification involving disposal systems, treatment works, sewerage systems, or common sewers shall be commenced untilthe plans and specifications are submitted to and approved by the Department. The permittee shall give noticeto the Department as soon as possible of any planned physical alternations or additions to the permitted facility.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility oractivity which may result in noncompliance with permit requirements.

3. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and therules of the Commission. No permit shall be transferred to a third party without prior written approval fromthe Director. The permittee shall notify the Department when a transfer of property interest takes place.

4. Compliance Schedule

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

5. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally (by telephone) within 24 hours, unless otherwise specified in this permit,from the time the permittee becomes aware of the circumstances. During normal business hours, the Department's Regional office shall be called. Outside of normal business hours, the Department shall be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. If the permittee is establishing an affirmative defense of upset or bypass to any offense underORS 468.922 to 468.946, and in which case if the original reporting notice was oral, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar days. The written submission shall contain:

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times;

c. The estimated time noncompliance is expected to continue if it has not been corrected;

d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and

e. Public notification steps taken, pursuant to General Condition B.7.

The following shall be included as information which must be reported within 24 hours under this paragraph:

a. Any unanticipated bypass which exceeds any effluent limitation in this permit.

b. Any upset which exceeds any effluent limitation in this permit.

c. Violation of maximum daily discharge limitation for any of the pollutants listed by the Director in this permit.

The Department may waive the written report on a case-by-case basis if the oral report has been receivedwithin 24 hours.

6. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under General Condition D.4 or D.5, atthe time monitoring reports are submitted. The reports shall contain:

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times;

c. The estimated time noncompliance is expected to continue if it has not been corrected; and

d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

7. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to theDepartment, upon request, copies of records required to be kept by this permit.

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

8. Signatory Requirements

All applications, reports or information submitted to the Department shall be signed and certified inaccordance with 40 CFR 122.22.

9. Falsification of Reports

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed $100,000 per violation and up to 5 years in prison.