

Updates on 1200-CA for Inspectors

February 22, 2024



Topics of Discussion

- 1200-CA update – Brief Overview
 - New DEQ Staff
 - Permit interpretation
- Enforcement Tools and Potential Tools
- ODOT's Performance

**Environmental Stewardship is a value held by ODOT,
embraced by Oregonians & enforced by regulations.
DEQ writes those regulations based on EPA
requirements and enforces them**



DEQ Permit Writer, Blair Edwards, who wrote the 1200-CA update and set the tone for ODOT/DEQ relations, is transferred within DEQ.

Blair's supervisor has been replaced with Benjamin Benninghoff. Ben has experience in the regulation of large project transportation construction stormwater.

Blair's replacement is Daria Gneckow, who has similar good experience with construction.

DEQ is aware of the upset created by the update of the 1200-CA and is reorganized with that awareness

As we await edits to the 1200-CA, the current language provides the regulations that must be followed.



On January 30, ODOT Environmental Management with Justin Moderie, met with the new DEQ 1200-CA team. There is every reason to be hopeful that, moving forward, DEQ will be reasonable in the interpretation of the Permit requirements.



DEQ will update the 1200-CA with attainable thresholds and enforce the permit so to protect the resource, not to be punitive.

ODOT has contractors who do good work on Erosion and Sediment Control



And ODOT has contractors who don't do good work on Erosion and Sediment Control. Underperforming contractors are not proactive in addressing issues or may even choose not to see issues that need addressing



ODOT Environmental is collaborating with Construction on enforcement tools that will get contractors commit resources toward environmental work they bid on and get paid for.



A Spec edit is being circulated within Construction Management that defines timelines and procedures to impose **Liquidated Damages**, not as punishment, but as recovery of costs for repair and administration of work needed to address environmental damage.

DOJ will need to “bless” the language

DEQ says that if ODOT can provide well documented evidence that underperforming contractors are repeatedly ignoring requests to address erosion and sediment control issues that the documentation would support bypassing ODOT and imposing penalties directly on the contractor.

How are we doing with 1200-CA compliance?

- ODOT projects can and must do better on erosion and sediment control
 - Multiple permits require compliance
 - FAHP (Endangered Species Act) requires compliance
 - ODOT works on main roads. If our “housekeeping” is sloppy, the public will call DEQ
- When there is an ESC bust, we own that

Non-Compliance to avoid

- Discharge of turbid water to receiving waters
 - Turbid discharge into inlets, ditches
 - Turbid discharge leaving site or sediment off site
- Track out onto roadways
- BMPs on ESCP not installed or maintained
- ESCP not updated/revised to reflect site conditions
- Staging Area ESCP/ESC not adequate
 - Covered waste receptacle
 - Properly stored chemicals/paints/fuels/solvents
 - Soil stockpiles covered
 - Internal roads rocked

Contractor must Commit Resources Appropriate to the Job Size



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Prevention would have been Temporary Slope Drain



Sediment Fence – Maintenance Fail

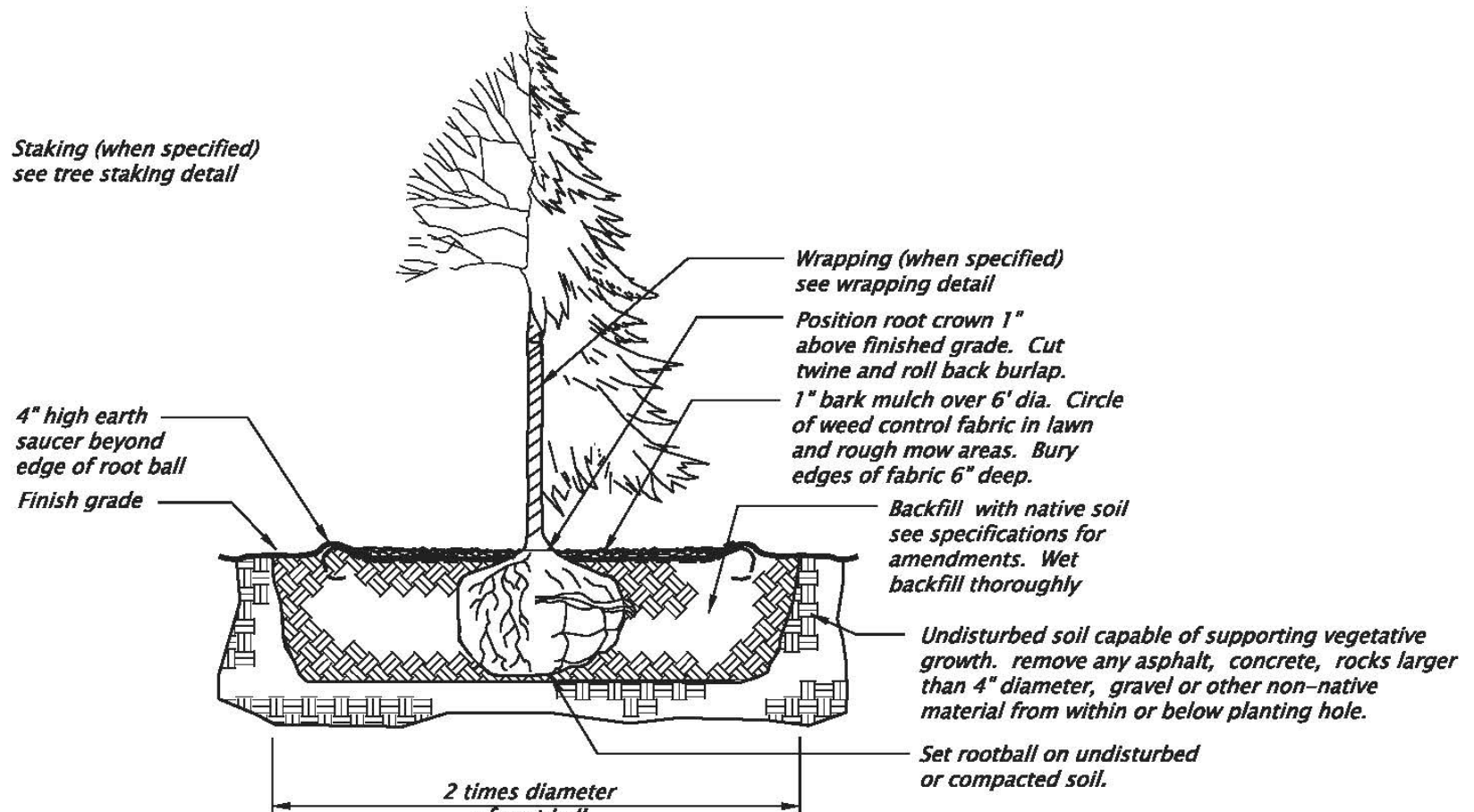


Inspectors are crucial



Verify
contractors do
the work
Contractors can
not dismiss
erosion as
simply: “stuff
that happens”

Permits require plantings survive. Survival requires correct installation (compliance with 01040s) When in doubt call on Region L.A.s



Questions?

