ACEC Training

ODOT Management of 1200-CA Permit

One year into the revised permit:
Processes for compliance
and lessons learned

ODOT MATERIALS & INSPECTION

READ THE PERMIT

Permit and supporting documents are located in the external ODOT Erosion & Sediment Control Web Page

In the Guidance Materials dialog box, Under 1200-CA FINAL find the Permit, Appendix A, Appendix B, the 1200-CA Permit Evaluation Report (PER) and DEQ's Response To Comments

1200-CA Coverage is required for all projects that disturb 1 acre or more of ground

- Include staging area, or anticipated staging are in disturbance area calculations
- Projects with in-water work and 401 coverage subtract area below OHWE from disturbance area calculations.

New Contractor Requirement

If Contractor's staging (stockpile, laydown, processing) areas are not on ODOT ROW and they push the Project's area of disturbance over one acre, then the Contractor will be required to get a 1200-C permit for that support area.

Contractor Provided Staging Areas

- ODOT provides no oversight of contractor's staging areas
- DEQ does not require or expect ODOT to report on contractor's non-compliance at their staging area
- Staging areas within ODOT ROW are covered by Agency's 1200-CA permit and the PERMITTEE is responsible for "good housekeeping"
    - Waste receptacles covered
    - Stockpiles covered
    - Perimeter control intact and functioning
    - Materials properly stored

DEQ has a sharp focus on staging areas – be advised

1200-CA Coverage is NOT required for the following:

- Strictly ADA Projects,
- Work that only exposes base aggregates,
- Contracts where more than 1 acre of ground is disturbed, BUT nodes of work are separated,
- Areas of work sufficiently distant that separate staging areas are used.

ALL WORK must provide effective erosion and sediment control. The public and ODOT value "good housekeeping" on construction sites. The DEQ MS4 permit covers work not covered by the 1200-CA

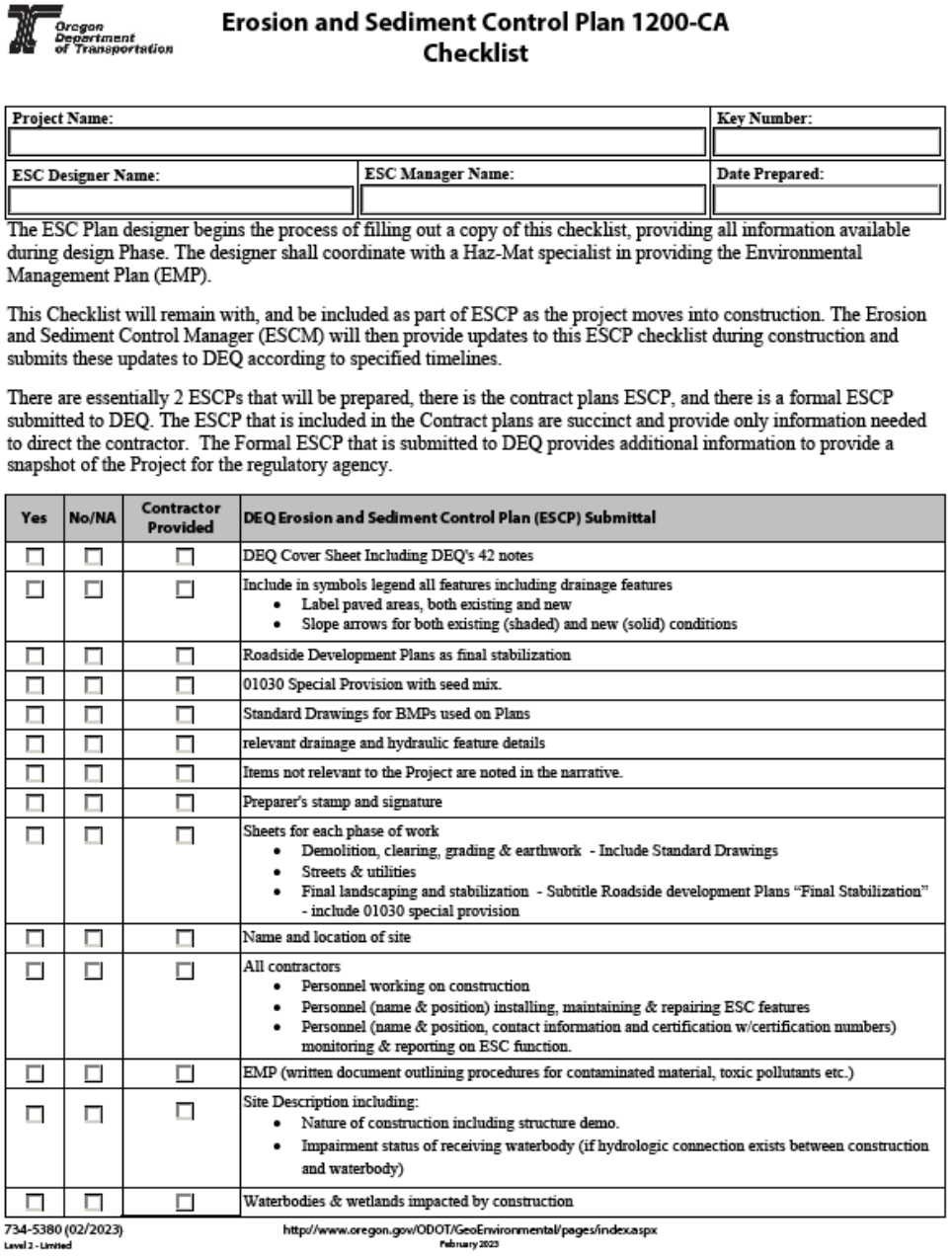
Scoping Templates are updated to provide guidance on developing Projects that comply with the 1200-CA requirements

The web tree that takes you to the SOW template is: Oregon.Gov/odot/Doing Business/Consultants/Statement of Work Library

Develop ESCP & Refer to ESCP Checklist

Checklist is located in the ODOT Erosion & Sediment Control Web Page
In the Erosion Control Guidance Materials drop down
Under Guidance Materials
In the Manuals directory

Find **COVER SHEET** template in same directory



Oregon Department of Transportation

Erosion and Sediment Control Plan 1200-CA Checklist

Project Name:		Key Number:
ESC Designer Name:	ESC Manager Name:	Date Prepared:

The ESC Plan designer begins the process of filling out a copy of this checklist, providing all information available during design Phase. The designer shall coordinate with a Haz-Mat specialist in providing the Environmental Management Plan (EMP).

This Checklist will remain with, and be included as part of ESCP as the project moves into construction. The Erosion and Sediment Control Manager (ESCM) will then provide updates to this ESCP checklist during construction and submits these updates to DEQ according to specified timelines.

There are essentially 2 ESCPs that will be prepared, there is the contract plans ESCP, and there is a formal ESCP submitted to DEQ. The ESCP that is included in the Contract plans are succinct and provide only information needed to direct the contractor. The Formal ESCP that is submitted to DEQ provides additional information to provide a snapshot of the Project for the regulatory agency.

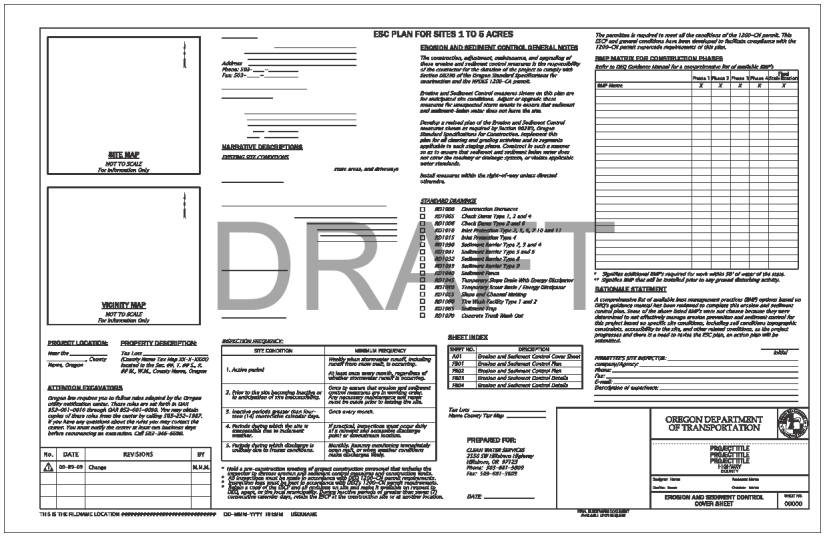
Yes	No/NA	Contractor Provided	DEQ Erosion and Sediment Control Plan (ESCP) Submittal
☐	☐	☐	DEQ Cover Sheet Including DEQ's 42 notes
☐	☐	☐	Include in symbols legend all features including drainage features • Label paved areas, both existing and new • Slope arrows for both existing (shaded) and new (solid) conditions
☐	☐	☐	Roadside Development Plans as final stabilization
☐	☐	☐	01030 Special Provision with seed mix.
☐	☐	☐	Standard Drawings for BMPs used on Plans
☐	☐	☐	relevant drainage and hydraulic feature details
☐	☐	☐	Items not relevant to the Project are noted in the narrative.
☐	☐	☐	Preparer's stamp and signature
☐	☐	☐	Sheets for each phase of work • Demolition, clearing, grading & earthwork - Include Standard Drawings • Streets & utilities • Final landscaping and stabilization - Subtitle Roadside development Plans "Final Stabilization" - include 01030 special provision
☐	☐	☐	Name and location of site
☐	☐	☐	All contractors • Personnel working on construction • Personnel (name & position) installing, maintaining & repairing ESC features • Personnel (name & position, contact information and certification w/certification numbers) monitoring & reporting on ESC function.
☐	☐	☐	EMP (written document outlining procedures for contaminated material, toxic pollutants etc.)
☐	☐	☐	Site Description including: • Nature of construction including structure demo. • Impairment status of receiving waterbody (if hydrologic connection exists between construction and waterbody)
☐	☐	☐	Waterbodies & wetlands impacted by construction

734-5380 (02/2023) http://www.oregon.gov/ODOT/GeoEnvironmental/pages/index.aspx
Level 2 - Limited February 2023

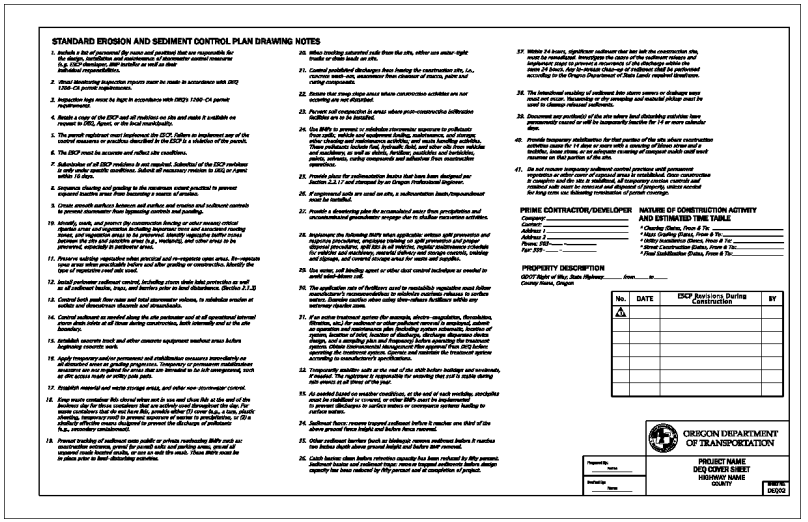
Design Plans to Succeed

- Pay attention to slope (steepness & length), drainage run-on to site, as well as stormwater runoff – Design excellent and thorough plans.
- Pay attention to **Std Drawing** spacing tables, staple patterns and construction details.
- Provide a generous variety of BMPs
- Provide adequate variety and quantity of emergency materials.
- Designing adequate resources to ESC plans is necessary to get good outcomes. In the scope of construction, ESC is cheap, but ESC is not the place to be cheap.

DEQ-01 Filled out by Designer



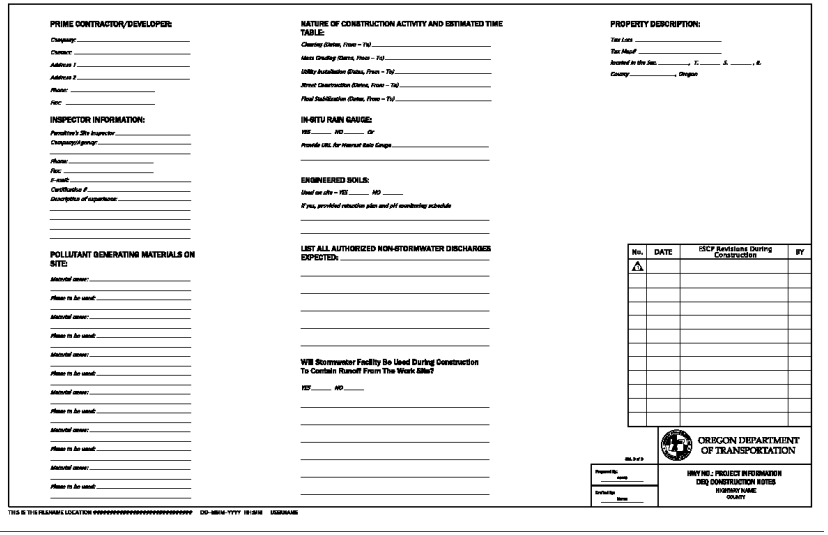
DEQ-02 DEQ's Sheet Notes



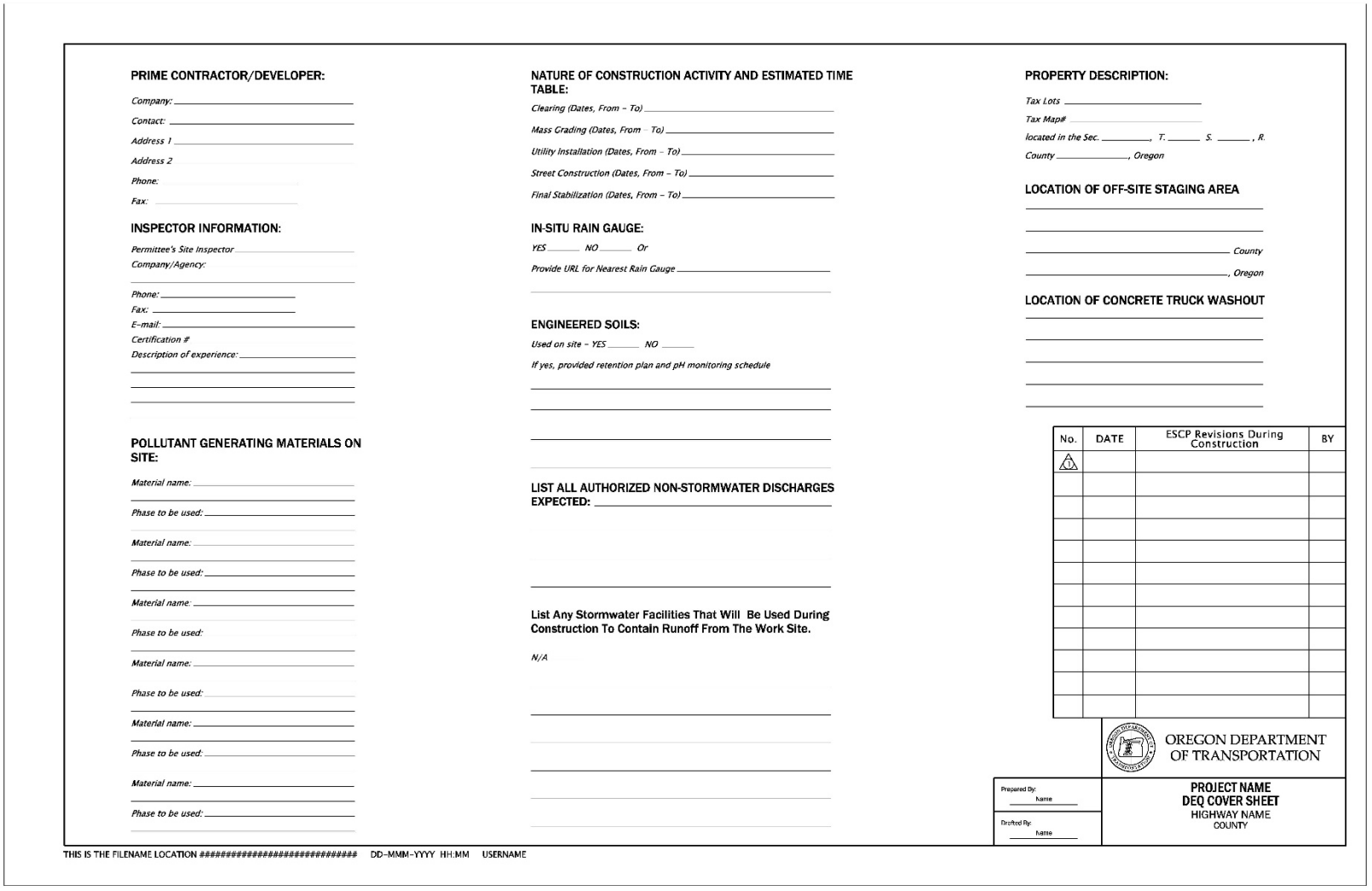
Cover Sheets are <u>not</u> included in ODOT's Bid Set. **They are Bid Reference Documents.**

The Cover Sheets, with ESCP sheets, are DEQ submittals

DEQ-03
Filled out by Contractor after Contract award



DEQ to allow contractor's information to be submitted in fillable PDF (available soon)



PRIME CONTRACTOR/DEVELOPER:

Company: _____
Contact: _____
Address 1 _____
Address 2
Phone:
Fax:

INSPECTOR INFORMATION:

Permittee's Site Inspector _____
Company/Agency:
_____
Phone: _____
Fax: _____
E-mail: _____
Certification #
Description of experience: _____
_____
_____
_____

POLLUTANT GENERATING MATERIALS ON SITE:

Material name: _____
_____
Phase to be used: _____
Material name: _____
_____
Phase to be used: _____
_____
Material name: _____
Phase to be used:
_____
Material name: _____
Phase to be used: _____
_____
Material name: _____
_____
Phase to be used: _____
Material name: _____
_____
Phase to be used: _____

NATURE OF CONSTRUCTION ACTIVITY AND ESTIMATED TIME TABLE:

Clearing (Dates, From – To) _____
Mass Grading (Dates, From – To) _____
Utility Installation (Dates, From – To) _____
Street Construction (Dates, From – To) _____
Final Stabilization (Dates, From – To) _____

IN-SITU RAIN GAUGE:

YES _____ *NO* _____ *Or*
Provide URL for Nearest Rain Gauge _____
_____

ENGINEERED SOILS:

Used on site – YES _____ *NO* _____
If yes, provided retention plan and pH monitoring schedule
_____
_____
_____

LIST ALL AUTHORIZED NON-STORMWATER DISCHARGES EXPECTED: _____

_____

List Any Stormwater Facilities That Will Be Used During Construction To Contain Runoff From The Work Site.

N/A

_____
_____
_____
_____

PROPERTY DESCRIPTION:

Tax Lots _____
Tax Map#
located in the Sec. _____, *T.* _____ *S.* _____, *R.*
County _____, *Oregon*

LOCATION OF OFF-SITE STAGING AREA

_____
_____
_____ *County*
_____, *Oregon*

LOCATION OF CONCRETE TRUCK WASHOUT

_____
_____
_____
_____
_____

No.	DATE	ESCP Revisions During Construction	BY
1			

OREGON DEPARTMENT OF TRANSPORTATION

Prepared By: name
Drafted By: name

PROJECT NAME
DEQ COVER SHEET
HIGHWAY NAME
COUNTY

THIS IS THE FILENAME LOCATION ################################ DD-MMM-YYYY HH:MM USERNAME

Developing Cover Sheet Project Narrative

- Narrative is short, non-technical simplified overview
- Provide Project purpose & need
- Provide as many of the items in Permit Sections 15.4.e and 15.4.f as is feasible.
- Note character of adjacent land uses (agriculture, urban, mixed commercial etc.)
- Note property ownership (ODOT ROW w/ easements)
- Note site impacts (tree removal, grading etc.)
- Coordinate narrative with other cover sheet entries which require site information so to provide an overview of existing conditions, construction impacts and final conditions. EXPLAIN PROJECT PHASING.
- Keep narrative to one paragraph

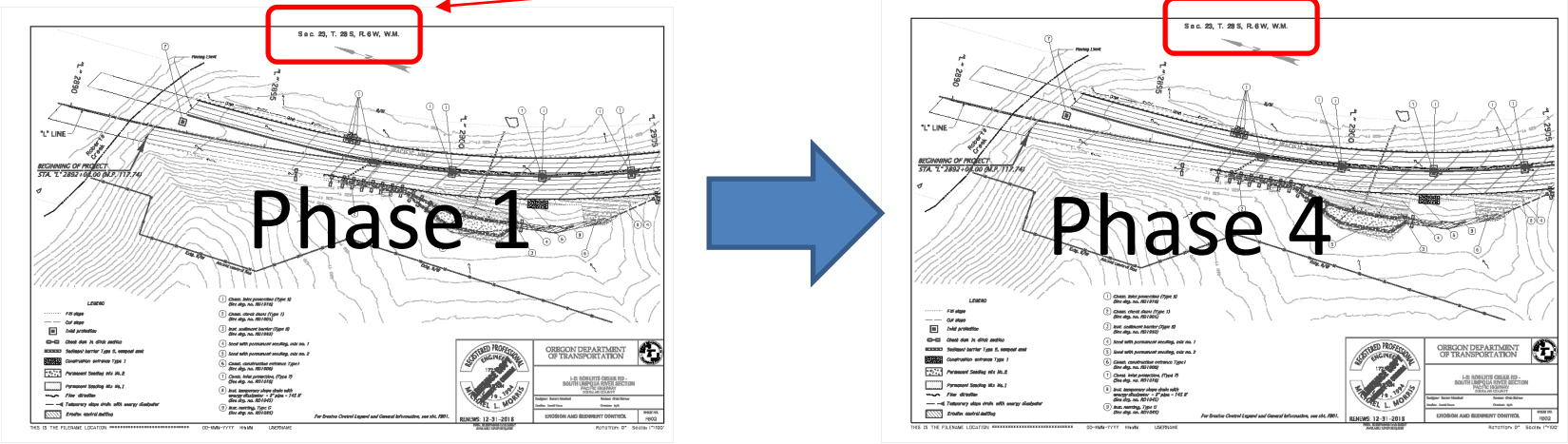
Provide in ESCP Submittal TO DEQ:

- List of Water bodies within 1 mile of Project & their 303 impairment status
- Anticipated non-stormwater discharges (fire hydrant flushing, irrigation flushing etc.)
- Buffer Zones if adjacent to water
- If treatment is used, get approval from DEQ prior to use.
- EMP if contaminants are known to be on site
- Standard Drawings Used
- 00280 Standard Spec & Special Provision
- 01030 Special Provision – seeding

Electronic files are the submittals (PDFs, Word, etc.)

Separate sheets for each phase of construction

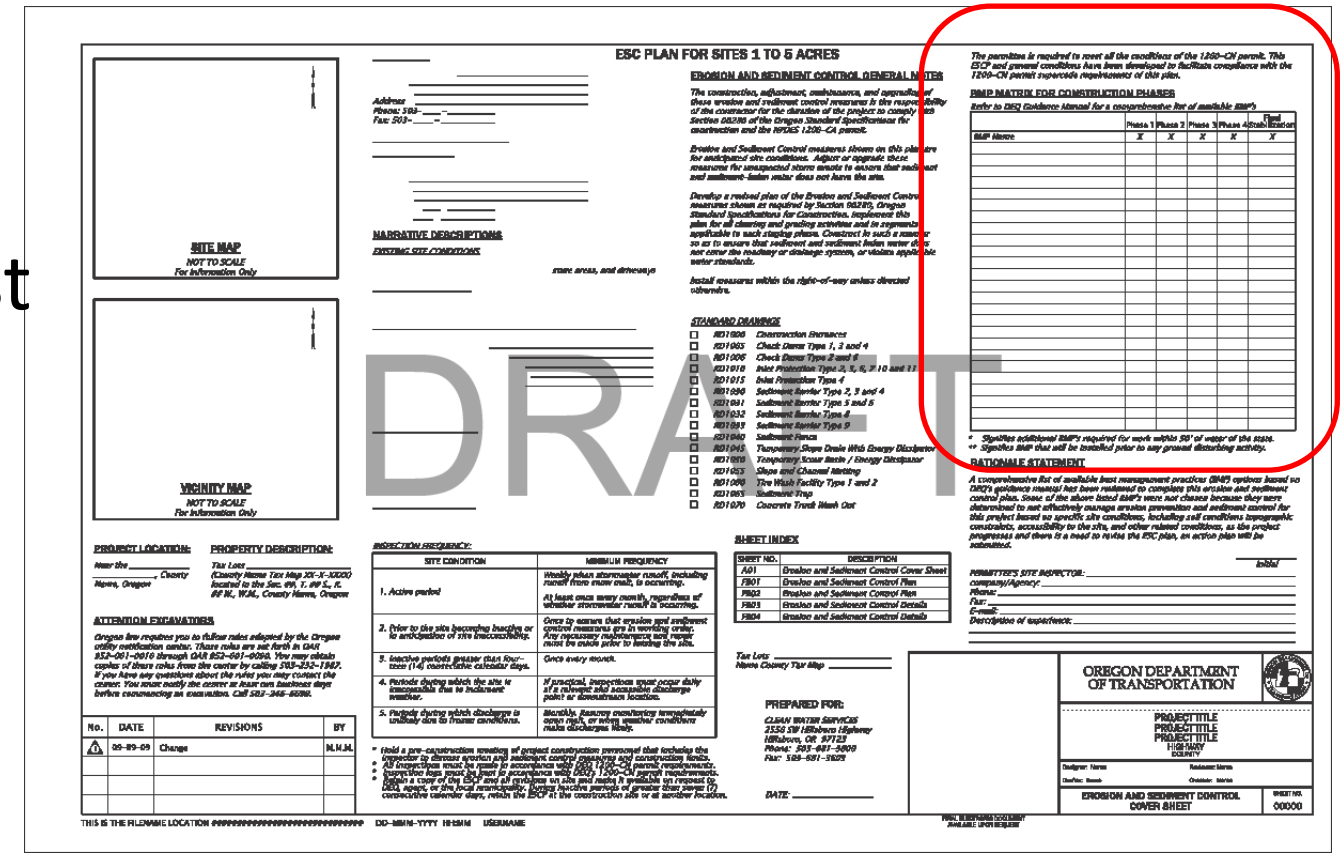
Phase identifier



Convey on phased plan sheets where grading is revised (flow arrows) and differentiate between BMPs to install and BMPs to remain (and be maintained) from previous phase.

Explain phases of work in Cover Sheet Narrative and use identical phase of work labels as in cover sheet phase of work/BMP Matrix

Phase labels on Matrix must match Phase labels on ESC Plan Sheets



Develop Erosion & Sediment Control Plans aligned with DEQ's Requirements

- Phased Plans must have labels identifying phases of work as described in Permit Section 15.3

DEQ's identified phases are the following:

Ph. 1
- a - Demolition, clearing grading, earthwork
- b - Streets & utilities
- ~~c – Vertical construction~~ not used by ODOT
- d – Final landscaping & site stabilization

DEQ's phases describe land development, not linear construction. ODOT's phases follow ground disturbance.

Phase 1 (a + b) can be broken into stages as work moves around project area

Develop Erosion & Sediment Control Plans aligned with DEQ's Requirements

Final Phase – Show seeding, mulching and all final site stabilization. Provide note on Final Phase sheets:

"Remove all temporary BMPs upon acceptance of site stabilization"

FA Series – Roadside Development, when used, should have "Final Stabilization" label included on sheet and included in ESCP submittal to DEQ

EMP requires Appendix A

Appendix A - Environmental Management Plan Review Applications for Contaminated Media Management & Active Chemical Treatment Systems

February 2022

Includes:

- Contaminated Media Management Plan guidelines,
- Contaminated Media Management Plan Application,
- Active Chemical Treatment Systems guidelines,
- Active Chemical Treatment Management Plan Application

WQ Permitting
700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-5185
800-452-4011
Fax: 503-229-6124
Contact: Blair Edwards

www.oregon.gov/DEQ

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

DEQ
State of Oregon
Department of
Environmental
Quality

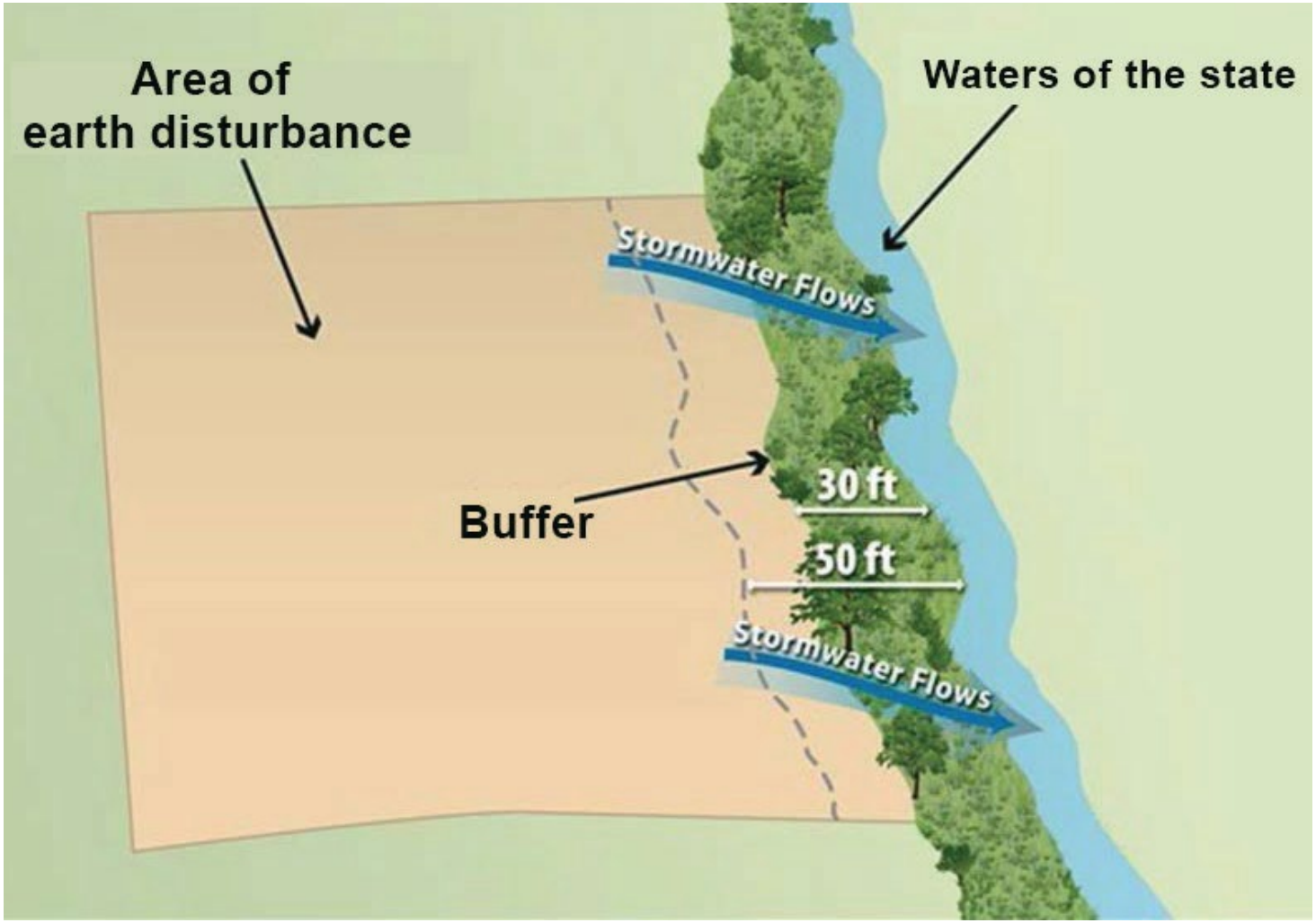
Environmental Management Plan

- When contaminants are known to be on-site, the type, depth and location of contaminants are identified by ODOT HazMat **And** shown on ESCP
- When contaminants known, or are found during construction, Contractor is responsible for developing EMP. Method of treatment or location of approved disposal site are means and methods owned by the contractor.
- All work associated with contaminated materials shall comply with Section 00290
- Work must immediately stop in location of found contaminants
- **Dirty shoulder soils do not trigger an EMP**

Environmental Management Plan

- No work in area of contaminated material is allowed until EMP is approved by DEQ.
- Where contaminated material is found during construction, work must immediately stop in location of contaminants
- Any use of treatment chemicals or flocculants require EMP and approval from DEQ prior to use
    - When ODOT contractors haul away contaminated media, materials or contaminated groundwater for disposal at approved facilities – **EMP explains this!**
    - Or contaminated groundwater will require treatment
    - Treatment systems must be <u>engineered</u> and approved by DEQ prior to use
    - Fee payment is required for EMP review and approval

Protect waterways with Buffer Zone: 50’ band of undisturbed vegetation



Buffer Zones

- Requirements are provided in Appendix B
- When Project is adjacent to water bodies, ESC POR will identify Buffer Zone on Plans as No Work Area.
- ESC POR will provide BMPs per guidance as outlined in Appendix B. Undisturbed vegetation, or adequate ROW may be absent. Redundant perimeter controls as outlined in Appendix B can satisfy the Buffer Zone requirements
- Verify adequacy of redundant BMPs by using the USDA's Revised Universal Soil Loss Equation, V2 (RUSLE2) software.
- RUSLE2 software is approved for ODOT use

Submittal of Free-Standing ESCP, to DEQ, occurs at Advance Plans

- Submit via YDO with ESCP as complete as possible (reference **ESCP Designer's QC Checklist**)
- ESCP Submittal includes Cover Sheets plus ESC Sheets as provided in Bid Set
- Submittal to DEQ is a PERMIT DOCUMENT – not a Contract Document
- **Cover Sheets are NOT included in Bid Set**
- But, contractors must access Cover Sheets and must edit cover sheets with project & personnel details

Cover Sheets – Bid Reference Documents

- 3 Cover Sheets from DEQ submittal are Bid Reference Documents.
- Cover Sheets for posting on eBIDS must be reduced size PDFs
- Prior to Project's Advertisement Date TPMs or RECPs downloads Cover Sheets into E-Bid system
- If download must occur after Advertisement Date TPMs or RECPs use the Letter of Clarification Process
- The Bid Reference Document – Quick Guide can be found at: https://www.oregon.gov/odot/Business/Procurement/SiteAssets/Lists/CCU%20Bid%20%20Award%20Accordian/EditForm/PSE_Bid_Reference_User_Guide-v2.3.pdf.

Submittal of Free-Standing ESCP to through YDO at Advance Plans

- ODOT or Consultant may develop ESCP
- ODOT submits through YDO system
- Contractors & design consultants should sign up to YDO as "Consultants" as approved by ODOT RO
- YDO "Consultants" can access documents in system but not submit to the system
- Only YDO "Responsible Officials" (ROs) can submit documents
- ODOT Professionals of Record (POR), RECs, REs and Environmental Discipline Leaders should sign onto YDO as ROs.
- ROs can be Responsible Officials for multiple projects

USING THE YDO PORTAL

- Users sign up on the DEQ website
- Sign up as either a RO or Consultant.
- DEQ needs to verify RO status – Submit list of persons signed up as RO to me or Rod for forwarding to DEQ for verification
- ROs need to verify Consultant's access for Projects

YourDEQOnline@deq.state.or.us

USING THE YDO PORTAL

- ROs "Start New Submittal" from left side "dashboard"
- Naming convention – First word: ODOT then; Project name as in Project title block
- Downloading is Drop and Drag
- Required Submittals are:
    - Initial ESCP
    - EMP when contaminants are known/found
    - Revisions of ESCP
    - Corrective Action Reports

Monitoring Reports are not a required submittal unless asked. Have monitoring reports available and in chronological order available on-site

YourDEQOnline@deq.state.or.us

14 Day Public Review for project with 5 or more acres of ground disturbance

ODOT submits to DEQ at Advance Plans. The 14 day review begins on the day DEQ posts the Project for review, not on the day ODOT submits the Project to DEQ. DEQ says there may be a few of days between submittal and posting. Submittal at Advance Plans allows time prior to PS&E for revisions

No public review period has delayed a Project start date.

“Engineered” Soils

- Subgrade soils stabilized with cementitious material are “engineered soils”
- Where the possibility of runoff exists, from engineered soils, runoff must be captured in correctly sized sediment trap.
- Runoff from engineered soils, captured in sediment trap, must be tested for high pH.
- High pH water must have alkalinity neutralized prior to discharge
- Neutralizing treatments must be approved by DEQ prior to use


Successful Erosion & Sediment Control
& Permit compliance requires doing
the work and committing resources.

DEQ High Priority Non-Compliances

- Sediment or turbid stormwater leaving the site
- Turbidity in receiving waters
- Uncovered stockpiles
- Missing/ineffective perimeter controls
- Non-Compliances not promptly addressed

In Addition To evidence of erosion or discharge of sediment the following are administrative non-compliances:

- BMPs shown on Plans not installed,
- Monitoring not conducted per requirements,
- Monitoring reports not accurate or timely,
- Prohibited discharges not self-reported,
- Corrective action reports not accurate or timely,
- ESCP Not updated (& submitted) to reflect changes on the ground.

DEQ depends on submittals to monitor project compliance – Without submittals, compliance is suspect

Revise ESCP To Keep it Representative of Current Site Conditions, Including:

When construction plans change, when site conditions change, when BMPs change.

ESCM provides ESCP revisions to Agency W/in 7 days of change, for submittal to DEQ

Agency submits to DEQ within 30 days of revision.

Anticipate additional tasks in schedule & budget

Contractor's ESCM Duties Include:

- Read 1200-CA Permit & keep site permit compliant
- **<u>Visually</u> Monitor site as follows**:
  - On initial date
  - Every 14 days
  - Within 24 hours of storm events that results in stormwater runoff
  - Within 24 hours of snow melt that results in runoff
- Visually Monitor receiving waters OR
- Adjacent to waters of the state, discharges that meter <10% over background are not a violation.
- Mobilize crews to provide corrective actions
- Fill out monitoring report and submit to Agency

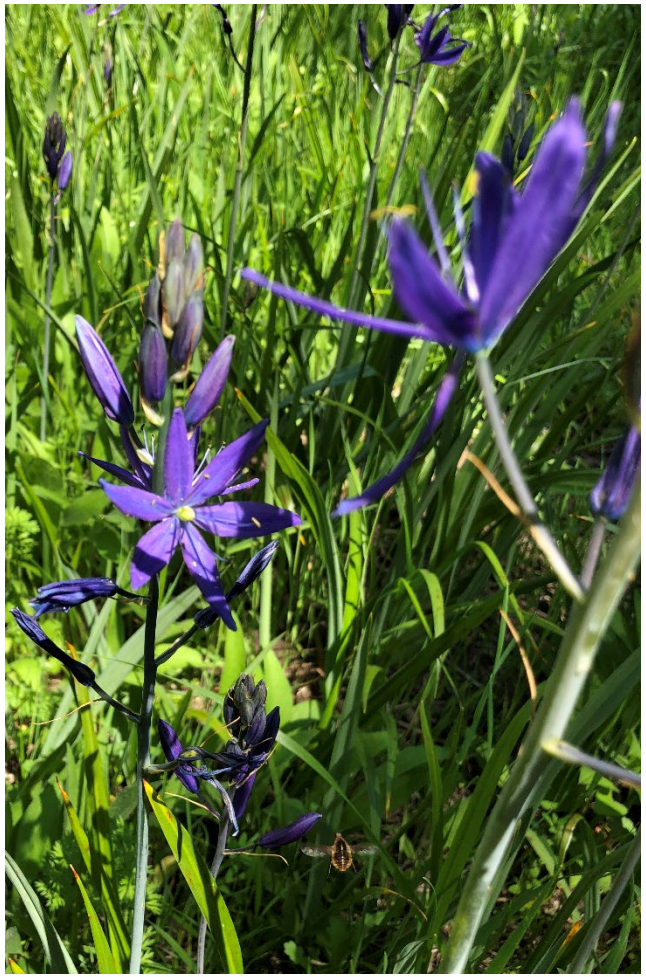
Non-Compliance Require Self Reporting & Corrective Actions

- Mistakes happen. Self-Reporting sediment discharge to DEQ actually builds trust,
- DEQ would be suspicious if conditions were always perfect,
- Within 24 hours do the following:
  - Provide narrative of non-compliance,
  - Provide photos of discharge,
  - Clean up sediment or discharge,
  - Provide plans for correcting ESC failure,
- Follow non-compliance report with corrective action as directed in **Permit Section 16**

NEW DEQ 1200-CA MANAGEMENT TEAM

The wholesale revision of the Permit was accompanied with an increase in DEQ oversight and an apparent eagerness to impose penalties. This strained the relationship between DEQ and permittees, including ODOT

ODOT and the new DEQ permit management team is working to reset the relationship with permittees and their efforts are welcome



Construction Constraints

IF Sediment Trap is provided in location where post-construction water quality basin is proposed, the sediment trap must have 18” of sediment and soil removed AND replaced with material capable of satisfying stormwater management requirements for infiltration and/or water quality treatment

Allow no construction stormwater discharge to enter Underground Injection Controls (UICs)

In Construction

- Prime Contractors must address maintenance and emergency situations without relying on sub-contractors. Use specified Emergency Materials!
- REs must use available tools as to enforce Contract compliance
- Contract, through Plans and Specs direct contractor to provide and maintain effective function erosion & sediment control and permit compliance.
- Agency and Consultant inspectors must see erosion and sediment control as important contracted work
- All personnel on Project sites must be able to identify effective and ineffective BMPs and to say something if improvements are needed.

Getting Contractors to Care about ESC

- Leadership in Environmental and Construction are exploring liquidated damages (LD)
- LDs would recoup costs, not be punishment
- Specific triggers of non-compliance would result in LDs (and stop work orders)
- Specific costs would be assigned to non-compliances.
- 00280 Section would describe LDs
- Similar LD strategy is approved by Colorado's DOJ

Continue to Remember that the Purpose of the ESCP and 1200-CA is to Protect the Environment

This is also a priority for ODOT

ODOT Process Changes

- Revised 00280 Specifications
- Consultant Scope Template Revised
- Erosion Control Manual Revision
- Trainings for designers, Construction
- Scope work for additional tasks in Design & in Construction
- DEQ requires use of YDO web portal
- Drafting Standards adopt new content
- CCO Template for Permit driven contract changes

Erosion & Sediment Control Plans (ESCP) requirements are more stringent and includes more administrative tasks

DEQ will be more involved in Projects and provide closer scrutiny

ESCM will have more duties and responsibility

ESC installations and maintenance will not be significantly changed from current best practices, but oversight will

Consultants & Contractors are ODOT's partners in environmental protection and Permit compliance

Questions?