

When and How to Apply for a 1200CA Permit



PBOT
PORTLAND BUREAU OF TRANSPORTATION

July 2023

What is a 1200CA Permit?

- 1200CA Permit is an Oregon Department of Environmental Quality (DEQ), Water Quality Permit. It is provided for certified counties and jurisdictions in lieu of the 1200C permit.
- The permit applies to **PBOT projects with a disturbance area greater than one acre on a discrete project**. Smaller sites are subject to Title 10 and the City's [Erosion & Sediment Control Manual](#).
- Disturbance area is measured from sawcut lines to grading limits, and also includes staging/storage areas. If more than 1ac, submittal to DEQ through [Your DEQ Online](#) is required.
- If the disturbance area is close to 1ac, it is highly recommended to submit to DEQ. If the area is close to 5ac, indicate project size "Equal or Greater than 5 acres" and request that DEQ post the project for Public Notice (14 days). If the area increases to 5ac during construction, it could result in a 14 day shutdown for the public comment period.

So, my project disturbs 1 Acre or more, what do I do?

1. Develop an Erosion and Sediment Control Plan (ESCP) (stamped and approved by PBOT). This will be a separate report included as an appendix to the special provisions – **We are developing a template example based on the 42nd Ave bridge project.**
2. **As a final PSE deliverable**, CED Designer (even in consultant designed) to submit the ESCP to “[Your DEQ Online.](#)”
 1. Create a new account in YDO select Account Type = RO, Employer = City of Portland Bureau of Transportation
 2. Email Blair Edwards requesting option to submit “NPDES: Public Agencies Only 1200-CA.”
3. Construction work may commence immediately after submitting a complete ESCP, unless the 14-day public comment period is required.
4. The DEQ submittal requirement applies as of April, 2023. For current projects in design, work with the project teams to revise SOW and schedule. Exceptions to submitting the ESCP before PSE approval will be reviewed on a case-by-case basis.

Example Submittal

ID 49255 Submitted Date 2023-06-14

Owner

John Wilson

john.wilson@portlandoregon.gov

[503-823-8357](tel:503-823-8357)

City of Portland Bureau of Transportation

[1120 SW 5th Ave, Suite 1400, Portland, OR 97218](#)

I. Reference Information

Facility Name

T00713 - NE 42nd Ave Bridge

Abbreviation

Email

john.wilson@portlandoregon.gov

Phone

[503-823-8357](tel:503-823-8357)

Comments:

Mailing Address

[1120 SW 5th Ave, Suite 1400, Portland, OR 97204](#)

Physical Location

[4254 NE Portland Hwy, Portland, OR 97218](#)

Latitude: 45.570129

Longitude: -122.619124

Select Existing related 1200-CA Permit

Project Name

42nd Ave: Killingsworth - Columbia, NE

II. Facility/Project Information

Mailing Address

[1120 SW 5th Ave, Suite 1400, Portland, OR 97204](#)

Physical Address

[4254 NE Portland Hwy, Portland, OR 97218](#)

What is the project size?

Equal or Greater than 5 acres

Who will post the Public Notice?

DEQ will post the project for Public Notice

Is there soil or groundwater contamination located within the site boundary?

No

Is an active chemical treatment system to be used?

No

What must be in the ESCP?

See 1200-CA item #3 for a detailed list. Generally, it must include:

- a. Site Description – narratives.
- b. Site Map – plan sheets.
- c. Required Controls and Practices – combination of devices shown on plan sheets and reference to construction specifications or BES Erosion and Sediment Control Manual.
- d. Additional Controls and Practices – same as ‘c’ but for certain conditions that may not always apply, such as stockpiling or clearing/grubbing BMPs.

1200-CA conditions for ESCP

3. **Erosion and Sediment Control Plan Requirements** The ESCP shall, at a minimum, include the following elements.

- a. **Site Description** A description of the following:
 - i. Nature of the construction activity, including a proposed timetable for major activities.
 - ii. Estimates of the total area of the permitted site and the area of the site that is expected to undergo clearing, grading and/or excavation.
 - iii. Nature of the fill material to be used, the insitu soils, and the erosion potential of such soils.
 - iv. Names of the receiving water(s) for storm water runoff.
- b. **Site Map** Indicating the following: (Note: In order to provide all the required information, a general location map in addition to the site map is required.)
 - i. Areas of total development
 - ii. Drainage patterns
 - iii. Areas of total soil disturbance (including, but not limited to, showing cut and fill areas and pre and post development elevation contours)
 - iv. Areas used for the storage of soils or wastes
 - v. Areas where vegetative practices are to be implemented. Include type of vegetation seed mix.
 - vi. Location of all erosion and sediment control measures or structures
 - vii. Location of impervious structures after construction is completed. Include buildings, roads, parking lots, outdoor storage areas, etc., if any.
 - viii. Springs, wetlands and other surface waters located on-site
 - ix. Boundaries of the 100-year flood plain if determined
 - x. Location of storm drainage outfalls to receiving water(s) if applicable
 - xi. Location of drinking water wells and underground injection controls
 - xii. Details of sediment and erosion controls
 - xiii. Details of detention ponds, storm drain piping, inflow and outflow details
- c. **Required Controls and Practices** The following controls and practices are required:
 - i. Each site shall have graveled, paved, or constructed entrances, exits and parking areas, prior to beginning any other work, to reduce the tracking of sediment onto public or private roads.
 - ii. All unpaved roads located on-site shall be graveled. Other effective erosion and sediment control measures either on the road or down gradient may be used in place of graveling.
 - iii. When trucking saturated soils from the site, either water-tight trucks shall be used or loads shall be drained on-site until dripping has been reduced to minimize spillage on roads.
 - iv. A description of procedures that describe controls to prevent the discharge of all wash water from concrete trucks.
 - v. A description of procedures for correct installation or use of all erosion and sediment control measures.
 - vi. A description of procedures for prompt maintenance or repair of erosion and sediment control measures utilized on-site (refer to A.4).

d. **Additional Controls and Practices** Additional controls and practices shall be developed that are appropriate for the site. At a minimum the following shall be considered:

- i. A description of clearing and grading practices, including a schedule of implementation, that will minimize the area of exposed soil throughout the life of the project. Whenever practicable, clearing and grading shall be done in a phased manner to prevent exposed inactive areas from becoming a source of erosion.
- ii. A description of vegetative erosion control practices, including a schedule of implementation, designed to preserve existing vegetation where practicable and re-vegetate open areas when practicable after grading or construction.

In developing vegetative erosion control practices, at a minimum the following shall be considered: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, and protection of trees with protective construction fences.
- iii. A description of additional erosion control practices, including a schedule of implementation, designed to protect exposed areas and prevent soil from being eroded by storm water.

In developing additional erosion control practices, at a minimum the following shall be considered: mulching with straw or other vegetation, use of erosion control blankets, and application of soil tackifiers.
- iv. A description of sediment control practices, including a schedule of implementation, that will be used to divert flows from exposed soil, store flows to allow for sedimentation, filter flows, or otherwise reduce soil laden runoff. All temporary sediment control practices shall not be removed until permanent vegetation or other cover of exposed areas is established.

In developing sediment control practices, at a minimum the following shall be considered: use of silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, rock outlet protection, sediment traps, and temporary or permanent sedimentation basins.
- v. A description of erosion and sediment control practices that will be used to prevent stockpiles from becoming a source of erosion. Stockpiles located away from the construction activity but still under the control of the permittee shall also be protected to prevent significant amounts of sediment from discharging to surface waters. At the end of each workday the soil stockpiles must be stabilized or covered.

In developing these practices, at a minimum the following shall be considered: diversion of uncontaminated flows around stockpiles, use of cover over stockpiles, and installation of silt fences around stockpiles.
- vi. A description of the best management practices that will be used to prevent or minimize storm water from being exposed to pollutants from spills, cleaning and maintenance activities, and waste handling activities. These pollutants include fuel, hydraulic fluid, and other oils from vehicles and machinery, as well as debris, leftover paints, solvents, and glues from construction operations. The reuse and recycling of construction wastes should be promoted.

In developing these practices, at a minimum the following shall be considered: written spill prevention and response procedures; employee training on spill prevention and proper disposal procedures; regular maintenance schedule for vehicles and machinery; and covered storage areas for waste and supplies.

What if the contractor applies a different Erosion and Sediment Control Plan?

- The Erosion and Sediment Control Plan is a working document. It can change.
- The ESCP Designer and CED Designer must review any contractor proposed changes through the submittal review process.
- The Construction Manager will post any updates to the ESCP on Your DEQ Online.
- If changes are later made to the contractor's erosion control scheme, the ESCP must be updated within YDO within 3-days.

DEQ Enforcement

- DEQ performs inspections and is a portal for complaints.
- Make sure to perform visual inspections per the frequency noted in the permits and when discharge events occur.
- Keep pictures and records on site or digitally. If requested by DEQ, they must be provided within three days of request.

Other, but Important, Aspects

1. CED is working on adding language to specifications that Contractor is required to contact DEQ to ascertain if a 1200C or other permit required for work and use of private property. Contractor is required to obtain those permits, pay permitting fees and above by those DEQ submittal requirements. For 1200C permits, DEQ submittal can take as little as 4 weeks for smaller project to longer for larger projects.
2. Contractor to work directly with DEQ representative. Although work covered by the 1200CA permit can commence immediately after submittal to DEQ, that is not the case for work covered by the 1200C.
3. Contractor is responsible for applying for the 1200C for impacts to private property.
4. Responsible Official (R.O.) authorizations for 1200CA will be in place for PBOT Construction Managers only but not for consultants.
5. Bundling separate projects for bidding does not require a “bundled” ESCP.

More information and handy references

Links to instructions and examples of Stormwater 1200-CA permit applications, Erosion and Sediment Control Plan (ESCP) template, other resources, and access to Your DEQ Online are found here:

<https://www.oregon.gov/deq/wq/wqpermits/Pages/1200seriesGov.aspx>

Still need help, contact Blair Edwards:

Water Quality Manager-Stormwater and UIC Programs

Northwest Regional Office

Oregon Department of Environmental Quality

700 NE Multnomah St. Suite 600 | Portland, OR 97232

(503) 229-5185 Office

(503) 875-5187 Mobile

Blair.Edwards@deq.oregon.gov

Alternatively, Christine Svetkovich @ (503) 229-6991

Q&As

1. Is the RO the only role who can "start a submittal" **Yes.**
2. Wouldn't the EMP be part of the ESCP per the permit? **An Environmental Management Plan, such as a Contaminated Media Management Plan or Active Chemical Treatment System Plan are separate documents and must be submitted with the ESCP. The construction specific requirements of an EMP are to be incorporated into the ESCP (e.g., discharge location, area of disturbance, specific control installation and implementation).**
3. Portland is a council of governments (equivalent to a special district) that conducts habitat restoration (i.e., construction projects all over NW Oregon. Should we be submitting 1200-C or 1200-CA? **If the Council of Governments has jurisdiction on the land where the work is to be performed, a 1200-CA permit coverage is appropriate. If the land is owned by another entity, 1200-C permit coverage must be obtained.**
4. Why did DEQ let it go so long and not update overtime so it would be easy for people to change instead of waiting 20 years? Most other states kept updating with EPA rule changes? **I can't answer for the decisions made over 20 years ago; however, DEQ has or is currently renewing all out-of-date Stormwater general permits.**
5. When will 1200CA general notes be released? **All 1200-CA resource documents, including the ESCP Template, which contains the 42 Standard Notes will be posted soon to the 1200-CA webpage.**

Q&As

6. For 1200-CA is a LUCS (Land Use Compatibility Statement) required? **No, not for 1200-CA covered projects.**
7. What is timeline between submission and approval of permit? **The 1200-CA application review process will typically be concluded in less than 2 weeks. As a reminder: ESCPs are not submitted with applications and work can be initiated immediately after ESCP submission via YDO once the Public Entity is a 1200-CA permit registrant.**
8. Why does DEQ care if the disturbance area is "decreased"? **The Erosion and Sediment Control Plan must always display current project site conditions. A DEQ inspector need only inspect within the project boundaries during permit compliant inspections and must be aware of the current project boundaries. The permit registrant is responsible and must be permit compliant for the total project delineated in the ESCP. Not removing project areas from the ESCP that the registrant is no longer responsible for can result in inadvertent liability.**
9. Can you clarify about item (d), page 1, under Sources covered by this permit. Item (d) seems to read regardless of total disturbance area. When could this apply? : "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" **This condition allows DEQ to require 1200-CA permit coverage in areas where construction activities pose a risk to sensitive waterbodies. DEQ suggests that permit registrants contact DEQ to discuss any potential projects under 1 acre that may require permit coverage due item (d).**

Q&As

10. If a compliance issue happens before we can get into this system due to it being on April 1 what is the answer? Section 16-Corrective Actions of the 1200-CA Permit became effective September 15, 2022. Section 16 requires that DEQ be notified of any non-compliance issues, such as a turbid discharge event, and that the appropriate steps be taken by the permit registrant to address the event. A Corrective Action Report must be submitted to DEQ via YDO to document the event, steps taken and inspection results that ensure the event was immediately corrected and prevented from happening again. If unable to submit a Correct Action report via YDO prior to April 1, 2023, you can email the Corrective Action report to me directly @ blair.edwards@deq.oregon.gov.
11. Does the visual inspection have to happen even if there is not construction-ground disturbance activity on particular days? Once construction activities begin, the site must be inspected per the frequencies established in Section 17 until the construction activities cease and final stabilization criteria are achieved. Construction activities disturb soils and create an erodible surface that may contribute sediment to stormwater runoff long after activities have stopped and until the disturbed soil is stabilized. In addition to the standard initial inspection and at least one every 14 days, the trigger for a Visual Monitoring Inspection is not when the construction activities are performed but if discharge occurred from the site.