

**APPENDIX 8B**

**GENERAL PERMIT**  
**NATIONAL POLLUTANT DISCHARGE ELIMINATION**  
**SYSTEM (NPDES)**

**STORMWATER DISCHARGE PERMIT**

**1200 - CN**

*This page intentionally left blank.*

**GENERAL PERMIT  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
STORMWATER DISCHARGE PERMIT**

Oregon Department of Environmental Quality  
811 SW Sixth Avenue, Portland OR 97204  
Telephone: (503) 229-5279 or 1-800-452-4011 (toll free in Oregon)

**Issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act**

**AUTOMATICALLY COVERED CONSTRUCTION ACTIVITIES**

**SOURCES COVERED BY THIS PERMIT:**

- Construction activities are automatically covered under this permit if they meet the size criteria and are within the jurisdictions specified in Schedule A. This includes:
  - Construction activities including clearing, grading, excavation, materials or equipment staging and stockpiling that will disturb one or more acres but less than 5 acres and may discharge to surface waters or conveyance systems leading to surface waters of the state; and
  - Construction activities including clearing, grading, excavation, materials or equipment staging and stockpiling that will disturb less than one acre that are part of a common plan of development or sale if the larger common plan of development or sale will ultimately disturb one acre or more and may discharge to surface waters or conveyance systems leading to surface waters of the state.

This permit does not authorize the following:

- In-water or riparian work, that is regulated by other programs and agencies including the Federal Clean Water Act Section 404 permit program, the Oregon Department of State Lands, the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the U.S. Army Corp of Engineers, the National Marine Fisheries Service and the Department of Environmental Quality Section 401 certification program.
- Post-construction stormwater discharges that originate from the site after completion of construction activities and the site has undergone final stabilization.
- Discharges to underground injection control (UIC) systems.

---

Neil Mullane, Administrator  
Water Quality Division

Effective: December 1, 2010  
Expiration Date: November 30, 2015

**PERMITTED ACTIVITIES**

Until this permit expires, is modified or revoked, the owner/operator of an automatically covered activity is authorized to construct, install, modify, or operate erosion and sediment control measures and stormwater treatment and control facilities, and to discharge stormwater and certain specified non-stormwater discharges to surface waters of the state or conveyance systems leading to surface waters of the state in conformance with all the requirements, limitations, and conditions set forth in the permit including attached schedules as follows:

**Contents**

SCHEDULE A CONTROLS AND LIMITATIONS FOR STORMWATER DISCHARGES ..... 3  
CONSTRUCTION ACTIVITIES WITH AUTOMATIC PERMIT COVERAGE..... 3  
1. Disturbance Less Than 5 Acres ..... 3  
2. Disturbance Less Than 1 Acre..... 4  
3. Performance Measures..... 4  
4. Authorized Stormwater Discharges ..... 4  
5. Authorized Non-Stormwater Discharges ..... 5  
6. Limitations on Coverage..... 5  
SCHEDULE B MINIMUM MONITORING AND RECORDKEEPING REQUIREMENTS ..... 6  
1. Inspections ..... 6  
2. Recordkeeping ..... 6  
SCHEDULE D SPECIAL CONDITIONS..... 7  
1. Standard Conditions..... 7  
2. Other Requirements ..... 7  
3. Permit-specific Definitions..... 7

**SCHEDULE A  
CONTROLS AND LIMITATIONS FOR STORMWATER DISCHARGES**

**CONSTRUCTION ACTIVITIES WITH AUTOMATIC PERMIT COVERAGE**

An owner or operator of construction activities described in this section does not need to submit an application for permit coverage to DEQ. The construction activities meeting the conditions in Schedule A, conditions 1 and 2 are automatically covered under this permit, and are authorized to discharge in accordance with Schedule A, conditions 3 through 6, if the construction activity does not have the potential to discharge to a portion of a waterbody that is listed for turbidity or sedimentation on the most recently EPA-approved Oregon 303(d) list or that have an established Total Maximum Daily Load (TMDL) for sedimentation or turbidity (listings are available at [www.deq.state.or.us/WQ/assessment/assessment.htm](http://www.deq.state.or.us/WQ/assessment/assessment.htm)). Registration with the Oregon DEQ is not required in these local jurisdictions because the jurisdictions already have construction stormwater programs that include plan review, ordinances, site inspections and enforcement. Owners/operators must comply with all applicable local code, ordinance and permit requirements. This permit does not impose additional requirements on these jurisdictions. DEQ retains the right to require registration (by the owner or operator) of construction activities in these jurisdictions in accordance with the 1200-C permit, when DEQ determines that registration is desirable to ensure protection of water quality.

**1. Disturbance Less Than 5 Acres**

An owner or operator of construction activities that meet the conditions listed below automatically receives coverage under this permit.

- a. Either,
  - i. The construction activities will disturb more than one acre but less than 5 acres over the life of the project; or
  - ii. The construction activities will disturb less than 1 acre and are part of a common plan of development or sale that will ultimately disturb one acre or more; and
- b. The construction activities are within the following jurisdictions:
  - i. Albany
  - ii. Corvallis
  - iii. Eugene
  - iv. Milwaukie
  - v. Springfield
  - vi. West Linn
  - vii. Wilsonville
  - viii. Clackamas County Water Environment Services, within its two service districts: Clackamas County Service District #1 and the Surface Water Management Agency of Clackamas County.
  - ix. Clean Water Services, including:
    - (1) Banks
    - (2) Beaverton
    - (3) Cornelius
    - (4) Durham
    - (5) Forest Grove
    - (6) Hillsboro
    - (7) King City
    - (8) North Plains
    - (9) Sherwood (10) Tigard
    - (11) Tualatin
    - (12) Washington County within the Urban Growth Boundary
  - x. Portions of Lane County that are in Lane County's MS4 Phase II Permit area
  - xi. Multnomah County (unincorporated portions of the county)

- xii. Rogue Valley Sewer Services, including:
  - (1) Central Point
  - (2) Phoenix
  - (3) Talent
  - (4) Portions of Jackson County in Rogue Valley Sewer Services" MS4 Phase II Permit area

## 2. Disturbance Less Than 1 Acre

An owner or operator of construction activities that meet the conditions listed below automatically receives coverage under this permit.

- a. The construction activities will disturb less than 1 acre and are part of a common plan of development or sale that will ultimately disturb one acre or more; and
- b. The construction activities are within the following jurisdictions:
  - i. Gresham
  - ii. Troutdale
  - iii. Wood Village

## 3. Performance Measures

- a. An owner or operator of automatically covered construction activities must prevent the discharge of significant amounts of sediment to surface waters or conveyance systems leading to surface waters. The following conditions indicate that significant amounts of sediment has left or is likely to leave the site:
  - i. Earth slides or mud flows;
  - ii. Concentrated flows of stormwater such as rills, rivulets or channels that cause erosion when such flows are not filtered, settled or otherwise treated to remove sediment;
  - iii. Sediment laden or turbid flows of stormwater that are not filtered or settled to remove sediments and turbidity;
  - iv. 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 lack of maintenance or inadequate design are considered unprotected;
  - v. Deposits of sediment from the construction site on any property (including public and private streets) outside of the construction activity covered by this permit.
- b. An owner or operator of automatically covered construction activities must not cause or contribute to a violation of in-stream water quality standards.

## 4. Authorized Stormwater Discharges

Subject to compliance with the terms and conditions of this permit, and provided that all necessary controls are implemented to minimize sediment transport, the following stormwater discharges from construction sites are authorized (unless otherwise prohibited by local ordinances):

- a. Stormwater associated with construction activity described in the "Sources Covered" section of the permit.
- b. Stormwater from support activities at the construction site (for example, concrete or asphalt operations, equipment staging yards, material storage areas, excavated material disposal areas and borrow areas) provided:
  - i. The support activity is directly related to the construction site covered by this NPDES permit;
  - ii. The support activity is not a commercial operation serving multiple unrelated construction projects by different owners or operators;
  - iii. The support activity does not operate beyond the completion of the construction activity at the last construction project it supports; and
  - iv. Appropriate control measures are used to ensure compliance with discharge and water quality requirements.

## 5. Authorized Non-Stormwater Discharges

Subject to compliance with the terms and conditions of this permit, and provided that all necessary controls are implemented to minimize sediment transport, the following non-stormwater discharges from construction sites are authorized (unless otherwise prohibited by local ordinances):

- a. Potable water including uncontaminated water line flushing (refer to DEQ guidance);
- b. Vehicle washing that does not use detergents or hot water;
- c. External building wash down that does not use detergents or hot water;
- d. Pavement wash waters where stockpiled material, spills or leaks of toxic or hazardous materials have not occurred (unless all stockpiled and spilled material has been removed) and where detergents or hot water are not used;
- e. Construction dewatering activities (including groundwater dewatering and well drilling discharge associated with the automatically covered 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
  - ii. Best Management Practices (BMPs) or an approved treatment system is used to ensure compliance with discharge and water quality requirements;
- f. Foundation or footing drains where flows are not contaminated with process materials such as solvents;  
and
- g. Landscape irrigation.

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

## 6. Limitations on Coverage

The following discharges are not authorized by this permit:

- a. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- b. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- c. Soaps or solvents used in vehicle and equipment washing.

**SCHEDULE B  
 MINIMUM MONITORING AND RECORDKEEPING REQUIREMENTS**

**1. Inspections**

Inspections are required when construction will disturb one or more acres. a.

The following must be inspected:

- i. Discharge point(s). Where discharge points are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable.
- ii. BMPs.
- iii. Locations where vehicles enter or exit the site for evidence of off-site sediment tracking.
- iv. Areas used for storage of materials that are exposed to precipitation for evidence of spillage or other potential to contaminate stormwater runoff.

b. Inspect according to the following schedule:

Site Condition	Minimum Frequency
1. Active period	Weekly when stormwater runoff, including runoff from snow melt, is occurring.  At least once every month, regardless of whether stormwater runoff is occurring.
2. Prior to the site becoming inactive or in anticipation of site inaccessibility	Once to ensure that erosion and sediment control measure are in working order. Any necessary maintenance and repair must be made prior to leaving the site.
3. Inactive periods greater than fourteen (14) consecutive calendar days	Once every month.
4. Periods during which the site is inaccessible due to inclement weather	If practical, inspections must occur daily at a relevant and accessible discharge point or downstream location.

c. Documentation of inspections.

All inspections must be documented in writing as follows:

- i. Inspection date and inspector's name.
- ii. For each discharge location, record:
  - (1) For turbidity and color, describe any apparent color and the clarity of the discharge, and any apparent difference in comparison with the surface waters.
  - (2) Describe any sheen or floating material, or record that it is absent. If present, it could indicate concern about a possible spill or leakage from vehicles or materials storage.
- iii. BMPs that failed or that need to be maintained, including erosion and sediment controls, chemical and waste controls, locations where vehicles enter and exit the site, status of areas that employ temporary or final stabilization control, soil stockpile area, and non-stormwater pollution (for example, paints, oils, fuels, or adhesives) controls.
- iv. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
- v. Corrective action required and implementation dates.

**2. Recordkeeping**

- a. Inspection Records Retained Onsite. All inspection records must be retained on site. During inactive periods of greater than seven (7) consecutive calendar days, the records must be retained by the owner/operator but do not need to be at the construction site.
- b. All inspection records must include owner/operator name and site address.
- c. Records must be delivered or made available to DEQ within three (3) working days of request.
- d. All inspection records must be retained by the owner/operator for at least three (3) years after project completion.

**SCHEDULE D  
SPECIAL CONDITIONS**

**1. Standard Conditions**

Federal regulations require that the Standard Conditions at 40 CFR §122.41 be applied to all NPDES permits. You are required to comply with those Standard Conditions. In the event of any inconsistency between Schedules A through D and 40 CFR §122.41, Schedules A through D will apply.

**2. Other Requirements**

This permit does not relieve the owner/operator from all other permitting and licensing requirements. Prior to beginning construction activities, the owner/operator must obtain all other necessary approvals.

**3. Permit-specific Definitions**

- a. *Best Management Practices or BMPs* means 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.
- b. *Borrow Area* means the area from which material is excavated to be used as fill material in another area. c. *Clean Water Act or CWA* means 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.
- d. *Conveyance System* means a sewer, ditch, or swale that is designed to carry water; or any combination of such components.
- e. *DEQ* means the Oregon Department of Environmental Quality.
- f. *Dewatering* means the removal and disposal of surface water or groundwater during site construction. g. *Discharge Point* means the location where stormwater leaves the site. It includes the location where stormwater is discharged to surface water or a stormwater conveyance system.
- h. *Erosion* means the movement of soil particles or rock fragments by water or wind.
- i. *Fully Stabilized* means the completion of all soil disturbing activities at the site by the owner/operator, and the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) to prevent erosion.
- j. *Hazardous Materials* means the materials defined in 40 CFR part 302 Designation, Reportable Quantities, and Notification.
- k. *Local Jurisdiction* means any county, city, town, or service district.
- l. *National Pollutant Discharge Elimination System or NPDES* means 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.
- m. *Owner or operator* means the owner or operator of any "facility or activity" subject to regulation under the NPDES program. Owners or operators may be individuals or other legal entities. Owners or operators of automatically covered construction activities are not permit registrants. Operator for the purpose of this permit and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:
  - (1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
  - (2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a ESCP for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the ESCP or comply with other permit conditions).
- n. *Pollutant* as defined in 40 CFR §122.2 means 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 dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

- o. *Pollution or Water Pollution* as defined by ORS 468B.005(3) means 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.
- p. *Sediment* means mineral or organic matter, typically deposited by water, air, or ice.
- q. *Site* means the area where the construction activity is physically located or conducted.
- r. *Stormwater Conveyance* means 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.
- s. *Stormwater as defined by 40 CFR §122.26(b)(13)* means stormwater runoff, snow melt runoff, and surface runoff and drainage.
- t. *Surface Water* means all water naturally open to the atmosphere (for example, rivers, lakes, reservoirs, ponds, streams, impoundments, oceans, estuaries, springs, etc.).
- u. *Total Maximum Daily Load or TMDL* means 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.
- v. *Turbidity* means 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.
- w. *Underground Injection Control* means any system, structure, or activity that is created to place fluid below the ground or sub-surface (for example, sumps, infiltration galleries, drywells, trench drains, drill holes, etc.)
- x. *Water or Waters of the State as defined by ORS 468B.005(8)* means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, 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.