

# Water-Related Permits Process Improvement Team (WRPPIT)

Making clear whether and how a project gets to YES & transitioning to a consolidated state permit system.

## MEETING RECORD

April 17, 2006

1-4, 2<sup>nd</sup> Floor Conference Room, Labor and Industries Building, Salem

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### Members Present:

Pat Allen, Office of Regulatory  
Streamlining (RSL)  
Dale Blanton, DLCD  
Kim Grigsby, Water Resources  
Kirk Jarvie, DSL  
Laura Leshner, Project Manager, Office of Regulatory  
Streamlining (RSL)  
Gary Lynch, DOGAMI  
Christine Svetkovich, DEQ

### Consultant:

Jenny Carmichael, Carmichael Consulting

### Members Absent:

Jas Adams, DOJ  
Ken Franklin, ODOT  
Patty Snow, ODFW  
Louise Solliday, DSL

### Intermittent Members Not Present:

Tony Stein, OPRD  
Susan White, SHPO

### Advisory Committee Member Present:

Tom Gallagher, Legislative Advocates

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### AGENDA

1:00	<b>Presentation of DEQ's 1200-C Program by Don Yon, Construction Stormwater Permit Coordinator, Stormwater Permits Program, Water Quality Division, DEQ</b> - WRPPIT ideas for integrating into the redesign	Christine							
2:15	<b>Approve April 14 Meeting Record, Reminder Assignments, Updates</b>	Jenny							
2:30	<b>BREAK</b>								
2:40	<b>WRPPIT User Guide Review Prior to Consultant Review</b>	Kirk, Christine, Patty							
3:15	<b>Continued from Last Week . . .</b> Integration discussion: Brainstorm what INTEGRATION could look like and wouldn't look like for the following steps of the redesigned process:  <table border="1"><tr><td>Step 1. Preliminary Assessment</td><td>-</td><td>Step 2. Application</td><td>-</td><td>Step 3. Review</td><td>-</td><td>Step 4. Decision</td></tr></table>	Step 1. Preliminary Assessment	-	Step 2. Application	-	Step 3. Review	-	Step 4. Decision	Jenny
Step 1. Preliminary Assessment	-	Step 2. Application	-	Step 3. Review	-	Step 4. Decision			
3:55	<b>Meeting Wrap-Up</b> Next Meeting: April 28, 9-noon, 2 <sup>nd</sup> Floor Conf Room, L&I Building	Jenny							

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### MEETING RECORD

The agenda was modified to focus only on the 1:00 agenda item: the DEQ Stormwater Program.

## 1. 1200 C Stormwater Program

Christine introduced Don Yon, Construction Stormwater Permit Coordinator, Stormwater Permits Program, Water Quality Division, DEQ to present information regarding the DEQ 1200-C stormwater program. This presentation was requested by Lauri Aunan, Ann Hanus, Louise Solliday, Christine Svetkovich and Kirk Jarvie in March, 2006 so that WRPPIT could assess how best to integrate (or not) the 1200-C permit with the redesign.

Please see attachments A, B, and C for information regarding Don's presentation.

Attachment A: SLIDE SHOW - 1200-C NPDES General Permit

Attachment B: FACT SHEET - Applying for the 1200-Construction Stormwater Permit

Attachment C: FACT SHEET – Revised 1200-C Construction Stormwater General Permit

After Don's presentation and a question and answer period, the team collectively addressed the following question:

*What changes would you recommend to the Joint Legislative Audits Committee to improve coordination between removal-fill & 1200-C in order to eliminate confusion, duplication & inconsistency while making the process cheaper and easier for applicants and the state?*

### Comments:

- What is the goal of the 1200-C permit? Reduce erosion
- What is the goal of the removal-fill permit related to water quality? Broader – best use of water.
- Remember, there are multiple ways to accomplish stormwater management.
- Multiple ways create multiple opportunities to object.

### Brainstormed answers to above question:

1. DOGAMI model – have DSL become an agent of DEQ to implement stormwater permit: “1200-RF”
2. DEQ inform DSL, local governments about 1200-C program
3. a. If 1200-C required, DSL defer to DEQ. If no 1200-C required DSL attaches 5 standard water quality conditions to Removal-Fill permit.
3. b. Same as 3a except that DSL bundles 1200-C with Removal-Permit.
4. Provide information early in the process.
5. Line up NMFS, DEQ, DSL and any other erosion control requirements into one plan that Would cover everything.
6. Reduce DEQ responsibilities or add resources.
7. Put this off to next phase of WRPPIT.
8. Contract this 1200-C work (or R-F) with private sector to address workload spikes. Pre-certify; avoid conflicts of interest.
9. Turn stormwater management back to EPA.
10. Take DSL out of water quality review 100% - it's DEQ's job.
11. Items 10 and 3b. DSL and DEQ would become partners. Applicants would approach each agency for distinct requirements.

### Early Preferences:

Tom – Item 11.

Christine - Items 2, 4, 5, and 7

Kirk – Items 2, 4, 5 and 11

Team Decision: Need more information about how DSL addresses water quality and more time to think about this before reaching a conclusion. Kirk will provide the additional detail about DSL's current role regarding water quality at the next meeting.

3. **Wrap-Up.** The meeting concluded at 4 p.m.. The next meeting will be on April 28, 9 – noon, in the 2<sup>nd</sup> floor Directors Conference Room at Labor and Industries.

## Applying for the 1200-C Construction Stormwater Permit



State of Oregon  
Department of  
Environmental  
Quality

### Water Quality Division

**Surface Water  
Management Section**  
811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
Phone: (503) 229-6850  
(800) 452-4011  
Fax: (503) 229-6037  
Contact: Don Yon  
[www.deq.state.or.us](http://www.deq.state.or.us)

### Background

In December 2005, the Oregon Environmental Quality Commission adopted the National Pollutant Discharge Elimination System Stormwater Construction General Permit No. 1200-C. The permit regulates stormwater runoff to surface waters from construction activities that disturb one or more acres in Oregon.

### What you need to know

The Oregon Department of Environmental Quality (DEQ) has made significant changes to the permit. Projects disturbing five or more acres will now be subject to a public review process. This process will begin June 1, 2006 (see details below).

This fact sheet outlines the steps all 1200-C permittees need to take to obtain a valid permit for projects that disturb one acre or more.

### Permit applications

#### 1. Obtain the application and check to see where to send it.

You can obtain permit application forms on DEQ's Web site at:  
<http://www.deq.state.or.us/wq/wqpermit/stormwaterhome.htm>.

If you have questions about the application or do not have access to the Internet, please contact the DEQ representative or DEQ agent, who can provide assistance on the preparation and submittal of the application. Please see Page 2 of the fact sheet for contact information.

If you have a DEQ agent in the area where your project is located, send the application to the DEQ agent. Otherwise send the application to the DEQ office in your area.

#### DEQ agents:

City of Estacada, City of Eugene, City of Hermiston, City of Lake Oswego, City of Myrtle Creek, City of Roseburg, City of Troutdale, Clean Water Services (serving Washington County), and Clackamas County Service District #1.

#### DEQ regional offices:

Bend, Coos Bay, Eugene, Medford, Pendleton, Salem, and Portland.

#### 2. What you submit with your application.

You need to submit a completed application form, a Land Use Compatibility Statement, and Erosion and Sediment Control Plan. These forms and related guidance documents are available on DEQ's Web site at:  
<http://www.deq.state.or.us/wq/wqpermit/stormwaterhome.htm> or can be obtained at a DEQ regional office or through a DEQ agent.

#### 3. Permit fees.

You must submit the appropriate permit fees to DEQ or its agent at the time you apply for a new permit or renew an existing permit.

If you are applying for a new permit, you must pay \$670, which includes a \$60 filing fee, a \$280 application processing fee, and a \$330 annual fee.

If you are renewing your permit, you must pay \$100, which includes a \$60 filing fee and a \$40 renewal application processing fee.

If you are submitting your application to a DEQ agent, please contact the agent for information on the fees.

#### 4. Processing your application.

Once you submit the application (application form, Land Use Compatibility Statement, Erosion and Sediment Control Plan, fees), DEQ or its agent will review the forms to make sure the application is complete as well as technically and administratively adequate. DEQ or its agent will return any incomplete application with a list of missing information.

**Please note:** An incomplete application (incomplete forms, applications submitted without fees, etc.) will be returned to you and will slow the processing of your permit.

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Last Updated: 2/2006

## Important permit requirements

### 1. *Effective January 1, 2006:*

- Implement an Erosion and Sediment Control Plan that meets new Best Management Practices (BMPs) requirements.
- Do not cause a violation of the state's in-stream surface water quality standards.
- Prevent significant amounts of sediment from entering surface waters. If this occurs, take immediate actions to correct the problem.
- Submit revisions to the Erosion and Sediment Control Plan to DEQ or your DEQ agent at least 10 days before implementing the revisions.
- Document all required monitoring and inspections, and keep documentation on-site and updated.

### 2. *Effective June 1, 2006: Public review for construction sites five acres or more.*

- Projects that disturb five acres or more of land will be subject to public review. Beginning on June 1, 2006, permit applications and Erosion and Sediment Control Plans for these projects will be subject to a 14-day public review and comment period. (Applications for projects affecting fewer than five acres are not subject to public review.)
- For five-acre-or-more projects, each application and plan will be posted on DEQ's Web site for public access and review. The public will have 14 days to submit comments to DEQ about the application and plan.
- After the public comment period, DEQ will review the comments and determine if the Erosion and Sediment Control Plan is adequate. DEQ may request you to change the plan based on public comment.
- After approving the Erosion and Sediment Control Plan, DEQ or its agent will assign you coverage under the 1200-C permit, and will notify all commenters.

### 3. *Effective October 1, 2006:*

#### *TMDL - or 303(d) - listed streams.*

- If you discharge stormwater directly to, or into a storm sewer system that discharges to, a water body listed as "impaired" for turbidity (water clarity) or sedimentation on the state's 303(d) list, or to a water body covered under state Total Maximum Daily Load (TMDL) pollution limits, you must:
  - (1) Collect stormwater runoff samples, analyze them for turbidity and compare results to a numeric turbidity benchmark, or
  - (2) Implement one or more specified Best Management Practices to treat, control or prevent sediment discharges to "impaired" water bodies.
- A map and table identifying "impaired" water bodies and affected river miles is available on DEQ's Web site at:  
<http://www.deq.state.or.us/wq/wqpermit/stormwaterhome.htm>.

#### **For more information**

For more assistance, please contact the DEQ representative or DEQ agent in your area.

#### ***DEQ regional offices:***

Bend: (541) 388-6146  
Coos Bay: (541) 269-2721  
Eugene: (541) 686-7838  
Medford: (541) 776-6010  
Pendleton: (541) 276-4063  
Portland: (503) 229-5263  
Salem: (503) 378-8240

#### ***DEQ agents:***

City of Estacada: (503) 630-8274  
City of Eugene: (541) 682-8495  
City of Hermiston: (541) 667-5025  
City of Lake Oswego: (503) 675-3991, x491  
City of Myrtle Creek: (541) 863-3171  
City of Roseburg: (541) 440-1177  
City of Troutdale: (503) 665-5175  
Clean Water Services, serving Washington County: (503) 846-3623  
Clackamas County Service District #1: (503) 353-4594

#### **Alternative formats**

Alternative formats (such as large type or Braille) of this document can be made available. Contact DEQ's Office of Communications & Outreach, Portland, at (503) 229-5317, or toll-free in Oregon at 1-800-452-4011, ext. 5317, for more information.

## Revised 1200-C Construction Stormwater General Permit



State of Oregon  
Department of  
Environmental  
Quality

### Water Quality Division

**Surface Water  
Management Section**  
811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
Phone: (503) 229-5615  
(800) 452-4011  
Fax: (503) 229-5408  
Contact: Kevin Masters  
[www.deq.state.or.us](http://www.deq.state.or.us)

### Background

The Oregon Department of Environmental Quality (DEQ) is proposing that the Oregon Environmental Quality Commission renew a water quality permit regulating stormwater runoff from construction activities that disturb one or more acres in Oregon. The current National Pollutant Discharge Elimination System 1200-C Construction General Permit expires Dec. 31, 2005. The renewed permit would have a five-year term and would regulate stormwater pollution at about 1,500 construction sites in Oregon.

The Federal Clean Water Act requires regulation of stormwater runoff from construction activities that disturb one or more acres. DEQ began issuing general permits for construction stormwater pollution in 1991. Studies have shown that construction sites can contribute more sediment to streams than was previously deposited over several decades at the same locale. When excessive amounts of sediment enter waters, a variety of water quality uses can suffer, particularly fish and wildlife habitat.

The proposed revised 1200-C permit was developed through meetings DEQ held throughout 2005 with parties interested in or affected by the permit, as well as DEQ's review of public comments received during a 40-day public comment period this fall.

DEQ believes the revised permit, which emphasizes that permittees incorporate best management practices into their construction work, will be clearer and more effective than the existing permit. Best management practices are specific work practices and physical controls used to prevent erosion and control sediment runoff. DEQ's focus is on preventing pollution from erosion and runoff. Studies have demonstrated the effectiveness of applying many types of erosion and sediment control best management practices in terms of quantities of pollution prevented or removed. In addition, DEQ will review all of the pollution control plans and require visual monitoring to ensure that the control plans are working.

The revised permit also will provide the public with more opportunity to review many of the permits and plans that permittees submit to DEQ.

### Who must get 1200-C permits?

Both contractors and developers typically apply for 1200-C permits. For residential subdivisions, the site developer usually applies for the permit. In some instances, the developer or contractor hires a site engineer or consultant to apply for the permit and develop an Erosion and Sediment Control Plan.

DEQ also works with nine "agents" – local authorities that administer about 30 percent of all 1200-C permits in the state. Several of these agents also administer more stringent local requirements that may apply to a particular site. These local agents or authorities include the cities of Estacada, Eugene, Hermiston, Lake Oswego, Myrtle Creek, Roseburg and Troutdale. They also include Clean Water Services, a regional sewage agency in Washington County, and Clackamas Service District No. 1.

### New public notice and review process

Effective May 31, 2006, the revised 1200C permit will require a 14-day public notice and review period on permit applications and permittees' Erosion and Sediment Control Plans for sites disturbing five acres or more of land. This new requirement would apply to more than 80 percent of the permitted construction projects in the state. This process does not include an opportunity for an informational hearing or public notice on any revisions to the plans.

### More stringent requirements for discharge to certain impaired waters

Effective Oct. 1, 2006, there will be more stringent requirements for sites discharging stormwater into water bodies the State has listed as "impaired" for turbidity (water clarity) or sedimentation or subject to Total Maximum Daily Loads for turbidity or sedimentation. Permit registrants must either: (1) collect stormwater runoff samples, analyze them for turbidity and compare results to a numeric turbidity benchmark, or (2) implement one or more additional best management practices to treat, control or prevent sediment discharges.

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By: Brian White

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impaired waterbodies; other permittees are not subject to these requirements. All permittees must develop and implement an erosion and sediment control plan, conduct visual monitoring, and comply with all other conditions of the permit.

#### **Immediate corrective actions**

The revised permit requires permittees to immediately take corrective actions when significant amounts of sediment or turbidity are visually detected in discharges to surface waters or stormwater conveyance systems.

#### **DEQ approval required for changes to Erosion Control Plans**

The existing 1200-C permit allows permittees to change their erosion control plans without notice or review by DEQ. The revised permit requires permittees to submit revisions to DEQ for review and approval. The revised permit does not include public notice and comment on proposed changes to these plans.

#### **Tightened requirements to meet water quality standards**

The revised 1200-C permit will include tightened requirements prohibiting violations of the state's stream surface water quality standards. The previous permit stated that the "ultimate goal" of the permit was to comply with state water quality standards.

#### **Monitoring and reporting**

The visual monitoring requirements in the recommended permit are similar to those in the expiring permits, however, additional qualification criteria have been included in the new permit for those individuals conducting the visual monitoring. Also, permittees must document all required monitoring and inspections, and keep this documentation on-site and updated. The permittee must also be able to provide this monitoring and inspection information to DEQ upon request.

In its draft renewal permit distributed for public comment, DEQ proposed to require permittees to report quarterly to the agency about visual inspections of their construction site and discharges or, if applicable, turbidity meter monitoring results. However, in response to public comment and because of limited DEQ staff resources, this requirement was removed from the final recommended permit.

#### **How will existing and new permittees be affected by these proposed changes?**

All 1200-C permittees with existing construction projects will need to submit a permit renewal application to DEQ by Dec. 31, 2005 to continue

coverage under the revised 1200-C permit after that date. Some new permit requirements include a compliance schedule to allow time for permittees to come into compliance with the new requirements.

#### **For more information**

The proposed revised 1200-C Construction General Permit and supporting documents are available for public review on DEQ's Web site: <http://www.deq.state.or.us/wq/wqpermit/stormwaterhome.htm>.

Contact:

Kevin Masterson, DEQ  
Ph. (503) 229-5615  
masterson.kevin@deq.state.or.us

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