

ODOT/AGC

1200-CA Permit update first since 2000



(In my allotted time today, I can't train to the full content of the Permit. Contractors and their ESCMs need to read the Permit.)

1200-CA Permit update will require changes to Erosion and Sediment Control Plan implementation and compliance with permit requirements during construction – changes are a large leap.



Permit Documents are located in the [ODOT Erosion & Sediment Control web page](#) under **Guidance Materials ESCP during construction – READ THE PERMIT**

Permit Update Timeline

Projects will be held to the updated Permit's requirements on **April 1, 2023** **Except**

Permit Section 16 – Corrective Actions are now in effect. This is of critical importance to DEQ



Redefine ESCP

Erosion and Sediment Control Plan is not just the plan sheets, but a folder of information including:

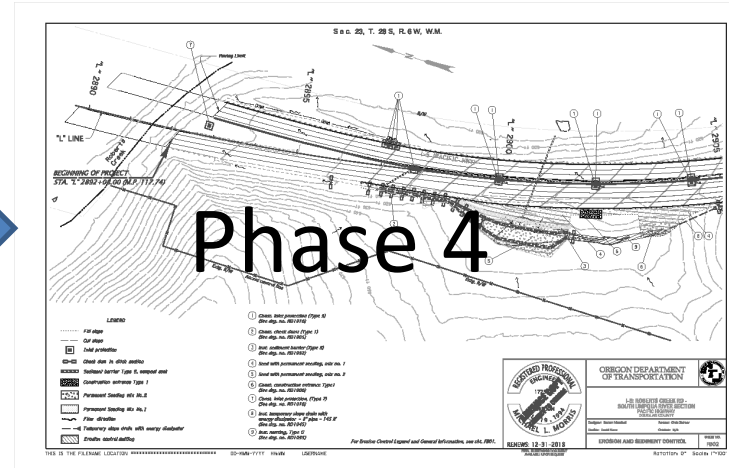
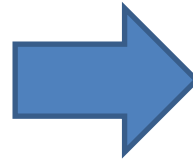
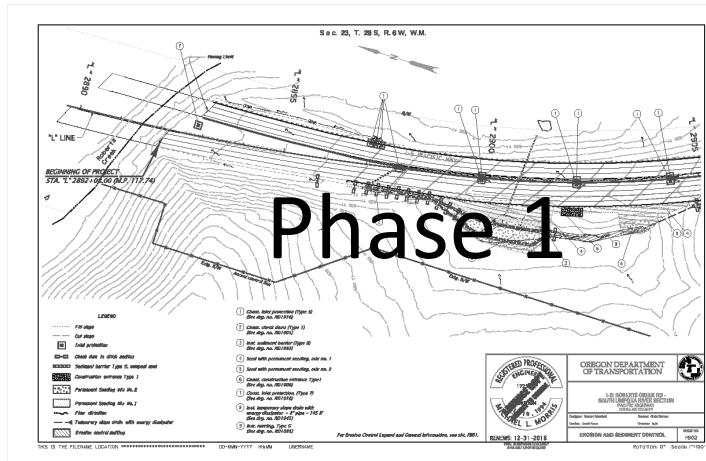
- ESC Plan Sheets – **Revised prior to construction and several times during Construction**
- Landscape Plan Sheets if they provide final stabilization
- Erosion and Sediment Control narrative
- 00280 Specifications AND Special Provisions
- 00290 Specifications AND Special Provisions
- 01030 Special Provisions
- Standard Drawings used on a Project
- Monitoring reports
- ESCP revisions
- Corrective Action self reports, and Plan submittals

DEQ requires the ESCP to provide an understanding of all aspects of Project that affects erosion & sediment control and pollution prevention

Contractor must revise ESCP prior to beginning construction to provide the following

- Contractors working on Project site
- Personnel's name & position for all staff designing installing & maintaining ESC during construction
- Staging area, stockpile area, materials processing area with appropriate ESC BMPs
- Location(s) of above items if not on ODOT land
- Personnel conducting monitoring (ESCM) including name, title, contact information & certification
Environmental Management Plan if applicable
- Have CURRENT copy of ESCP on site (electronic file is OK)

Separate sheets for each phase of construction



Verify BMPs shown on phased ESCP are installed and adequate and appropriate for actual site conditions to provide effective functioning

SEDIMENT TRAPS

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.

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.

Erosion & Sediment Control is contracted work and is as much “Real Work” as other aspects of a Project.



“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

Your DEQ Online (YDO)

All Submittals to DEQ Must Be Sent Through the Electronic YDO Portal, including:

- Erosion & Sediment Control Plans (ESCP)
- Environmental Management Plans (EMP)
- ESCP Updates & Revisions
- Corrective Action Reports
- Payments

(monitoring reports are not periodically submitted, but must be available for DEQ review when asked)

Selected ODOT Staff are YDO “Responsible Officials” with signing authority. ESCMs and others may be delegated YDO Project access as “Consultants”, for submittal preparation but do not have signing or submittal authority.

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

ESCP REVISIONS

Revisions to ESCP will likely be the largest task added to the work of ESCMs

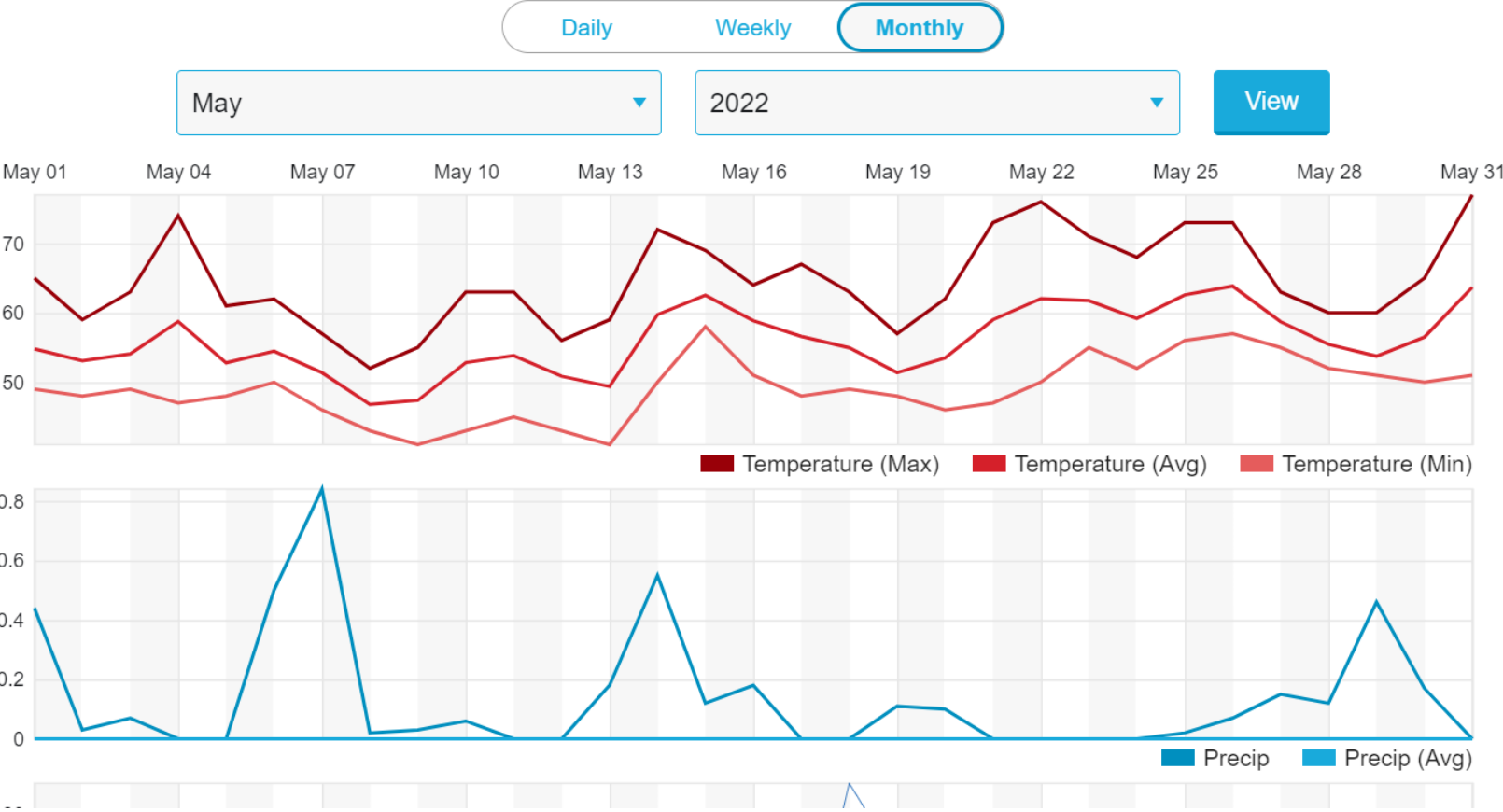


Contractor's ESCM Duties Include

Read 1200-CA Permit & keep site permit compliant

- 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
- Monitor receiving waters
- Mobilize crews to provide corrective actions
- Fill out monitoring report and submit to Agency (ORS-012-0055: Failing to collect monitoring data required in Schedule B of the permit is a Class 1 [most severe] penalty)

Weather DATA Monitored by DEQ



DEQ oversight of ODOT Projects has grown more strict

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.

Non-Compliance Require Immediate Corrective Actions

- Address conditions that caused discharge,
- Clean up sediment contamination left by discharge,
- Complete minor corrective actions by close of next business day,
- Install new or replacement BMPs, required by Corrective actions, within 24 hours,
- If completion of corrective actions within 24 hours is not feasible, document the schedule for implementing the corrective action,
- Revise ESCP to reflect corrective action repairs within 7 days.

Corrective Action Report Include

- Site name and Project's Permit ID number,
- Description and cause of non-compliance,
- Photos of discharge and NTU of receiving water,
- Period of non-compliance,
- Names of person(s) conducting monitoring,
- Corrective steps taken and timeline of the corrective action,
- Note of weather that may have contributed to the discharge,
- Revisions of ESCP to show corrective action BMPs.

Corrective Action Result

When non-compliance is self reported, the discharge cleaned up, the cause of the discharge repaired and a Corrective Action Report submitted, the event will not be considered a permit violation.



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

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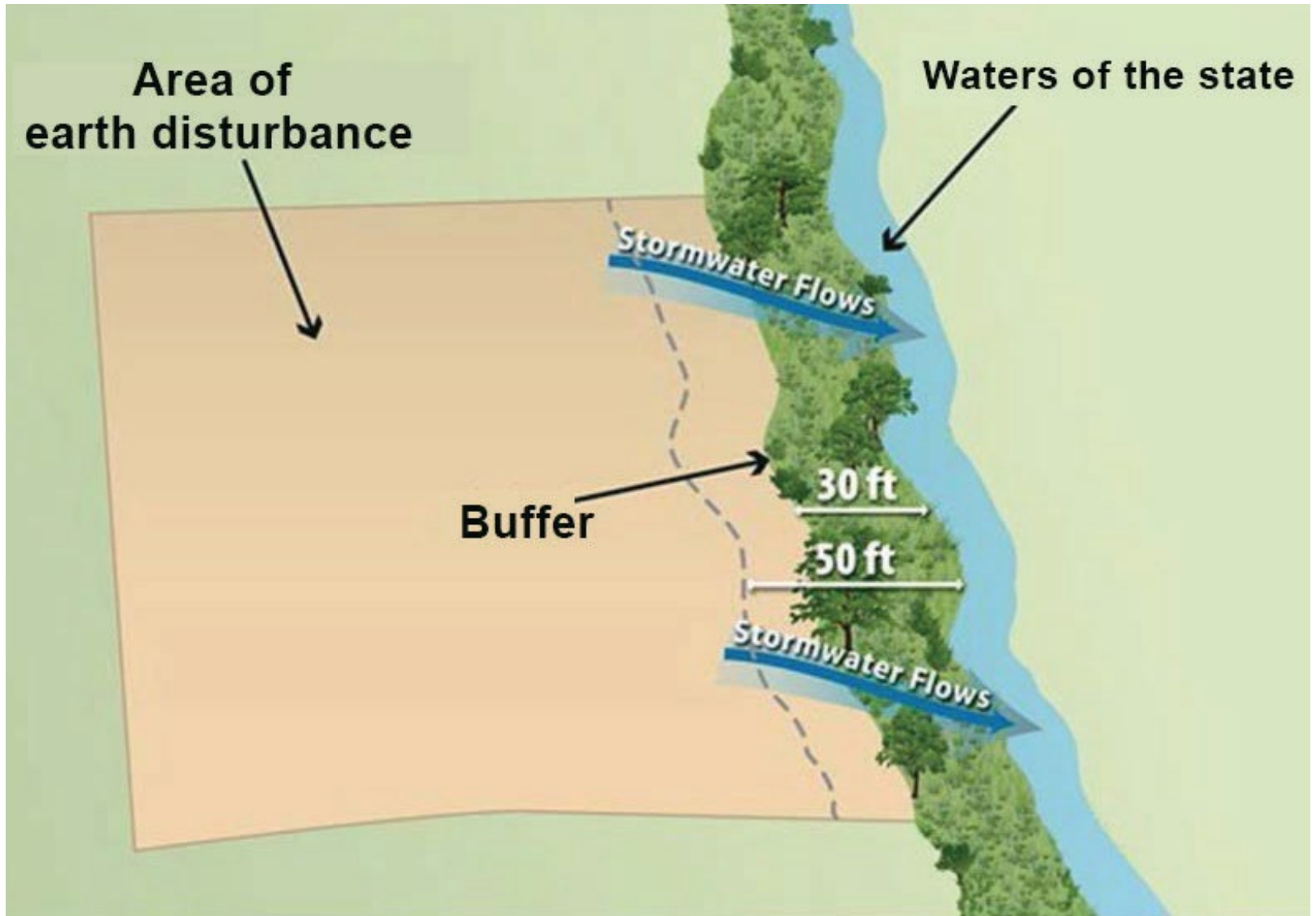
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DEQ is a leader in
restoring, maintaining and
enhancing the quality of
Oregon's air, land and
water.



State of Oregon
Department of
Environmental
Quality

Appendix B - Buffer Zone



Permit Requires Additional Tasks

- ESCM has more duties
- Threshold for monitoring after rainfall has changed
- Stricter oversight of concrete wash and alkalinity in stormwater runoff
- Environmental Management Plans (EMP)
- Sheets for each phase of construction
- Buffer Zones
- YDO Electronic Portal required for submittals

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 will require payments through web portal
- ✓ Drafting Standards must adapt

- ✓ 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

Contractors are ODOT's partner in environmental protection and Permit compliance





Questions?