

State of Oregon

## Department of Environmental Quality

## Memorandum

**To:** Administrative File  
Proposed NPDES General Permit 1200-C and 1200-CN  
Water Quality Division

**Date:** November 30, 2010

**From:** Erich Brandstetter and Jenine Camilleri, Water Quality Division

**Subject:** National Pollutant Discharge Elimination System (NPDES) General Permit 1200-C  
Renewal Evaluation Report

**BACKGROUND**

DEQ is proposing changes to the NPDES 1200-C general permit for construction stormwater discharges issued by the Department of Environmental Quality (DEQ) that became effective in November 2005 and expires on November 30, 2010. This permit covers the discharge of stormwater runoff from construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to surface waters of the state or conveyance systems leading to surface waters of the state. Also included are activities that 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. The construction activities covered are identical to those identified in 40 Code of Federal Regulations (CFR) §122.26.

Currently, there are approximately 1,200 construction projects throughout the state registered under the 1200-C permit. In 2010, approximately 300 new construction projects registered under the 1200-C permit.

**SUMMARY OF KEY CHANGES TO THE PERMIT**

Most of the conditions in the expiring 1200-C permit are retained in the proposed permit. However, the permit has been substantially reorganized and reworded to improve clarity. In addition, the following key changes were made:

- **Reducing dual regulation.** Pursuant to federal regulations promulgated by EPA (40 § CFR 122.28 (b)(2)(v)), some dischargers may be authorized to discharge under a general permit without submitting a permit application or a notice of intent (NOI) and are automatically covered under the permit. Construction activities that are less than 5 acres that are regulated by a local erosion and sediment control program that has been reviewed by DEQ are eligible for automatic coverage and are not required to submit a permit application to DEQ. These construction activities must meet a different set of requirements in the proposed 1200-C permit. To clarify the distinction between automatically covered construction activities and registered construction activities, the 1200-C permit was re-organized into two similar permits: the 1200-CN for automatically covered construction activities, and the 1200-C for registered construction activities.
- **Clarifying requirements for smaller lots that are part of a common plan of development or sale.** Changes were made to improve clarity and implementation of requirements that apply to construction activities on lots that are less than one acre and part of a common plan of development or sale, including a process for registering these smaller lots under the permit and terminating the developer's permit coverage.

- Reducing paperwork associated with reporting requirements. Changes were made to improve efficiency and effectiveness in the reporting process, including specifying certain events that trigger a report and simplifying the reporting process.

More information on these proposed changes to the permit is provided below. DEQ made these changes based on input from stakeholders during 2010, and the evaluation of the permit by DEQ staff. These revisions reflect improvements or enhancements that will result in more efficient and effective implementation of permit requirements and additional control of sediment and erosion from construction activities that may discharge to surface waters of the state during storm events.

## **SOURCES COVERED BY THIS PERMIT**

The cover page of the 1200-C permit describes the types of discharges eligible for permit coverage. Upon issuance, the cover page will also include the expiration date that will not exceed five years from the date of issuance.

DEQ made minor changes to this section, including a reference to construction activities that are automatically covered under the permit and are not required to submit an application for permit coverage to DEQ.

DEQ also clarified that certain discharges are not authorized by the 1200-C permit (for example, post-construction stormwater, and stormwater associated with certain silvicultural practices).

## **SCHEDULE A - CONTROLS AND LIMITATIONS FOR STORMWATER DISCHARGES AND EROSION AND SEDIMENT CONTROL PLAN**

### **ANTIDegradation REVIEW**

DEQ's antidegradation policy in OAR 340-041-0026 requires a review of discharges to surface waters to determine if existing water quality will be protected and maintained. For general permits, DEQ conducts such a review. The proposed permit prohibits any violations of in-stream water quality standards. The ESCP and performance requirements in the permit are designed to ensure water quality standards will be met. Because no requirements in the proposed 1200-C permit are being relaxed or eliminated, DEQ has determined that the renewal of this general permit will not result in increased pollutant loads.

With regard to potential new pollution loads by new construction activities, DEQ believes that there will not be a net increase from these new sources. The pollutant loads from permitted construction sites are not permanent. The number of permit applications for new construction activity each year is generally balanced by the cessation of construction activity at sites receiving permit coverage in previous years; recent years have seen a dramatic decline in new permit registrations from nearly 600 in 2007 to less than 100 in 2009. Although construction activities are inherently variable, it is unlikely that the amount of construction activity covered under the proposed permit will increase significantly above the highest levels experienced under the expiring permit.

## **PART I. AUTOMATICALLY COVERED CONSTRUCTION ACTIVITIES**

### **Background:**

Federal general permit regulations provide DEQ with the ability to recognize certain construction activities as being automatically covered under the 1200-CN permit without formally registering for the permit. Specifically, 40 CFR § 122.28 (b)(2)(v) states that some dischargers "may, at the discretion of the Director, be authorized to discharge under a general permit without submitting a notice of intent where the Director finds that a notice of intent requirement would be inappropriate. In making such a finding, the Director shall consider: the type of discharge; the expected nature of the discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges; other means

of identifying discharges covered by the permit; and the estimated number of discharges to be covered by the permit. The Director shall provide in the public notice of the general permit the reasons for not requiring a notice of intent.” Dischargers who are not required to submit an NOI would automatically receive coverage under the permit for their regulated activities, and would be authorized to discharge in accordance with the permit requirements. EPA most recently used this regulation when it issued the Vessel General Permit (available at [http://cfpub.epa.gov/npdes/home.cfm?program\\_id=350](http://cfpub.epa.gov/npdes/home.cfm?program_id=350)).

To reduce the overlap and redundancy between local construction stormwater programs and state stormwater permitting regulations, DEQ is proposing that certain construction projects located in local jurisdictions in the state are automatically covered under the 1200-CN permit. Automatically covering construction projects in these jurisdictions helps operators by reducing dual permitting. Operators in these jurisdictions are required to meet local stormwater requirements, but are not required to apply for the 1200-CN permit. This will alleviate the construction operator's paperwork, and ease the perceived compliance burden among the regulated industry. This approach will result in strategic use of resources and improvements in environmental protection by state and local jurisdictions.

#### Performance Measures in Proposed Permit

In addition to meeting the requirements of the local stormwater program, owners or operators of automatically covered construction activities must comply with a set of minimum requirements in Schedule A, conditions 3 through 6.

The following performance measure requirements in the proposed 1200-CN permit apply to these projects:

- No significant discharge of sediment or turbidity, and
- Do not cause or contribute to a violation of instream water quality standards.

These performance measures are key requirements in the permit. Construction operators must ensure that they are properly implementing and maintaining BMPs to ensure that erosion is controlled and sediment does not discharge to surface waters during storm events. If a construction operator fails to meet these requirements, DEQ maintains its enforcement authority under the 1200-C permit and can initiate a formal enforcement action based on a violation of these measures.

#### Application of Federal Regulations for Automatically Covering Certain Construction Projects:

Table 1 below summarizes DEQ’s application of 40 CFR § 122.28 (b)(2)(v).

**Table 1. Summary of DEQ’s application of 40 CFR § 122.28 (b)(2)(v)**

<b>Issue</b>	<b>Response</b>
The type of discharge	Stormwater runoff from construction activities.
The expected nature of the discharge	Stormwater potentially mixed with sediment from disturbed soils and contamination associated with construction.
The potential for toxic and conventional pollutants in the discharges	Potential to discharge sediment, if proper erosion and sediment control procedures not followed.
The expected volume of the discharges	Volume from maximum size project estimated at 5,000 – 18,000 cubic feet per day.
Other means of identifying discharges covered by the permit	The discharges will be identified and regulated through local programs required by MS4 permits or IGA.
The estimated number of discharges	200-300

Below, DEQ has provided more detail on applying the federal regulations:

The type of discharge

The type of discharge is stormwater runoff from construction activities.

The expected nature of the discharge

The discharge is stormwater potentially mixed with sediment from disturbed soils and contamination associated with construction.

The potential for toxic and conventional pollutants in the discharges

If proper erosion and sediment control practices are not followed, there is potential discharge of sediments to state surface waters. The primary concern other than sediment may be leaking oils or fuels. However, toxic materials are not typically used at construction sites, when they are, BMPs are required to control potential releases, and BMPs for sediment control are likely to control other pollutants. Therefore, the potential for discharge of toxic and conventional pollutants is low, and at low levels.

Automatic coverage will not apply to construction projects that discharge to a waterbody that is listed for turbidity or sedimentation on the most recently EPA-approved Oregon 303(d) list or that has an established Total Maximum Daily Load (TMDL) for sedimentation or turbidity. Construction projects discharging to these waterbodies will be required to register for the 1200-C permit and meet all the requirements in the permit.

The expected volume of the discharges

Volume of discharges was estimated using the following process:

1. Estimate typical daily rainfall depth in Oregon.
2. Estimate an extreme rainfall depth in Oregon.
3. Place a limit on the maximum size of disturbance that can be automatically covered.
4. Assuming all rainfall becomes discharge (that is, no rainfall infiltrates or is captured), calculate the discharge volume for the maximum size disturbance.

Step 1: To estimate the volume of discharges, National Weather Service daily rainfall data for 4 years (2007-2010) were obtained for the following stations:

**Table 2. Weather Stations**

<b>Region</b>	<b>Weather Station ID</b>	<b>Location</b>
North	KORPORTL27	Near 136 <sup>th</sup> & Division, Portland, OR
Central	WU-Corvallis, OR	Corvallis, OR
	WU-MFNWO3	Corvallis, OR
	WU-KORMONRO2	Monroe, Monroe, OR
South	KRBG	Roseburg, OR
	KORROSEB3	Hucrest, OR

Step 2: The median rainfall was calculated for each region by combining data from all selected stations within each region. Days with little or no rainfall (less than 0.1 inch per day) were excluded from this calculation. Conceptually, this is the typical rainfall for days when there was rain, or the median “rain per wet day.”

In addition, the 95<sup>th</sup> percentile value was calculated for days with rain (95 percent of the daily rainfall will be less than the 95<sup>th</sup> percentile rainfall amount). The 95<sup>th</sup> percentile provides an estimate of an extreme rainfall amount. The results are presented below:

**Table 3. Rainfall Estimations**

<b>Region</b>	<b>Typical Daily Rainfall (inches)</b>	<b>Extreme Daily Rainfall (inches)</b>
North	0.23	0.86
Central	0.28	0.99
South	0.25	0.87

Because there was little variation between regions, only the largest values (Central Region) were used in subsequent calculations.

Step 3: A disturbed area of less than 5 acres was selected as the limit for construction activities that can be automatically covered, based on the following factors.

- First, 40 CFR § 122.26 (b)(15) defines “small construction” as disturbance less than 5 acres:  
“Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.”
- Second, the 1200-C permit requires public notice and comment for construction projects that disturb 5 or more acres.

Step 4: The area of 5 acres was multiplied by the rainfall depths of 0.28 and 0.99 inches, then converted to cubic feet, to obtain a typical daily flow of 5,000 cubic feet per day (38,000 gallons per day), and an extreme flow of 18,000 cubic feet per day (134,000 gallons per day). These are relatively small amounts. For example, 5,000 cubic feet is slightly less than the volume of a semi truck trailer. Actual flows would generally be much less than these estimates due to infiltration.

#### Other means of identifying discharges covered by the permit

DEQ is proposing that construction projects located within following areas may be automatically covered under the proposed 1200-CN permit if they meet the elements below:

- Projects within local jurisdictions with MS4 permits.
- Projects that are outside of a jurisdiction’s MS4 boundary, but in areas regulated by the jurisdiction.
- Projects that are regulated by local jurisdictions that do not have MS4 permits, but have construction stormwater programs.

The MS4 permits require jurisdictions to establish and maintain construction stormwater programs, thus ensuring that there is another means of identifying these discharges. In addition, each jurisdiction’s construction stormwater program was reviewed by DEQ to verify that it included the essential elements below:

- Plan review: the local jurisdiction routinely reviews erosion and sediment control plans.
- Ordinances: the construction program is codified in local ordinance.
- Site inspection: the local jurisdiction conducts site inspections.
- Enforcement: the local jurisdiction has enforcement authority in order to respond to violations.

- Required: automatic covering applies to construction activities within the MS4 boundary.
- Size of disturbed area: the local ordinances must apply to the range of sizes automatically covered.

Applying automatic covering outside of a jurisdiction's MS4 boundary may be accepted if the jurisdiction signs an Inter-governmental Agreement (IGA) with DEQ. This IGA would provide the assurance of "other means of identifying discharges" by committing the jurisdiction to maintain the program, and to notify DEQ in the event of any changes or elimination of the program. In addition, a local government that does not have an MS4 permit may become eligible for automatic covering if their construction stormwater program is adequate and if they establish a similar IGA regarding their program.

The ordinances in some jurisdictions apply only to construction activities that disturb less than one acre. Therefore, automatic covering is provided in two size categories, corresponding to jurisdiction's local ordinance:

- Automatic covering of all construction activities that disturb less than 5 acres.
- Automatic covering of construction activities that 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

Jurisdictions with an eligible construction stormwater program that meets the elements above may opt in or out of automatic covering projects within their jurisdiction under the 1200-CN permit. The local jurisdictions listed below have eligible construction stormwater programs and have agreed to participate in the automatic covering approach for regulating construction stormwater projects.

Construction activities that will disturb less than 5 acres:

- Albany
- Corvallis
- Eugene
- Milwaukie
- Springfield
- West Linn
- Wilsonville
- Clackamas County Water Environment Services, within its two service districts Clackamas County Service District #1 and Surface Water Management Agency of Clackamas County
- Rogue Valley Sewer Services, including:
  - Central Point
  - Phoenix
  - Talent
  - Portions of Jackson County in Rogue Valley Sewer Services' MS4 Phase II Permit area
- Clean Water Services, including:
  - Banks
  - Beaverton
  - Cornelius
  - Durham
  - Forest Grove
  - Hillsboro
  - King City
  - North Plains
  - Sherwood
  - Tigard
  - Tualatin
  - Washington County within the Urban Growth Boundary

- Portions of Lane County that are in Lane County's MS4 Phase II Permit area
- Multnomah County

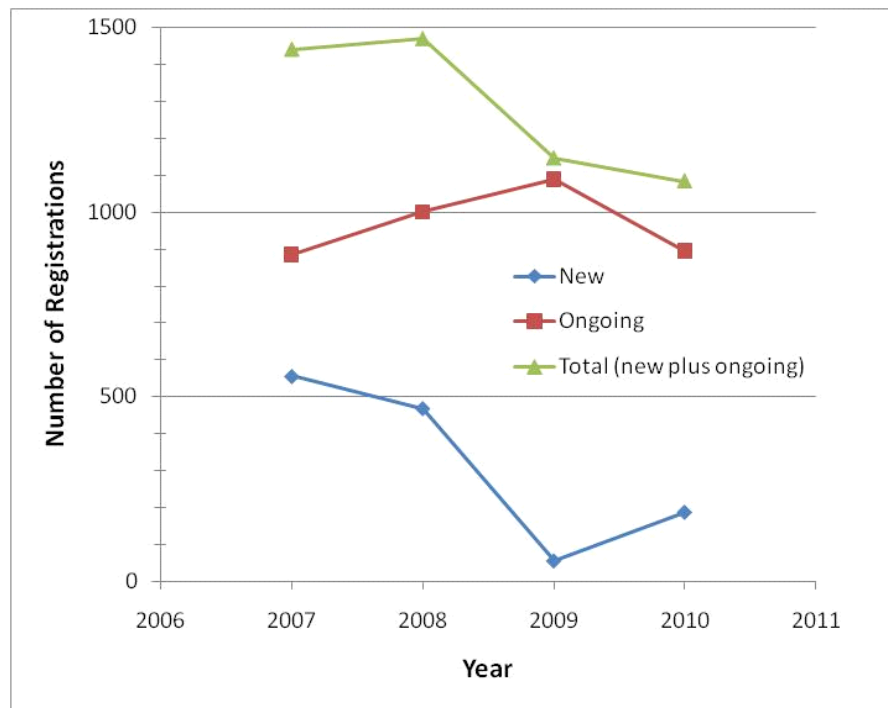
Construction activities that will disturb less than 1 acre:

- Gresham
- Troutdale
- Wood Village

This approach does not add any requirements to the local jurisdictions' construction stormwater programs nor create any additional legal liabilities. The projects within these jurisdictions will be required to meet local construction stormwater requirements as well as the performance measures in the 1200-CN permit. DEQ can assist local jurisdictions with enforcement if these projects fail to meet the performance measures in the proposed 1200-CN permit and local enforcement measures have not resulted in compliance. DEQ also retains the right to require automatically covered construction activities to submit a 1200-C permit application to DEQ when DEQ determines that registration is desirable to ensure protection of water quality.

#### The estimated number of discharges covered by the permit

To estimate the number of discharges to be automatically covered, DEQ reviewed historical registration data for projects that disturbed less than 5 acres from 2007 to 2010 (Figure 1). The total number of active projects has steadily declined during that period. Based on this history, it is reasonable to expect that between 1,000 and 1,500 construction projects that disturb less than 5 acres will be active at any given time during the next permit cycle. This represents all construction throughout the state. The number of construction projects automatically covered will be some fraction of this – those projects that are within the jurisdictions that utilize automatic covering. DEQ is estimating that approximately 200-300 projects will be within jurisdictions where automatically covering will be implemented (assuming 20% of these construction projects are within the jurisdictions listed above).



**Figure 1. Number of new construction projects registered and the number of ongoing construction projects (ongoing projects are those that were registered in previous years).**

### **Summary of Automatically Covered Construction Projects**

The core elements of automatically covered construction projects are:

- Automatically covered construction projects must be less than 5 acres.
- Automatically covered construction projects must be in a jurisdiction with a DEQ-reviewed construction stormwater program that contains the elements described above.
- Automatically covered construction projects must not have a potential to discharge to a waterbody that is 303(d)-listed for turbidity or sedimentation or that has a TMDL for sedimentation or turbidity.
- Operators of automatically covered construction projects do not submit a 1200-CN permit application, including a Erosion and Sediment Control Plan and Land Use Compatibility Statement. Also, these projects do not pay permit fees to DEQ.
- Automatically covered construction projects are required to meet performance measures in the proposed 1200-CN permit:
- The local jurisdiction must be undergirded by an MS4 permit or an IGA with DEQ.
- The local jurisdiction must request that construction projects in their jurisdiction be automatically covered. It is not mandatory for local jurisdictions to implement this new approach.
- DEQ retains the right to require automatically covered construction activities to submit a 1200-C permit application to DEQ.

## **PART II. REGISTERED CONSTRUCTION ACTIVITIES**

### **REGISTERING NEW CONSTRUCTION ACTIVITIES (1200-C SECTION A.1)**

This section addresses registration and public notice for new construction activities that are submitting permit applications to DEQ. For new activities, applications must be submitted at least 30 days before beginning construction activities unless otherwise approved by DEQ. The public notice process for construction activities that disturb 5 or more acres during the life of the project remains the same.

Requirements for Lots that are Less Than One Acre and Part of a Common Plan of Development or Sale  
DEQ is proposing changes to the 1200-C permit to improve the clarity and implementation of requirements that apply to construction activities on lots that are less than one acre and part of a common plan of development or sale. A new paragraph has been added to Section 1 to explain the registration requirements for activities that disturb less than one acre that are part of a common plan of development or sale that will disturb one acre or more.

#### Applicable fees for construction activities that register for 1200-C permit coverage

The developers will be required to pay DEQ application fees (includes first year annual fee) and subsequent annual permits fees until they terminate the 1200-C permit. Individual lot owners will be required to pay DEQ application fees before beginning construction, and subsequent DEQ annual permit fees until they terminate the 1200-C permit for their individual lots.

If construction activities are automatically covered by the permit, the developer or individual lot owner is not required to pay DEQ permit fees, but may be required to pay fees imposed by the local jurisdiction.

### **RENEWING PERMIT COVERAGE (1200-C SECTION A.2)**

Owners or operators of existing construction projects who expect their construction activities to continue beyond November 30, 2010 must submit renewal applications by November 30, 2010. If a renewal application is not submitted by this date, the owner or operator must submit a new permit application for activities continuing beyond November 30, 2010.

### **LIMITATIONS ON COVERAGE (1200-C and 1200-CN SECTION A.6)**

A new section has been added in response to input from stakeholders. In practical terms, this section does not change requirements, because these discharges have always been implicitly prohibited under the permit. This section simply makes the prohibition explicit and unambiguous. The following discharges are not authorized by the permit: contaminated wash water and discharges contaminated with fuel, and oil or soaps.

### **CONTROL MEASURES (1200-C SECTION A.7)**

This section addresses erosion and sediment control BMPs (Best Management Practices) that should be implemented, if appropriate for the site. Minor revisions were made to improve clarity and to improve consistency with current terminology. In addition, some BMPs were taken out of the permit. This does not imply that these BMPs are prohibited from being used, but was done only to improve consistency with current practices.

Permit registrants are required to implement the BMPs that are appropriate for their site. If they fail to do so, it is a violation of the permit. Permit registrants must also document the BMPs that will be implemented in the Erosion and Sediment Control Plan (ESCP).

### **TMDL AND 303(d) LISTED WATERBODIES (1200-C SECTION A.11)**

The expiring permit provided permit registrants that have the potential to discharge to waterbodies that are 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 with the option of monitoring their discharge to meet a turbidity benchmark or implementing specific BMPs to control sediment and erosion from their site. During the past permit cycle a small percentage (approximately 1%) of permit registrants discharged to these waterbodies, and no registrants chose the monitoring option. Therefore, this option seems to be an unnecessary complication, and DEQ is proposing to eliminate it from the permit. DEQ does not believe that this change will relax the permit requirements or result in less water quality protection since the BMPs in the permit are effective at controlling and treating sediment and turbidity.

### **EROSION AND SEDIMENT CONTROL PLAN (1200-C SECTION A.12)**

There were minor changes to the Preparation and Required Elements portions of this section, such as adding “Oregon Certified Engineering Geologist” to the list of professionals that are qualified to prepare the ESCP.

DEQ received the following input from stakeholders and DEQ staff regarding modifying the reporting requirement related to ESCP revisions:

- Too many submissions of revised plans: It is inherent in construction that many minor changes are made to plans. This generates many Action Plans. Resources aren’t available to review them all, and many of the changes aren’t significant enough to warrant review.
- Submission process not effective: The Action Plan process was often too cumbersome and did not work well for many types of ESCP revisions. A lengthy form was required to document relatively minor changes.

The first comment was addressed by limiting the submission of revisions to a specific list of reasons:

- Part of a Corrective Action.
- Change (increase or decrease) in the size of the project.
- Change (increase or decrease) in the size or location of disturbed areas.

- Change to BMPs (for example, type, design or location).
- Change in erosion and sediment control inspector.

The second comment was addressed by eliminating the Action Plan requirements in the expiring permit and the requirement to submit a form that identifies the changes to the plan. Instead, ESCP revisions under the proposed permit will be submitted as revised pages or drawings.

### **CORRECTIVE ACTIONS (SECTION A.13)**

As in the expiring permit, the proposed permit requires corrective actions if there is a significant discharge of sediment (A.8.) or if the construction activity causes or contributes to a violation of water quality standards (A.10).

DEQ is proposing in the new permit that permit registrants submit a corrective action report within 10 days. The report is similar to the Action Plan form. However, the Action Plan form has been eliminated to simplify reporting and to eliminate reporting of unnecessary information.

If the ESCP was modified as part of the corrective actions, ESCP revisions must be submitted as part of the 10-day report. Note that a corrective action does not necessarily require an ESCP revision. Furthermore, while an ESCP revision may be part to a corrective action, the ESCP may be revised for a variety of other reasons (for example, relocation of a site exit). The corrective action and ESCP revision are two separate activities, and may or may not be connected in any particular instance.

## **SCHEDULE B MINIMUM MONITORING AND RECORDKEEPING REQUIREMENTS**

### **INSPECTIONS (1200-C and 1200-CN SECTION B.1)**

A minimum inspection frequency of “at least once every two (2) weeks, regardless of runoff” was added to the 1200-C to help ensure that BMPs are proactively maintained. Inspection frequencies were slightly decreased in the 1200-CN, because the automatically covered construction projects are subject to local requirements.

## **SCHEDULE D SPECIAL CONDITIONS**

### **TERMINATION OF PERMIT REGISTRATION (SECTION 3)**

Permit registrants must meet seven “Final Stabilization Conditions” prior to terminating their coverage under the permit. Five of these are carried over from the expiring permit with minor changes. Two requirements were added:

- All outstanding compliance issues must be resolved. This was added to give DEQ greater authority when operators are out of compliance.
- Photo-documentation that depicts site stabilization must be submitted. It is not always possible for DEQ to inspect sites before termination. Photo-documentation was added to provide DEQ with an alternative to site inspection, when site inspection is not possible.

Also, an option to terminate registration if the project never started has been added. The only requirement is submission of the Notice of Termination.

In addition, DEQ is proposing changes to the 1200-C permit to clarify termination requirements for the larger development project (that is, the common plan of development or sale) and the individual lots that are part of the common plan.

The typical common plan of development or sale scenario is a residential subdivision in which a developer purchases the property and is the owner/operator for construction of roads, power, and other infrastructure. The developer then sells portions of the property (“lots”) to other operators who then build houses. The developer may terminate coverage after completion of the infrastructure, but before all of the lot construction is completed. The permit was revised to clarify requirements for this situation. Prior to termination, the following conditions must be met:

1. All portions of the site for which the developer is responsible must meet final stabilization criteria;
2. All portions of the original common plan of development or sale that have been sold must either meet final stabilization criteria or be covered by the 1200-C or 1200-CN; and
3. The owner/operator of the common plan must submit an update of the ESCP depicting new site boundaries (based on the sale of portions of the common plan).

Also, the owner/operator of an individual lot or lots in a common plan of development or sale must obtain permit coverage (under the 1200-C or 1200-CN) prior to any ground disturbing activity.

Implications of this process include:

- The developer can terminate coverage while construction continues on lots that have 1200-C or 1200-CN coverage.
- The developer can terminate coverage prior to selling all the lots.
- The developer can terminate coverage when sold lots do not have a permit, but only if these lots meet final stabilization criteria.
- The developer may not terminate coverage if there is any ground disturbance not covered by the 1200-C or 1200-CN permit, even if it is on a lot that has been sold.
- If the developer will also be doing construction on all or some of the lots, the initial permit application can address this construction.

## **SCHEDULE F – GENERAL CONDITIONS**

Schedule F includes the general conditions that are applicable to all NPDES permits and are adopted directly from 40 CFR Part 122. They deal with operation and maintenance, monitoring and record keeping, and reporting requirements. The department recognizes that a majority of these conditions do not apply to stormwater discharges. Many specifically address industrial and domestic wastewater treatment facilities. However, the stormwater permits are NPDES permits and these conditions are required for all such permits. Several minor revisions were made to the general conditions to update them to the most current version in use by the DEQ and EPA.