

**BENTON COUNTY USE ONLY**

Applicant:
 PW#:
 BLD#
 Receipt #:
 Issue Date:

EROSION AND SEDIMENT CONTROL (ESC) PERMIT CONDITIONS

THIS PERMIT IS NON-TRANSFERRABLE

1.1 MINIMUM TRIGGERS FOR INSPECTION

- 1) Maintain all ESC measures as illustrated in approved drawings, notes, and details.
- 2) Inspect and repair/adjust measures after rainfall events with accumulation of 0.5" or more of precipitation in a single 24-hour period.

1.2 MINIMUM INSPECTION DOCUMENTATION REQUIREMENTS

- 1) A review and evaluation of the Erosion and Sediment Control Plan (ESCP) to determine if the described control measures were installed, implemented and maintained properly.
- 2) An assessment of the site's compliance with the permit registrant's requirements, including the implementation and maintenance of the required control measures.
- 3) Visual observations and documentation of any existing or potential non-stormwater discharges, illicit connections or discharge of pollutants from the site. Documentation of recommendations to the construction site operator for follow-up.
- 4) If necessary, education or instruction provided to the construction site operator related to additional stormwater pollution prevention practices to comply with the approved ESCP.
- 5) A written or electronic inspection report, including documentation of all necessary follow-up actions (e.g. re-inspection, enforcement, etc.) to ensure compliance with their applicable requirements. Example inspection forms are available upon request.

1.3 RESPONSIBLE PERSON THAT MUST OBTAIN COVERAGE UNDER THIS GENERAL PERMIT

The following is considered a responsible person for coverage under this permit if either of the following criterion are met:

- 1) The responsible person has operational control over construction plans and specifications, including the ability to make or approve modifications to those plans and specifications (e.g. the owner of the site, agent of owner, engineer); or
- 2) The responsible person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g. inspectors certified by DEQ approved programs). The responsible person must

provide proof of registration as required by the Benton County Development Code.

1.4 CHANGES TO APPLICATION INFORMATION

Registrants must notify Benton County regarding any changes to the information provided on the ESC application by submitting the following within 30 days of occurring:

- 1) Changes to the registrant's mailing address, email address, and phone number;
- 2) Changes to the on-site contact person information;
- 3) Changes to the area/acreage affected by construction activity.

1.5 PROHIBITED DISCHARGES

The following discharges are prohibited discharges and are not authorized by this permit:

- 1) Visually turbid discharge or discharge of sediment from the construction site to surface waters or a conveyance system that leads to waters of the state as defined by ORS and OAR;
- 2) Any discharge causing or contributing to an exceedance of any applicable water quality standard;
- 3) Concrete wastewater from washing tools and vehicles after pouring, prepping, or finishing concrete;
- 4) Wastewater from washing and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- 5) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- 6) Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown;
- 7) Wheel/tire wash wastewater, unless the discharge of wheel wash or tire bath wastewater is to a separate treatment system that prevents discharge to surface water, such as closed loop recirculation or upland surface application, or to the sanitary sewer if approved by the local jurisdiction;
- 8) Hydro-demolition water, and saw-cutting slurry; and
- 9) Toxics or hazardous substances from a spill or other release.
- 10) To prevent the above-listed prohibited non-stormwater discharges, registrants must comply with the applicable Pollution Prevention requirements below.

1.6 ENSURE THAT ALL STORMWATER CONTROLS ARE MAINTAINED AND REMAIN EFFECTIVE

Permit registrant must ensure that all stormwater controls are maintained and remain effective during permit coverage and are protected from activities that would reduce their effectiveness including:

- 1) Follow maintenance recommendations from the manufacturer and utilize appropriate, recognized and generally accepted engineering and professional practices based on site conditions. The registrant must document deviations from manufacturer recommendations in the inspection report.
- 2) Comply with any specific maintenance requirements for the stormwater controls implemented as required in this permit and in the ESCP. Regular maintenance is required and is not limited to response actions that result from inspections or identified problems.
- 3) Initiate repairs and replacements of stormwater controls when maintenance issues are discovered;

- 4) Record any stormwater controls installed (where none had previously been), repaired, replaced, or removed.

1.7 MAINTAINING EROSION AND SEDIMENT CONTROLS

Maintain specific erosion and sediment controls as follows:

- 1) Inspect and maintain erosion control measures (e.g. reseed, apply additional mulch, address blanket malformation and soil sloughing underneath).
- 2) Remove trapped sediment from sediment fence before it reaches one third of the above ground fence height.
- 3) Remove sediment before it reaches two inches above ground for sediment barriers such as straw wattles and biobags.
- 4) Clean catch basins before sediment retention capacity is reduced by 50 percent.
- 5) Remove sediments from sediment basins before design capacity is reduced by 50 percent.

1.8 ACTIVITIES BEFORE CONSTRUCTION COMMENCES

Before construction activities commence the permit registrant must identify and protect any:

- 1) Riparian areas and vegetation including trees and associated root zones, and vegetation areas to be preserved;
- 2) Vegetated buffer zones between the site and sensitive areas (e.g. wetlands, springs, groundwater seeps, etc.), and other areas required to be preserved, especially in perimeter areas; and
- 3) Post-construction stormwater facilities designed and engineered to infiltrate or filter stormwater.

1.9 SEQUENCE CLEARING, GRADING AND OTHER LAND DISTURBING ACTIVITIES

- 1) Permit registrant must sequence clearing, grading and other land disturbing activities to the maximum extent practicable to prevent exposed inactive areas from causing erosion.

1.10 PREVENT BYPASS AND PONDING

- 1) Create smooth surfaces between the soil surface and erosion and sediment controls when possible to prevent stormwater from bypassing controls or ponding.

1.11 VEGETATION

- 1) When possible preserve existing vegetation;
- 2) Direct stormwater to vegetated areas to maximize stormwater infiltration and filtering to reduce pollutant discharges where feasible;
- 3) Re-vegetate open areas as soon as the site is no longer active; and
- 4) Identify the composition of seed mix (percentage of annuals, perennials, and clover) and other plantings used to establish temporary cover in the ESCP.

1.12 ESTABLISH AND MAINTAIN NATURAL BUFFER ZONES AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS

When surface waters of the state, as defined by ORS and OAR, is located within 50 feet of the site's land disturbances the registrant must comply with local natural buffer zone requirements before proposing the following compliance alternatives. For any

discharges to those waters located within 50 feet of the site's land disturbances, the registrant must comply with one of the following alternatives:

- 1) Maintain a 50-foot undisturbed natural buffer zone; or
 - a. Maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer (see Appendix B); or
 - b. If infeasible to provide and maintain an undisturbed natural buffer zone of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer zone.

1.13 PREVENT SEDIMENT TRACK-OUT

To prevent sediment track-out onto public or private roads do the following:

- 1) Establish graveled or paved exits and parking areas prior to any land disturbance;
- 2) Restrict vehicle use to properly designated entry and exit points. Use appropriate stabilization techniques at all points that exit onto paved roads (e.g. aggregate stone with an underlying geotextile or non-woven filter fabric; and turf mats);
 - a. Exception: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to prevent sediment track-out;
- 3) Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit (e.g. wheel and tire washing, rumble strips, and rattle plates);
- 4) Gravel all unpaved roads located onsite unless temporary or permanent stabilization measures are not required;
- 5) Cover all sediment loads leaving the site;
- 6) When trucking saturated soils from the site, use water-tight trucks or drain loads on site;
- 7) Where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas outside of the site, remove the sediment by the end of the same business day that the track-out occurs or by the end of the next business day if track-out occurs on a nonbusiness day. Track-out must be removed by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal; and
- 8) Hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the state is prohibited.

1.14 PREVENT WIND EROSION AND CONTROL DUST

- 1) Prevent wind-blown soil and dust from areas with exposed soil through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site. Federal regulation 40 CFR Part 279 prohibits the use of used oil as a dust suppressant.

1.15 PREVENT THE DISCHARGE OF SEDIMENT TO SURFACE WATERS OR CONVEYANCE SYSTEMS LEADING TO SURFACE WATERS OF THE STATE

The following conditions indicate that sediment has left or is likely to leave the site and are prohibited:

- 1) Required stabilization has not been initiated or completed;
- 2) Earth slides or mud flows;
- 3) Concentrated flows of stormwater such as rills, rivulets, gullies or channels that cause erosion when such flows are not filtered, settled, or otherwise treated to remove sediment;
- 4) Sediment laden or turbid flows of stormwater that are not filtered or settled to remove sediment and turbidity;
- 5) 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 a lack of maintenance or inadequate design are considered unprotected;
- 6) Sediment basins or traps without adequate wet or dry storage volume or sediment basins or traps that allow discharge of stormwater from below the surface of the wet storage portion of the basin or trap;
- 7) Deposits of sediment from the project site on any property (including public and private streets) outside of the construction activity covered by this permit;
- 8) Deposits of sediment from the project site at discharge locations or the banks of any waters flowing within or immediately adjacent to the site.

1.16 PREVENT SOIL COMPACTION

In areas of the site where final vegetative stabilization will occur or where post-construction infiltration practices will be installed the registrant must:

- 1) Preserve native topsoil by stockpiling or transferring to other locations, unless infeasible;
- 2) Restrict vehicle and equipment use in these locations to avoid soil compaction; and
- 3) Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

1.17 PROTECT STORM DRAIN INLETS

The following storm drain inlet protection measures are required:

- 1) Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that conveys stormwater flow, provided the registrant has authority to access the storm drain inlet; and
- 2) Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

1.18 ESTABLISH CONCRETE TRUCK AND OTHER CONCRETE EQUIPMENT WASHOUT AREAS BEFORE BEGINNING CONCRETE WORK

In addition, registrants must:

- 1) Wash concrete trucks and equipment in an appropriately protected area or in designated concrete washout areas only.
- 2) Direct all concrete wash water into an impermeable-lined pit or leak-proof container designed so that overflows will not occur due to inadequate sizing or precipitation.
- 3) Locate activities away from waters of the state and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the state.
- 4) Concrete wash may not adversely affect groundwater.
- 5) Concrete washout and waste concrete management areas must be maintained and functional.
- 6) Handle (e.g. through disposal, reuse or recycle) wash water as waste. Do not dispose of concrete wash water or wash out concrete trucks onto the ground, or into storm drains, open ditches, streets, or streams.
- 7) Not dump excess concrete on site, except in designated concrete washout areas.
- 8) Handle (e.g. through disposal, reuse or recycle) hardened concrete waste consistent with handling of other construction wastes.
- 9) Concrete spillage or concrete discharge to surface waters of the state is prohibited.

1.19 POLLUTION PREVENTION

Establish material and waste storage areas before construction activities commence.

Designate and isolate a specific area of the site for:

- 1) Sanitary services and/or port-a-pots
- 2) Hand washing stations
- 3) First aid stations
- 4) Dumpsters and/or waste bins
- 5) Materials stock pile areas
- 6) Waste handling and disposal stations

1.20 CONTROL STORMWATER DISCHARGES

Control all stormwater discharges, including both peak flowrates and total stormwater volume, to prevent channel and streambank erosion and scour in the immediate vicinity of discharge points as follows:

- 1) Use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to prevent erosion.
- 2) Protect stream banks from concentrated flows by constructing runoff control measures (e.g. check dams, outlet protection (riprap), pipe slope drains, swales/dikes, surface roughening).

1.21 MAINTAIN SITE

- 1) Clean up sediment that leaves the site and place sediment back on the site and stabilize, or disposed of sediment properly within 24 hours. In addition, the source(s) of the sediment must be controlled to prevent continued or additional discharge within 24 hours of being identified, and a corrective action report submitted to Benton County. Until the sediment or turbidity are no longer visually detectable, immediate corrective actions or the implementation of additional and appropriate BMPs is required to ensure the

registrant is not causing or contributing to a violation of water quality standards. Any instream cleanup of sediment may require authorization from the Oregon Department of State Lands.

- 2) Do not intentionally wash sediment into storm sewers or drainage ways. Methods such as vacuuming, dry mechanical sweeping, or manual sweeping must be used to cleanup released sediments.

1.22 STABILIZE EXPOSED PORTIONS OF THE SITE

Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydro-mulch, gravel) that prevent erosion from exposed portions of the site. Initiate the installation of temporary stabilization measures (e.g. blown straw and a tackifier, loose straw, compost mulch, temporary vegetative cover, crushed rock or gravel base), final vegetation cover, or permanent stabilization measures immediately whenever any land disturbing activities have permanently ceased or will be temporarily inactive on any portion of the site for 14 or more calendar days. Document the day the activities cease and the location on site in the visual monitoring report. Complete the installation of stabilization measures as soon as

1.23 FINAL STABILIZATION CRITERIA (FOR ANY AREAS NOT COVERED BY PERMANENT STRUCTURES)

Prior to permit termination, registrants must:

- 1) Establish uniform (i.e., evenly distributed, without large bare areas) perennial vegetation that provides 70 percent or more cover on all exposed areas. Limited allowable exceptions include:
 - a. For sites where it is difficult to establish 70 percent coverage (e.g. arid, semiarid, or drought stricken areas), the registrant must cover exposed soil between planted or seeded areas with bio or photo degradable controls designed to prevent erosion without active maintenance, or propose a site-specific plan to Benton County for approval.
 - b. Disturbed areas on farm use land as defined in ORS 308A.056 (e.g. pipelines across crop or range land, or staging areas for highway construction) that are restored to their preconstruction farm use are not subject to final vegetative stabilization criteria.
 - c. Stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials);
- 2) Implement temporary bio or photo-degradable non-vegetative stabilization measures (e.g. mulch or rolled erosion control products) to provide effective cover while vegetation is being established, to prevent erosion of the seeded or planted area;
- 3) Ensure that final vegetative cover or permanent stabilization is established before temporary sediment controls are removed unless doing so conflicts with local requirements;
- 4) Ensure there is no reasonable potential for discharge from the site of construction-related sediment or turbidity to surface waters;
- 5) Remove and properly dispose of all construction materials, waste and waste handling devices, and remove all equipment and vehicles that were used

- during construction, unless intended for long-term use following the termination of permit coverage;
- 6) Remove all temporary stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following the termination of permit coverage;
 - 7) Remove sediment from permanent (post-construction) structural stormwater facilities by over excavating and replacing with growth media before vegetating; and
 - 8) Remove all potential pollutants, including any sediment being retained by temporary erosion and sediment controls, and discontinued pollutant-generating activities associated with construct

2.1 POLLUTION PREVENTION CONTROLS

The registrant must implement pollution prevention controls in accordance with the following requirements to prevent the discharge of pollutants to stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities, such as building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, fuels, lubricants, and other materials present. The registrant must provide written spill prevention and response procedures, employee training on spill prevention and proper disposal procedures, spill kits available on site, regularly maintained vehicles and machinery, material delivery and storage controls, signage, and covered storage areas for waste and supplies.

2.2 POLLUTION PREVENTION CONTROL GENERAL CONDITIONS

Provide an effective means of eliminating the discharge of any waste from any activities performed on site by implementing the following:

- 1) Locate activities away from waters of the state and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the state;
- 2) Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of liquids, and provide secondary containment (e.g. spill berms, decks, spill containment pallets);
- 3) Have a spill kit available on site and ensure personnel are available to respond expeditiously in the event of a leak or spill;
- 4) Clean up spills or contaminated surfaces immediately using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge; and e. Store materials in a covered area (e.g., plastic sheeting, temporary roofs), or in secondary containment to prevent the exposure of these containers to precipitation or stormwater runoff, or a similarly effective means designed to prevent the discharge of pollutants from these areas.

2.3 PESTICIDES, HERBICIDES, INSECTICIDES, AND FERTILIZERS

Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Section 2.3.6). When applying fertilizers, registrants must:

- 1) Apply at a rate and in amounts consistent with manufacturer's specifications;

- 2) Apply at the appropriate time of year for the location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
- 3) Avoid applying before heavy rains that could cause excess nutrients to be discharged;
- 4) Never apply to frozen ground;
- 5) Never apply to stormwater conveyance channels; and
- 6) Follow all other federal, state, and local requirements regarding fertilizer application.

2.4 HAZARDOUS OR TOXIC WASTES

- 1) Separate hazardous or toxic waste from construction and domestic waste;
- 2) Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are clearly labeled with their contents in accordance with all applicable federal, state, tribal, or local requirements;
- 3) Store all outside containers within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available on site); and
- 4) Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements.

2.5 CONSTRUCTION AND DOMESTIC WASTES

- 1) Provide waste containers (e.g., dumpster, trash receptacle) that provide ground separation and are of sufficient size and number to contain construction and domestic wastes;
- 2) Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either (1) cover (e.g., a tarp, plastic sheeting, temporary roof) to prevent exposure of wastes to precipitation, or (2) a similarly effective means designed to prevent the discharge of pollutants (e.g., secondary containment);
- 3) Clean up and dispose of waste in designated waste containers; and d. Clean up immediately if containers overflow.

2.6 EMERGENCY SPILL NOTIFICATION REQUIREMENTS

Discharges of toxic or hazardous substances from a spill or other release are prohibited. Where a leak, spill, or other release containing a hazardous substance or oil occurs during a 24-hour period, the registrant must notify the Oregon Emergency Response System at (800) 452-0311 as soon as the registrant has knowledge of the release. Contact information must be in locations that are readily accessible and available to all employees.