DRAFT – Work in Progress 4/11/13

Comparison of Idaho's and Oregon's NPDES general permits for discharges from suction dredge mining activities. Some key differences highlighted in yellow.

NOTE: Idaho has not requested delegation of NPDES permit authority from EPA, so EPA issues NPDES permits in Idaho. Since EPA's permit issuances constitutes a "federal action" EPA is required to consult with NMFS and USFWS on the permit. Oregon is not required to consult on its permit because issuance of DEQ's permit is not a federal action.

Comparison of Small Suction Dredge GPs for Oregon and Idaho	EPA10 General Permit IDG-37-0000 (expires 04-30-2018)	DEQ General Permit 700PM (expires 12-31-2014)
Applicability and Notification (Application) Requirements		
Coverage and Eligibility. Effectively the same despite the fact that DEQ does not explicitly specify what are new or existing facilities in the permit. DEQ considers new and existing facilities for impaired water listings and Total Daily Maximum Load considerations according to rules for administering contaminant loads from existing facilities to impaired waters of not only the 700PM general permit but all other general and individual NPDES permits in the state.	Existing facilities defined as owners/operators covered by the Recreational Placer Mining General Permit by Idaho Dept of Water Resources (IDWR) may be eligible for coverage under this General Permit (GP). New/Recommencing facilities. Expanding operations shall submit a new Notice of Intent (NOI, or EPA's application) and terminate the current permit registration with issuance of new permit coverage.	New and existing facilities not specified in the permit.
Authorized operations. DEQ allows one suction dredge per permit and EPA10 allows one or multiple machines as long as cumulative of machines that equals one 5-inch nozzle and 15 horsepower. DEQ allows nonmotorized in-water devices. Note: the inside diameter of a 5-inch nozzle is 4-1/8-inch and is within 4-inch diameter tolerance.	Only covers suction dredges. Covers one 5-inch intake nozzle and 15 horsepower or diametrical equivalents like one 3-inch and one 2-inch machine or three 1-inch and one 2-inch machines with cumulative of 15 hp.	Covers small suction dredges and nonmotorized in-water devices (e.g. hand sluice box). Coverage of one suction dredge up to 4-inch nozzle and 16 horsepower in essential salmon habitat (ESH) and on small suction dredge with up to 6-inch hose and 30 hp outside ESH (note: practically not applicable because it would require an individual permit from DSL).
Federal lands. EPA's permit does not authorize suction dredging on those federal lands listed in the Idaho permit. DEQ does not specify federal land use provisions in its permits. DEQ does provide a limit to suction dredging by OAR 340-013 that prohibits visible turbidity in 12 of 47 Wilderness in Oregon. DEQ does coordinate with federal land authorities on this overlapping state authority. USFS did sanction DEQ's no visible turbidity in permitting of operations in the Kalmiopsis Wilderness that prohibited in-water placer mining (suction dredging).	Prohibits use in National Parks, Preserves, Monuments, Wildlife Refuges, Sanctuaries, or Wilderness Areas unless an approval by land use agency is submitted with application.	Prohibits visible turbidity in the 12 of the 47 National Wilderness Areas that were created prior to 1972 in Oregon per OAR 340-013.

Endangered Species Habitat. Idaho permit does not authorize mining discharges in waters with ESA species unless allowed by NMFS Consultation with USFS Plan of Operation if provided with NOI. Oregon has predetermined what time frame suction dredging is allowed and where restricted suction dredges and nonmotorized in-water devices can operate in ESH to not interfere with species needing protection including ESA listings.	Unless an ESA determination made through another process (e.g., USFS Plan of Operations and decision provided with the Notice of Intent (application for this permit), the Idaho permit does not cover operations in designated critical habitat under Endangered Species Act (ESA) or areas occupied by listed aquatic species (lists many waters of seven river basins) and four waters are listed to protect four snail species.	Allows work with up to 4-inch/16hp dredge in essential salmon habitat (ESH) during open in-water work periods according to ODFW in-water timing guidance.
Withdrawn River Segments. Uncertain if comparable Oregon statute for Idaho code. If Oregon has law that withdraws mineral entry and exploration on state lands, DEQ permit does not address it.	Withdraws mineral entry and exploration of five rivers according to Idaho code (sections 58-104(a) by State Land Board and 47-702 Mineral Rights in State Lands).	No such condition.
State Protected Rivers. Both permits seem to be equivalent.	Prohibits operations in State Natural River or State Recreational Rivers of eight rivers drainages pursuant to Idaho code section 42-1734A for all uses including recreational and drinking water supplies.	Prohibits operations in State Scenic Waterways. Provides drinking water intake protection.
Impaired Streams. Specific conditions in Idaho that limit suction dredging in impaired waters or those with TMDLs. Difficult to determine new versus existing permits for impaired waters in Oregon. Onerous on DEQ, other authorities, and third party to prove if suction dredging was existing or not. Conclusive proof could be 700PM/700J-700MAO registrations records and mineral claim records prior to impaired water listing.	Does not authorize discharges from waters impaired for mercury, siltation/sediment, or that have sediment TMDLs.	Restricts new discharges in waters listed as impaired for turbidity, sedimentation, and toxics.
Individual Permit. Comparable.	EPA very explicit when individual permit is required.	DEQ not as explicit but requirements cover same considerations.
Permit Requirements		
Identification. DEQ does not require an identification number on dredges or nearby vehicles.	EPA provide standard sheet of paper with Miner Number for display on suction dredge or nearby vehicle. The number sheet can be laminated, put in sheet protector, or wrap in plastic by the miner.	No such provision.
Effluent limitations. DEQ mixing zone is 300 feet and EPA allows 500 feet. [Note: EPA permit also requires 800 foot separation between mining activities as a BMP.] EPA also limits hours of operations	EPA prohibits a turbidity plume length (visible cloudiness or muddiness above background) exceeding 500 feet downstream of the dredge. Must modify, curtail or cease so that a violation does not exist.	DEQ prohibits a turbidity plume that exceeds 300 feet downstream or downcurrent from the dredge or nonmotorized in-water equipment. Must modify, curtail or cease immediately so that a violation does not exist. Prohibits discharge of

from 44 to 336 hours on streams in Mores drainage. EPA has numeric turbidity limits in NTU relative to background turbidity for Clearwater River and tributaries above and below Hapster Bridge from July 15 to August 15 including TMDL zero wasteload allocation from August 16 to July 14 below Harpster Bridge. Note: under Monitoring and Reporting requirements, EPA specifies no need to conduct more extensive monitoring (measuring turbidity with meter instead of visual monitoring) if turbidity is not distinguishable from background at a distance of less than 500 feet from the suction dredge operation.	For three streams of Mores Creek Drainage, suction dredging limited to two cubic yards per hour over a four hour period. EPA provides the annual total hours allowed for each of three streams (240 hours over 60 days on Mores Creek, 336 hours over 84 days on Grimes Creek, and 44 hours over 11 days on Elk Creek). According to the specified NOI process, EPA will assign allowances stream-by-stream based on all requests with 25% threshold for allocated hours. If request over 25% over the allocated hours, EPA will choose by lottery. For segments of Clearwater River and tributaries above Harpster Bridge from July 15 to August 15 when background turbidity NTU is 50 or less, the turbidity standard set at 5 NTU above background below 500-foot mixing zone; and when background turbidity exceeds 50 NTU, turbidity measurements below the 500-foot mixing zone shall not exceed 10% of background and shall not exceed a maximum of 25 NTU. From August 16 to July 14, no wasteload allocation (TMDL). No discharges allowed to South Fork Clearwater River above Harpster Bridge.	wastes and violations of Water Quality Standards, OAR 340-041. Suction dredging and nonmotorized in-water mining operations must operate during daylight hours (prohibited during non-daylight hours from sunset to sunrise).
Monitoring and Reporting. Both EPA and DEQ require daily visual monitoring of the turbidity plume length and keeping monitoring records, and both agencies specify what information to record. DEQ specifies keeping a log and provides a monitoring record sheet, and EPA does not. DEQ does not require an annual report. EPA provides the Annual Report Information Sheet. EPA wants the monitoring information provided on the annual report; however, no place to record turbidity plume length readings.	Visible turbidity monitoring required of the water between the suction dredge operation and 500 feet downstream at least once per day of operation. No need to measure turbidity with meter if turbidity plume length is less than 500 feet from dredge. Daily turbidity monitoring must be recorded even if no visual increase observed (above background). Permittee shall maintain records of all information from visual inspections and other information required by the Annual Report (AR). EPA requires records to be kept for five years from monitoring date.	Visible turbidity monitoring required of the water between the suction dredge operation and 300 feet downstream or downcurrent at least once per day of operation during daylight hours. DEQ specifies the log must be legible and available to authorities upon request and records must be kept for three years.