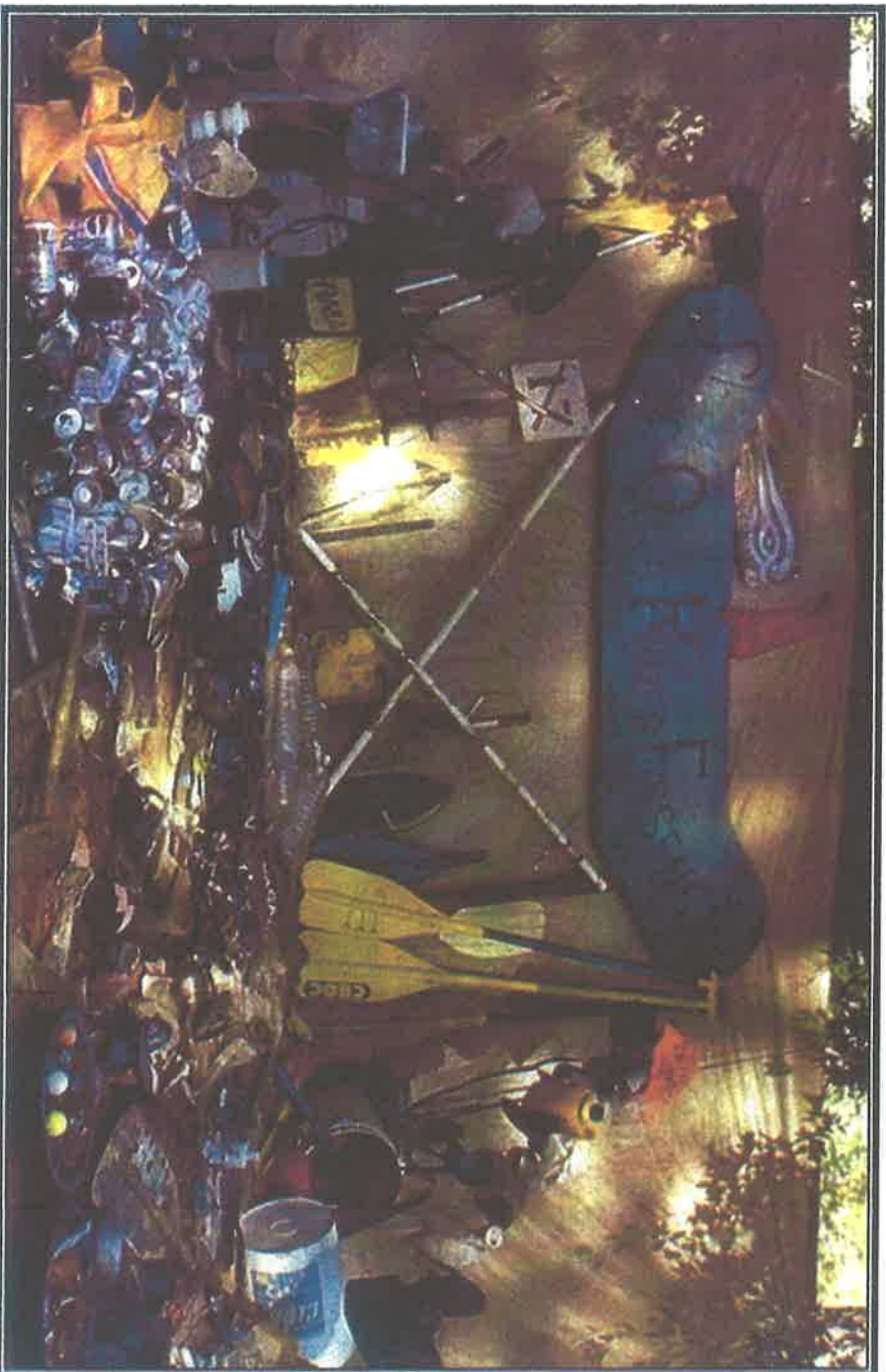


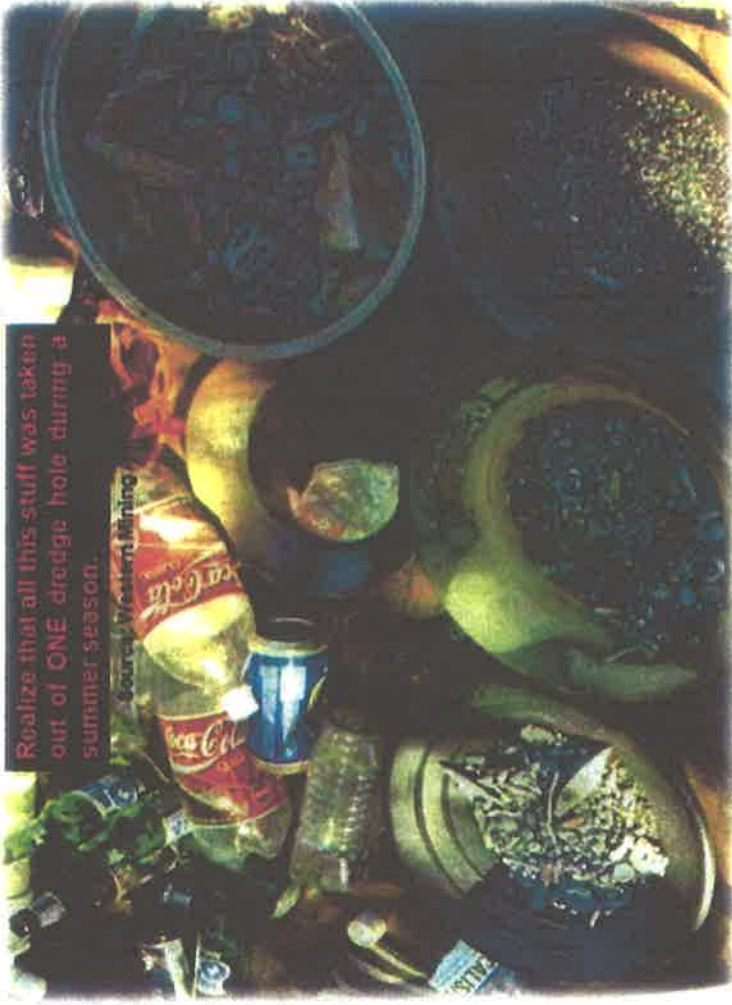
# What's Really in Oregon Rivers

How Small Miner Dredging Can Save Wildlife for Free



Only one seasons worth of garbage pulled by a small-time miner

From the Desk of Sen. Boquist



Found in the S. Umpqua River



Loaded 9mm pulled out of the Calapooia River



# Mercury Small Miners Have Pulled Out of Oregon's Waterways



All from the  
Willamette Valley





Over 9 LBS of old fishing lead recovered on first dredging trip to the East Fork Lewis



# ESH streams DSL General Authorization



Pages 5

Department of State Lands  
775 Summer Street NE Suite 100  
Salem OR 97301-1279

DSL USE ONLY
DSL APP NO. _____ -GA
Issued: _____
Expires: _____

## General Authorization Application For Recreational Placer Mining Within Essential Salmon Habitat

KEEP THIS AUTHORIZATION WITH YOU AT ALL TIMES WHEN YOU MINE.

Applicant Legal Name \_\_\_\_\_ Phone Number \_\_\_\_\_

Mailing Address \_\_\_\_\_ E-mail Address \_\_\_\_\_

### Mining equipment to be used:

- Sluice Box   
  Gold Pan   
  High banker   
  Suction Dredge with intake nozzle inside diameter of 4 inches or less

SITE <i>You may list up to 3 sites</i>	WATERWAY NAME <i>(NOTE: if waterway is an unnamed tributary to a named stream, indicated "Tributary to named stream")</i>	TOWNSHIP (N/S)	RANGE (E/W)	SECTION
Example	Tributary to Johnson Creek	32S	12W	26

- I have verified the waterways I will be working in are not designated as State Scenic Waterways.  
 I understand working in a State Scenic Waterway requires an Individual Permit.  
 I have verified the waterways I will be working in are not closed to recreational mining.

An application is hereby made for the activities listed in this document. By signing this application, I certify that this information is true, complete and accurate. By signing the application, I acknowledge that I have read and agree to all conditions listed on pages 3 through 5 of this application.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DSL USE ONLY: By signature of the Department of State Lands' authority on this application, you are authorized to conduct recreational placer mining activities within the terms and conditions described in the General Authorization for Recreational Placer Mining within Essential Salmon Habitat (OAR 141-089-0820 through 0835).
Authorized Signature: _____ Date: _____ Bill Ryan, Assistant Director Wetlands and Waterways Conservation Division Oregon Department of State Lands

## General Information:

- Do not conduct recreational placer mining under this authorization in those waterways that are designated as a State Scenic Waterway. Do not conduct recreational placer mining under this authorization in those waterways that are U.S. Forest Service or Bureau of Land Management areas that are closed to mining.
- You must comply with all applicable local, state, tribal and federal laws and regulations. Prior to initiating recreational placer mining, you should consult with affected local land use-planning agencies and public land-managing agencies.
- You may conduct recreational placer mining only within the wet perimeter of the stream or on dry gravel islands within the wet perimeter as provided in OAR 141-085-0510 and in accordance with OAR 141-089-0825 (eligibility requirements) and OAR 141-089-0835 (conditions of issuance). No work on channel side banks is allowed under this authorization.
- Year End Report Required: Complete a report at the end of the each in-water work period and send it to DSL prior to February 28 of each year that the General Authorization is valid.
- You may submit your report online at <http://www.statelandsonline.com>
- Use one of the enclosed report forms and mail it to:

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, Oregon 97301-1279

**To be eligible for future authorizations you must send us the annual report. If you did not conduct placer mining at any time during the previous year, for the amount of material excavated, write "0".**

## Other Agency Requirements and Contact Information:

### Department of Environmental Quality

Please contact DEQ about water quality permitting, with exception for non-motorized/hand panning. Please see the DEQ's water quality permit program web page for metal mining activities at <http://www.deq.state.or.us/wq/wqpermit/mining.htm> or call DEQ at 503-229-5696 or toll-free at 1-800-452-4011 to be dispatched to appropriate DEQ office.

### Department of State Lands

If you have any questions regarding this General Authorization, please call the Department at (503) 986-5200.

For copies of this form and other placer mining information, visit our website at [http://www.oregon.gov/dsl/PERMITS/Pages/ga\\_placerinfo.aspx](http://www.oregon.gov/dsl/PERMITS/Pages/ga_placerinfo.aspx)



## APPLICANT MUST READ AND ACCEPT EACH OF THE FOLLOWING CONDITIONS

The following conditions apply to General Authorization for Recreational Placer Mining in ESH.

- (1) **Responsible Party.** The person listed on the notification as the responsible party is responsible for the activities covered by this General Authorization.
- (2) **Volume and Location.** The activity will remove, fill or move cumulatively less than 25 cubic yards of material annually from or within the bed and banks of any river or tributary that is designated as Essential Salmon Habitat in the Township, Range & Sections and County or Counties listed in the application. Impacts to waterways designated as State Scenic Waterways are not allowed under this General Authorization.
- (3) **Copy of Signed Authorization Available for Inspection.** A copy of this General Authorization approved by the Department must be available at the work site whenever noticed activities are being conducted.
- (4) **Site Access Required.** Employees of the Department and all authorized representatives must be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this General Authorization.
- (5) **Archeological Resources.** If any archeological sites, resources or artifacts are discovered during construction, work must immediately cease and the State Historic Preservation Office must be contacted.
- (6) **Hazards to Recreation, Navigation and Fishing.** The activity must be conducted so as not to unreasonably interfere with or create a hazard to recreational and commercial navigation and fishing.
- (7) **Work Period in Jurisdictional Areas.** Fill or removal activities below the Ordinary High Water Line must be conducted when recommended by ODFW, unless otherwise coordinated with Oregon Department of Fish and Wildlife and approved in writing by DSL. Work is prohibited at any time when fish eggs are present within the reach where activities are being conducted.
- (8) **Hazardous, Toxic, and Waste Material Handling.** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials must not be allowed to enter waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state must be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.
- (9) **Raising or Redirecting Water.** The project must not cause water to rise or be redirected and result in damage to structures or property.
- (10) **DSL May Halt or Modify.** DSL retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.
- (11) **Prevent Fish Stranding.** Upon completion of the activity at any given location, the responsible party must level all piles and fill all furrows, potholes and other depressions created by the activity. The activity is complete if the responsible party does not return to that location to conduct the activity within 24 hours.
- (12) **Wet Perimeter.** The activity is confined to the wet perimeter. The wet perimeter is the area of the stream that is under water or is exposed as a non-vegetated, dry gravel-bar island surrounded on all sides by actively moving water at the time the activity occurs.
- (13) **Disturbance of the Bank and Riparian Vegetation.** The activity must not disturb the bank. Undercutting or eroding banks and removal or disturbance of boulders, rooted vegetation or embedded woody material and other habitat structure from the bank is prohibited. Creation of new access routes that disturb or destroy woody riparian vegetation is not allowed.
- (14) **Fish Passage.** The activity does not divert a waterway or obstruct fish passage.



(15) **Minimization of Impounded Water.** The activity may impound only the minimal area of water necessary to operate the dredge under the following conditions:

(a) The temporary dam does not extend across more than 75% of the wetted perimeter;

(b) The designs for the temporary dam are consistent with ODFW requirements set forth in ORS 509.580 through 509.901 and OAR 635-412-0005 through 635-412-0040;

(c) The impoundment structure is removed immediately upon completion of the mining activity. The activity is complete if the responsible party does not return to that location to conduct the activity within 24 hours.

(16) **No Disturbance of Stream Structure.** No movement of boulders, logs, stumps or other woody material from the bed is allowed, other than movement by hand and non-motorized equipment. The boulders and other stream structure must be returned to its original position upon completion of the mining activity. The activity is complete if the responsible party does not return to that location to conduct the activity within 24 hours.

(17) **Dredge Intake Nozzle Limited.** The suction dredge must have an intake nozzle that has an inside diameter not exceeding four inches.

(18) **Refueling.** All fuel and oil must be stored in an impermeable container and must be located at least 25 feet from the wet perimeter of the stream. For dredge locations where a 25 foot buffer is not possible, secondary containment is required.

(19) **Location of Operation.** The motorized dredge equipment must be operated at least 500 feet from other motorized dredge equipment, unless the Department of Environmental Quality determines that another distance is appropriate to protect water quality. This limitation does not apply if the mining is authorized by an operating permit issued under ORS 517.702 to 517.989.

(20) **Motorized Equipment Must Be Attended.** The motorized equipment may not be left unattended within the wetted perimeter of any waters of this state. A suction dredge is considered attended and may remain anchored in the water if it is moved close to the shore and the responsible party is present, nearby along the adjacent bank. This limitation does not apply if the mining is authorized by an operating permit issued under ORS 517.702 to 517.989.

(21) **Hours of Operation.** The motorized equipment may be operated only between the hours of 9 a.m. and 5 p.m. This limitation does not apply if the mining is authorized by an operating permit issued under ORS 517.702 to 517.989.

(22) **Annual Report Required.** The responsible party must maintain a monitoring log and record the date, location, nozzle diameter and amount of material disturbed for each day of operation. By February 28 of each year, the responsible party must submit to the Department an annual report, on a form provided by the Department that states the estimated amount of material that was filled, removed or moved in each specific waterway during the preceding calendar year. If no jurisdictional activity was conducted, the report must be submitted reporting zero cubic yards for the year. Authorizations will not be renewed for the following calendar year if the annual report is not filed by February 28.

(23) **Responsible Party Must be Present.** Alternate persons may operate the suction dredge, provided the responsible party listed on the authorization is present at all times during suction dredge operation.

(24) **Limited to One Suction Device.** Only one suction dredge, one hose, and one nozzle may be operated at any given time under this authorization.

(25) **Wheeled or Tracked Equipment not Allowed.** Operation of motorized wheeled or tracked equipment, except for the suction dredge and life support systems, is prohibited below ordinary high water.

(26) **Operation Limited to Locations Listed.** The operation is limited to the locations listed on the authorization. Written requests to modify locations for this authorization will be reviewed within 14 days of the request, upon which time the Department may issue a revised authorization.

(27) **Obstructions to Navigation and Recreation Prohibited.** In no circumstance shall anchoring or operation of suction dredges interfere with navigation or cause a safety hazard to public recreation.

DEQ UPLAND mining permit 600 WPCF  
9 pages permit

Permit Number: 600

Expiration Date: January 31, 2017

**GENERAL WATER POLLUTION CONTROL FACILITY PERMIT**

Department of Environmental Quality

811 SW Sixth Avenue

Portland, OR 97204

Telephone: (503) 229-5279

**Issued pursuant to ORS 468B.050**

**ISSUED TO: SOURCES COVERED BY THIS PERMIT:**

This permit covers small scale precious metals mining operations that use non-chemical ore or placer processing methods and dispose of wastewater by evaporation or seepage.

Lauri Aunan, Administrator Effective Date  
Water Quality Division

**SCOPE OF PERMITTED ACTIVITIES**

This 600 General Permit replaces the 600 General Permit issued by the Oregon Department of Environmental Quality (DEQ) in 1997, and the Mutual Agreement and Order issued by DEQ in 2002. Notwithstanding the terms and conditions of this permit, persons registered under this permit must also comply with all other applicable state and federal agency requirements to include but not limited to:

- a. Oregon DEQ Land Quality - Hazardous Waste Regulations
- b. Oregon Department of Geology and Mineral Industries
- c. Oregon Department of State Lands
- d. Oregon Department of Water Resources
- e. U.S. Forest Service
- f. U.S. Bureau of Land Management
- g. Oregon Department of Parks and Recreation
- h. Oregon Department of Fish and Wildlife Permit Number: 600 Page 2 of 9



Until this permit expires or is modified or revoked, the registrant of this permit is authorized to operate a wastewater collection, treatment, control, and disposal system in accordance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

Page

Schedule A - Waste Disposal Limitations . . . . . 5  
Schedule D - Special Conditions . . . . . 5-6  
Schedule F - General Conditions . . . . . 7-9

Unless authorized by a NPDES permit from DEQ, all wastewater discharges to surface waters in Oregon are prohibited.

**DEFINITIONS**

1. *DEQ or Department* means Oregon Department of Environmental Quality
2. *Discharge or Disposal* means the placement of wastes into public waters, on land, or otherwise into the environment in a manner that affects or may tend to affect the quality of public waters.
3. *Disposal System* means a system for disposing of wastes by surface or underground methods and includes sewerage systems, treatment works, disposal wells, and other systems but excludes onsite sewage disposal systems regulated under OAR 340-071-0160, 340-071-0162, or ORS 454.655 and systems that recirculate without discharge.
4. *Nuisance* means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public. Violation of any condition of this WPCF permit is also a public nuisance pursuant to Oregon Revised Statute 468B.025(3).
5. *OAR* means Oregon Administrative Rule
6. *Wastes* means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances that will or may cause or tend to cause pollution of any waters of the state.
7. *Treatment or Waste Treatment* means the alteration of the quality of wastewater by physical, chemical, or biological means or a combination thereof that reduces the tendency of the wastes to degrade water quality or other environmental conditions

**HOW TO APPLY FOR COVERAGE UNDER THIS GENERAL PERMIT**

1. Metals mining operators seeking coverage under this 600 General Permit (2007-2017) for the first time and persons registered for coverage under the 600 General Permit issued in 1997 who did not submit a timely renewal application must do the following:
  - a. Applicants must complete an application. Applicants may obtain a DEQ application form by:
    - i. Mail or in person from the DEQ regional offices provided below, or
    - ii. Downloading the application from the DEQ website.

- b. Applicants must submit a completed application to any of the DEQ offices provided below, requesting coverage under this permit at least thirty days prior to the planned activity. DEQ may accept applications filed less than thirty days from the planned activity on a case by case basis.
- c. Applicants must submit all applicable fees with the application.
- d. DEQ will review the application information and will take one of the following actions:
  - i. Issue written notice of approval.
  - ii. Request additional information.
  - iii. Deny coverage under this permit. The applicant will be notified if the applicant's operation cannot be approved for coverage under the General Permit, and that the applicant may need to obtain an individual permit.
- 2. Metals mining operators who were registered under the 600 General Permit issued by DEQ in 1997 and submitted timely renewal applications must submit applicable fees and must provide a new application as provided in 1, above within 90 days of the effective date of this permit.

Persons Seeking Coverage to Renew This 600 General Permit

- 1. Permittees registered under this General Permit can operate until the expiration date provided on the cover page (unless terminated or extended under Other Applicable Conditions, below). Metal mining operators requiring renewal of this General Permit must submit a complete renewal application form to DEQ no later than December 1, 2016, 60 days prior to the expiration date of this permit indicated on the cover page. The DEQ Director may grant permission to submit the application less than 60 days in advance but no later than the permit expiration date.
- 2. DEQ will review the application and will take one of the following actions:
  - a. Issue written notice of approval.
  - b. Request additional information.
  - c. Deny coverage under this permit. The applicant will be notified if the applicant's operation cannot be approved for coverage under the General Permit, and that the applicant may need to obtain an individual permit.

Other Application Conditions

- 1. Coverage under this permit will continue for a permittee after the expiration date if the permittee submits a complete renewal application as described above.

2. If DEQ does not receive a renewal application as described above, coverage under this General Permit is no longer valid and the metal mining operation must cease.
3. Any person not wishing to be covered or limited by this General Permit may apply for an individual permit in accordance with the procedures in OAR 340-045-0030. DEQ will review the application information and will either request additional information in writing or will notify the applicant by mail to operate under the conditions of the new individual permit.

DEQ Office Locations

i. Northwest Region ii. Western Region  
2020 SW 4th Avenue, Suite 400 750 Front Street NE, Suite 120  
Portland, OR 97201 Salem, OR 97301-1039  
Tel. No. (503) 229-5263 Tel. No. (503) 378-8240

iii. Eastern Region iv. DEQ Headquarters  
700 SE Emigrant, Suite 330 811 SW 6<sup>th</sup> Avenue 6<sup>th</sup> floor  
Pendleton, OR 97801 Portland, OR 97204-1390  
Tel. No. (541) 276-4063 Tel No. (503) 229-5185  
Tel No. (800) 452-4011

SWM-SM-00451 Permit Number: 600 Page 5 of 9



**SCHEDULE A**  
**WASTE DISPOSAL LIMITATIONS**

1. This permit applies only to the following precious metal mining or ore processing operations:
  - a. Off-stream placer mining that disposes of all wastewater by evaporation or seepage with no traceable discharge of wastes to groundwater or surface water;
  - b. Hardrock mining or ore processing that uses non-chemical ore processing methods and disposes of wastewater as described in Condition 1 a. above; and,
  - c. Operations that process, with water, no more than 10,000 cubic yards of placer or ore material per year, and disposes of wastewater as described in Condition 1 a. above.
2. Mining operations different from those described in Condition 1 above must obtain an individual waste discharge permit.
3. No direct discharge to public waters is allowed.
4. No activities are allowed that could adversely impact existing or potential beneficial uses of groundwater.

**SCHEDULE D**  
**SPECIAL CONDITIONS**

1. All settling pond spoils and other waste solids must be managed in a manner to prevent their entry into surface water, and avoid creating a nuisance or a water quality violation.
2. The permittee must provide for safe passage of fish around or through the active mining area if the stream supports a migratory fish population. Any removal/fill activity within the active stream, including construction of fish passage facilities, must comply with all applicable DEQ 401 Certification requirements.
3. The permittee must observe and inspect all waste handling, treatment, and disposal facilities and any stream above and below the mining operation daily when operating, to ensure compliance with the conditions of this permit. A record must be kept of these observations and made available to the DEQ upon request.

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4. Sedimentation ponds with a surface area of 20,000 square feet or less are allowed provided that the dams or dikes are no more than 5 feet in height. Larger ponds must have DEQ approval prior to construction.

5. The discharge of sanitary wastes to the ground surface or surface waters is prohibited. Sanitary wastes must be managed in accordance with the following:

a) Permanent Operations

Sanitary wastes at permanent operations must be discharged into an approved onsite system that is not failing. The system must be installed, operated, and maintained in accordance with the requirements of the DEQ or the local jurisdiction. All site evaluations and permits must be obtained prior to construction of the system.

b) Temporary Operations

Sanitary wastes at temporary operations must be removed from the mining location and properly disposed.

6. Riparian vegetation must not be disturbed unless it is unavoidable. In areas where riparian vegetation is disturbed, the permittee must reclaim the area to the pre-mining condition prior to concluding mining activities. Revegetation activities must be conducted on an ongoing basis and must not be postponed until mining is completed for the entire claim. Operations that disturb riparian vegetation and process 1500 cubic yards or more of placer or ore material per year must include a vegetation reclamation plan as part of the permit application.

**SCHEDULE F**  
**GENERAL CONDITIONS**

These General Conditions apply to all WPCF Permits.

**SECTION A. STANDARD CONDITIONS**

**1. Duty to Comply with Permit**

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and grounds for an enforcement action. Failure to comply is also grounds for the DEQ to revoke or deny renewal of coverage under this general permit.

**2. Property Rights and Other Legal Requirements**

Issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other rights, or any infringement of federal, tribal, state, or local laws or regulations.

**3. Liability**

DEQ or its officers, agents, or employees may not sustain any liability on account of the issuance of this permit or on account of the construction or maintenance of facilities or systems because of this permit.

**4. Permit Actions**

After notice by the DEQ, coverage under this permit may be suspended or revoked during its term for cause including but not limited to the following:

- a. Violation of any term or condition of this permit, any applicable rule or statute, or any order of the Commission;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.

**5. Transfer of Permit**

Coverage under this permit may not be transferred to a third party without prior written approval from the DEQ.

**6. Permit Fees**

SWM-SM-00451 Permit Number: 600 Page 8 of 9



The permittee must pay all applicable fees required by Oregon Administrative Rules 340-045-0070, and 340-045-0075.

## **SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

### **1. Proper Operation and Maintenance**

At all times the permittee must maintain in good working order and properly operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to comply with the terms and conditions of this permit.

### **2. Standard Operation and Maintenance**

All waste collection, control, treatment, and disposal facilities or systems must be operated in a manner consistent with the following:

- a. At all times, all facilities or systems must be operated as efficiently as possible in a manner that will prevent discharges, health hazards, and nuisance conditions.
- b. All screenings, grit, and sludge must be disposed of in a manner approved by the DEQ to prevent any pollutant from the materials from reaching waters of the state, creating a public health hazard, or causing a nuisance condition.

### **3. Noncompliance and Notification Procedures**

If the permittee is unable to comply with conditions of this permit because of surfacing sewage; a breakdown of equipment, facilities or systems; an accident caused by human error or negligence; or any other cause such as an act of nature, the permittee must:

- a. Immediately take action to stop, contain, and clean up the unauthorized discharges and correct the problem.
- b. Notify the DEQ's Regional office as soon as possible after taking action to stop and contain the unauthorized discharges so that an investigation can be made to evaluate the impact and the corrective actions taken, and to determine any additional action that must be taken.
- c. Within 5 days of the time the permittee becomes aware of the circumstances, the permittee must submit to the DEQ a detailed written report describing the breakdown, the actual quantity and quality of waste discharged, corrective action taken, steps taken to prevent a recurrence, and any other pertinent information.

Compliance with these requirements does not relieve the permittee from responsibility to maintain continuous compliance with the conditions of this permit or liability for failure to comply.

SWM-SM-00451 Permit Number: 600 Page 9 of 9

## **SECTION C. MONITORING AND RECORDS**

### **1. Inspection and Entry**

The permittee must at all reasonable times allow authorized representatives of the DEQ to:

- a. Enter upon the permittee's premises where a waste source or disposal system is located or where any records are required to be kept under the terms and conditions of this permit;
- b. Have access to and copy any records required by this permit;
- c. Inspect any treatment or disposal system, practices, operations, monitoring equipment, or monitoring method regulated or required by this permit; or
- d. Sample or monitor any substances or permit parameters at any location at reasonable times for the purpose of assuring permit compliance or as otherwise authorized by state law.

### **2. Retention of Records**

The permittee must retain records required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. The DEQ may extend this period at any time.

SWM-SM-

5 Pages

DEQ

~~TEST~~

700j 2002

Suction Dredge permit

Permit Number: 700-J  
Expiration Date: 3-31-2002  
Page 1 of 5

GENERAL PERMIT  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT

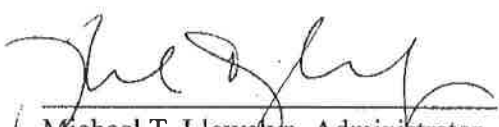
Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, OR 97204  
Telephone: (503) 229-5279

Issued pursuant to ORS 468B.050 and The Federal Clean Water Act

ISSUED TO:

SOURCES COVERED BY THIS PERMIT:

This permit covers suction dredges, not to exceed 40 horsepower, used for recovering precious metals or minerals from stream bottom sediments.

  
Michael T. Llewelyn, Administrator  
Water Quality Division

5/3/99  
Date

PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, the holder of this permit is authorized to operate a suction dredge in public waters in accordance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

	<u>Page</u>
Schedule A - Waste Disposal Limitations . . . . .	.2
Schedule D - Special Conditions . . . . .	.2 - 4
Schedule F - General Conditions . . . . .	.4 - 5

Each other direct and indirect waste discharge to waters of the State is prohibited unless covered by another NPDES or WPCF permit.

**SCHEDULE A**Waste Disposal Limitations

1. Dredging is permitted only within the active stream channel where the dredging spoils are relatively clean and will cause minimum turbidity when returned to the stream. This permit does not authorize mining of stream banks (highbanking) or upland areas. Such out-of-stream mining requires a General Permit WPCF 600 or an individual WPCF permit from the Department of Environmental Quality (Department).
2. Dredging shall be done such that in-stream turbidity will be minimized and localized to the general area of the dredging activity. If turbidity is visible 300 feet (90 meters) downstream from one or more working suction dredges, then turbidity exceeds allowable in-stream water quality standard, and dredging must stop. Tailings shall not be discharged into any naturally occurring pool in the work area if it will reduce the volume or depth of the pool.

**SCHEDULE D**Special Conditions

## OPERATION

1. Harassment of fish in the stream is prohibited by state law. Dredging is not permitted during the periods that fish eggs could be in the gravel at the dredging site. The attached schedule, Timing of In-Water Work To Protect Fish and Wildlife Resources lists the permitted seasonal work periods for dredging activities. If the Oregon Department of Fish and Wildlife (ODFW) has approved working in a stream during periods other than the listed work periods, then a copy of that written approval must be in the possession of the operator, or readily available, during dredging activities.
2. Care shall be taken by the operator during refueling of the dredge to prevent spillage into surface waters or to groundwater. The suction dredge shall be checked for leaks prior to start of operation. Waste oil or other petroleum products may not be disposed of at the site.
3. Removal or disturbance of rooted or embedded woody plants in the stream is prohibited. Woody plants include living trees and shrubs, and dead woody material that is no longer than the width of the stream channel bed.
4. Suction dredging shall be conducted such that undercutting of stream banks and riparian vegetation does not occur.
5. The permittee shall provide a safe passage of fish around and through the active mining area if the stream supports an anadromous fish population.
6. The suction dredging activity shall be conducted such that it will not result in the formation of a dam within the stream or divert a waterway. Construction of check dams is not allowed under this permit.
7. Channel alterations, such as those needed to accommodate suction dredging during low stream flows (for example, horseshoes), must not result in a wider wet perimeter or shallower water depth than pre-mining conditions. After completion of the mining activity, the channel alteration must be

removed or the stream channel restored such that stream flows will not be restricted, obstructed or rechanneled when higher flows return.

### OREGON SCENIC WATERWAYS and ESSENTIAL SALMON HABITAT STREAMS

1. Dredging in Oregon Scenic Waterways and Essential Salmon Habitat Streams is restricted to recreational placer mining. Recreational placer mining as defined in Oregon Revised Statutes (ORS) 390.835(17)(b) includes the use of a motorized surface dredge having an intake of four (4) inches or less and a motor no larger than sixteen (16) horsepower. A map and list of Oregon Scenic Waterways is attached. Maps and a list of essential salmon habitat streams can be obtained from the following Division of State Lands (DSL) offices:
 

<ol style="list-style-type: none"> <li>a. Division of State Lands Salem Office 775 Summer St. NE Salem, OR 97310 Telephone: (503) 378-3805</li> </ol>	<ol style="list-style-type: none"> <li>b. Division of State Lands Bend Office 20300 Empire Avenue Bend, OR 97701 Telephone: (541) 388-6112</li> </ol>
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2. Dredging in Oregon Scenic Waterways and Essential Salmon Habitat Streams requires a separate permit from the DSL.
3. Dredging in Oregon Scenic Waterways and Essential Salmon Habitat Streams must follow the regulations and requirements of the Oregon Parks and Recreation Department, the DSL and the Oregon Water Resources Department. Dredging in creeks located within a 1/4 mile corridor of Oregon Scenic Waterways may require notification to Oregon State Parks.
4. No placer mining shall be conducted on federal lands located within the Oregon Scenic Waterways except as allowed by the agencies of the federal government.
5. Excavating from the stream bank or extending the wet perimeter (the underwater edge of the stream channel) can potentially cause both short and long term adverse impacts to spawning and foraging bases for salmonids. Therefore, mining activities in Scenic Waters or Essential Salmon Habitat are restricted to the existing wet perimeter of the stream, unless the miner is operating under a Notice of Intent or Plan of Operation.

### WATER QUALITY LIMITED STREAMS\*

1. No suction dredging shall be allowed in streams designated by the Department as water quality limited for dissolved oxygen during periods of anadromous fish rearing and spawning (through fry emergence) as identified by the Oregon Department of Fish and Wildlife.
2. Suction dredging shall be allowed in streams designated by the Department as water quality limited for temperature, provided that all conditions and limitations of this permit are otherwise met.
3. Dredging activity covered by this general permit is prohibited in streams which are limited for turbidity and toxics. Any person who wishes to conduct suction dredging in these streams must apply for and obtain an individual NPDES permit in accordance with NPDES procedures set forth in Oregon Administrative Rules (OAR) 340-45-030.

\* Maps and a list of water quality limited streams can be obtained from the following Department's regional offices:

Revised April 1999



a. Northwest Region  
2020 SW 4th Avenue  
Portland, OR 97201  
Tel. No. (503) 229-5263

b. Western Region  
750 Front Street NE, #120  
Salem, OR 97310  
Tel. No. (503) 378-8240

c. Eastern Region  
700 SE Emigrant, #330  
Pendleton, OR 97838  
Tel. No. (541) 276-4063

#### OTHER REGULATIONS AND REQUIREMENTS

1. A Removal-Fill Permit is required by the Division of State Lands for any placer mining operation which involves an alteration, removal, or filling of more than fifty (50) cubic yards of material per year in any waterway. Furthermore, a Removal-Fill permit may be required by the DSL for operations involving less than fifty cubic yards per year. Suction dredging that meets requirements for DSL fill and removal permit may also be required to obtain an individual or other general NPDES permit from the DEQ. The permittee must contact the DSL and/or DEQ for additional information.
2. Persons who are otherwise eligible for coverage under this general permit but who want an individual NPDES permit, may apply to the Department in accordance with the NPDES permit procedures set forth in OAR 340-45-030.

#### SCHEDULE F

##### General Conditions

##### STANDARD CONDITIONS

1. The dredge owner/operator must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of ORS 468B.025 and is grounds for enforcement action, for permit termination, suspension, or modification; or for denial of a permit renewal application.
2. Dredge operations that result in complaints from downstream users or impairment of other beneficial stream uses may be in violation of the terms and conditions of this permit and the Department may take enforcement action as described in Condition 1.
3. The permittee shall allow the Director, or an authorized representative, upon presentation of credentials to:
  - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted;
  - b. Inspect at reasonable times any facilities, equipment, practices or operations regulated or required under this permit; and,
  - c. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

4. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for permit renewal. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than permit expiration date.
5. This permit may be modified, suspended, revoked and reissued, or terminated for cause including, but not limited to, the following:
  - a. Violation of any term, condition, or requirement of this permit, a rule, or a statute;
  - b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or,
  - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the permittee for a permit modification or notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. Except for effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and standards for use or disposal of sewage sludge established under Section 405(d) of the Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.
7. Suction dredge activities allowed under this permit are not expected to cause a measurable change in stream temperature. Therefore, compliance with this permit will be considered to satisfy the requirement for developing and implementing a temperature management plan.
8. No dredging activity shall interfere with any other authorized uses of water.

#### PROPERTY RIGHTS AND TRESPASS

1. The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.
2. This permit does not authorize trespass on private property or mining claims.

#### APPLICATION AND FEES

1. To receive this permit, an application must be made on a form provided by the Department.
2. A permit filing fee of \$50 is required for dredges equipped with a suction hose having an inside diameter greater than four (4) inches, regardless of the nozzle size. No fee of any kind is required for suction dredges equipped with a suction hose having an inside diameter of four (4) inches or less.
3. Persons covered by this general permit must have a copy of the permit in their possession, or readily available during dredging activities.

# DEQ 700PM Suction Dredge Permit

10 Pages

Permit Number: 700 PM  
Expiration Date: June 30, 2010  
Page 1 of 10

## GENERAL DISCHARGE PERMIT

Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, OR 97204  
Telephone: (503) 229-5279

Issued pursuant to ORS 468B.050 and section 402 of The Federal Clean Water Act

### ISSUED TO:

### SOURCES COVERED BY THIS PERMIT:

This permit covers suction dredges not to exceed 30 horsepower with an inside diameter suction hose no greater than 6 inches that are used for recovering precious metals or minerals from stream bottom sediments.

\_\_\_\_\_  
Lauri Aunan, Administrator  
Water Quality Division

\_\_\_\_\_  
Date

### SCOPE OF PERMITTED ACTIVITIES

This 700-PM General Discharge Permit replaces 700-J issued in 1999, and the Mutual Agreement and Order Number WQ/I-ER-02-114. Until this permit expires or is modified or revoked, the registrant of this permit is authorized to operate a suction dredge in waters of the state in accordance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

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Schedule A - Discharge Limitations. . . . .	4
Schedule B - Monitoring Requirements. . . . .	4
Schedule C - Special Conditions . . . . .	5-8
Schedule D - General Conditions . . . . .	8-10

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## DEFINITIONS

1. *Background Turbidity* means turbidity that represents the ambient, undisturbed turbidity as measured or observed at least 10 feet upstream from the suction dredge operation at the time dredging occurs.
2. *Visible Turbidity* means turbidity that is distinctly visible when compared to background turbidity.
3. *DEQ* or *Department* means Oregon Department of Environmental Quality.
4. *Gravel Bar* means a transitional gravel deposit that lacks any rooted vegetation, located either between the stream banks and the wet perimeter of the stream or entirely within the wet perimeter of the stream..
5. *OAR* means Oregon Administrative Rule.
6. *ODFW* means Oregon Department of Fish and Wildlife.
7. *Stream bank* means a slope of land adjoining and confining a stream channel.
8. *Wet perimeter* means the area of the stream that is underwater, or is exposed as a non-vegetated dry gravel bar island surrounded on all sides by actively moving water at the time suction dredging occurs.

## HOW TO APPLY FOR COVERAGE UNDER THIS GENERAL PERMIT

### Persons Seeking Coverage Under This 700-PM General Permit (2005-2010)

1. Suction dredge operators can obtain coverage under this General Permit by the following steps:
  - a. Obtain a DEQ application form by:
    - i. Mail or in person from the DEQ regional offices provided in Schedule C, or
    - ii. Downloading the application from the DEQ website.
  - b. Submit a completed application to DEQ or other DEQ agent, requesting coverage under this permit at least thirty days prior to the planned activity. The Department may accept applications filed less than thirty days from the planned activity on a case by case basis.
  - c. Submit all applicable fees with the application. DEQ or another DEQ agent will review the application information and will take one of the following actions:
    - i. Issue written notice of approval.
    - ii. Request additional information.
    - iii. Deny coverage under this permit. The applicant will be notified if the applicant's operation cannot be approved for coverage under the General Permit, and that the applicant may need to obtain an individual permit.

Persons Seeking Coverage to Renew This 700-PM General Permit After 2010

1. Assignment under this General Permit is valid until the expiration date provided on the cover page (unless terminated or extended under Other Applicable Conditions below). Suction dredge operators requiring renewal of this General Permit must renew coverage by the following steps:
  - a. Submit a complete renewal application form to DEQ or a DEQ agent no later than February 1, 2010, 180 days prior to the expiration date of this permit indicated on the cover page. The DEQ Director may grant permission to submit the application less than 180 days in advance but no later than the permit expiration date.
  - b. Submit all applicable fees with the permit renewal application.
2. DEQ or another DEQ agent will review the application and will take one of the following actions:
  - a. Issue written notice of approval.
  - b. Request additional information.
  - c. Deny coverage under this permit. The applicant will be notified if the applicant's operation cannot be approved for coverage under the General Permit, and that the applicant may need to obtain an individual permit.

Other Application Conditions

1. Coverage under this permit will continue for a permittee after the expiration date if the permittee submits a complete renewal application and fee as described above.
2. Any person not wishing to be covered or limited by this general permit may apply for an individual permit in accordance with the procedures in OAR 340-045-0030. The Department will review the application information and will either request additional information in writing or will notify the applicant by mail to operate under the conditions of the new individual permit.
3. During the term of this permit, the Department may make arrangements with the Oregon Department of State Lands or other state agency to assign coverage, conduct inspections, or compile information regarding this General Permit on behalf of DEQ.



## **SCHEDULE A**

### **DISCHARGE LIMITATIONS**

1. Suction dredge operation in Oregon is allowed for the person assigned to this General Permit. Persons assigned to this permit may only operate one dredge at a time. Other persons not assigned to this permit may operate that dredge under the supervision of the person assigned to this permit if all conditions of this permit are met.
2. Suction dredge activities covered by this permit may not discharge except in compliance with this General Permit. This permit does not authorize mining of stream banks (highbanking) or upland areas. Such out-of-stream mining requires a General Permit WPCF 600 or an individual WPCF permit from the Department of Environmental Quality.
3. Except as restricted in Oregon Scenic Waterways or Essential Salmon Habitat, dredging is allowed into gravel bars up to 10 feet outside the wet perimeter of the stream . In no case is dredging of stream banks allowed.
4. Suction dredges with suction hoses that have an inside diameter of 4 inches or greater must not create visible turbidity beyond 300 feet downstream from a working dredge.
5. A single operating suction dredge equipped with a suction hose with an inside diameter less than 4 inches has no turbidity discharge limitation.
6. Two or more dredges, each equipped with a suction hose with an inside diameter less than 4 inches that operate at the same time, must not create visible turbidity beyond 300 feet downstream from the combined dredge operations.
7. Suction dredge operation is prohibited during non-daylight hours.
8. No wastes may be discharged and no activities may be conducted that will violate Water Quality Standards as adopted in OAR Chapter 340, Division 41.

## **SCHEDULE B**

### **MONITORING REQUIREMENTS**

1. Suction dredges with suction hoses that have an inside diameter of 4 inches or greater must visually monitor each day of operation to assure turbidity is not visible beyond 300 feet downstream at any time.
2. Suction dredges with suction hoses that have an inside diameter less than 4 inches do not have to monitor for turbidity.
3. Visual monitoring is required during daylight hours to determine compliance with the turbidity limits in Schedule A.

## SCHEDULE C

### SPECIAL CONDITIONS

#### BEST MANAGEMENT PRACTICES

1. Harassment of fish in the stream is prohibited as required in ORS 498.006.
2. Except where the Oregon Department of Fish and Wildlife (ODFW) has given expressed written authorization, suction dredging is not allowed outside the periods set out in the attached in-water work schedule (*Timing of In-Water Work To Protect Fish and Wildlife Resources*). A copy of that written ODFW approval must be in the possession of the operator or readily available during dredging activities.
3. The permittee must provide a safe passage for fish around and through the active mining area if the stream was historically or is currently inhabited by native migratory fish .
4. Moving boulders, logs, or other natural stream infrastructure within the stream channel as described in Schedule A3 is allowed. However, in no case may this infrastructure be removed entirely from the stream channel. Removal of infrastructure that extends into the stream channel from the stream bank is also prohibited.
5. Dredging stream banks is not allowed under this permit. Undercutting or eroding stream banks and removal or disturbance of boulders, rooted vegetation, or embedded woody plants from stream banks is prohibited. Boulders include cobbles and larger rocks that protect and prevent erosion of the banks from spring run runoff and storm event stream flow. Woody plants include living or dead trees and shrubs. Vegetation includes grasses, wildflowers, weeds, and other vegetation that stabilizes the stream banks or provides cover for fish or provides shade.
6. Creating areas of pooled water is allowed within the stream boundaries provided in A3. However, construction of dams that prevent fish passage is prohibited.
7. Suction dredge activity must not result in the formation of organic or inorganic deposits that are harmful to fish or other aquatic life as required in OAR 340-041-0007(13).
8. The suction dredge equipment must be properly maintained and petroleum products managed as follows:
  - a. Discharging oil, grease and fuel from suction dredge activity is prohibited.
  - b. Equipment used for suction dredging must not release petroleum products. Equipment surfaces must be free of oils and grease, and must be checked for fuel and oil leaks prior to start of operation on a daily basis.

- c. A polypropylene pad or other appropriate spill protection and a funnel or spill-proof spout must be used when refueling to prevent possible contamination of surface waters or groundwater.
- d. All fuel and oil must be stored in an impermeable container and must be located at least 25 feet from the wet perimeter of the stream. For dredge locations where a 25 foot buffer is not possible, additional precaution must be taken to ensure that petroleum products cannot spill or otherwise enter the stream.
- e. In the event a spill occurs, suction dredge operators must contain, remove and mitigate such spills immediately. All waste oil or other clean up materials contaminated with petroleum products must be disposed off-site.

#### CONDITIONS TO PROTECT OREGON SCENIC WATERWAYS AND ESSENTIAL SALMON HABITAT

1. Suction dredging is prohibited in the portions of the Clackamas River, McKenzie River, and North Santiam River subbasins that have been designated as Oregon Scenic Waterways, as provided in OAR 340-041-0350.
2. Suction dredging in other Oregon Scenic Waterways must follow the applicable requirements provided in ORS 390.835
3. Suction dredging in Oregon Scenic Waterways is restricted to recreational placer mining, and is not allowed outside the wet perimeter of the stream. Recreational placer mining as defined in Oregon Revised Statutes (ORS) 390.835(17)(b) includes the use of a motorized surface dredge having an intake of four inches or less and a motor no larger than sixteen horsepower.
4. Except when allowed by the applicable federal land management agency, suction dredging on Oregon Scenic Waterways that are located on federal lands is prohibited as provided in ORS 390.835.
5. Recreational placer mining in essential salmon habitat is restricted to the wet perimeter of the stream.
6. Until an agreement is made between DEQ and DSL to administer this permit through one agency, suction dredging in Oregon Scenic Waterways and Essential Salmon Habitat streams requires an additional, separate authorization from the DSL.
  - a. Maps and lists of scenic waterways and essential salmon habitat streams are available at the following web sites:

<http://www.oregonstatelands.us/esshabitat.htm>

<http://www.oregonstatelands.us/scenicwaterways.htm>

b. This information can also be obtained from the following Division of State Lands (DSL) offices:

Division of State Lands  
Salem Office  
775 Summer St. NE  
Salem, OR 97310  
Telephone: (503) 378-3805

Division of State Lands  
Bend Office  
20300 Empire Avenue  
Bend, OR 97701  
Telephone: (541) 388-6112

#### CONDITIONS FOR DREDGING ON WATER QUALITY LIMITED STREAMS

1. Until a total maximum daily load (TMDL) has been completed, suction dredging is prohibited in streams that are both listed as water quality limited for sediments, turbidity or toxics on the State 303(d) list under OAR 340-041-0046, and were not placer mined under the 700-J permit after May 3, 1999.
  - a. Once a TMDL has been completed, mining in these streams may be authorized as indicated in the water quality management plan in the TMDL.
  - b. The 303(d) list of water quality limited streams is available on the DEQ website or at the following Department offices:
    - i. Northwest Region  
2020 SW 4th Avenue, Suite 400  
Portland, OR 97201  
Tel. No. (503) 229-5263
    - ii. Western Region  
750 Front Street NE, #120  
Salem, OR 97301-1039  
Tel. No. (503) 378-8240
    - iii. Eastern Region  
700 SE Emigrant, #330  
Pendleton, OR 97801  
Tel. No. (541) 276-4063
    - iv. DEQ Headquarters  
811 SW 6<sup>th</sup> Avenue 7<sup>th</sup> floor  
Portland, OR 97204-1390  
Tel No. (503) 229-5185  
Tel No. (800) 452-4011 (x5029)

#### OTHER APPLICABLE DSL FILL AND REMOVAL REQUIREMENTS

A Removal-Fill Permit is required by DSL for any placer mining operation that alters, removes or fills more than fifty (50) cubic yards of material per year in any waterway. Furthermore, a Removal-Fill permit may be required by the DSL for operations involving less than fifty cubic yards per year. Suction dredging that meets the requirements for DSL fill and removal permit may also require coverage under an individual or other general permit from the DEQ. The permittee must contact the DSL and/or DEQ for additional information.

#### DETERMINING COMPLIANCE WITH THIS PERMIT

1. As allowed by state law, other Oregon state agencies may enter into agreement with DEQ to act as an agent to determine compliance with the limits, terms, and conditions of this General Permit.
2. DEQ may require information be submitted from permittees regarding the locations of the previous three years of suction dredge activities in Oregon.
3. This permit does not authorize the permit holder to prevent or restrict the legitimate use of the waterway by other persons.
4. During dredge activities, persons covered by this general permit must have a copy of the permit in their possession or readily available for inspection at the dredge location.

#### FEES

1. To obtain and maintain coverage under this permit, the applicable fees provided in OAR 340-045-0075 must be received by the Department.
2. Permittees may, but are not required to prepay multiple years of coverage in advance.
3. Failure to pay applicable fees may result in termination of coverage under this permit. Coverage may be restored upon payment of the fee.

### SCHEDULE D

#### GENERAL CONDITIONS

The following General Conditions are federal requirements to inform the person assigned to this General Discharge Permit of their legally binding compliance responsibilities. In the event of an enforcement action by DEQ, the procedures outlined in Oregon Administrative Rule 340 Division 12 will be followed.

#### SECTION A. STANDARD CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Oregon Revised Statutes (ORS) 468B.025 and is grounds for enforcement action; for permit termination, suspension, or modification; or for denial of a permit renewal application.

2. Penalties for Water Pollution and Permit Condition Violations

ORS 468.140 allows the Director to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$25,000 imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense.

Under ORS 468.946, a person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a Class B felony punishable by a fine not to exceed \$200,000 and up to 10 years in prison.



3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

5. Permit Actions

Coverage under this permit may be suspended, revoked and reissued, or terminated for cause including, but not limited to, in response to any of the following:

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. The permittee is identified as a Designated Management Agency or allocated a wasteload in a water quality management plan in a Total Maximum Daily Load.

6. Property Rights

Coverage under this permit does not convey any property rights of any sort, or any exclusive privilege.

## **SECTION B. MONITORING AND RECORDS**

1. Representative Sampling

Sampling and measurements must be taken as required in Schedule B.

2. Monitoring Procedures

Turbidimeters must be calibrated prior to their use.

3. Penalties for Tampering and Falsification

Persons who falsify, tamper with, or knowingly render inaccurate a turbidimeter used to determine compliance with this permit may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not more than two years, or both.

4. Retention of Records

The permittee must retain records of all monitoring information, including all calibration and maintenance records for this permit for a period of at least 3 years from the date of the sampling or measurement

5. Inspection and Entry

The permittee must allow the Director or an authorized representative upon the presentation of credentials to:

- a. Enter upon the permittee's premises where suction dredging occurs, or where records are kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

## **SECTION C. REPORTING REQUIREMENTS**

1. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours, unless otherwise specified in this permit, from the time the permittee becomes aware of the circumstances. During normal business hours, the Department's Regional office must be called. Outside of normal business hours, the Department must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. Pursuant to ORS 468.959 (3) (a), if the permittee is establishing an affirmative defense of upset or bypass to any offense under ORS 468.922 to 468.946, delivered written notice must be made to the Department or other agency with regulatory jurisdiction within 4 (four) calendar days of the time the permittee becomes aware of the circumstances. The written submission must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and

The following must be included as information that must be reported within 24 hours under this paragraph:

- a. Any upset that exceeds any effluent limitation in this permit.
- b. Violation of maximum daily discharge limitation for any of the pollutants listed by the Director in this permit.

The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

2. Duty to Provide Information

The permittee must furnish to the Department within a reasonable time any information that the Department may request to determine compliance with this permit. The permittee must also furnish to the Department, upon request, copies of records required to be kept by this permit.

3. Spill Reports

The permittee must notify the Department of any spills of petroleum products into waters of the State.

DEQ 700PM Suction Dredge Permit

12 pages

Permit Number: 700PM

Expiration Date: December 31, 2014

Page 1 of 12

### GENERAL DISCHARGE PERMIT

Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, OR 97204  
Telephone: (503) 229-5630

Issued pursuant to ORS 468B.050 and 402 of the Federal Clean Water Act

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**ISSUED TO:**

**SOURCES REQUIRED TO REGISTER UNDER THIS PERMIT:**

- 1) small suction dredges not to exceed 30 horsepower with an inside diameter suction hose no greater than six inches used for recovering precious metals or minerals from stream bottom sediments in areas NOT designated as essential salmon habitat.
- 2) small suction dredges not to exceed 16 horsepower with an inside diameter intake nozzle no greater than 4 inches used for recovering precious metals or minerals from stream bottom sediments in areas designated as essential salmon habitat.

**SOURCES COVERED BY THE PERMIT BUT NOT REQUIRED TO REGISTER**

- 1) in-water nonmotorized mining equipment used for recovering precious metals or minerals from stream bottom sediments.

**SOURCES NOT REQUIRED TO OBTAIN A WATER QUALITY PERMIT**

- 1) hand panning

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Neil Mullane, Administrator  
Water Quality Division

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Date

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**SCOPE OF PERMITTED ACTIVITIES**

This 700PM permit replaces the 700PM permit issued in 2005. This permit is valid until December 31, 2014.

Until this permit expires or is modified or revoked, the registrant of this permit is authorized to mine and discharge turbid wastewater to waters of the state only in accordance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

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Schedule A - Discharge Limitations. . . . .	5
Schedule B - Monitoring Requirements. . . . .	5
Schedule C - Special Conditions . . . . .	6
Schedule D - General Conditions . . . . .	8

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**DEFINITIONS**

1. *Background Turbidity* means turbidity that represents the ambient, undisturbed turbidity as measured or observed at least 10 feet upstream or upcurrent from the suction dredge or in-water nonmotorized mining equipment operation at the time dredging occurs.
2. *Daylight hours* are those hours between sunrise and sunset.
3. *DEQ* or *Department* means Oregon Department of Environmental Quality.
4. *Essential salmon habitat* means the habitat that is designated pursuant to ORS 196.810 and is necessary to prevent the depletion of indigenous anadromous salmon species during their life stages of spawning and rearing.
5. *Gravel Bar* means a transitional gravel deposit that lacks any rooted vegetation, located either between the stream banks and the wet perimeter of the stream or entirely within the wet perimeter of the stream.
6. *Habitat structure* includes:
  - *Boulders* include cobbles and larger rocks that protect and prevent erosion of the banks from spring run runoff and storm event stream flow;
  - *Woody material* includes living or dead trees, shrubs, stumps, large tree limbs, and logs;
  - *Vegetation* includes grasses, wildflowers, weeds, and other vegetation that stabilizes the stream banks or provides cover for fish or provides shade
7. *In-water nonmotorized mining equipment or device* are small scale prospecting and mining methods that use gravity separation for processing placer ore and minerals within the wet perimeter such as a hand sluice box and mini rocker.
8. *OAR* means Oregon Administrative Rule.
9. *Pollution or water pollution* means alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof. ORS 468B.005(5).
10. *Stream bank* means a slope of land adjoining and confining a stream channel.

11. *Visible Turbidity* means turbidity that is distinctly visible when compared to background turbidity.
12. *Wastes* mean sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive or other substances which will or may cause pollution or tend to cause pollution of any waters of the state. ORS 468B.005(9).
13. *Wet perimeter* means the area of the stream that is underwater, or is exposed as a non-vegetated dry gravel bar island surrounded on all sides by actively moving water at the time the activity occurs.

## HOW TO APPLY FOR COVERAGE UNDER THIS GENERAL PERMIT

### A. Persons Seeking To Register Under This 700PM General Permit

1. Suction dredge operators can obtain coverage under this permit by the following steps:
  - a. Obtain a DEQ application form by:
    - i. Mail or in person from a DEQ regional office, or
    - ii. Downloading the application from the DEQ website.
  - b. Submit a completed application to DEQ, requesting coverage under this permit at least thirty days prior to the planned activity. The Department may accept applications filed less than thirty days from the planned activity on a case by case basis.
  - c. Submit the annual permit registration fee or the optional 5-year permit registration fee with the application. Permit holders registered for coverage under this permit that pay the annual permit registration fee, need only submit the annual permit registration fee. Unless the registrant's contact information or the operation has changed, DEQ does not require an application each year from registered permit holders paying the annual permit fee.
2. DEQ will review the applications submitted under sections (1) and (2) above and will take one of the following actions:
  - a. Issue written notice of permit registration approval.
  - b. Request additional information.
  - c. Deny coverage under this permit. The applicant will be notified if the applicant's operation cannot be approved for coverage under the permit, and that the applicant may need to obtain an individual permit.
3. Fees
  - a. To obtain and maintain coverage under this permit, the applicable fees provided in OAR 340-045-0075 must be received by the Department.
  - b. Permit holders may, but are not required to, prepay multiple years of coverage in advance.



- d. Failure to pay applicable fees may result in termination of coverage under this permit. Coverage may be restored upon payment of the fee.
4. An existing permit holder who submitted the 2010 annual fees in accordance with the 2005 permit is covered under this permit on its effective date. These permit holders must complete and submit the 2010 application form within 30 days to retain coverage.
5. Renewing coverage prior to the December 31, 2014 expiration date.
  - a. Before July 1, 2014 permit holders must:
    - i. Submit a complete application form to DEQ. The DEQ Director may grant permission to submit the application later than July 1, 2014 but no later than the permit expiration date.
    - ii. Submit all applicable fees with the permit application.

#### B. Sources Covered By This Permit But Not Required To Register Under The Permit

1. In-water nonmotorized mining. No application or fee is required for these activities. Persons conducting in-water nonmotorized mining must have a copy of the permit in their possession or readily available for inspection at the mining location.

#### COVERAGE AND ELIGIBILITY

1. Activities covered by this permit may not discharge wastes to waters of the state except in compliance with this permit.
2. Any person not wishing to be covered or limited by this permit may apply for an individual permit in accordance with the procedures in OAR 340-045-0030.
3. Persons covered by this permit may own or have access to multiple suction dredges or in-water nonmotorized mining equipment at the mining site. The person covered by this permit or, a designated person under supervision of that person, may only operate one device at a time. Other persons not assigned to this permit may operate either a single small suction dredge or in-water nonmotorized mining equipment under the supervision of the permit holder if all conditions of this permit are met. The person covered by this permit must be present when supervising small suction dredge or in-water nonmotorized mining equipment operations by the alternate person.
4. During mining activities, persons covered by this permit must have a copy of the permit in their possession or readily available for inspection at the mining location. Copies of this permit are available at DEQ's website: <http://www.deq.state.or.us/wq> and at DEQ regional offices listed on page 8.

## SCHEDULE A

### DISCHARGE LIMITATIONS FOR ALL EQUIPMENT

1. Suction dredges and in-water nonmotorized equipment authorized by this permit must not create visible turbidity beyond 300 feet downstream or downcurrent. In no case may the visible turbidity cover the entire wet perimeter. No wastes may be discharged and no activities may be conducted that will violate Water Quality Standards as adopted in OAR Chapter 340, Division 41.
2. If any visible increase in turbidity of wastewater discharges is observed above background turbidity beyond any point more than 300 feet downstream or downcurrent from the activity at any time, the operation must be modified, curtailed or stop immediately so that a violation as defined in Schedule A does not exist. Options to prevent, mitigate or correct turbid water discharges include, but are not limited to, ceasing operations, moving the location of the operation, reducing process flow or using a smaller machine.
3. Suction dredge and in-water nonmotorized mining operations are prohibited during non-daylight hours.
4. Mining must not cause any measurable increase in turbidity in the Diamond Peak, Kalmiopsis, Eagle Cap, Gearhart Mountain, Mount Hood, Mount Jefferson, Mount Washington, Mountain Lakes, Oregon Islands, Strawberry Mountain, Three Arch Rocks and Three Sisters wilderness areas. Measureable increase in turbidity is measured as visible turbidity.

## SCHEDULE B

### MONITORING REQUIREMENTS FOR SUCTION DREDGE PERMIT HOLDERS

1. Suction dredge permit holders, or a person under the permit holder's supervision, must visually monitor the turbid wastewater discharges each day of the operation. Visual monitoring must be performed once a day during daylight hours.
2. Visual monitoring of the wastewater discharge must be conducted immediately downstream or down current from the mining activity until the turbidity plume is no longer visible.
3. The following information must be recorded in a monitoring log.
  - a. Record the **date, location, equipment used, whether mitigation measures were needed to comply with the 300 foot turbidity limit, and the printed name of the person making the record** in the monitoring log.
4. The log must be legible and available to authorities upon request.
5. The permit holder must maintain the records for at least three years.

## SCHEDULE C

### SPECIAL CONDITIONS

#### Best Management Practices

1. Suction dredges or in-water nonmotorized mining equipment must be operated to ensure that there is no overlap of turbidity plumes from equipment used in the same waters.
2. Suction dredging is not allowed outside the periods set in the in water work schedule (*Timing of In-Water Work To Protect Fish and Wildlife Resources*) established by the Oregon Department of Fish and Wildlife. Where written approval is required by ODFW, the operator must be in possession of a copy of that written approval or have it readily available during dredging activities.
3. Nonmotorized mining equipment may not be used where fish eggs are present.
4. Fish must be able to swim past the operation. The operator, equipment, turbid discharge, and other mining activities under this permit must not prevent a migrating fish to advance up- or downstream.
5. Dredging or mining from stream banks is not allowed under this permit.
6. Undercutting or eroding stream banks and removal or disturbance of boulders, rooted vegetation, or embedded woody plants and other habitat structure from stream banks is prohibited.
  - *Boulders* include cobbles and larger rocks that protect and prevent erosion of the banks from spring run runoff and storm event stream flow.
  - *Woody plants* include living or dead trees or limbs, and shrubs.
  - *Vegetation* includes grasses, wildflowers, weeds, and other vegetation that stabilizes the stream banks or provides cover for fish or provides shade.
  - *Other natural features*.
7. Moving boulders, logs, or other stream habitat structure within the stream channel is allowed. However, in no case may this habitat structure be removed entirely from the stream bank.
8. Removal of habitat structure that extends into the stream channel from the stream bank is also prohibited.
9. This permit does not authorize operations that may affect bridge footings, dams, and other structures in or near the stream.
10. The suction dredge equipment must be properly maintained and petroleum products managed as follows:
  - a. Discharging oil, grease and fuel from suction dredge activity is prohibited. The permit holder must report spills according to requirements of Schedule D, Section D.2.

- b. Equipment used for suction dredging must not release petroleum products. Equipment surfaces must be free of oils and grease, and must be checked for fuel and oil leaks prior to start of operation on a daily basis.
  - c. A polypropylene pad or other appropriate spill protection and a funnel or spill-proof spout must be used when refueling to prevent possible contamination of surface waters or groundwater.
  - d. All fuel and oil must be stored in an impermeable container and must be located at least 25 feet from the wet perimeter of the stream. For dredge locations where a 25 foot buffer is not possible, additional precaution must be taken to ensure that petroleum products cannot spill or otherwise enter the stream.
  - e. In the event a spill occurs, suction dredge operators must contain, remove and mitigate such spills immediately. All waste oil or other clean up materials contaminated with petroleum products must be properly disposed off-site.
11. No wastewater discharges are allowed where the visible turbidity plume impacts the intake of a drinking water source. Drinking water source information tools to identify downstream intake locations are provided by the DEQ Drinking Water Protection Program and the Oregon Department of Water Resources.
12. Except as restricted in essential salmon habitat, suction dredging and obtaining placer ore for in-water nonmotorized mining is allowed into non-vegetated gravel bars up to 10 feet outside the wet perimeter of the stream.
13. Motorized wheeled or tracked equipment is prohibited below the ordinary high water mark except for the suction dredge and life support system (for example, breathing air supply).
14. Operators must ensure that mining equipment does not house invasive species. Equipment must be decontaminated prior to its placement in Oregon waters and when transferring from one water body to another. The Oregon Marine Board provides information including decontamination steps on aquatic invasive species. Discharge of decontamination solutions to waters of the state is prohibited.
15. Use of chemical agents such as mercury to improve mineral processing or metal extraction from ore or high-grade fines is not allowed under this permit.

#### CONDITIONS TO PROTECT OREGON SCENIC WATERWAYS, ESSENTIAL SALMON HABITAT, AND WILDERNESS AREAS

16. Suction dredging is prohibited in Oregon Scenic Waterways.
17. Areas designated as essential salmon habitat are restricted to small suction dredges not to exceed 16 horsepower with an inside diameter intake nozzle no greater than 4 inches.
18. Mining in essential salmon habitat is restricted to the wet perimeter of the stream.

## CONDITIONS FOR SUCTION DREDGING ON WATER QUALITY LIMITED STREAMS

19. Suction dredging is prohibited on any stream segment that is listed as water quality limited for sediment, turbidity or toxics on the list published by DEQ pursuant to OAR 340-041-0046. This prohibition does not apply, however, to stream segments that were properly subject to mining under the 700-J permit between May, 3, 1999 and July 1, 2005, or to stream segments subject to a total daily maximum load (TMDL) that specifically authorizes mining under the 700 PM permit.
- a. The 303(d) list of water quality limited streams is available on the DEQ website or at the following Department offices:
- |      |  |     |  |
|------|--|-----|--|
| i.   | Northwest Region<br>2020 SW 4th Avenue, Suite 400<br>Portland, OR 97201<br>Tel. No. (503) 229-5263 | ii. | Western Region<br>165 East 7th Avenue, Suite 100<br>Eugene, OR 97401<br>Tel. No. 541-687-7326  |
| iii. | Eastern Region<br>700 SE Emigrant, #330<br>Pendleton, OR 97801<br>Tel. No. (541) 276-4063          | iv. | DEQ Headquarters<br>811 SW 6 <sup>th</sup> Avenue 7 <sup>th</sup> floor<br>Portland, OR 97204-1390<br>Tel No. (503) 229-6114<br>Tel No. (800) 452-4011 (x6114) |

### SCHEDULE D NPDES GENERAL CONDITIONS

Where the above permit requirements are in conflict with these general conditions, the permit requirements supersede these general conditions.

#### SECTION A. STANDARD CONDITIONS

1. Duty to Comply with Permit  
The permit holder must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for the Department to terminate, modify and reissue, revoke, or deny renewal of a permit.
2. Penalties for Water Pollution and Permit Condition Violations  
The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions 33 USC §1365. DEQ enforcement is generally based on provisions of state statutes and EQC rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.
- ORS 468.140 allows the Department to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed \$32,500 and administrative penalties not to exceed \$11,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, a person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a Class B felony punishable by a fine not to exceed \$200,000 and up to 10 years in prison. The federal Clean Water Act provides for criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

3. Duty to Mitigate

The permit holder must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permit holder must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Duty to Reapply

If the permit holder wishes to continue an activity regulated by this permit after the expiration date of this permit, the permit holder must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

The Department may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge
- d. The permit holder is identified as a Designated Management Agency or allocated a waste load under a Total Maximum Daily Load (TMDL)
- e. New information or regulations
- f. Modification of compliance schedules
- g. Requirements of permit reopener conditions
- h. Correction of technical mistakes made in determining permit conditions
- i. Determination that the permitted activity endangers human health or the environment
- j. Other causes as specified in 40 CFR 122.62, 122.64, and 124.5

The filing of a request by the permit holder for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. Toxic Pollutants

The permit holder must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

7. Property Rights and Other Legal Requirements



The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

8. Permit References

Except for effluent standards or prohibitions established under Section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants and standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

9. Permit Fees

The permit holder must pay the fees required by Oregon Administrative Rules.

**SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

1. Proper Operation and Maintenance

The permit holder must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permit holder to achieve compliance with the conditions of this permit.

**SECTION C. MONITORING AND RECORDS**

1. Representative Sampling

Sampling and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit, and shall be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points may not be changed without notification to and approval of the Department.

2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136, or in the case of sludge use and disposal, under 40 CFR part 503, unless other test procedures have been specified in this permit.

3. Penalties of Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.

4. Additional Monitoring by the Permit holder

If the permit holder monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency must also be indicated.

5. Retention of Records

The permit holder must retain records of all monitoring information, including all calibration and maintenance records for this permit for a period of at least 3 years from the date of the sampling or measurement. This period may be extended by request of the Department at any time.

6. Records Contents

Records of monitoring information must include:

- a. The date, location, time, and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;

- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

7. Inspection and Entry

The permit holder must allow the Department or EPA upon the presentation of credentials, to:

- a. Enter upon the permit holder's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

8. Confidentiality of Information

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permit holder may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permit holder, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR 122.21 will not be classified as confidential. 40 CFR 122.7(b).

**SECTION D. REPORTING REQUIREMENTS**

1. Transfers

This permit may be transferred to a new permit holder provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit may be transferred to a third party without prior written approval from the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permit holder and incorporate such other requirements as may be necessary under 40 CFR Section 122.61. The permit holder must notify the Department when a transfer of property interest takes place.

2. Twenty-Four Hour Reporting

The permit holder must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permit holder becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the Department's Regional office must be called. Outside of normal business hours, the Department must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission must also be provided within 5 days of the time the permit holder becomes aware of the circumstances. The written submission must contain:

- a. A description of noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and

The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

3. Duty to Provide Information

The permit holder must furnish to the Department within a reasonable time any information that the Department may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permit holder must also furnish to the Department, upon request, copies of records required to be kept by this permit.

Other Information: When the permit holder becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to the Department, it must promptly submit such facts or information.

4. Signatory Requirements

All applications, reports or information submitted to the Department must be signed and certified in accordance with 40 CFR Section 122.22.

5. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$100,000 per violation and up to 5 years in prison. Additionally, according to 40 CFR 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

6. Changes to Discharges of Toxic Pollutant

The permit holder must notify the Department as soon as it knows or has reason to believe the following:

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (1) One hundred micrograms per liter (100 µg/l);
  - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Section 122.21(g)(7); or
  - (4) The level established by the Department in accordance with 40 CFR Section 122.44(f).
- b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (1) Five hundred micrograms per liter (500 µg/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Section 122.21(g)(7); or
  - (4) The level established by the Department in accordance with 40 CFR Section 122.44(f).

# DEQ Current 2015 Suction Dredge Permit

15 pages

Permit Number: 700PM  
Expiration Date: January 1, 2020  
Page 1 of 15



## GENERAL PERMIT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM WASTEWATER DISCHARGE PERMIT

Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, OR 97204  
Telephone: (503) 229-5630

Issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act

### ISSUED TO:

Name	
Address	
Assigned Permit Number (display on dredge)	
Permit Coverage Expiration Date	

This general permit provides coverage under the National Pollutant Discharge Elimination System for three kinds of discharges:

- Discharges from suction dredges not exceeding 30 horsepower and suction hoses with inside diameters no larger than six inches in diameter that do not operate in areas designated as essential salmon habitat.** Operators seeking coverage for this type of discharge must apply for registration under the permit and registration must be approved by DEQ.
- Discharges from suction dredges not exceeding 16 horsepower and suction nozzles with inside diameters no larger than four inches in diameter that operate in areas designated as essential salmon habitat.** Operators seeking coverage for this type of discharge must apply for registration under the permit and registration must be approved by DEQ.
- Discharges from in-water, non-motorized mining equipment or devices.** Operators seeking coverage for this type of discharge are not required to apply for registration but are required to comply with all applicable permit terms.

All other mining activities that discharge to surface waters of the state are required to apply for an individual permit, except for hand panning which is exempt from permitting requirements.

Issue date: \_\_\_\_\_  
Effective date: May 15, 2015

\_\_\_\_\_  
Lydia Emer  
Operations Division Administrator

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SCOPE OF PERMITTED ACTIVITIES

Until this permit expires or is modified or revoked, a person covered under this permit is authorized to discharge wastewater from authorized mining equipment to waters of the state in accordance with all the requirements, limitations, and conditions set forth in the permit as follows:

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**DEFINITIONS**

1. *Background Turbidity* means turbidity that represents the ambient turbidity of undisturbed waters as measured or observed at least 10 feet upstream or up-current from the suction dredge or in-water non-motorized mining equipment operation at the time dredging occurs.
2. *Boulder* means a rock 12 inches in diameter or greater.
3. *Combination highbanker/suction dredge* means a type of mineral processing equipment constructed on an elevated support structure (e.g., legs or a box) with water supplied to a sluice box by hand or pumping and placer material is delivered to the hopper by hand or by an attached suction hose system.
4. *Daylight hours* means the hours between sunrise and sunset.
5. *DEQ* or *Department* means Oregon Department of Environmental Quality.
6. *Essential salmon habitat* means essential indigenous anadromous salmonid habitat pursuant to ORS 196.810(1)(f)(B).
7. *Gravel Bar* means a transitional gravel deposit that lacks any rooted vegetation, located either between the stream banks and the wetted perimeter of the stream or entirely within the wetted perimeter of the stream.
8. *Habitat structure* means physical composition of natural or restoration material that provides function and complexity in a stream. And includes but is not limited to:
  - *Boulders*
  - *Woody material* such as living or dead trees, shrubs, stumps, large tree limbs, and logs;
  - *Vegetation* such as grasses, shrubs, wildflowers, or weeds; and
  - *Other natural features* necessary to provide fish with areas for spawning, resting, food, refuge from predators and shade.
9. *Highbanker* means mineral processing equipment that is constructed on an elevated support structure (e.g., legs or a box) with water supplied to a sluice box by hand or pumping and placer material is delivered to the hopper by hand.

10. *In-water non-motorized mining equipment or device* means any equipment or device used for prospecting and small scale mining, including equipment used for gravity separation or other processing of precious metals or minerals from stream deposits within the wetted perimeter of a stream. These devices include but are not limited to a hand sluice box, mini rocker, or hand suction tool.
11. *OAR* means Oregon Administrative Rule.
12. *ORS* means Oregon Revised Statute
13. *Pollution or water pollution* means alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof. ORS 468B.005(5).
14. *Stream bank* means a slope of land adjoining and confining a stream channel.
15. *Suction dredge* means a mechanical device with a suction nozzle and hose for conveyance of streambed material to a sluice box, where suction is created by a power source (electric motor or combustion engine) or gravity. The sluice box and power source of a suction dredge are mounted on a floating platform. For purposes of this permit, a suction dredge includes a gravity or siphon suction dredge.
16. *Visible Turbidity* means turbidity that is visible when compared to background turbidity.
17. *Wastes* mean sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive or other substances that will or may cause pollution or tend to cause pollution of any waters of the state. ORS 468B.005(9).
18. *Wetted perimeter* means the area of the stream that is underwater, or is exposed as a non-vegetated dry gravel bar island surrounded on all sides by water that is actively moving at the time the activity occurs.

### **DISCHARGES NOT AUTHORIZED BY THIS PERMIT**

The coverage for discharges provided by this general permit does not extend to all waters of the State. The waters where discharges are not authorized by the general permit are set out below. Subject to applicable laws, a person wishing to mine in these areas may apply for coverage under an individual permit.

#### **Oregon State Scenic Waterways**

1. This general permit does not authorize discharges from suction dredges in Oregon State Scenic Waterways. Pursuant to ORS 390.805 to ORS 390.925 motorized suction dredge mining is restricted in Oregon State Scenic Waterways. Location information on Oregon State Scenic Waterways will be provided with the application.

#### **Essential Salmon Habitat**

2. This general permit does not authorize discharges from suction dredges greater than 16 horsepower or an inside diameter intake nozzles greater than 4 inches in Essential Salmon Habitat. Location information on Essential Salmon Habitat waterways will be provided with the application.



3. This general permit does not authorize discharges from mining outside the wetted perimeter of the stream in essential salmon habitat.

#### Tribal Lands

4. This general permit does not authorize discharges from suction dredges or in-water non-motorized mining equipment operating on tribal lands, or waterways that constitute a boundary of a tribal reservation. Information on water bodies that serves as tribal reservation boundaries will be provided with the application.

#### Water Quality Limited Streams 303(d) List

5. This general permit does not authorize discharges from suction dredges operating on any stream segment that is listed as water quality limited in categories 4 and 5 for sedimentation, turbidity or toxics other than chlorine, on the list published by DEQ pursuant to OAR 340-041-0046 unless a stream segment is subject to a total maximum daily load (TMDL) that includes a wasteload allocation for mining under the 700PM permit. The 303(d) list as approved or established by EPA that is in effect as of January 1 of each year will be used to determine if coverage is available.

#### Other discharges

6. This general permit does not authorize discharges from highbanker and combination highbanker/suction dredge equipment.

### **HOW TO REGISTER FOR COVERAGE UNDER THIS GENERAL PERMIT**

#### **A. Persons Seeking To Register Under This 700PM General Permit**

1. To register for coverage under this permit, Suction dredge operators must take the following steps:
  - a. Obtain a DEQ application form by:
    - i. mail or in person from a DEQ office, or
    - ii. downloading the application from the DEQ website;
  - b. Submit a completed application to DEQ, requesting coverage under this permit at least thirty days prior to the planned activity. The Department may accept applications filed less than thirty days from the planned activity on a case by case basis;
  - c. Submit an annual fee or the optional five-year fee with the application. Except for persons paying a five-year fee for full permit term coverage, an annual fee payment form is due each year for persons seeking coverage for that calendar year. Permit registrants must submit a new application if contact information, mining location, or the operation has changed; and
  - d. Pursuant to OAR 340-045-0033(7), any person required to have coverage under a general permit must pay applicable permit fees as described in Section 3 below to obtain and maintain coverage under that permit. DEQ will not assign permit coverage without fee payment in advance.

2. DEQ will review the application and will take one of the following actions:
  - a. Issue written notice of permit registration approval;
  - b. Request additional information; or
  - c. Deny registration under this permit. The applicant will be notified if the applicant's operation cannot be approved for registration under the permit, and if the applicant may need to apply for an individual permit. The procedures for denial of an application to register and for requesting a hearing on a denial are contained in OAR 340-045-0050.
3. Fees for sources seeking registration.
  - a. To obtain and maintain coverage under this permit, the applicable fees provided in OAR 340-045-0075, Table 70G and ORS 468B.052 must be received by the Department.
  - b. Applicants may pay for permit coverage by submitting:
    - i) an annual fee for each year the person registers under the general permit; or
    - ii) a five-year fee for full permit term coverage under this general permit.
  - c. For persons with permit coverage under a five-year registration, DEQ will inform the registrant of any applicable 303(d) listings approved by EPA during the period of coverage.
  - d. Payment of a nonrefundable \$150 surcharge is required for obtaining or maintaining coverage under DEQ's 700-PM suction dredge mining permit for calendar year 2015.
4. To renew coverage prior to the January 1, 2020 expiration date.
  - a. Before July 1, 2019, registrants must:
    - i. Submit a complete application form to DEQ. The DEQ Director may grant permission to submit the application later than July 1, 2019 but no later than the permit expiration date.
    - ii. Submit all applicable fees with the permit application.

B. Sources Covered By This Permit But Not Required To Register Under The Permit

1. In-water non-motorized mining. No application or fee is required for discharges from in-water non-motorized mining equipment. Persons conducting in-water non-motorized mining must have a copy of the permit in their possession or readily available for inspection at the mining location.

**COVERAGE AND ELIGIBILITY**

1. A person covered by this permit may not discharge wastes to waters of the state except in compliance with this permit.

2. Suction dredge and in-water non-motorized mining equipment authorized under this permit must be located within the wetted perimeter.
3. Any person not wishing to be covered by this permit may apply for an individual permit in accordance with the procedures in OAR 340-045-0030.
4. At no time may permit coverage apply to simultaneous operation of more than one suction dredge or one in-water non-motorized mining device. The person covered by this permit may supervise another person operating either a single suction dredge or a single in-water non-motorized mining device as long as the person covered by this permit is present. A person operating under the supervision of a person covered by the permit must comply with all conditions and limitations in the permit.
5. During mining activities, a person covered by this permit must have a copy of the permit in the person's possession or readily available for inspection at the mining location. Registered suction dredge operators must possess the permit copy assigned to them through registration. Copies of this permit are available for operators using in-water non-motorized equipment at DEQ's website: <http://www.deq.state.or.us/wq> or by requesting a copy from a DEQ office.
6. An assigned permit number is provided by DEQ upon registration. DEQ's assigned permit number must be displayed at all times on a suction dredge located within the wetted perimeter. The assigned permit number identifies the operator – not the equipment – and may be transferred from one piece of equipment to another depending on which equipment the operator is using.

The assigned permit number must be displayed in a manner that is visible and legible for purposes of identification from banks and shorelines. The identification number shall read left to right and be in block characters not less than three inches in height and of a color that contrasts with the background.

## SCHEDULE A

### DISCHARGE LIMITATIONS FOR ALL EQUIPMENT

1. Discharges from Suction dredges and in-water non-motorized equipment authorized by this permit must not create visible turbidity above background beyond 300 feet downstream or downcurrent of the mining operation. In no case may visible turbidity cover the entire wetted perimeter (from stream bank to opposite stream bank). No wastes may be discharged and no activities may be conducted that will cause or contribute to a violation of water quality standards as adopted in OAR Chapter 340, Division 41.
2. If any visible increase in turbidity of wastewater discharges is observed above background turbidity beyond any point more than 300 feet downstream or downcurrent from the activity at any time, the operation must be modified, curtailed, or stopped immediately so that a violation as defined in Schedule A does not exist. Options to prevent, mitigate or correct turbid water discharges include, but are not limited to, ceasing operations, moving the location of the operation, reducing process flow or using a smaller machine.

3. Suction dredge and in-water non-motorized mining operations are prohibited during non-daylight hours.
4. Mining must not cause any measurable increase in turbidity in the Diamond Peak, Kalmiopsis, Eagle Cap, Gearhart Mountain, Mount Hood, Mount Jefferson, Mount Washington, Mountain Lakes, Oregon Islands, Strawberry Mountain, Three Arch Rocks and Three Sisters wilderness areas. Measureable increase in turbidity for purposes of this permit is any visible turbidity.
5. Suction dredge equipment must be properly maintained and petroleum products must be managed so that no visible oily sheen is created in the water.
6. Operation of a suction dredge is not allowed in waters less than 500 feet upstream from a stream segment of the same stream or a tributary of a stream with a stream segment that is listed as water quality limited in categories 4 and 5 for sedimentation, turbidity or toxics other than chlorine, on the list published by DEQ pursuant to OAR 340-041-0046 unless a stream segment is subject to a total maximum daily load (TMDL) that includes a wasteload allocation for mining under the 700PM permit. The 303(d) list as approved or established by EPA that is in effect as of January 1 of each year will be used for water quality limited waters.

## **SCHEDULE B**

### MONITORING REQUIREMENTS FOR SUCTION DREDGE REGISTRANTS

1. Registrants must visually monitor the turbid wastewater discharges from the suction dredge each day of the operation. Visual monitoring must be performed at least once a day during daylight hours.
2. Registrants must visually monitor the wastewater discharge immediately downstream or down current from the mining activity until the turbidity plume is no longer visible.
3. Registrants must record all of the information listed below in a monitoring log:
  - a. assigned permit number;
  - b. date of visual monitoring;
  - c. time of visual monitoring;
  - d. location of visual monitoring:
    - i) using township, range and section and latitude and longitude and
    - ii) stream name;
  - e. suction dredge nozzle inside diameter, hose inside diameter and maximum horsepower rating;
  - f. date that equipment was checked and date equipment was decontaminated for invasive species according to Schedule C, Condition 16;
  - g. account of any mercury observed in sluice box or concentrate during cleanout process and amount of mercury collected;
  - h. whether operations were modified, curtailed or stopped and if so, what actions were taken, in order to comply with the 300 foot turbidity limit;

- i. other noncompliance according to General Condition D3; and
  - j. the printed name of the person performing the visual monitoring and recording the observations in the monitoring log.
4. The monitoring log must be legible and available to authorities upon request.
  5. Registrants must submit the monitoring log as part of the DEQ annual report by February 28 of each calendar year. Permit registrants must submit an annual report even if no dredging occurred. Annual reports must be submitted to DEQ Headquarters at 811 SW 6<sup>th</sup> Avenue, Portland OR, 97204. An annual report form will be available on DEQ's web page or at a DEQ office.
  6. Registrants must maintain monitoring logs and annual reports required by this permit and records of all data used to complete the application for this permit for at least three years from the expiration date of this permit.
  7. When a registrant becomes aware that it has failed to properly report any relevant facts or has submitted incorrect information in a permit application or any report to DEQ, the registrant must promptly submit or correct the submission of such facts or information.

### SCHEDULE C

#### BEST MANAGEMENT PRACTICES FOR SUCTION DREDGES OR NON-MOTORIZED EQUIPMENT

1. Suction dredges or in-water non-motorized mining equipment must be operated to ensure that there is no overlap of turbidity plumes from equipment used in the same waters.
2. Suction dredging is not allowed outside the periods set in the in-water work schedule (*Timing of In-Water Work To Protect Fish and Wildlife Resources*) established by the Oregon Department of Fish and Wildlife.
3. Mining equipment, including suction dredges and in-water non-motorized mining equipment must not be used where fish eggs are present.
4. No activities authorized by this permit, including operation of mining equipment, location of mining equipment, or turbid discharge, may obstruct a migrating fish from advancing upstream or downstream.
5. Mining equipment, including suction dredges and in-water non-motorized mining equipment must not be used where live freshwater mussels are present. Operations must be relocated if live mussels are encountered during excavation.
6. Mining equipment, including suction dredges and in-water non-motorized mining equipment must not be used where Pacific Lamprey ammocoetes are present. If Pacific Lamprey ammocoetes are found, the operator must salvage the ammocoetes by sifting through

streambed material in the area of operation and in the removed substrate and returning salvaged ammocoetes to the stream away from the activity.

7. Dredging or mining material from stream banks is prohibited under this permit.
8. Undercutting or eroding stream banks and removal or disturbance of boulders, rooted vegetation, or embedded woody plants and other habitat structure from stream banks is prohibited.
9. Moving boulders, logs, or other habitat structure within the stream channel is allowed by hand or non-motorized equipment. However, in no case may this habitat structure be removed entirely from the stream. Boulders and other habitat structures must be returned to their original position upon completion of the mining activity. The mining activity is considered complete if a person authorized by this permit does not return to that location to conduct the activity within 24 hours.
10. Removal of habitat structure that extends into the stream channel from the stream bank is also prohibited. Examples of habitat structure are boulders, woody materials, vegetation, and other natural features.
11. This permit does not authorize operations that may affect bridge footings, dams, and other structures in or near the stream.
12. Suction dredge equipment must be maintained, and petroleum products managed, to prevent water pollution as follows:
  - a. Discharging oil, grease and fuel from suction dredge activity is prohibited. Permit registrants must report spills according to requirements of Schedule D, Section D.2.
  - b. Equipment used for suction dredging must not release petroleum products. Equipment surfaces must be free of oils and grease, and must be checked for fuel and oil leaks prior to start of operation on a daily basis.
  - c. Oil absorbent material and an American National Standards Institute (ANSI) or Underwriters Laboratories (UL) approved safety container and self-closing nozzle must be used when refueling to prevent possible contamination of surface waters or groundwater.
  - d. Fuel and oil storage must be located at least 25 feet back from the wetted perimeter of the stream. Where a 25 foot setback is not possible (due to circumstances such as steep bank, storage security, movement of operations), fuel and oil must be stored in secondary containment. When it is not practical to store fuel and oil on land, secondary containment must be used when storing fuel on the dredge or in a support boat. Secondary containment capacity must be able to hold an amount greater than the fuel container volume.



- e. In the event a spill occurs, suction dredge operators must contain, remove and mitigate such spills immediately. All waste oil or other clean up materials contaminated with petroleum products must be properly disposed off-site.
13. No visible turbidity plume may reach the intake of a drinking water source. Drinking water source information tools to identify downstream intake locations are provided by the DEQ Drinking Water Protection Program and the Oregon Department of Water Resources.
14. Except as restricted in essential salmon habitat, suction dredging and in-water non-motorized mining is allowed on non-vegetated gravel bars up to 10 feet outside the wetted perimeter of the stream.
15. Motorized wheeled or tracked equipment is prohibited below the ordinary high water mark except for the suction dredge and life support system (for example, breathing air supply). Dredges may be launched and taken out at boat ramps, stream crossings/fords and other public water access points that are authorized by land management authorities.
16. Mining equipment must not carry or contain invasive species. Equipment must be decontaminated prior to its placement in Oregon waters and when transferring from one water body to another. The Oregon Marine Board provides information including decontamination steps on aquatic invasive species. Discharge of decontamination solutions to waters of the state is prohibited.
17. Use of chemical agents such as mercury to improve mineral processing or metal extraction from ore or high-grade fines is not allowed under this permit.

#### **SCHEDULE D NPDES GENERAL CONDITIONS – INDUSTRIAL FACILITIES**

Where the above permit requirements are in conflict with these general conditions, the permit requirements supersede these general conditions.

#### **SECTION A. STANDARD CONDITIONS**

##### **A1. Duty to Comply with Permit**

The permittee must comply with all conditions of this permit. Failure to comply with any permit condition is a violation of Oregon Revised Statutes (ORS) 468B.025 and the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for DEQ to terminate, modify and reissue, revoke, or deny renewal of a permit.

##### **A2. Penalties for Water Pollution and Permit Condition Violations**

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions 33 USC § 1365. DEQ enforcement is generally based on provisions of state statutes and Environmental Quality Commission (EQC) rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows DEQ to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to

exceed \$32,500 and administrative penalties not to exceed \$11,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, a person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a Class B felony punishable by a fine not to exceed \$250,000 and up to 10 years in prison per ORS chapter 161. The federal Clean Water Act provides for criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person is subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

A3. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of DEQ, the permittee must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

A4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

DEQ may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

A5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute.
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts.
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- d. The permittee is identified as a Designated Management Agency or allocated a wasteload under a total maximum daily load (TMDL).
- e. New information or regulations.
- f. Modification of compliance schedules.
- g. Requirements of permit reopener conditions.
- h. Correction of technical mistakes made in determining permit conditions.
- i. Determination that the permitted activity endangers human health or the environment.
- j. Other causes as specified in 40 CFR §§ 122.62, 122.64, and 124.5.

The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

A6. Toxic Pollutants

The permittee must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

A7. Property Rights and Other Legal Requirements

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, or authorize any injury to persons or property or invasion of any other private rights, or any infringement of federal, tribal, state, or local laws or regulations.

A8. Permit References

Except for effluent standards or prohibitions established under section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants, and standards for sewage sludge use or disposal established under section 405(d) of the federal Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

A9. Permit Fees

The permittee must pay the fees required by OAR.

**SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

B1. Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

**SECTION C. MONITORING AND RECORDS**

C1. Representative Sampling

Sampling and measurements taken as required herein must be representative of the volume and nature of the monitored discharge. All samples must be taken at the monitoring points specified in this permit, and must be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points must not be changed without notification to and the approval of DEQ.

C2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136 or, in the case of sludge use and disposal, approved under 40 CFR part 503 unless other test procedures have been specified in this permit.

C3. Penalties of Tampering

The federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit

may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.

- C4. Additional Monitoring by the Permittee  
If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report.
- C5. Averaging of Measurements  
Calculations for all limitations that require averaging of measurements must utilize an arithmetic mean, except for bacteria which must be averaged as specified in this permit.
- C6. Retention of Records  
Records of monitoring reports required by this permit and records of all data used to complete the application for this permit must be retained for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of DEQ at any time.
- C7. Records Contents  
Records of monitoring information must include:
- The date, exact place, time, and methods of sampling or measurements;
  - The individual(s) who performed the sampling or measurements;
  - The date(s) analyses were performed;
  - The individual(s) who performed the analyses;
  - The analytical techniques or methods used; and
  - The results of such analyses.
- C8. Inspection and Entry  
The permittee must allow DEQ or EPA upon the presentation of credentials to:
- Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
  - Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.
- C9. Confidentiality of Information  
Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The permittee may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permittee, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR § 122.21 are not classified as confidential [40 CFR § 122.7(b)].

## SECTION D. REPORTING REQUIREMENTS

### D1. Transfers

This permit may be transferred to a new permittee provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and EQC rules. No permit may be transferred to a third party without prior written approval from DEQ. DEQ may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under 40 CFR § 122.61. The permittee must notify DEQ when a transfer of property interest takes place.

### D2. Twenty-Four Hour Reporting

The permittee must report any noncompliance that may endanger health or the environment. Any information must be provided orally (by telephone) within 24 hours from the time the permittee becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the DEQ regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain:

- a. A description of noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and

DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

### D3. Other Noncompliance

The permittee must report all instances of noncompliance not reported under General Condition D2, at the time monitoring reports are submitted. The reports must contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

### D4. Duty to Provide Information

The permittee must furnish to DEQ within a reasonable time any information that DEQ may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee must also furnish to DEQ, upon request, copies of records required to be kept by this permit.

Other Information: When the permittee becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to DEQ, it must promptly submit such facts or information.

### D5. Signatory Requirements

All applications, reports or information submitted to DEQ must be signed and certified in accordance with 40 CFR § 122.22.

D6. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$125,000 per violation and up to 5 years in prison per ORS chapter 161. Additionally, according to 40 CFR § 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance will, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.