

**From:** tom quintal  
**To:** [SENR Exhibits](#)  
**Subject:** SB-3 OPPOSITION FOR OLS  
**Date:** Monday, March 20, 2017 7:07:26 PM  
**Attachments:** [DEQ 600 WPCF 2015 permit.pdf](#)

---

**Subject: SB-3 OPPOSITION TESTIMONY**

Beth would you please enter this information for the record in OLS for opposition to SB-3.

The 600 WPCF off stream overly restrictive permit is another reason why we should not shut more upper stream reaches for upland mining.

Thank you,

Tom Quintal

1718 Sonya Dr. SE

Salem, Oregon 97317

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 Anan, Administrator  
Water Quality Division

---

Effective Date

---

---

**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

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:

	<u>Page</u>
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<br>2020 SW 4th Avenue, Suite 400<br>Portland, OR 97201<br>Tel. No. (503) 229-5263 | ii. Western Region<br>750 Front Street NE, Suite 120<br>Salem, OR 97301-1039<br>Tel. No. (503) 378-8240  |
| iii. Eastern Region<br>700 SE Emigrant, Suite 330<br>Pendleton, OR 97801<br>Tel. No. (541) 276-4063   | iv. DEQ Headquarters<br>811 SW 6 <sup>th</sup> Avenue 6 <sup>th</sup> floor<br>Portland, OR 97204-1390<br>Tel No. (503) 229-5185<br>Tel No. (800) 452-4011 |

## **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.

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



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.

## **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.