

Notice of Proposed Rulemaking

Proposed Renewal of NPDES General Permit 700-J

Background

The Oregon Department of Environmental Quality (DEQ) is proposing to renew NPDES General Permit 700-J. This proposed permit covers discharges from suction dredges that do not to exceed 30 horsepower or have a suction hose larger than 6 inches in diameter. Suction dredges are used to recover precious metals and minerals from stream bed sediments.

This permit replaces the 700-J permit originally issued by DEQ in 1997 and was revised in 1999 and the Mutual Agreement and Order (MAO) number WQ/I-ER-02-114. Approximately 1950 suction dredge operators are currently regulated by DEQ.

Proposed Changes

DEQ is proposing the following key changes to the permit:

- *New turbidity limits*
- *Clarify operation and work practices*
- *Allow administration of the 700-J through the Oregon Department of State Lands*
- *New annual fee requirements*

Why are rule changes needed?

The current permit expired on March 31, 2002, and must be renewed through rulemaking.

The proposed changes to the permit are needed to protect the beneficial uses of Oregon's surface waters. Renewing the general permit is a more efficient and less expensive than requiring individual permits for the same activity.

Who may be affected?

Current and future suction dredge operations covered by this permit will be affected. Renewing this permit is not expected to

affect small and large businesses, or the general public.

How was this proposal developed?

DEQ developed this proposed general permit based on input from staff and representative, interested individuals including 700-J permitted miners and associations, public officials, state and federal agencies, and third party interest groups. Staff conducted site visits, met with representative suction dredge operators, and provided preliminary drafts of proposed permit change to key stakeholders for comment. An advisory committee was not established for this rulemaking.

How to Comment

Interested persons are encouraged to comment on the proposed changes to this permit. Comments may be submitted in writing via mail, fax, or e-mail at anytime before the comment deadline. Written and oral comment may be submitted during the public hearings identified below. DEQ will consider all written and oral comments received by the comment deadline.

Please submit comments to:

Scott Manzano
811 SW Sixth Avenue
Portland, OR 97204

Fax: 503-229-5408

E-mail: Manzano.Scott@deq.state.or.us

(E-mail comments should be sent as soon as possible. If there is a delay between servers, e-mails may not be received before the deadline.)

Public Hearings

DEQ will conduct four public hearings on the proposed permit renewal as provided below. Each hearing will begin with an overview of the proposed rule changes, followed by an opportunity for persons to provide oral and written comment. DEQ will record and consider all relevant comments.



State of Oregon
Department of
Environmental
Quality

Water Quality Division Surface Water Management

811 SW 6th Avenue
Portland, OR 97204

Phone: (503) 229-5185

(800) 452-4011

Fax: (503) 229-5408

Contact: Scott Manzano

www.deq.state.or.us or
Manzano.Scott@deq.state.or.us

Additional Materials Attached

- [Statement of Need and Fiscal Impact](#)
- [Land Use Evaluation Statement](#)
- [Response to Questions Addressing Federal Requirements](#)
- [Revised 700-J General Permit](#)
- [General Permit Evaluation Report](#)
- [Proposed Rule Amendments](#)

Other Documents Available

- Turbidity Technical Support Basis
- Current Permittee List

Date: January 26, 2005
Time: 5:00 pm
Place: Oregon DEQ, 811 SW 6th Ave., Rm. 3A
Portland, Oregon

Date: January 27, 2005
Time: 5:00 pm
Place: Department of State Lands
773 Summer St. Suite 100
Salem, Oregon

Date: February 1, 2005
Time: 5:00 pm
Place: Anne Basker Auditorium, 604 NW 6th Street
Grants Pass, Oregon

Date: February 3, 2005
Time: 5:00 pm
Place: Baker City Hall, 1655 First Street
Baker City, Oregon

Comment Deadline

All comments must be received by DEQ by 5:00 PM on February 11, 2005. Comments received after this date cannot be considered.

How will the proposed 200-J be adopted?

DEQ will consider all comments received during the comment period and may modify the permit. DEQ plans to recommend that the Environmental Quality Commission (EQC) adopt the revised permit at their meeting scheduled for June 24, 2005.

DEQ will notify persons of the time and place for final EQC action if they submit comments during the hearing or comment period or request to be placed on DEQ's mailing list for this rulemaking.

Additional permit information

The permit evaluation report, attached, describes the decisions made by DEQ when drafting the proposed permit.

Facilities subject to the current permit are required to manage suction dredge activity to control discharges of streambed sediments that create turbidity. Turbidity created from suction dredge activity is not expected to increase during the permit term, and under conditions of the proposed renewal.

Because of agency resources, DEQ has not conducted inspections at these operations unless in response to a complaint. Compliance with the permit has generally been good.

Permittees assigned to the 700-J are not required to obtain other DEQ permits for suction dredging. However, a number of 700-J permittees are also assigned to the 600-J General Permit for off-stream placer mining.

How are water quality-limited streams addressed and TMDLs implemented in these permits?

The facilities assigned to the 700-J permit discharge to a variety of receiving streams. Suction dredge activity covered by this permit is not allowed in streams that have not been dredged in the past and that are water quality limited for sedimentation, turbidity, or toxics.

If a Total Maximum Daily Load is established for the pollutants controlled by this permit or additional monitoring requirements are deemed necessary, DEQ may require that sources obtain an individual permit or coverage under different general permit that includes a waste load allocation.

Where can I obtain further information?

The proposed permit and materials attached to this notice are available on DEQ's website: <http://www.deq.state.or.us/wq/wqpermit/ssmining/smallscalemining.htm>, and at DEQ headquarters in Portland. Please contact Scott Manzano to obtain copies or arrange an appointment to review these and other documents relied upon to develop this proposed permit.

Alternative formats/accommodations

Please notify DEQ of any special physical or language accommodations needed for the hearings as far in advance as possible. Alternative formats of this document can be made available by contacting DEQ's Office of Communications & Outreach, Portland, at (503) 229-5317.