

Notice of Hearing and Request for Comments

Proposed Reissuance of 700-PM NPDES General Permit

The purpose of this notice is to invite you to provide comments on the proposed reissuance of the 700-PM National Pollutant Discharge Elimination System (NPDES) general permit.

DEQ's role

The Oregon Department of Environmental Quality is responsible for protecting and enhancing Oregon's water and air quality, for cleaning up spills and releases of hazardous materials, and for managing the proper disposal of hazardous and solid wastes. One way DEQ does this is by requiring permits for certain activities. DEQ issues permits to regulate wastewater discharge from small-scale placer mining operations used to recover precious metals and minerals from streambed sediments.

Comments due June 8, 2010

Persons may submit written comments by mail, fax or e-mail. Written and oral comments may be submitted during the public hearings identified below. Comments are due to DEQ by no later than **5 p.m. Tuesday, June 8.**

Where can I send written comments?

Submit comments by postal/delivery service or via e-mail.

Submit comments by postal/delivery service to:
Beth Moore
DEQ Water Quality
811 SW Sixth Ave.
Portland, OR 97204-1390

E-mail comments to: 700PM@deq.state.or.us.

Where can I get technical information?

Jim Billings, compliance specialist, Portland, (503) 229-5073 or toll-free in Oregon at (800) 452-4011, ext. 5073
billings.jim@deq.state.or.us

Public hearings

Date: Thursday, May 27

Time: 6 p.m.

Place: Jackson County Courthouse Auditorium, 10 South Oakdale, Medford

Date: Tuesday, June 1

Time: 6 p.m.

Place: DEQ Headquarters, 10th Floor, Conference Room EQC-A, 811 SW Sixth Ave., (Sixth & Yamhill), Portland

Date: Thursday, June 3

Time: 6 p.m.

Place: St. Anthony's Hospital, Cascade Room, 1601 SE Court Ave., Pendleton

Where can I get background information?

You can review electronic versions of the draft permit and fact sheet at the following DEQ Web page links.

- Draft Permit:

<http://www.deq.state.or.us/wq/wqpermit/docs/General/700PMGPDraft.pdf>

- Fact Sheet:

<http://www.deq.state.or.us/wq/pubs/factsheets/permits/700PMGPFactSheet.pdf>

Paper copies of the draft permit and fact sheet will also be available at the nearest DEQ office.

Pendleton Office
700 SE Emigrant, #330
Pendleton, OR 97801

Eugene Office
165 E. Seventh
Ave., Suite 100
Eugene, OR 97401

Salem Office
750 Front St. NE, Suite 120
Salem, OR 97301-1039

Portland Office
811 SW Sixth Ave.,
Portland, OR 97204

What is proposed?

DEQ proposes to reissue the 700-PM NPDES general permit due to a pending court order that would invalidate the current permit. The current permit expires June 30, 2010. DEQ is inviting public comment on this proposed permitting action. During the public comment period the public can provide written comments and attend public hearings to make comments related to specific conditions within the proposed permit.

This proposed permit covers placer mining operations that use suction dredges with a nozzle not exceeding four inches and a motor no larger than 16 horsepower, and in-water nonmotorized small-scale mining equipment. The current permit covers suction dredges with no larger than six-inch hoses and 30-hp motors.

Permit expiration

Under Oregon law, DEQ may issue a NPDES permit for up to a five-year permit term. Upon reissuance, this permit will be effective for about 4 1/2 years, expiring on Dec.31, 2014. DEQ



State of Oregon
Department of
Environmental
Quality

Water Quality

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E-mail:
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www.oregon.gov/DEQ

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subscriptions@deq.state.or.us

Please include your full name, e-mail address and mailing address so that we can purge you from our print mailing list, thus saving trees and taxpayer dollars.

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By: Beth Moore

adjusted the expiration date to keep the permitting cycle in line with the permit's annual fee system.

Who is affected by this permit?

This is a statewide permit for current and future placer mining covered by the permit. About 2,000 suction dredge operators are currently registered under the permit.

Where is the facility located?

This is a statewide permit for receiving streams around the state.

Who might have an interest?

People who placer mine, and those who live, work or recreate in area where mining occurs.

What does placer mining do that affects water quality?

Placer mining can increase turbidity (reduce water clarity) in streams. Suction dredging in streams that are already noted for water quality problems for toxics can disturb stream-bottom sediments and lead to the release of toxic pollutants into the water column.

What legal requirements apply?

Oregon Revised Statutes (ORS) 468B and Oregon Administrative Rules (OAR) Chapter 340 Division 045-0033 give DEQ the authority to issue general permits.

How does DEQ determine what requirements go in the permit?

Various federal and state regulations apply depending on the type of activity, the type and amount of wastewater discharged and the location of the facility and receiving water. This permit includes appropriate recordkeeping, monitoring and reporting requirements to ensure compliance with these rules.

Turbidity is the pollutant of concern. Effluent limits and best management practices are included in this permit to protect water quality and beneficial uses of water such as swimming, fishing and drinking water.

What are known health effects or environmental impacts of turbidity?

Turbidity is a measure of the cloudiness of water. Excessive turbidity can pose a threat to the survival of fish and other aquatic life by affecting their ability to see, feed and spawn. It can also clog gills. By reducing light penetration, high turbidity levels can disrupt the life cycle for some organisms, particularly bottom-dwelling organisms. With respect to humans, high turbidity levels can interfere with the disinfection

of drinking water. Turbidity can also affect recreational uses of water.

Turbidity monitoring

The proposed permit requires that the permittee conduct visual inspections at least daily or when conditions change to monitor for turbidity.

700-PM permit compliance history

Compliance with recreational suction dredging regulations has generally been good. DEQ does not have inspectors to oversee these operations, but responds to complaints. The Oregon State Police and other state and federal natural resource agencies have reported a few cases of suction dredging outside of the in-water work season and hand sluicing when fish eggs were present.

Special permit conditions

DEQ's notable proposed permit changes include:

- the size and type of mining equipment covered under this permit
- having the 300-foot turbidity limit apply to all placer mining operations
- a new limit that mining must not cause any measurable increase in turbidity in 12 of the 47 wilderness areas in Oregon created before 1972
- visual turbidity monitoring daily or when conditions change, for all mining equipment
- protection of drinking water sources
- protection of Oregon waters from invasive species.

In-water, non-motorized mining equipment is also included under this permit. DEQ developed permit limits and best management practices to help ensure that mining operations are in accordance with water quality standards. The permit as written does not result in the lowering of water quality in high-quality water or water labeled by the state as "water quality limited." Suction dredging continues to be prohibited in certain streams that are water quality limited for sediments, toxics or turbidity.

Best management practices and established in-water work periods protect beneficial water uses by minimizing impacts to fish spawning, spawning habitat and safe fish passage. Limited areas of operation along the wet perimeter are designed to prevent stream erosion and the release of sediments that increase turbidity in the receiving water. There are best management practices to protect waterway habitat, including vegetation that affects water temperature. There are also management practices to protect drinking water supplies and prevent the



introduction and spread of invasive species from equipment.

What other DEQ permits are required?

Persons who are registered for 700-PM permit coverage are not required to obtain other DEQ permits. However, a number of those assigned to the 700-PM are also registered under the Water Pollution Control Facility (WPCF) 600 general permit for mining and ore processing off-stream (above ordinary high water of any nearby state waters).

What happens next?

DEQ will consider and provide responses to all comments received at the close of the comment period. It may also modify provisions in the proposed permit, but DEQ permit writers can only modify permit conditions in accordance with rules and statutes under the authority of

DEQ. DEQ will reissue this permit by order according to Oregon Administrative Rule 340-045-0033 instead of reissuing by rule through the Oregon Environmental Quality Commission as done in 2005. The effective date of this reissued permit will be the day that DEQ's Water Quality Division Administrator signs this permit.

Accessibility information

DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or call toll-free in Oregon at (800) 452-4011, ext. 5696; fax to (503) 229-6762; or e-mail to deqinfo@deq.state.or.us. People with hearing impairments may call 711.

