



WATER POLLUTION CONTROL FACILITIES PERMIT

Oregon Department of Environmental Quality
Headquarters – Portland Office
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Portland, OR 97232
Telephone: 503-229-5263
Issued pursuant to ORS 468B.050

This general permit authorizes off stream, small-scale metal mining activities under a Water Pollution Control Facilities (WPCF) permit issued by the Oregon Department of Environmental Quality (DEQ). The permit establishes requirements for the management and disposal of mining wastes and wastewater generated during mining operations.

WPCF permits authorize the disposal of wastewater to land and are designed to prevent the discharge of pollutants to surface waters and protect groundwater from contamination. This permit applies only to mining operations that contain and manage wastewater onsite through land application, evaporation, and minimal seepage, and that comply with all applicable permit conditions.

The permit includes requirements for wastewater management, groundwater protection, riparian area protection, site restoration, monitoring, reporting, and corrective actions. Operations that do not meet the eligibility requirements of this permit, or that discharge pollutants to waters of the state, may require additional permits or authorizations from DEQ and other state or federal agencies.

Activities Covered by This Permit:

This permit covers the following mining operations:

1. Off-stream placer mining that disposes of all wastewater by evaporation or seepage with no traceable discharge of wastes to groundwater or surface water;
2. Hardrock mining or ore processing that uses non-chemical ore processing methods and disposes of wastewater as described in Condition 1 above; and
3. 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 above.

DRAFT

Jennifer Wigal, Administrator
DEQ Water Quality

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Issuance Date

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Effective Date

Permitted Activities

Until this permit expires, is modified or is revoked, the permittee is authorized to construct, install, modify or operate a wastewater collection, treatment, control and disposal system in conformance with the requirements, limitations, and conditions set forth in this permit.

Unless specifically authorized by this permit, by another WPCF permit, or by Oregon statute or administrative rule, any direct or indirect discharge of pollutants to waters of the state is prohibited.

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Definitions

Daylight hours: The hours between sunrise and sunset.

DEQ or Department: Oregon Department of Environmental Quality

DOGAMI: Oregon Department of Geology and Mineral Industries

DSL: Oregon Department of State Lands

Habitat structure: The physical composition of natural or restored materials that enhance the function and complexity of a stream. It includes, but is not limited to, boulders; woody material such as living or dead trees, shrubs, stumps, large tree limbs, and logs; vegetation like grasses, shrubs, wildflowers, or weeds; and other natural features essential for providing fish with spawning areas, resting places, food sources, refuge from predators, and shade.

Hand panning: The use of a hand-held pan to manually separate placer minerals from sediments. Hand panning is limited to the collection and processing of small quantities of material by hand and does not include the use of motorized or mechanized mining equipment.

Hazardous Waste: A solid waste (solids, liquids and compressed gases) that possess at least one of four characteristics (ignitibility, corrosivity, reactivity, or toxicity), or that appears on federal or state official lists of hazardous wastes. A solid waste is a hazardous waste when:

- Defined by Title 40 of the Code of Federal Regulations (CFR), Part 261.3 as a hazardous waste; or
- Defined by the State of Oregon under OAR 340-101-0033 (Additional Hazardous Wastes) and 340-102-0011 (Hazardous Waste Determination).

Highbanker or power sluice: A type of mineral processing equipment, typically consisting of a single sluicebox or series of sluice boxes, a header box or a hopper. It often includes classifying, concentrating, and/or water spray features and is usually mounted on a stand with adjustable legs. Water is usually supplied to the header or hopper through a motorized pump and hose. Placer material is typically fed to the header or hopper by hand tools (e.g., shovel, scoop).

Mechanized Operation: Use of machinery that may include motorized equipment for digging, drilling/boring, mucking, classifying/screening, crushing, milling, stockpiling, hauling, conveying, and processing of placer or lode ore and disposal of wastes. Does not include digging with hand tools or highbanker use.

Motorized: Powered mechanically or by internal combustion, hydraulics, pneumatics, electricity.

Non-mechanized Operation: uses a highbanker for processing and hand tools for digging, such as pick, shovel.

OAR: Oregon Administrative Rule

Ordinary high water line (OHWL): The line on the bank or shore to which high water ordinarily rises annually in season. (see ORS 274.005(3)).

ORS: Oregon Revised Statute

Mining Water Use: The use of water for extraction, preliminary grading, or processing of minerals or aggregate at a mining site or construction, operation, and maintenance of a mining site. These uses include, but are not limited to: general construction, road construction, and dust control (see OAR 690-300-0010 (27)).

P&RD: Oregon Department of Parks and Recreation.

Pollution or water pollution: The 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 (see ORS 468B.005(5)).

Pond or impoundment: An excavated or natural depression used as a settling pond for disposal of wastes and wastewater with evaporation and minimal seepage. This does not include a dry stream side channel below the ordinary high water line.

Seepage: The slow flow of wastewater through porous soil, aggregate, or other material. Seepage rates may be determined by permeability testing.

Turbidity: The scattering of light in the waterbody due to the amount of suspended material (clay, silt, fine organic and inorganic matter, plankton, etc.) in a body of water. Typically measured as cloudiness in the nearby waterbody.

Background Turbidity: The natural turbidity level of undisturbed waters, measured or observed upstream from the operation.

Visible Turbidity: Turbidity that is visible in surface waters adjacent or downstream of the operation when compared to background turbidity.

USACE: United States Army Corps of Engineers

Wastes: 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 (see ORS 468B.005(9)).

Water Pollution Control Facility permit (WPCF): a permit to construct and operate a disposal system with no discharge to navigable waters.

Waters of the State: Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction (OAR 340-041-0002 (72)).

WRD: Oregon Water Resources Department

Permit Authorization and Operating Requirements

1. Permit Authorization

A WPCF permit authorizes the disposal of wastewater to land and is intended to prevent discharges to surface waters and protect groundwater from contamination.

This WPCF 600 permit authorizes the registrant to dispose of mining operation wastes and wastewater to land, including in ponds or constructed impoundments designed for evaporation and minimal seepage.

Wastewater must be contained within the mining operation area and managed through evaporation or minimal seepage. No co-mingling of sanitary waste with process water or other wastewater is allowed.

2. Surface Water Protection

A. No Discharge to Surface Waters

This permit does not authorize the discharge of wastewater to waters of the state.

An individual National Pollution Discharge Elimination System (NPDES) permit may be required if wastewater applied to land overflows, leaks, or otherwise impacts groundwater, surface water, or groundwater that is hydrologically connected to surface water.

Mining operations must be designed, operated, and maintained to prevent wastewater from reaching surface waters and groundwater. This includes the migration through subsurface pathways (underground) from ponds, to rivers, streams, or other surface waters.

If a sedimentation pond exceeds minimal seepage and impacts groundwater or surface water, the registrant must take corrective action, such as curtailing or ceasing operations, relocating ponds, or implementing engineered controls. Such controls may include synthetic liners, compacted clay barriers, or other measures necessary to prevent wastewater from reaching waters of the state.

If discharges to surface waters cannot be prevented, the registrant must cease operation and may apply for coverage under a NPDES permit.

B. Stormwater Requirements

Mining activities that result in industrial stormwater discharges may require coverage under DEQ's NPDES 1200-Z Industrial Stormwater General Permit.

3. Ordinary High Water Line Requirements

All mining activities, including but not limited to prospect digging and drilling/boring locations and cuttings/spoils: stockpiled soils and habitat materials for reclamation; open pit and underground digging; disturbed and cleared surface areas including mining roads and drilling/coring pads; overburden material; lode ore crushing, milling, and processing; the placement of waste rock, sediments, and placer or mill tailings; wastewater ponds; source water and processing tanks, vehicle and equipment storage and maintenance areas; and other mining-related materials and structures, must occur no closer than 120 feet above the ordinary high water line (OHWL). The term OHWL is defined in the Definitions section of this permit.

Activities occurring below the OHWL, including within dry side channels of a stream or canal, are not authorized under this permit and may require an NPDES permit and/or DEQ 401 Water Quality Certification, and a Joint Removal-Fill Permit from Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE).

4. Chemical Use Restrictions

No chemical use is authorized under this permit. This prohibition includes the use of flocculants, coagulants, or other sediment-settling agents in ponds, as well as the use of arsenic, cyanide, mercury or other chemicals for mineral extraction or ore processing.

5. Groundwater Protection

All registrants must protect groundwater and comply with the Groundwater Quality Protection Rules (OAR Chapter 340, Division 40).

The following conditions apply:

- a. Direct discharge to groundwater is prohibited.
- a. Activities that adversely affect existing or potential beneficial uses of groundwater are prohibited.
- b. Wastewater and wastewater solids must be managed and disposed of in a manner that prevents violations of groundwater quality standards.
- c. DEQ may, at any time, evaluate the need for or require a full assessment of the facility's effect on groundwater quality.

6. Operator Responsibilities

During mining activities, the registrant must be present and have a copy of the permit in their possession or readily available for inspection at the mining location.

Permit coverage applies only to the operation identified through registration and may not be used to authorize simultaneous operations at multiple locations (non-mechanized or mechanized).

The registered person covered by this permit may supervise another person operating a non-motorized mining device, provided the registrant is present at the mining location. Any person operating under the supervision of the registrant must comply with all permit conditions and limitations.

Registration and Permit Coverage

1. Operators Requiring Registration

A. Registration Applicability

Persons must register under this permit for mechanized operations that:

- Process less than 10,000 cubic yards of material per calendar year;
- Are a mobile or stationary operation; and/or
- Include a sedimentation pond no larger than 20,000 square feet in surface area with berms less than 5 feet high.

If an operation changes during the calendar year such that it meets the conditions above, the registrant must submit a complete application **within 30 days** before the change.

B. Permit Registration Requirements

Persons seeking registration under this permit must comply with the following requirements:

- a. All permit registration applications, renewals, and required submittals must be completed through Your DEQ Online;
- b. Registrants operating under administratively extended coverage under the expired WPCF 600 General Permit must submit a complete application **within 90 days** of this permit's effective date or submit a new permit registration;
- c. All applications must include:

1. A wastewater flow diagram and a description of the operation;
 2. A site map clearly showing the location of the operations and wastewater ponds;
 3. Design and infiltration information for sedimentation ponds approaching 20,000 square feet in surface area, which may be subject to DEQ engineering review;
 4. Non-Mobile Only: A Land Use Compatibility Statement (LUCs) signed by the appropriate planning authority if necessary; and
 5. Geolocated photographs documenting the riparian vegetation conditions before mining activities begin to be compared with photographs of the restored or replanted vegetation after mining activities are completed.
- d. Failure to submit all required documentation may result in the application being delayed or denied.

Application fees and annual fees may be required. Refer to OAR 340-045-0075 Table 70G General WPCF Applications and Annual Fees. Delay or failure to pay the required fees may result in a delay or a denial of the application or termination of permit coverage.

C. Maintaining Permit Coverage

During mining activities, permit registrants must have a copy of the permit readily available for inspection at the mining location.

Permit registrants must submit an amended application whenever contact information, mining location, or the operational conditions change. The DEQ Director may grant permission to submit the complete application later than the 180 days but no later than the permit expiration date.

D. Electronic Reporting

All permit registration applications, renewals, and required submittals must be completed through Your DEQ Online;

Electronic Submissions. The applicant must submit the general permit application and related documents (e.g., pre-mining geolocated photos; annual reports) in an electronic format.

- a. When DEQ directs, the applicant must submit the general permit application and related documents electronically on DEQ-approved web-based forms including pre-approved attachments.
- b. The registrant must sign and certify all electronic submissions in accordance with the requirements of Schedule F, Section D8 of this permit.

E. Individual Permit Requirements

Pursuant to OAR 340-045-0033(10), DEQ may require a WPCF individual permit when:

- a. A discharge or activity significantly contributes to pollution or creates other environmental problems;
- b. The registrant fails to comply with, or is currently not in compliance with, the terms and conditions of the general permit, submitted false information, or is in violation of any applicable laws;
- c. A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants being discharged;
- d. Effluent limitation guidelines are promulgated for point sources covered by a general permit and the guidelines are not already in the general permit;

- e. Circumstances have changed so that the discharge or activity is no longer appropriately controlled under a general permit temporarily or permanently reducing or eliminating the authorized discharge; or
- f. Any other relevant factors.

1. Operators Authorized for Coverage Without Registration

Non-mechanized operations processing less than 5 cubic yards of material per day and less than 1,500 cubic yards of material per calendar year need not register for this permit; however, operators must have a copy of the permit available at the mining location and comply with all applicable permit requirements. A copy of the permit is available to print at: **XXX**

Hand Panning

Hand panning does not require registration or permit coverage under this permit. Persons conducting hand panning must comply with all other applicable local, state, and federal requirements.

2. Permit Renewal

All permit registration applications, renewals, and required submittals must be completed through Your DEQ Online.

A permit registrant must submit a complete renewal application to DEQ at least **180 days** before permit expiration.

Failure to submit a complete renewal application will result in termination of permit coverage and operations must cease.

If a registrant submits a complete renewal application by the required deadline, permit coverage will automatically continue under administrative extension after the permit expiration date until DEQ makes a final determination on the registrant's renewal application.

3. Other DEQ and agency approvals

Registrants must obtain all required local, state, and federal approvals before beginning operations. DEQ's fact sheet on the web page of Water Quality Permits for Metal Mining Activities has main web pages and phone numbers to contact other mining authorities.

Registrants must contact DSL and WRD Watermaster before withdrawing or diverting water from waters of the state.

Registrants must obtain the appropriate surface mining permit/certificate from the DOGAMI before initiating mining activities.

Registrants must contact the Oregon Parks & Recreation Department prior to mining on Oregon beaches.

Registrants operating a non-mobile operation must obtain a Land Use Compatibility Statement (LUCS).

Mining operations that use rock crushers, milling equipment (such as ball mills or hammer mills), or smelting processes to recover metals from placer or lode ore concentrates must contact DEQ's Air Quality Division to determine whether an air quality permit or other authorization is required prior to operation.

Mining wastes must be managed and disposed of in accordance with applicable state solid waste requirements. If waste rock, tailings, or other mining wastes do not qualify as clean fill material, including materials that fail pH, metals, or other contaminant testing criteria, the permittee must consult with DEQ's Solid Waste Program before disposal.

Schedule A: Wastewater Disposal Limitations

- 1. All operations covered under this permit must comply with the following wastewater disposal limitations:**
 - a. Wastewater management and disposal activities must not cause visible turbidity or oily sheen in nearby waters of the state. Any visible turbidity or oily sheen observed downstream of the operation must not exceed conditions observed upstream.
 - b. The pH of wastewater used or generated during mining activities and stored in ponds or impoundments must be maintained between 6.5 and 8.5 standard units (su).
- 2. Permit coverage is limited to operations that comply with the following restrictions and prohibitions:**
 - a. No discharge of process wastewater to surface waters;
 - b. No mining or process wastes placement in state waters;
 - c. All mining activities are located above the ordinary high water line including any placed waste materials from mining (i.e., waste rock), or processing (i.e., sediments mucked from sediment ponds);
 - d. No chemical processing or treatment is used (including flocculants in the ponds);
 - e. The operation processes, with water, less than 10,000 cubic yards of placer or lode ore material processing per year;
 - f. Sedimentation ponds must be no larger than a surface area of 20,000 square feet with berms less than 5 feet high; and
 - g. Any riparian vegetation removed or destroyed due to mining activities is restored.

Schedule B: Monitoring and Reporting Requirements

1. Daily Monitoring and Recordkeeping

The permit registrant must conduct and document daily inspections of mining operation inspections and stream conditions for each day of operation. Records must be complete, legible, and made available to DEQ upon request.

At a minimum, the daily log must include:

- a. Assigned permit number;
- b. Printed name of the person conducting and documenting the inspection;
- c. Date of inspection;
- d. Time of inspection; and
- e. Location of inspection, including:
 - Latitude and longitude (decimal degrees), and
 - Stream name, or if unnamed, the nearest named state water downstream of the unnamed stream.

2. Visual Assessments

The permit registrant must conduct visual assessments of the mining operation and nearby waters of the state during daylight hours.

Visual inspections of nearby state waters must include upstream and downstream observations adjacent to mining operations for potential adverse impacts associated with mining activities, including but not limited to:

- a. Visible turbidity or oily sheen;
- b. Connectivity between wastewater and surface waters;
- c. Disruption of fish or wildlife habitat;
- d. Impacts to recreational uses;
- e. Impacts to municipal water supplies;
- f. Daily volume of placer or lode ore processed in cubic yards. Also keep the running subtotal of cubic yards processed for the calendar year each day of operation;
- g. Observations of wastewater handling, treatment, and disposal facilities;
- h. Observations of stormwater discharges;
- i. Any problems associated with wastewater ponds;
- j. Any observed discharge to waters of the state from soil and habitat storage areas, placer and lode ore stockpiles, waste rock, overburden, or wastewater management facilities;
- k. Any observed oil, fuel, or grease leaks from mining equipment; and
- l. If the permit registrant discovers any discharge to surface waters, DEQ must be notified as soon as practicable, but no later than 24 hours after discovery.

3. Annual Reporting Requirements

Permit registrants must submit an annual report to DEQ through Your DEQ Online no later than February 28 of each calendar year.

An annual report is required regardless of whether mining activities occurred during the reporting year. If no operations occurred, the report must state that no activities were conducted under the permit during the reporting period.

At a minimum, the annual report must include:

- a. Total material processed (cubic yards);
- b. Type of material processed (placer ore, lode ore, reworked tailings);
- c. Riparian Reclamation Report required by Schedule D;
- d. Description of operational changes made during the reporting year; and
- e. A summary of corrective actions resulting from inspections or monitoring observations.
- f. Monthly pH measurements collected during active mining operations must be submitted quarterly to DEQ.
- g. Annual reporting is not required for operators covered under the permit without registration.

4. Spill Prevention and Response Plan

The permit registrant must maintain a current Spill Prevention and Response Plan on site for preventing and responding to spills, leaks, and other unplanned discharges.

The plan must be available for review during DEQ inspections and include:

- a. Procedures for notifying responsible personnel and regulatory authorities;
- b. A description of preventative measures, containment systems, and drainage controls used to prevent, contain, or treat spills;
- c. Employee training procedures for spill prevention and emergency response; and
- d. Reporting procedures consistent with the requirements of this permit.

5. Spill Reporting and Corrective Actions

The registrant must notify Oregon Emergency Response System (OERS) by calling 1-800-452-0311 within 24 hours of becoming aware of the following:

- a. Visible turbidity or oily sheen in surface water;
- b. A spill or release of oil or hazardous material that exceeds, or threatens to exceed, reportable quantities established in ORS 466.606 or OAR 145-0050; or
- c. Any spill leak, or other unpermitted discharge that may impact waters of the state or groundwater.
- d. If visible turbidity or an oily sheen is observed in surface waters, mining activities must cease immediately and corrective actions must be initiated as soon as practicable, but **no later than 5 days** after discovery.

Within **5 days** of a reportable spill release, or unpermitted discharge, the permit registrant must document and retain:

- a. Information reported to OERS;
- b. Corrective actions taken or planned, including implementation dates;
- c. Measures taken to prevent the recurrence; and
- d. Results of any water quality sampling or other investigations conducted in response to the incident.

Schedule C: Compliance Schedule

Schedule C is not a part of this permit.

Schedule D: Special Conditions

1. Sanitary Waste Management

Registrants must properly manage sanitary waste as follows:

- a. On-site sewage disposal systems must be installed by a licensed onsite septic system installer and operated in a manner that prevents system failure.
- b. Pumping, transport, and disposal of waste from septic systems, holding tanks, or portable toilets must be conducted by a licensed Sewage Disposal Service provider.
- c. Sanitary waste generated at temporary mining operations must be removed from the mining site and properly disposed of at an authorized facility.

2. Mining Waste and Wastewater Management

Registrants must manage mining activities wastes, process wastewater, settling pond spoils, and other mining and wastewater solids in a manner that prevents impacts to groundwater and waters of the state.

Registered operators must have an up-to-date process wastewater flow diagram available on site.

- a. Mining and process waste may not be placed in waters of the state.
- b. An up-to-date process wastewater flow diagram must be maintained onsite and available for inspection.
- c. Settling ponds may not exceed 20,000 square feet in surface area and associated dams or dikes may not exceed 5 feet in height.
- d. Mining operations must manage ponds and wastewater containment systems to prevent overflow, excessive seepage, stormwater run-on or runoff, and impacts to groundwater, drinking water wells, or waters of the state.
- e. Operations with ponds that exceed minimal seepage or otherwise affect groundwater or surface water must immediately implement corrective actions, which may include curtailing or ceasing operations, relocating ponds, or installing engineered controls.
- f. Mining operations may not impede fish passage while withdrawing water from waters of the state.
- g. Work on mining waste and wastewater management must be noted in the daily inspection log.

3. Riparian Protection and Site Reclamation

A. Riparian Protection

- a. Mining activities must not disturb a riparian restoration projects, bank stabilization projects, or other habitat enhancement projects.
- b. Ground disturbance and vegetation removal are prohibited within 120 feet of the OHWL.
- c. Mining activities must be conducted in a manner that minimizes disturbance to riparian vegetation, streambanks, and habitat structure outside the 120-foot setback. Equipment staging, stockpiling of materials, vehicle travel, wastewater management, and other mining-related activities must avoid unnecessary impacts to riparian areas, streambanks, shade-producing vegetation, or the degradation to habitat structure necessary to support aquatic and riparian functions.
- d. Riparian protection activities must be noted in the daily inspection log.

B. Site Reclamation

- a. Highbanking operations must return excavated material to its original location before moving to a new mining area.
- b. Registered mining operations processing less than 1,500 cubic yards/year must return excavated material to its original location and reclaimate the mining area for habitat structure including vegetation before relocating or concluding mining activities.
- c. Registered mining operations processing 1,500 to 10,000 cubic yards of placer or lode ore material per year must develop and implement a **Riparian Reclamation Plan**. The plan must be maintained onsite and made available to DEQ via the annual report.
- d. Reclamation activities must be conducted concurrently with mining activities where practicable and may not be postponed until mining is completed throughout the entire mining claim.
- e. Disturbed riparian areas must be reclaimed no later than the first planting season following completion of mining activities in that area.
- f. The permit registrant must submit an annual restoration report documenting progress toward reclamation objectives. The report must include geolocated photographs, a description of restoration activities completed during the reporting period, and any corrective actions taken to address unsuccessful restoration efforts.
- g. Reclamation shall be considered successful when native vegetation is established and habitat structure and ecological function have been restored to conditions that are comparable to pre-mining conditions, including streambank stability, riparian cover, shade, and aquatic habitat features.
- h. Site reclamation work must be noted in the daily inspection log.

C. Riparian Reclamation

The plan must include:

1. A mining site map to scale and documentation identifying the mining location and photographs depicting pre-mining site conditions, including geolocated photographs depicting riparian vegetation, habitat structure, streambank conditions, and other relevant site features.
2. A schedule identifying:
 - a. Mining completion dates;
 - b. Material replacement activities;
 - c. Reclamation activities timed to maximize plant survival; and
 - d. Target reclamation completion dates.
3. A reclamation plan including:
 - a. Measures designed to prevent a net loss of riparian vegetation, shade-producing vegetation, habitat structure, streambank stability, and ecological function during the mining operation;
 - b. Procedures for returning excavated material, waste rock, and other displaced materials to approximate pre-mining contours and drainage patterns;
 - c. Utilization of native plant species appropriate for the site and designed to achieve long-term establishment of riparian vegetation;
 - d. Measures to restore habitat structure, including replacement or reconstruction of natural features such as boulders, cobble, gravel, woody material, root structures, and other habitat elements removed, disturbed, or buried during mining activities;

- e. Erosion and sediment control measures necessary to protect restored areas until vegetation is established; and
- f. Procedures for monitoring restoration success and implementing corrective actions where restoration objectives are not achieved.
- g. Riparian reclamation activities must be noted in the daily inspection log.

4. Wastewater Containment Best Management Practices

Mechanized operations must maintain a Best Management Practices (BMP) Plan describing the wastewater containment system used at the site.

The BMP Plan must include:

- a. Measures used to contain wastewater;
- b. Procedures for responding to containment failures, breaches, or overtopping events;
- c. Erosion control measures used to protect streambanks and riparian areas;
- d. Corrective actions to be implemented if wastewater threatens to reach waters of the state; and
- e. Record work for wastewater containment BMP Plan in the daily inspection log.

5. Corrective Actions

Permit registrants must immediately take corrective action upon discovery of a direct discharge or hydrologic connection to waters of the state.

Corrective actions may include:

- a. Curtailing or suspending mining activities;
- b. Relocating equipment, ponds, or mining operations;
- c. Installing containment or treatment measures;
- d. Implementing other actions necessary to eliminate the discharge or hydrologic connection;
- e. Failure to take timely corrective action may result in termination of permit coverage; or
- f. Corrective action work must be noted in the daily inspection log.

Permit Number: WPCF 600

Expiration Date: **DRAFT** (10 years
from date of Issuance)

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Schedule E: Pretreatment Activities

Schedule E is not part of this permit.

Schedule F: WPCF General Conditions

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 DEQ to modify, revoke, or deny renewal of a 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, representatives, 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 DEQ, this permit may be modified, suspended, or revoked in whole or in part 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 Environmental Quality Commission.
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
5. Transfer of Permit
This permit may not be transferred to a third party without prior written approval from DEQ. DEQ may approve transfers where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of this permit and the rules of the Environmental Quality Commission. A transfer application and filing fee must be submitted to DEQ.
6. Permit Fees
The permittee must pay the fees required by Oregon Administrative Rules and Senate Bill 58.

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 DEQ to prevent any pollutant from the materials from reaching waters of the state, creating a public health hazard, or causing a nuisance condition.

- c. Bypassing untreated waste is generally prohibited. Bypassing may not occur without prior written permission from DEQ except where unavoidable to prevent loss of life, personal injury, or severe property damage.

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. Immediately notify the appropriate DEQ regional office 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 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.

4. Wastewater System Personnel

The permittee must provide an adequate operating staff that is duly qualified to carry out the operation, maintenance, and monitoring requirements to assure continuous compliance with the conditions of this permit.

1. Public Notification of Effluent Violation or Overflow

If effluent limitations specified in this permit are exceeded or an overflow occurs that threatens public health, the permittee must take such steps as are necessary to alert the public, health agencies and other affected entities (e.g., public water systems) about the extent and nature of the discharge in accordance with the notification procedures developed in accordance with General Condition B.6. Such steps may include, but are not limited to, posting of the river at access points and other places, news releases, and paid announcements on radio and television.

2. Emergency Response and Public Notification Plan

The permittee must develop and implement an emergency response and public notification plan that identifies measures to protect public health from bypasses or upsets that may endanger public health. At a minimum the plan must include mechanisms to:

- a. Ensure that the permittee is aware (to the greatest extent possible) of such events;
- b. Ensure notification of appropriate personnel and ensure that they are immediately dispatched for investigation and response;
- c. Ensure immediate notification to the public, health agencies, and other affected entities (including public water systems). The response plan must identify the public health and other officials who will receive immediate notification;
- d. Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained;
- e. Provide emergency operations; and
- d. Ensure that DEQ is notified of the public notification steps taken.

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee must at all reasonable times allow authorized representatives of 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. Averaging of Measurements
Calculations of averages of measurements required for all parameters except bacteria must use an arithmetic mean; bacteria must be averaged as specified in the permit.
3. Monitoring Procedures
Monitoring must be conducted according to test procedures specified in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, unless other test procedures have been approved in writing by DEQ and specified in this permit.
4. Retention of Records
The permittee must retain records of all monitoring and maintenance information, including all calibrations, copies of all reports 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. DEQ may extend this period at any time.

SECTION D. REPORTING REQUIREMENTS

1. Plan Submittal
Pursuant to Oregon Revised Statute 468B.055, unless specifically exempted by rule, construction, installation, or modification of disposal systems, treatment works, or sewerage systems may not commence until plans and specifications are submitted to and approved in writing by DEQ. All construction, installation, or modification shall be in strict conformance with DEQ's written approval of the plans.
2. Change in Discharge
Whenever a facility expansion, production increase, or process modification is expected to result in a change in the character of pollutants to be discharged or in a new or increased discharge that will exceed the conditions of this permit, a new application must be submitted together with the necessary reports, plans, and specifications for the proposed changes. A change may not be made until plans have been approved and a new permit or permit modification has been issued.
3. Signatory Requirements
All applications, reports, or information submitted to DEQ must be signed and certified by the official applicant of record (owner) or authorized designee.
4. 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, DEQ's regional office must be called. Outside of normal business hours, DEQ must be contacted at 1-800-452-0311 (Oregon Emergency Response System).
 - a. The following must be included as information that must be reported within 24 hours under this paragraph:

- (1) Any unanticipated bypass that exceeds any effluent limitation in this permit;
 - (2) Any upset that exceeds any effluent limitation in this permit;
 - (3) Violation of maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit; and
 - (4) Any noncompliance that may endanger human health or the environment.
- b. 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:
- (1) A description of noncompliance and its cause;
 - (2) The period of noncompliance, including exact dates and times;
 - (3) The estimated time noncompliance is expected to continue if it has not been corrected;
 - (4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and
 - (5) Public notification steps taken, pursuant to General Condition B.6.
- DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

SECTION E. DEFINITIONS

1. *BOD or BOD₅* means five-day biochemical oxygen demand.
2. *CBOD or CBOD₅* means five-day carbonaceous biochemical oxygen demand.
3. *TSS* means total suspended solids.
4. *NH₃-N* means ammonia nitrogen.
5. *NO₃-N* means nitrate nitrogen.
6. *NO₂-N* means nitrite nitrogen.
7. *TKN* means Total Kjeldahl Nitrogen.
8. *TN* means total nitrogen.
9. *Cl* means chloride.
10. *Bacteria* includes but is not limited to fecal coliform bacteria, total coliform bacteria, *Escherichia coli* (*E. coli*) bacteria, and *Enterococcus* bacteria.
11. *FC* means fecal coliform bacteria.
12. *Total residual chlorine* means combined chlorine forms plus free residual chlorine
13. *mg/l* means milligrams per liter.
14. *µg/l* means microgram per liter.
15. *kg* means kilograms.
16. *m³/d* means cubic meters per day.
17. *GPD* means gallons per day
18. *MGD* means million gallons per day.
19. *Average monthly effluent limitation* means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
20. *Average weekly effluent limitation* means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
21. *Daily discharge* means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge must be calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge must be calculated as the average measurement of the pollutant over the day.
22. *Composite sample or 24-hour composite sample* means a combination of at least six discrete sample aliquots of at least 100 milliliters, collected at periodic intervals from the same location, during the operating hours of the facility over a 24 hour period. Four (rather than six) aliquots should be collected

for volatile organics analyses. The composite must be flow or time proportional, whichever is more appropriate. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.

- 23. *Grab sample* means an individual discrete sample collected over a period of time not to exceed 15 minutes.
- 24. *Week* means a calendar week of Sunday through Saturday.
- 25. *Month* means calendar month.
- 26. *Quarter* means January through March, April through June, July through September, or October through December.
- 27. *Commission or Environmental Quality Commission* means the governor appointed panel which serves as the Oregon Department of Environmental Quality's policy and rulemaking board.