



State of Oregon Department of Environmental Quality  
**700PM NPDES General Permit  
 Response to Comments**

**Comment Period: Feb. 19 to Mar. 27, 2020**

DEQ accepted public comment on the proposed 700PM NPDES general permit for instream placer mining from Feb. 19 to March 27, 2020. This permit originally expired on Jan. 1, 2020 and was administratively continued. This document provides a summary of each comment and a response from DEQ. Response to Comment version posted May 14, 2020 includes minor formatting changes and a change to reflect definitions in the permit that are no longer formatted by number. No other changes were made.

A public hearing was held on March 24 for the proposed permit.

The following individuals or entities submitted written comments by mail, email, or provided comments during the public hearing:

<b>Commenter No.</b>	<b>Name</b>
1	S. Wright
2	S Waters
3	Allen Ludecker, Central Oregon Prospectors Association
4	Paul Martin
5	Tom Pepiot
6	Nick Cady, Cascadia Wildlands; Lori Ann Burd Center for Biological Diversity; Barbara Ullian, Friends of the Kalmiopsis; Glen Spain, Institute for Fisheries Resources; Richard Nawa, Klamath Siskiyou Wildlands Center; Mark Sherwood, Native Fish Society, Jonah Sandford, Northwest Environmental Defense Center; Cameron La Follette, Oregon Coast Alliance; Phillip Johnson, Oregon Shores Conservation Coalition; Glen Spain, Pacific Coast Federation of Fishermen’s Associations (PCFFA); Stacey Detwiler, Rogue Riverkeeper; Stan Petrowski, South Umpqua Rural Community Partnership; Kasey Hovik, Umpqua Watersheds; Kimberley Priestle, WaterWatch of Oregon; Bob Van Dyk, Wild Salmon Center
7	Tom Quintal, Willamette Valley Mining Association member
8	Bill Harvey, Chair, Baker County Commission
9	Wye Knott
10	Richard Newman Chairman, Central Oregon Prospectors Association, member
11	Susan Poulson, Manager NPDES Permitting Section, EPA Region 10
12	Christian Nauer, Confederated Tribes of the Warm Springs Reservation of Oregon

Public comments received by the close of the public comment period are organized by topic. DEQ’s response follows the comment summary. Original comments are on file with DEQ.

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## Cover Page

### Comment:

There is no expiration date on the cover page. (Commenter no. 11)

**Response:** The cover page contains an expiration date that is five years from its issuance date.

### Comment:

Essential Salmon Habitat is a critical component of compliance with the 700PM permit. Oregon Department of Fish and Wildlife’s ESH maps and Department of State Lands ESH maps are still not in agreement in certain areas and there are errors. (Commenter no. 6)

**Response:** For purposes of this permit, DEQ properly delineated essential salmon habitat in its interactive mapping tool layer. Senate Bill 3 did not direct DEQ to establish new areas of essential indigenous anadromous salmon habitat. Department of State Lands has authority to make determinations on essential indigenous anadromous salmon habitat. This permit’s ‘essential salmon habitat’ definition properly references DSL’s rule on essential indigenous anadromous salmon habitat in ORS 196.810(1)(g)(B).

## Definitions

### Comment:

A boulder should be defined as any rock that can be moved with a mechanical winch or pulley. Do not define a boulder by its diameter. These rocks are moved each winter during high flow rates. (Commenter no. 1)

**Response:** A boulder can be larger than 12 inches in diameter. In Schedule D, Conditions 8 and 9, this permit allows moving boulders by hand or non-motorized equipment within a stream channel and does not allow removal or disturbance of boulders from stream banks.

**Comment:**

Change the definition of highbanker. Without a motorized water pump and delivery hose there is no way to operate a factory high-banker with spray bars to wash material and provide water to the sluice box. A high-banker means mineral processing equipment using a box with spray bars attached to a sluice box mounted on a stand with four adjustable legs. Water is supplied by a motorized pump and hose. A High-banker is used out of water. Processing material is fed into spray box using a shovel or other hand operated equipment.’ (Commenter no. 7)

**Response:** The highbanker definition is clarified in the permit and below. Highbankers are also often referred to as power sluices. DEQ requires a general definition that describes many different factory and homemade highbankers. Highbankers or power sluices can have a single or stacked series of sluice boxes. The upper stage of the highbanker may have only the header box or hopper or more elaborate highbankers may be outfitted with a grizzly (grate), trommel (rotating screen tube), and/or large screen integrated with or immediately following the header box or hopper to remove large rock/debris then placer material is further classified and concentrated with small screens. The lower stage of the highbanker is often a sluice box usually equipped with riffles or combination of riffles and screens to catch nuggets, flakes, and larger gold particles (“pickers”) followed by matting or fabric to catch fine gold particles just prior to waste materials exiting the end of the highbanker. There are various means of support structures, but highbanker are usually mounted on a stand with removable, adjustable legs. Water is usually supplied by a motorized pump and hose to the header or hopper but water has been diverted by gravity to highbankers. Placer material is normally fed to the header or hopper by hand tools (e.g., shovel, scoop).

**10. Highbanker or power sluice** means mineral processing equipment that is generally a single sluicebox or series of sluiceboxes, header box or hopper often with classifying, concentrating, and/or water spray features that is usually ~~constructed on an elevated support structure (e.g., mounted on a stand with adjustable legs. or a box) with w~~Water is usually supplied by a motorized pump and hose to ~~a~~the header or hopper. ~~sluice box by hand or pumping and~~Placer material is normally fed ~~delivered~~to the header or hopper by hand tools (e.g., shovel, scoop).

Reference to numbered definition is removed. Definitions in the permit are not formatted by number.

**Comment:**

In-water, non-motorized equipment should include hand operation of a gold and sand hand snipping tool. Non-motorized gold and sand snipping tool with attached small collection bucket or small sluice box can be viewed at this web site. <http://www.youtube.com/watch?v=17y3ynp29Ec>. (Commenter no. 7)

**Response:** DEQ addressed these comments in the response to comments for the 2015 700PM renewal. The Gold-N-Sand Hand Dredge or Gold Sucker that is particularly useful to snipe placer material from bottom sediments around boulders instead of a shovel, as shown in the video provided here, is in the definition of in-water non-motorized mining equipment as a “hand suction tool.” As addressed in the response to comments in 2015, this includes a hand suction tool attached to a container (bucket) or to a hand sluice with the boom box.

**Comment:**

Motorized snipping tool with battery power that would not be approved to operate in essential salmon habitat can be viewed at this web page <https://www.youtube.com/watch?v=n602JB-6nlc>. (Commenter no. 7)

**Response:** The battery powered pump setup with the sluice box for the motorized snipping tool is considered a highbanker/power sluice and not covered by the NPDES 700PM.

**Comment:**

DEQ should coordinate in the development of the definition of “motorized” to ensure it aligns with DSL General Authorization. (Commenter no. 6)

**Response:** The definition of motorized in this general permit aligns with Department of State Lands definition in [141-089-0823](#) (3).

## Discharges not authorized by this permit

**Comments: 2019 Willamette Basin Mercury Total Maximum Daily Load**

Do not impose restrictions on suction dredging in the former Bohemia Mining District. Miners collect mercury and DEQ has a fact sheet to inform miners who recover mercury about its disposal. In INR Policy Paper 2003-01, prepared by Oregon State University, DEQ noted recreational mining can produce benefit to water quality when miners remove mercury left behind by old commercial mining operations. (Commenter no.1)

There is no science to determine that suction dredging contaminates these streams. Suction dredge discharges were not sampled. Disagree with the TMDL limits and studies. (Commenter nos. 1, 3 and 5)

There is no need to change the current laws/requirements on Turbidity/Pollutants for the following reasons: DEQ set a 300 foot mixing zone for turbidity, DEQ’s 2010 response to comments indicate best management practices are protective and California suction dredge permitting program concluded contaminant discharges and turbidity discharges were less than significant in Section 4.2.5 of the California Department of Fish and Game Draft Subsequent Environmental Impact Report (Feb. 2011), Army Corps of Engineering use of a four inch nozzle and 10 HP engine results in no more than an incidental discharge. (Commenters 1)

Basing the permit on the 2019 EPA Willamette Basin Mercury TMDL is not scientifically transferrable to other waterbodies. Mercury methylation in tributaries in the Powder basin are a result of natural decomposition of geologic formations not from historic mines that were in the area.( Commenter no. 8)

Hand panning and non-motorized mining will not allow enough mineral recovery to make it profitable in the Bohemia mining area. DEQ needs to immediately issue a new 600 WPCF permit to allow mining claim owners to recover minerals. Concerned about loss of personal property mineral rights. (Commenter no. 7)

**Response:** This permit renewal contains the limitations required by the 2019 EPA Willamette Basin Mercury TMDL and described in the supporting material for the 2019 EPA Willamette Basin Mercury TMDL. This permit must be consistent with the requirements in the TMDL. No changes were made to the permit. More information on the Willamette Basin TMDL for mercury, its supporting material and development is available on DEQ’s web page at <https://www.oregon.gov/deq/wq/tmdls/Pages/willhgtmdlac2018.aspx>.

**Comment:**

Description of Bohemia Mine as ‘former’ is incorrect. (Comment no. 5)

**Response:** This term is consistent with the 2019 EPA Willamette Basin Mercury Total Maximum Daily Load and its description in the supporting material. No changes were made to the permit.

**Comment: Discharges not Authorized by this Permit**

Support the provisions under Discharges Not Authorized by this Permit, that clarify that discharges from motorized suction dredges are not authorized within Oregon State Scenic Waterways; ESH; in the Outstanding Resource Waters of the North Fork Smith, its tributaries, and associated wetlands in compliance with this designation under the Clean Water Act; tribal lands; and water quality limited streams. (Commenter no. 6)

**Response:** Thank you for your comment.

**Comments: Development of a TMDL and 303(d) list**

There is no TMDL for the Powder or Burnt River basins. Do not include these basins under other TMDLs. For example, DEQ uses the TMDLs for the Snake River to determine if Powder /Burnt discharges are within limits. There are more tributaries to the Snake, many other basins and other land use activities that contribute to Powder/Burnt waterbodies. Oppose encompassing all water bodies regardless of salmonid designation. Support detailed, site-specific, multi-year investigations that provide up-to date, peer reviewed data. Develop a TMDL for the Powder/Burnt basins with the County and cooperation of other private and public land managers. (Commenter no. 8)

Regulations use dated stream monitoring values, using grab samples that occurred pre-2012, with some as early as 1998. (Commenter no. 8)

**Response:** This general permit authorizes a discharge from a point source for in-stream placer mining. Suction dredging and sluicing in streams that are already water quality limited for toxics can disturb stream-bottom sediments and lead to the release of toxic pollutants into the water column. This permit does not provide coverage in water quality limited water for toxics (except chlorine) unless expressly allowed by a TMDL. Comments on the development of the Integrated Report that contains the assessment of Oregon’s water quality and comments on Total Maximum Daily Load development are beyond the scope of this permit. No changes are made to the permit.

## **How to Register for Coverage Under this General Permit**

**Comment:**

Support the requirement for registrants to amend an application if contact information, mining location, or the operation has changed. (Commenter no. 6)

**Response:** Thank you for your comment.

**Comment:**

Concerns with the potential effects to historic properties or cultural resources within the Project Area of Potential Effects. (Commenter no. 12)

**Response:** This permit application contains requirements in 468B.116 (1)(c) for cultural resource preservation. Since 2018, the application for this permit requires an applicant to review material that DEQ provides on cultural resource preservation, which include best management practices and provide written affirmation of that review with its application. DEQ sought input from the Oregon State Historic Preservation Office to develop a list of material for applicant review. This material is available on line for review. The application contains a statement that the material provided by DEQ was reviewed.

## **General Comments on the Permit**

### **Comments: Permit Availability**

Do not renew the 700PM water quality general permit work with the County to determine a path forward on water quality issues in the Powder and Burnt Basins. (Commenter no. 8)

I am in favor of being able to obtain this type of permit and others (mining related). Please keep the process of getting permits reasonable and sensible. Accessing minerals is very important in Oregon and the USA. (Commenter no. 10)

**Response:** This is a low cost statewide general permit that has expired. DEQ prioritized this permit renewal and has an obligation decrease the expired permit backlog. Upon renewal a current statewide general permit will be available for in-stream placer mining.

### **Comments: Conditions based on science**

References in the permit are cherry-picked to support the claim that discharges damage streams. The permit does not take into account stream-size, velocity, background turbidity, and site-specific toxics. (Commenter no. 8)

DEQ should more fully evaluate the potential impacts of discharges from gravity and siphon dredges. (Commenter no. 6)

There is no reason for in-water work period restrictions or other aligned permit restrictions for discharges from in-water, non-motorized mining equipment because there is no scientific evidence or significant amount of material disturbance. This is very restrictive. (Commenter no. 3)

This is a very restrictive permit. These restrictions are being put in place without any scientific evidence or reason to adopt them. (Commenter no. 3)

**Response:** The fact sheet appropriately contains information to support the permit limitations and best management practices in place to be protective of water quality, its beneficial uses and anti-degradation.

## **Schedule A –Discharge Limitations**

### **Comment:**

All dredging operations should be held to the 300 ft. rule regardless of the substrate. Gold Ray dam removal is an example of resiliency of aquatic life. There have been no reports of aquatic degradation despite the high turbidity levels over a long time and large area. In Institute for Natural Resources Policy

Paper 2003-01 it states that placer mining does not have a harmful impact on the natural environment if certain practices are followed. (Commenter no. 1)

**Response:** Where general permit coverage is provided, an operator is required to comply with all conditions of the permit to be protective of water quality and beneficial uses. Per Schedule A, Condition 1, 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.

## **Schedule B – Minimum Monitoring and Reporting**

### **Comment:**

DEQ should ensure that permit registrants comply with monitoring and reporting requirements. (Commenter no. 6)

**Response:** Electronic reporting will ensure registrants are submitting annual reports. DEQ does not require submittal of the monitoring log but may require the registrant to share those records during an inspection. See also the responses below regarding compliance.

### **Comment:**

Concerned about access to secure internet. Will written applications and submissions still be possible? (Commenter nos 1 and 9)

**Response:** Getting a waiver from DEQ is the only way a NPDES applicant or registrant may continue to use paper applications and reporting after DEQ's electronic data management system and federal eRule is implemented. Under the federal eRule of 40 CFR 127, EPA requires electronic reporting unless you obtain a temporary or permanent waiver from DEQ. DEQ has a waiver application form at <https://www.oregon.gov/deq/wq/wqpermits/Pages/NPDES-E-Reporting.aspx>. If DEQ grants a waiver, there is an annual fee of \$827 currently and waiver recipients must reapply for the waiver every five years. Federal eRule requirements are expected to be in place by no later than 2023, but it may be sooner. DEQ may require the 700PM applications for 2022 and annual suction dredging report for 2021 to be submitted electronically. No changes are made to the permit.

### **Comment:**

Cost of permit is being driven up by number of FTE required to examine and approve the information. Make the permit less restrictive and reduce the hours it takes to issue the permit instead of raising fees. (Commenter no. 7)

### **Response:**

DEQ will have electronic reporting in the future which will make obtaining a permit more efficient. See also the responses below regarding fees.

### **Comment:**

In Schedule B.8.a, shouldn't this say e-reporting has to be used rather than "when DEQ directs?" The Fact Sheet states that e-reporting was suppose to occur after 2016. (Commenter no. 11)

**Response:** E-reporting is not available for this general permit at this time. DEQ will require e-reporting when it is available. No change is made to the permit.

## Schedule D – Special Conditions

### Comment:

Prohibit dredging June 15- July 15 in Illinois River Basin, Little Chetco River and portions of South Umpqua River. Fish egg are present and these areas are inaccurately mapped. (Commenter no. 6)

**Response:** Schedule D, Condition 3 specifies that mining equipment must not be used where fish eggs are present. Schedule D, Condition 2 requires suction dredge mining to follow Timing of In-Water Work to Protect Fish and Wildlife Resources established by Oregon Department of Fish and Wildlife. No changes are made to the permit based on this comment.

### Comment:

Support Schedule D Condition 19 that prohibits operating motorized equipment in a manner that is deleterious to Pacific Lamprey and freshwater mollusks. Suction dredge mining has the potential to affect lamprey at different life stages. Reference to white paper: Suction Dredge Mining Impacts on Oregon Fishes, Aquatic Habitats, and Human Health. (2017). Oregon Chapter American Fisheries Society. January 2017. (Commenter no. 6)

**Response:** Thank you for your comment.

### Comment:

Placement of moved boulders is overly restrictive and not justified. (Commenter no. 1)

**Response:** Schedule D, Condition 9 requires boulders and other habitat structures be returned to their original position upon completion of the mining activity. Section 7.0 of the fact sheet provides an explanation for this best management practice. Best management practices for habitat structure include restoration of boulders and habitat structure to their original location to prevent erosion from misplaced structures and to continue to protect stream function and complexity.

### Comment:

In Schedule D.9., the following sentence is unclear, suggest rewording: ‘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.’ (Commenter no. 11)

**Response:** Schedule D.9. is modified to align with Department of State Lands definition of ‘Completion of the activity’ in [141-089-0823](#) (1). The term ‘conduct’ is replaced with ‘resume’ as follows: ‘The mining activity is considered complete if a person authorized by this permit does not return to that location to ~~conduct~~ resume the activity within 24 hours.’

## Schedule F – NPDES General Conditions for Industrial Facilities

### Comments: Standard Conditions in Schedule F

Schedule F is not valid. (Commenter no. 1)

Added requirements for monitoring and recording information is beyond the scope of a recreational user. Permit is 25 pages. This permit is too restrictive. Oregon miners are not able to comply with it. A small



lawnmower powered dredge is classified as a facility or industrial discharger or sewage treatment facility. (Commenter no. 7)

Extra verbiage and reference to industrial is not needed for an individual suction dredge miner. (Commenter no. 9)

Section A- Penalties for Water Pollution and Permit Conditions in A2 are excessive. (Comment nos. 3, 5 and 7)

Fines are singling out suction dredge operation to close it down. (Commenter no. 5)

Fines are being used to intimidate miners, trying to force them into purchasing a permit. (Commenter no. 7)

Miners will operate without a permit because of added monitoring and reporting requirements. (Commenter no. 7)

**Response:** As explained in Section 9.0 of the fact sheet for this permit, standard conditions in 40CFR Part 122.41 must be in every NPDES permit. Previously this permit did not contain a complete list of these standard conditions. DEQ uses this standard set of Schedule F conditions in industrial permits. An explanatory note will precede conditions in Schedule F that states: Where requirements in Schedules A, B, and D contain requirements that are more specific than the general conditions in Schedule F, those provisions supersede the general conditions.

**Comment:**

In Schedule F. A2, suggest removing the word ‘section’ as it appears here: ‘Any person who knowingly violates ~~section~~ any permit condition....’ (Commenter no. 11)

**Response:** In Schedule F. A2 this paragraph is modified as follows: ‘Any person who knowingly violates any permit condition, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.’

**Comment:**

In Schedule F.C8 records must be retained 3 years from the date of the sample, measurement, report or application. This period may be extended by request of DEQ at any time. Suggest saying here that DEQ requires records be retained for a period of at least 3 years past the expiration date in Schedule B.6. (Commenter no. 11)

**Response:** An explanatory note will precede conditions in Schedule F that states: Where requirements in Schedules A, B, and D contain requirements that are more specific than the general conditions in Schedule F, those provisions supersede the general conditions.

**Comment:**

Edit the first sentence in Section 9.0 of the factsheet on page 19, by inserting the word 'are.' (Commenter no. 11)

**Response:** This sentence is modified as follows: 'Schedule F contains conditions that are standard to all industrial NPDES permits and include language regarding operation and maintenance, monitoring and recordkeeping, and reporting requirements.'

**Fact Sheet****Comment:**

Be clear in the general permit Fact Sheet Section 2.2. that the general permit would have to be modified to include any wasteload allocation from a TMDL. (Commenter no. 11)

**Response:** Clarification is provided in Section 2.2 on page 5 as follows: 'A general permit must be modified to include any wasteload allocation from a TMDL.'

**Comment:**

A description of permit coverage in the fact sheet on page 1 includes three kinds of permit coverage, then lists four. The permit language says four. (Commenter no. 11)

**Response:** Correction is made to fact sheet that lists four types of discharges. Replaced three with four.

**Comment:**

Refer to Oregon Department of Fish and Wildlife as ODFW after it first appears in the fact sheet. (Commenter no. 11)

**Response:** This edit is made to fact sheet. Fact sheet provides subsequent reference to Oregon Department of Fish and Wildlife as ODFW.

**Comment:**

In the fact sheet in Section 1.1, page 2 replace the phrase 'act as a barrier to' with block. (Commenter no. 11)

**Response:** This edit is made to the fact sheet.

**Comment:**

In the fact sheet in Section 2.0, page 3 replace the word 'expires' with 'expired.' (Commenter no. 11)

**Response:** This correction is made to the fact sheet.

**Comment:**

In the fact sheet in Section 3.2, in the phrase 'by definition a suction dredge includes gravity and suction dredges,' replace the word 'suction' with 'siphon.' (Commenter no. 11)

**Response:** The fact sheet is corrected. Additional edits include replacing ‘gravity/siphon’ with ‘gravity or siphon.’

**Comment:**

As stated in Section 1.1 of the fact sheet, recognize in section 4.0 of the fact sheet less material may not mean less turbidity. (Commenter no. 11)

**Response:** In Section 4.0 on page 11 of the fact sheet, included this sentence: ‘Movement of less material may not mean less turbidity.’

**Comment:**

In section 4.1 of the fact sheet, two corrective measure options appear to be the same: to move to a location where the dredging of concentrated silt and clay are avoided and using reasonable care to avoid dredging with reference to corrective measures in silt and clay appear to be the same. (Commenter no. 11)

**Response:** There is a distinction. Avoiding pockets of this type of material with a suction hose is different from moving to another location. No change was made to the permit.

**Comment:**

In section 4.1, it is unclear how moving to increase the distance between dredges would be a corrective measure to decrease the turbidity plume to under 300 ft. (Commenter no. 11)

**Response.** Increasing the distance between dredges will prevent overlapping plumes, which is a corrective action option for Schedule D, Condition 1. Section 4.1 of the fact sheet is changed to provide this clarification.

**Comment:**

In section 5.0 of the fact sheet, rewrite a preceding paragraph to indicate that e-reporting is already a requirement. The paragraph which says, ‘After Dec. 2016, and when DEQ directs, the permittee must submit permit-required monitoring results electronically using the DEQ-approved web-based forms.’ indicates electronic reporting is a requirement and differs from a paragraph above which says, ‘when DEQ directs.’ (Commenter no. 11)

**Response:** As required in Schedule B, Condition 8, electronic reporting will be a requirement when DEQ directs (when it becomes available). The phrase ‘After Dec. 2016,’ is deleted.

**Comment:**

In Section 7.0 on page 16 of the factsheet, edit this sentence by deleting ‘and are.’ Use ODFW here. ‘The in-water work periods are based on the protection of fish and fish spawning and are developed by the Oregon Department of Fish & Wildlife and give primary consideration to anadromous and other game fish, and threatened, endangered or sensitive species.’ (Commenter no. 11)

**Response:** This sentence is modified as follows: ‘The in-water work periods are based on the protection of fish and fish spawning developed by the ODFW and give primary consideration to anadromous and other game fish, and threatened, endangered or sensitive species.’

**Comment:**

In Section 7.0 on page 19, change the phrase ‘with 1000 feet’ to ‘within 1000 feet.’ (Commenter no. 11)

**Response:** The sentence is modified as follows, ‘Condition 18 prohibits operation of motorized mining equipment within 1000 feet.’

**Fees****Comments:**

Fee increase will create an economic impact. Persons participating in suction dredging make expenditures (Reference to Appendix H, DSEIS California Department of Fish and Game (Feb 2011)). Recreational placer mining result in \$17 million into Oregon Economy. (Commenter no. 1)

Fees are too expensive compared to fishing, hunting and boating. (Commenter no. 7)

Support the fees that are in place. Fees are important to support administration and enforcement. Fisherman, rafting outfitters also pay fees. (Commenter no. 6)

**Response:** A general permit is a lower cost permit. This permit requires payment of fees. New, annual and renewal administration fees are contained in ORS 468B.118 and implemented in OAR 340-045-0075. Fees for motorized suction dredging were enacted by Senate Bill 3 that took effect on Jan. 1, 2018. Fiscal impacts are part of this action and can be viewed on line. Information on Senate Bill 3 (2017 regular session) is available at <https://olis.leg.state.or.us/liz/2017R1/Measures/Analysis/SB3>.

**Compliance****Comments:**

Miners will operate without the permit because of fees. (Commenter nos. 1, 7 and 9)

Self monitoring and monitoring by Oregon State Police is not sufficient. DEQ should direct a multi-party monitoring group. Specifically there is multi-party interest in monitoring winter steelhead habitat on public lands in Briggs Creek, Silver Creek, Sucker Creek and the South Umpqua River. (Commenter no. 6)

Oppose use of Oregon State Police to ensure compliance. Compliance trained OSP officers cannot judge water quality issues. The presence of police will create hostilities between the operator and compliance team. (Commenter no. 8)

**Response:** Self monitoring is a requirement of any NPDES permit program. Each miner is required to have a copy of this permit on hand so that the requirements can be referred to and followed. Miners are responsible for knowing and following permit requirements.

DEQ considers self monitoring and reporting to be one of the most important methods of compliance. The regulatory system that protects water quality in Oregon is based on complete and accurate monitoring and reporting by permit holders. When permit holders fail to comply with these obligations, the public and DEQ are unable to determine whether permit holders are complying with their permits. Because compliance with the monitoring and reporting requirements is critical to protecting water quality, violation of these requirements is considered by DEQ to be among the most serious of violations.

Oregon State Police has independent authority to enforce Oregon Revised Statutes. DEQ will continue to partner with Oregon State Police on enforcement of conditions in this permit.

**Comment:**

Great program. Good job by the state to monitor and minimize environmental impact. (Commenter no. 4)

**Response:** Thank you for your comment.

## Permitting Authority

**Comments:**

A Clean Water Act national pollutant discharge elimination system permit is not required. Moving the same material is not an addition. (Commenter nos. 2, 7 and 9)

Issue a ORS 468b state permit so that there can be an agreement on how restrictive this permit needs to be. Consider Army Corp will not regulate suction dredge gold mining.(Commenter no. 7)

Mining operations should fall under federal mining regulations. (Commenter no. 8)

Regulation is duplicative as miners are regulated through DOGAMI for operation and reclamation. (Commenter no. 8).

Suction dredging in Oregon has become more of a hassle. Restrictions have become a hardship for a small scale miner. There are laws that gave us granted rights. (Commenter no. 5)

**Response:** DEQ has the responsibility and authority to regulate discharges of pollutants to waters of the state pursuant to the Clean Water Act and Oregon state law.

**Comment:**

Cumulative mining laws through multiple and duplicative regulations, multiple state agencies and cost is causing economic hardships in Baker County. State overreach affects our citizen's ability to make a living and impacts local culture and customs. (Commenter no. 8)

**Response:** Thank you for your comment. See the response to Permitting Authority above and the response to the comments on fees above. No changes are made to the permit.

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## Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).