

# PRELIMINARY DRAFT

APRIL 12, 2010

Permit Number: 700PM  
Expiration Date: December 31, 2014  
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## GENERAL DISCHARGE PERMIT

Department of Environmental Quality  
811 SW Sixth Avenue  
Portland, OR 97204  
Telephone: (503) 229-5630

Issued pursuant to ORS 468B.050 and 402 of the Federal Clean Water Act

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**ISSUED TO:****SOURCES COVERED BY THIS PERMIT:**

This permit covers discharges to Oregon waters from:

- 1) small suction dredges having an intake nozzle with an inside diameter not exceeding four inches and a motor no larger than 16 horsepower,
- 2) in-water nonmotorized mining equipment used for recovering precious metals or minerals from stream bottom sediments, and
- 3) **recreational hand panning is not required to obtain a permit.**

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Neil Mullane, Administrator  
Water Quality Division

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Date

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### SCOPE OF PERMITTED ACTIVITIES

This 700PM permit replaces the 700PM permit issued in 2005.

Notwithstanding the terms and conditions of this permit, persons registered under this permit must also comply with all other applicable local, state, and federal requirements to include but not limited to:

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- a. Oregon DEQ Land Quality - Hazardous Waste Regulations
- b. Oregon Department of Geology and Mineral Industries
- c. Oregon Department of Fish and Wildlife
- d. Oregon Department of Parks and Recreation
- e. Oregon Department of State Lands
- f. Oregon Department of Water Resources
- g. U.S. Army Corps of Engineers
- h. U.S. Bureau of Land Management
- i. U.S. Forest Service
- j. U.S. NOAA Fisheries

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Until this permit expires or is modified or revoked, the registrant of this permit is authorized to operate in waters of the state in accordance with all the requirements, limitations, and conditions set forth in the attached schedules as follows:

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## DEFINITIONS

1. *Background Turbidity* means turbidity that represents the ambient, undisturbed turbidity as measured or observed at least 10 feet upstream or upcurrent from the suction dredge or in-water nonmotorized mining equipment operation at the time dredging occurs.
2. *Daylight hours* are those hours between sunrise and sunset unless sunlight is obscured (e.g., mountains or canyon topography, cloud cover or inclement weather, smoke from wild fires, solar eclipse, etc.) where visible light is reduced during daylight hours to inadequately observe the turbidity discharge plume.
3. *DEQ* or *Department* means Oregon Department of Environmental Quality.
4. *Gravel Bar* means a transitional gravel deposit that lacks any rooted vegetation, located either between the stream banks and the wet perimeter of the stream or entirely within the wet perimeter of the stream.
5. *Habitat structure* includes such things as boulders, woody material, and other natural features as defined below:
  - *Boulders* include cobbles and larger rocks that protect and prevent erosion of the banks from spring run runoff and storm event stream flow;

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- *Woody material* includes living or dead trees, shrubs, stumps, large tree limbs, and logs;
  - *Vegetation* includes grasses, wildflowers, weeds, and other vegetation that stabilizes the stream banks or provides cover for fish or provides shade
6. *In-water nonmotorized mining equipment or device* are small scale prospecting and mining devices using extraction methods of gravity separation for processing placer ore and minerals within the wet perimeter such as a hand sluice box and mini rocker.
  7. *OAR* means Oregon Administrative Rule.
  8. *Pollution or water pollution* means such 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. ORS 468B.005(5).
  9. *Small suction dredge* is a machine having an intake nozzle with an inside diameter not exceeding four inches and a motor no larger than 16 horsepower used for recovering precious metals or minerals from stream bottom sediments.
  10. *Stream bank* means a slope of land adjoining and confining a stream channel.
  11. *Visible Turbidity* means turbidity that is distinctly visible when compared to background turbidity.
  12. *Wastes* mean sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive or other substances which will or may cause pollution or tend to cause pollution of any waters of the state. ORS 468B.005(9).
  13. *Wet perimeter* means the area of the stream that is underwater, or is exposed as a non-vegetated dry gravel bar island surrounded on all sides by actively moving water at the time suction dredging or in-water nonmotorized mining occurs.

## **HOW TO APPLY FOR COVERAGE UNDER THIS GENERAL PERMIT**

### Persons Seeking Coverage Under This 700PM General Permit

1. Suction dredge and in-water nonmotorized mining equipment operators can obtain coverage under this permit by the following steps:
  - a. Obtain a DEQ application form by:
    - i. Mail or in person from a DEQ regional office, or
    - ii. Downloading the application from the DEQ website.
  - b. Submit a completed application to DEQ, requesting coverage under this permit at least thirty days prior to the planned activity. The Department may accept applications filed less than thirty days from the planned activity on a case by case basis.

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- c. Submit the annual permit registration fee or an optional 5-year permit registration fee with the application. Permit holders registered for coverage under this permit that pay the annual permit registration fee, need only submit the annual permit registration fee. Unless the registrant's contact information or the operation has changed, DEQ does not require an application each year from registered permit holders paying the annual permit fee.
2. This permit is valid until December 31, 2014. Before July 1, 2014 permit holders must:
    - a. Submit a complete renewal application form to DEQ. The DEQ Director may grant permission to submit the application later than July 1, 2014 but no later than the permit expiration date.
    - b. Submit all applicable fees with the permit application.
  3. DEQ will review the applications submitted under sections (1) and (2) above and will take one of the following actions:
    - a. Issue written notice of permit registration approval.
    - b. Request additional information.
    - c. Deny coverage under this permit. The applicant will be notified if the applicant's operation cannot be approved for coverage under the permit, and that the applicant may need to obtain an individual permit.

## Fees

1. To obtain and maintain coverage under this permit, the applicable fees provided in OAR 340-045-0075 must be received by the Department.
2. Permit holders may, but are not required to, prepay multiple years of coverage in advance.
3. Failure to pay applicable fees may result in termination of coverage under this permit. Coverage may be restored upon payment of the fee.

## Coverage and Eligibility

1. Activities covered by this permit may not discharge pollutants to waters of the state except in compliance with this permit.

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2. This permit does not authorize mining of stream banks or upland areas outside the wet perimeter of the stream. Processing placer ore obtained from outside the wet perimeter (upland) is prohibited under this permit.
3. Coverage under this permit will continue for a permit holder after December 31, 2014 if the permit holder submits a complete renewal application and fee as described above.
4. Any person not wishing to be covered or limited by this permit may apply for an individual permit in accordance with the procedures in OAR 340-045-0030.
5. During the term of this permit, the Department may make arrangements with the Oregon Department of State Lands (DSL) or another state agency to assign coverage, conduct inspections, or compile information regarding this permit on behalf of DEQ.
6. The permit holder may own or have access to multiple suction dredges and in-water nonmotorized mining equipment at the mining site. The permit holder or, a designated person under supervision of the permit holder, may only operate one machine at a time. Other persons not assigned to this permit may operate either a single small suction dredge or in-water nonmotorized mining equipment under the supervision of the permit holder if all conditions of this permit are met. The permit holder must be present when supervising small suction dredge or in-water nonmotorized mining equipment operations by the alternate person.

## SCHEDULE A

### DISCHARGE LIMITATIONS

1. Suction dredges and in-water nonmotorized equipment as authorized by this permit must not create visible turbidity beyond 300 feet downstream or downcurrent. No pollutants or wastes may be discharged and no activities may be conducted that will violate Water Quality Standards as adopted in OAR Chapter 340, Division 41.
2. If any visible increase in turbidity is observed above background beyond any point more than 300 feet downstream or downcurrent from the activity at any time, operation of the small suction dredge or in-water nonmotorized equipment must be modified, curtailed or stop immediately so that a violation as defined in Schedule A does not exist.
3. Measures to prevent violations such as, but not limited to, ceasing operations, moving the location of the operation, reducing process flow or using a smaller machine must be recorded in the monitoring log.
  - a. Record the **date, time, location** (e.g., GPS latitude/longitude reading, claim description), **mining operation description** (for example, hand sluicing with shovel

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and bucket; suction dredging with 4-inch nozzle/5hp engine; etc.), **preventative measure** (for example, moved from clay/silt deposit to gravel in channel; switched from 4-inch nozzle/5hp to 2-inch/2.5hp suction dredge); **record of the distance in feet that turbidity existed after taking preventative measure** (for example, turbidity plume length is approximately 55 feet; no visible turbidity plume etc.), **measuring device** (for example tape measure, GPS, rangefinder), and the **printed name of the person making the record** in the monitoring log.

- b. The log must be legible and available to authorities upon request.
  - c. The permit holder must maintain the records for at least five years.
4. Suction dredge and in-water nonmotorized mining operations are prohibited during non-daylight hours.
  5. Mining must not cause any measurable increase in turbidity in the Diamond Peak, Kalmiopsis, Eagle Cap, Gearhart Mountain, Mount Hood, Mount Jefferson, Mount Washington, Mountain Lakes, Oregon Islands, Strawberry Mountain, Three Arch Rocks and Three Sisters wilderness areas.

## SCHEDULE B

### MONITORING REQUIREMENTS

1. The permit holder or a person under the permit holder's supervision must visually monitor for turbidity each day of the operation. Turbidity monitoring must be performed and recorded when mining conditions change or at least daily even if no visual increase of turbidity is observed.
2. To monitor for Schedule A, Conditions 1,2 and 3, the permit holder or other person conducting visual monitoring under supervision of the permit holder must observe the turbidity discharge plume, where visible, immediately downstream or downcurrent from the activity until the turbidity plume is no longer visible and record the turbidity plume length.
3. Visual monitoring results must be recorded in the monitoring log.
  - a. Record the **date, time, location** (for example, GPS latitude/longitude reading, claim description), **mining operation description** (for example, hand sluicing with shovel and bucket; suction dredging with 4-inch nozzle/5hp engine; etc.), **visual monitoring observation result** in units of feet (for example, turbidity plume length is approximately 55 feet; no visible turbidity plume), **measuring device** (for example tape measure, GPS, rangefinder), and the **printed name of the person performing the visual monitoring observation** in the monitoring log.

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4. The log must be legible and available to authorities upon request.
5. The permit holder must maintain the records for at least five years.
6. Visual monitoring is required during daylight hours to determine compliance with the turbidity limits in Schedule A.

## SCHEDULE C

### SPECIAL CONDITIONS

#### Best Management Practices

1. Suction dredges or in-water nonmotorized mining equipment must not be operated within 800 feet of another suction dredging or in-water nonmotorized mining operation.
2. Except where the Oregon Department of Fish and Wildlife (ODFW) has given expressed written authorization, suction dredging or operating in-water nonmotorized mining equipment is not allowed outside the periods set out in the in-water work schedule (*Timing of In-Water Work To Protect Fish and Wildlife Resources*). A copy of that written ODFW approval must be in the possession of the operator or readily available during small suction dredging or in-water nonmotorized mining activities allowed under this permit.
3. The permit holder must provide a safe passage for fish around and through the active mining area if the stream was historically or is currently inhabited by native migratory fish.
4. Dredging of or mining ore from stream banks is not allowed under this permit.
5. Undercutting or eroding stream banks and removal or disturbance of boulders, rooted vegetation, or embedded woody plants and other habitat structure from stream banks is prohibited.
  - *Boulders* include cobbles and larger rocks that protect and prevent erosion of the banks from spring run runoff and storm event stream flow.
  - *Woody plants* include living or dead trees and shrubs.
  - *Stumps, large tree limbs, and logs.*
  - *Vegetation* includes grasses, wildflowers, weeds, and other vegetation that stabilizes the stream banks or provides cover for fish or provides shade.
  - *Other natural features.*

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6. Moving boulders, logs, or other stream habitat structure within the stream channel is allowed by hand (without tools). However, in no case may this habitat structure be removed entirely from the wet perimeter.
7. Explosives, motorized winches or other motorized equipment to move boulders, logs or other habitat structure is prohibited.
8. Removal of habitat structure that extends into the stream channel from the stream bank is also prohibited.
9. Creating areas of pooled water is allowed within the stream boundaries. However, construction of dams that prevent fish passage is prohibited.
10. Diversions are not authorized under this permit including but not limited to rerouting or constructing stream channels or using devices such as long toms.
11. This permit does not authorize operations that may affect bridge footings, dams, and other structures in or near the stream.
12. The suction dredge equipment must be properly maintained and petroleum products managed as follows:
  - a. Discharging oil, grease and fuel from suction dredge activity is prohibited. The permit holder must report spills according to requirements of Schedule D, Section D.2.
  - b. Equipment used for suction dredging must not release petroleum products. Equipment surfaces must be free of oils and grease, and must be checked for fuel and oil leaks prior to start of operation on a daily basis.
  - c. A polypropylene pad or other appropriate spill protection and a funnel or spill-proof spout must be used when refueling to prevent possible contamination of surface waters or groundwater.
  - d. All fuel and oil must be stored in an impermeable container and must be located at least 25 feet from the wet perimeter of the stream. For dredge locations where a 25 foot buffer is not possible, additional precaution must be taken to ensure that petroleum products cannot spill or otherwise enter the stream.
  - e. In the event a spill occurs, suction dredge operators must contain, remove and mitigate such spills immediately. All waste oil or other clean up materials contaminated with petroleum products must be properly disposed off-site.

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- f. The permit holder must record daily equipment inspection results, spills and spill cleanup summary, and other events in the monitoring log. These records must be legible and available to authorities upon request and maintained for at least five years. Record the **date, time, event observation and action taken**, and **other information** needed to reconstruct the event.
13. Except as restricted in Oregon Scenic Waterways or Essential Salmon Habitat, suction dredging and obtaining placer ore for in-water nonmotorized mining is allowed into non-vegetated gravel bars up to 10 feet outside the wet perimeter of the stream. In no case is mining ore from stream banks for suction dredging or in-water nonmotorized mining equipment allowed.
14. Discharges of pollutants and wastes from suction dredges and in-water nonmotorized mining equipment must not affect drinking water sources. No operations are allowed where waste from the suction dredging operation or pollution from the suction dredge or in-water nonmotorized mining equipment discharges impact the intake of a drinking water source. Drinking water source information including tools to identify downstream intakes is provided by the DEQ Drinking Water Protection Program.
15. Wheeled or tracked equipment used in-water is prohibited. With the exception of the small suction dredge and any life support system (for example, breathing air supply) necessary to operate the small suction dredge nozzle under water, mechanized equipment may not be used below the ordinary high water mark.
16. Operators must ensure suction dredging equipment and in-water nonmotorized mining equipment does not house invasive species. Equipment must be decontaminated prior to its placement in Oregon waters. Furthermore, dredging equipment used in multiple streams should be decontaminated before each deployment. ODFW provides information including decontamination steps on aquatic invasive species. Discharge of decontamination solutions to waters of the state is prohibited.
17. Use of chemical agents such as mercury to improve mineral processing or metal extraction from ore or high-grade fines is not allowed under this permit.

## CONDITIONS TO PROTECT OREGON SCENIC WATERWAYS, ESSENTIAL SALMON HABITAT, AND WILDERNESS AREAS

1. Suction dredging is prohibited in the portions of the Clackamas River, McKenzie River, and North Santiam River subbasins that have been designated as Oregon Scenic Waterways, as provided in OAR 340-041-0350.

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2. Suction dredging and in-water nonmotorized mining in other Oregon Scenic Waterways must follow the applicable requirements provided in ORS 390.835
3. Except when allowed by the applicable federal land management agency, suction dredging and in-water nonmotorized mining on Oregon Scenic Waterways that are located on federal lands is prohibited as provided in ORS 390.835.
4. Recreational placer mining in essential salmon habitat is restricted to the wet perimeter of the stream.

## CONDITIONS FOR DREDGING ON WATER QUALITY LIMITED STREAMS

1. Until a total maximum daily load (TMDL) has been completed, suction dredging is prohibited in streams that are both listed as water quality limited for sediments, turbidity or toxics on the State 303(d) list under OAR 340-041-0046, and were not placer mined under the 700-J permit after May 3, 1999.
  - a. **Once a TMDL has been completed, mining in these streams may be authorized as indicated in the water quality management plan in the TMDL.**
  - b. **The 303(d) list of water quality limited streams is available on the DEQ website or at the following Department offices:**
    - i. Northwest Region  
2020 SW 4th Avenue, Suite 400  
Portland, OR 97201  
Tel. No. (503) 229-5263
    - ii. Western Region  
165 East 7th Avenue, Suite 100  
Eugene, OR 97401  
Tel. No. 541-687-7326
    - iii. Eastern Region  
700 SE Emigrant, #330  
Pendleton, OR 97801  
Tel. No. (541) 276-4063
    - iv. DEQ Headquarters  
811 SW 6<sup>th</sup> Avenue 7<sup>th</sup> floor  
Portland, OR 97204-1390  
Tel No. (503) 229-6114  
Tel No. (800) 452-4011 (x6114)

## DETERMINING COMPLIANCE WITH THIS PERMIT

1. As allowed by state law, DEQ may ask other agencies to act as an agent to determine compliance with the limits, terms, and conditions of this permit.

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2. DEQ may require information (including but not limited to visual monitoring observations, violation preventative measures, spill events and cleanup, etc.) be submitted from permit holders regarding the locations of the previous three years of activities in Oregon.
3. This permit does not authorize the permit holder to prevent or restrict the legitimate use of the waterway by other persons.
4. During mining activities, persons covered by this permit must have a copy of the permit and monitoring log in their possession or readily available for inspection at the suction dredge or in-water nonmotorized mining location.

## SCHEDULE D NPDES GENERAL CONDITIONS

### SECTION A. STANDARD CONDITIONS

1. Duty to Comply with Permit

The permit holder 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 the federal Clean Water Act and is grounds for an enforcement action. Failure to comply is also grounds for the Department to terminate, modify and reissue, revoke, or deny renewal of a permit.

2. Penalties for Water Pollution and Permit Condition Violations

The permit is enforceable by DEQ or EPA, and in some circumstances also by third-parties under the citizen suit provisions 33 USC §1365. DEQ enforcement is generally based on provisions of state statutes and EQC rules, and EPA enforcement is generally based on provisions of federal statutes and EPA regulations.

ORS 468.140 allows the Department to impose civil penalties up to \$10,000 per day for violation of a term, condition, or requirement of a permit. The federal Clean Water Act provides for civil penalties not to exceed \$32,500 and administrative penalties not to exceed \$11,000 per day for each violation of any condition or limitation of this permit.

Under ORS 468.943, unlawful water pollution, if committed by a person with criminal negligence, is punishable by a fine of up to \$25,000, imprisonment for not more than one year, or both. Each day on which a violation occurs or continues is a separately punishable offense. The federal Clean Water Act provides for criminal penalties of not more than \$50,000 per day of violation, or imprisonment of not more than 2 years, or both for second or subsequent negligent violations of this permit.

Under ORS 468.946, a person who knowingly discharges, places, or causes to be placed any waste into the waters of the state or in a location where the waste is likely to escape into the waters of the state is subject to a Class B felony punishable by a fine not to exceed \$200,000 and up to 10 years in prison. The federal Clean Water Act provides for criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment of not more than 3 years, or both for knowing violations of the permit. In the case of a second or subsequent conviction for knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

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3. Duty to Mitigate

The permit holder must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. In addition, upon request of the Department, the permit holder must correct any adverse impact on the environment or human health resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

4. Duty to Reapply

If the permit holder wishes to continue an activity regulated by this permit after the expiration date of this permit, the permit holder must apply for and have the permit renewed. The application must be submitted at least 180 days before the expiration date of this permit.

The Department may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date.

5. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any term, condition, or requirement of this permit, a rule, or a statute
- b. Obtaining this permit by misrepresentation or failure to disclose fully all material facts
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge
- d. The permit holder is identified as a Designated Management Agency or allocated a waste load under a Total Maximum Daily Load (TMDL)
- e. New information or regulations
- f. Modification of compliance schedules
- g. Requirements of permit reopener conditions
- h. Correction of technical mistakes made in determining permit conditions
- i. Determination that the permitted activity endangers human health or the environment
- j. Other causes as specified in 40 CFR 122.62, 122.64, and 124.5

The filing of a request by the permit holder for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. Toxic Pollutants

The permit holder must comply with any applicable effluent standards or prohibitions established under Oregon Administrative Rules (OAR) 340-041-0033 and 307(a) of the federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

7. Property Rights and Other Legal Requirements

The 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 private rights, or any infringement of federal, tribal, state, or local laws or regulations.

8. Permit References

Except for effluent standards or prohibitions established under Section 307(a) of the federal Clean Water Act and OAR 340-041-0033 for toxic pollutants and standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act, all rules and statutes referred to in this permit are those in effect on the date this permit is issued.

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9. Permit Fees  
The permit holder must pay the fees required by Oregon Administrative Rules.

## **SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS**

1. Proper Operation and Maintenance  
The permit holder must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permit holder to achieve compliance with the conditions of this permit.

## **SECTION C. MONITORING AND RECORDS**

1. Representative Sampling  
Sampling and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit, and shall be taken, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points may not be changed without notification to and approval of the Department.
2. Monitoring Procedures  
Monitoring must be conducted according to test procedures approved under 40 CFR part 136, or in the case of sludge use and disposal, under 40 CFR part 503, unless other test procedures have been specified in this permit.
3. Penalties of Tampering  
The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit may, upon conviction, be punished by a fine of not more than \$10,000 per violation, imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, punishment is a fine not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.
4. Additional Monitoring by the Permit holder  
If the permit holder monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136, or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency must also be indicated.
5. Retention of Records  
The permit holder must retain records of all monitoring information, including all calibration and maintenance records for this permit for a period of at least 3 years from the date of the sampling or measurement. This period may be extended by request of the Department at any time.
6. Records Contents  
Records of monitoring information must include:
- The date, location, time, and methods of sampling or measurements;
  - The individual(s) who performed the sampling or measurements;
  - The date(s) analyses were performed;
  - The individual(s) who performed the analyses;
  - The analytical techniques or methods used; and
  - The results of such analyses.

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7. Inspection and Entry

The permit holder must allow the Department or EPA upon the presentation of credentials, to:

- a. Enter upon the permit holder's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by state law, any substances or parameters at any location.

8. Confidentiality of Information

Any information relating to this permit that is submitted to or obtained by DEQ is available to the public unless classified as confidential by the Director of DEQ under ORS 468.095. The Permit holder may request that information be classified as confidential if it is a trade secret as defined by that statute. The name and address of the permit holder, permit applications, permits, effluent data, and information required by NPDES application forms under 40 CFR 122.21 will not be classified as confidential. 40 CFR 122.7(b).

## **SECTION D. REPORTING REQUIREMENTS**

1. Transfers

This permit may be transferred to a new permit holder provided the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the permit and the rules of the Commission. No permit may be transferred to a third party without prior written approval from the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permit holder and incorporate such other requirements as may be necessary under 40 CFR Section 122.61. The permit holder must notify the Department when a transfer of property interest takes place.

2. Twenty-Four Hour Reporting

The permit holder 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 permit holder becomes aware of the circumstances, unless a shorter time is specified in the permit. During normal business hours, the Department's Regional office must be called. Outside of normal business hours, the Department must be contacted at 1-800-452-0311 (Oregon Emergency Response System).

A written submission must also be provided within 5 days of the time the permit holder becomes aware of the circumstances. The written submission must contain:

- a. A description of noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and

The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

3. Duty to Provide Information

The permit holder must furnish to the Department within a reasonable time any information that the Department may request to determine compliance with the permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permit holder must also furnish to the Department, upon request, copies of records required to be kept by this permit.

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Other Information: When the permit holder becomes aware that it has failed to submit any relevant facts or has submitted incorrect information in a permit application or any report to the Department, it must promptly submit such facts or information.

4. Signatory Requirements

All applications, reports or information submitted to the Department must be signed and certified in accordance with 40 CFR Section 122.22.

5. Falsification of Information

Under ORS 468.953, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is subject to a Class C felony punishable by a fine not to exceed \$100,000 per violation and up to 5 years in prison. Additionally, according to 40 CFR 122.41(k)(2), any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a federal civil penalty not to exceed \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

6. Changes to Discharges of Toxic Pollutant

The permit holder must notify the Department as soon as it knows or has reason to believe the following:

- a. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
  - (1) One hundred micrograms per liter (100 µg/l);
  - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Section 122.21(g)(7); or
  - (4) The level established by the Department in accordance with 40 CFR Section 122.44(f).
- b. That any activity has occurred or will occur that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
  - (1) Five hundred micrograms per liter (500 µg/l);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR Section 122.21(g)(7); or
  - (4) The level established by the Department in accordance with 40 CFR Section 122.44(f).