

From: [BROWN Courtney](#)
To: [ROOT Jenny](#)
Subject: FW: Rationale for NPDES General Permit 700-PM
Date: Friday, January 03, 2014 3:45:59 PM

[For the admin record](#)

From: BACHMAN Jeff
Sent: Wednesday, April 03, 2013 10:47 AM
To: YELTON-BRAM Tiffany; SCHNURBUSCH Steve; HUTCHENS-WOODS Cheryll; ADES Dennis R
Cc: NOMURA Ranei; BROWN Courtney; HICKMAN Jane; BILLINGS Jim
Subject: Rationale for NPDES General Permit 700-PM

OCE recommends that the Division 12 enforcement rules be revised to move violations of NPDES General Permit 700-PM for suction dredge miners from the \$1,000 civil penalty matrix to the proposed \$3,000 matrix. The \$1,000 matrix is generally reserved for violations by residential owner/occupants who commit violations that are incidental to the use/improvement of their property for residential purposes. The policy is that everyone has to live somewhere and that non-commercial uses of property that result in violations should be penalized less than violations that result from commercial and/or non-essential activities. Suction dredge mining is not a residential use or essential, but typically is an activity that people engage in for monetary gain.

For this reason, OCE believes that it is consistent with our policy and practice to place 700 PMs on a matrix other than the \$1,000 and recommend that we move it to the next higher matrix, the proposed \$3,000. By placing the 700 PMs on the \$3,000 matrix, the permittees would still be subject to lower penalties than all other water quality permittees, including all other NPDES and WPCF general permittees, except for municipalities that discharge less than 2 mgd per day and NPDES 1200-C stormwater general permittees disturbing less than 5 acres, who are also on the proposed \$3,000 matrix.

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