

**From:** [BACHMAN Jeff](#)  
**To:** [ROOT Jenny](#)  
**Subject:** FW: Action needed: Input on Div 12 revisions that you may have not heard about  
**Date:** Tuesday, January 07, 2014 12:39:23 PM

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Jeff Bachman  
Office of Compliance and Enforcement  
Oregon Dept. of Environmental Quality  
(503) 229-5950

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**From:** HUTCHENS-WOODS Cheryll  
**Sent:** Friday, March 22, 2013 11:24 AM  
**To:** NOMURA Ranei; BACHMAN Jeff  
**Subject:** RE: Action needed: Input on Div 12 revisions that you may have not heard about

The change listed below as (2) would be a problem for the small food processors. I can see issues with related to enforcement with the small operations that this would apply to. More discussion would be helpful.

Cheryll

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**From:** NOMURA Ranei  
**Sent:** Thursday, March 21, 2013 12:52 PM  
**To:** SCHNURBUSCH Steve; LOBOY Zach; NIGG Eric; HUTCHENS-WOODS Cheryll; YELTON-BRAM Tiffany; JOHNSON Keith  
**Cc:** MRAZIK Steve; HICKMAN Jane  
**Subject:** Action needed: Input on Div 12 revisions that you may have not heard about  
**Importance:** High

In the draft of Div. 12 sent to you this Tuesday, I noticed several revisions that I was not aware. With exception of Steve Mrazik for 401 dredge/fill, I am assuming that you do not know about the revisions as well because the response I received Jeff Bachman indicated that these changes were agreed to by HQ-WQ managers. I could be wrong of course but I decided it was safer to ask than to assume!

What I need from you: I believe the revisions will have ramifications on how you conduct enforcement actions in your regions so please quickly review the very brief list below. You will not be interested in every issue and I did not provide a lot of detail because I really just need to know ASAP if you want to discuss further so I can let OCE know that the regions were not consulted and need time to discuss. Deadline for our response is Friday.

I apologize for the short notice. I thought we had a process set up to ensure your input on potential rule changes (the process being me tracking these discussions) but I was caught totally unaware that discussions of this nature were going on without my knowledge so I did not immediately review the latest draft when it came out on Tuesday.

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**From:** BACHMAN Jeff  
**Sent:** Thursday, March 21, 2013 11:49 AM  
**To:** NOMURA Ranei  
**Subject:** RE: Few more questions about Div. 12

See below

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**From:** NOMURA Ranei  
**Sent:** Thursday, March 21, 2013 10:09 AM  
**To:** BACHMAN Jeff  
**Subject:** Few more questions about Div. 12

The stormwater managers are scheduled to talk about changes to Div. 12 this afternoon (the reclass of failure to implement all stormwater plans to Class I) but a couple of other questions have come up that I would like to be able to answer for them:

1) The NPDES 1200-C and 700PM violations and have been moved up in the matrix. Where/who did that come from?

Les thought there should be a hierarchy of stormwater/turbidity violations with the four types of sources divided between the 4 matrices (1200C  $\geq$  5 acres on the \$12,000, 1200C < 5 acres on the \$8,000; < 1 acre non residential on the \$3,000; and < 1 acre residential on the \$1,000. It was decided by OCE that we should propose raising the 700 PMs from the \$1,000 to the \$3,000. We talked with Denny Ades and Jim Billings and they agreed.

2) 340-012-0140(2)(A)(e)(iv) and (v) – was “major” dropped from the revisions on purpose? In other parts of the rule it was changed to “Tier 1” so I would expect the same for these revisions. I worked with Beth Moore to make the language consistent with our rules. Who we are trying to capture is better described by the individual vs. general permit descriptors rather than Tier 1 and Tier 2

(This the classification of WPCF and NPDES individual “major” food processing permits in the highest matrix (\$8,000 matrix which has been increased to \$12,000). The new proposed language drops “major” to include all individual permits.)

3) I did not hear from the 401 cert managers about the new 401 certification matrix classifications. Where/who did those come from?

Denny Ades (Marilyn Fonseca) for the hydros and Steve Mrazik, after consulting with the other dredge and fill folks, for the dredge and fill 401s.

Thanks!