

**From:** [BACHMAN Jeff](#)  
**To:** [ROOT Jenny](#)  
**Subject:** FW: Action needed by 4/10 Wednesday: RE: Rationale for NPDES General Permit 700-PM  
**Date:** Tuesday, January 07, 2014 12:40:53 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:** ADES Dennis R  
**Sent:** Wednesday, April 03, 2013 5:00 PM  
**To:** NOMURA Ranei; BACHMAN Jeff; YELTON-BRAM Tiffany; SCHNURBUSCH Steve; HUTCHENS-WOODS Cheryl  
**Cc:** BROWN Courtney; HICKMAN Jane; BILLINGS Jim  
**Subject:** RE: Action needed by 4/10 Wednesday: RE: Rationale for NPDES General Permit 700-PM

I agree with OCE recommendation for a number of reasons:

- Operators are required to have a permit and know the terms of the permit.
- Serious permit violations may occur in some of the most sensitive streams in Oregon including waters with ESA-listed fish and public water supplies.
- We have seen a substantial increase in permit issuance and mining activities that correspond with the dramatic increase in the price of gold.
- There may be financial incentives to violate with the terms of the permit....remove logs and boulders or undercut banks to access placer deposits or operate outside the in-water work window or in waters off-limits to mining.
- "Small-scale" suction dredge mining should not be perceived as recreational activity only. This is an important source of income to some miners.
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I have communicated my support on this to Greg

Thanks all

Dennis Ades  
Surface Water Management Section Manager  
Water Quality Division  
Oregon Department of Environmental Quality  
(503) 229-5589

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**From:** NOMURA Ranei  
**Sent:** Wednesday, April 03, 2013 12:10 PM  
**To:** BACHMAN Jeff; YELTON-BRAM Tiffany; SCHNURBUSCH Steve; HUTCHENS-WOODS Cheryl; ADES Dennis R  
**Cc:** BROWN Courtney; HICKMAN Jane; BILLINGS Jim  
**Subject:** Action needed by 4/10 Wednesday: RE: Rationale for NPDES General Permit 700-PM

I think the piece that is missing is “Why change it now? It was good enough when the rules were first drafted” and it’s my understanding from Denny that the explanation would be something like:

The change is being proposed now because DEQ has experienced an increase in the number of suction dredging activities since gold is worth more and California has prohibited the activity sending more dredgers to Oregon to look for gold. Historically, many suction dredging activities were conducted only on weekends or intermittently by hobbyists; however, DEQ has seen an increased interest and intensification of these activities as well as reports by the Oregon State Police to indicate that this is no longer the case.

Denny – Please correct/edit as you see fit.

Tiffany, Steve, and Cheryll – Please let us know where your region is going to land on this one ASAP. Jeff said in an earlier email that he needs to hear before 4/10, Wednesday.

While I don’t disagree with the change, I do question the timing and I think you should have the support of your DAs to move forward; however, what I think is obviously not what you have to do! You know your DAs better than I do so you may not feel the need to consult with him/her.

Thank you!

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**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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