

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

DEQ 10-2023

CHAPTER 340
DEPARTMENT OF ENVIRONMENTAL QUALITY

FILED

07/20/2023 5:02 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Industrial Stormwater General Permit, No. 1200Z, Rulemaking amendment

EFFECTIVE DATE: 07/20/2023

AGENCY APPROVED DATE: 07/20/2023

CONTACT: Emil Hnidey
503-568-0376
emil.hnidey@deq.oregon.gov

700 NE Multnomah St.
Suite 600
Portland, OR 97232

Filed By:
Emil Hnidey
Rules Coordinator

AMEND: 340-045-0033

RULE TITLE: General Permits

NOTICE FILED DATE: 04/27/2023

RULE SUMMARY: No edits to rule language are proposed. This rule amendment is proposing to revise the language in the 1200-Z permit adopted by reference in 340-045-0033(11)(g) in 2021.

RULE TEXT:

(1) General permits may be adopted by a rule of the Environmental Quality Commission or by order the Director issues. A permit adopted by rule may be terminated by a later permit issued by order if the later permit covers the same activity and specifically provides for terminating the earlier permit.

(2) General permits may be developed for certain categories of minor discharge sources or minor activities where individual NPDES or WPCF permits are not necessary to adequately protect the environment. Before the Director can issue a general permit, the following conditions must be met:

- (a) There must be several minor sources or activities that involve the same or substantially similar types of operations.
- (b) The sources or activities must have the potential to discharge or dispose of the same or similar types of wastes.
- (c) The general permit must require the same or similar monitoring requirements, effluent limitations and operating conditions for the categories.

(d) The category of sources or activities would be more appropriately controlled under a general permit than an individual permit.

(3) General permits issued after this rule's effective date will specify the following:

(a) The requirements to obtain coverage under a general permit, including application requirements and application submittal deadlines. DEQ may determine that submitting an application is not necessary after evaluating the type of discharge, potential for toxic and conventional pollutants in the discharge, expected discharge volume, availability of other means to identify dischargers, and estimated number of dischargers to be covered by the permit. DEQ must provide its evaluation in the public notice for the general permit.

(b) The process DEQ used to notify a person that coverage under a general permit has been obtained and the discharge or activity is authorized.

(4) Although general permits may include activities throughout the state, they may also be restricted to more limited

geographical areas.

(5) Before issuing a general permit, DEQ will follow the public notice and participation procedures outlined in OAR 340-045-0027 and 340-045-0035(3). If the general permit is to be adopted into rule, DEQ will also follow ORS 183.325 to 183.410. In addition DEQ will make reasonable efforts to notify potentially interested persons.

(6) Any person operating a discharge source or conducting an activity described in a general permit must apply for coverage under the general permit, unless the general permit does not require submitting an application under subsection (3)(a) of this rule or the source or activity is specifically covered by an individual NPDES or WPCF permit, or a person makes an application for an individual permit under subsection (9) of this rule.

(a) Any person seeking coverage under a general permit must submit an application as required under the terms of the applicable NPDES or WPCF general permit. If application requirements are not specified in the general permit, procedures in OAR 340-045-0030 or 340-071-0162, whichever is applicable, must be followed.

(b) A person who fails to submit an application under the terms of the general permit, OAR 340-045-0030 or 340-071-0162, whichever is applicable, is not authorized to conduct the activity described in the permit.

(7) Any person required to have coverage under a general permit must pay permit fees as required in OAR 340-045-0070 to 340-045-0075 or 340-071-0140 to obtain and maintain coverage under that permit.

(8) Any permittee covered by an individual NPDES or WPCF permit may request that the individual permit be canceled or allowed to expire, and that it be covered by a general permit if its discharge or activity may be covered by an existing general permit. As long as the permittee is covered by an individual NPDES or WPCF permit, the conditions and limitations of the individual permit govern until such time as it is canceled or expires.

(9) Any person not wishing to be covered by a general permit may apply for an individual permit under OAR 340-045-0030 or 340-071-0162, whichever is applicable.

(10) The Director may refuse to authorize or renew coverage, or may revoke existing coverage under a general permit, as it applies to any person and require such person to apply for and obtain an individual NPDES or WPCF permit.

(a) The procedures for denying a permit in OAR 340-045-0050 and for permit revocation in OAR 340-045-0060 apply.

(b) Any interested person may petition the Director to take action under this section.

(c) The grounds for requiring an individual permit include the following:

(A) The discharge or activity is a significant contributor of pollution or creates other environmental problems;

(B) The permittee failed to comply with, or is not currently in compliance with, the terms and conditions of the general permit, submitted false information, or the permittee is in violation of any applicable law;

(C) A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants being discharged;

(D) For NPDES general permits, effluent limitation guidelines are promulgated for point sources covered by a general permit and the guidelines are not already in the general permit;

(E) Circumstances have changed so that the discharge or activity is no longer appropriately controlled under a general permit, or either temporarily or permanently reducing or eliminating the authorized discharge is necessary; or

(F) Any other relevant factors.

(11) The following general permits are adopted by reference in this rule and are available for review at DEQ:

(a) NPDES 200-J, Filter backwash (issued August 29, 1997);

(b) NPDES 500-J, Boiler blowdown (issued August 29, 1997);

(c) NPDES 700-PM, Suction dredges (issued July 5, 2005);

(d) NPDES 1500-A, Petroleum hydrocarbon cleanups discharged to surface waters (issued August 22, 2000);

(e) NPDES 1700-A, Vehicle and equipment wash water discharged to surface waters (issued March 5, 1998);

(f) NPDES 1900-J, Non-contact geothermal heat exchange (issued September 11, 1997)

(g) NPDES 1200-Z Industrial Stormwater Discharge Permit (issued March 25, 2021)

STATUTORY/OTHER AUTHORITY: ORS 468.020, 468B.020, 468B.035

STATUTES/OTHER IMPLEMENTED: ORS 468.065, 468B.015, 468B.035, 468B.050