

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on December 10, 2009 by the
Date prior to or same as filing date.

Environmental Quality Commission to be administered by DEQ OAR Chapter 340
Agency and Division Administrative Rules Chapter Number
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to become effective date upon filing Rulemaking Notice was published in the September 2009 Oregon Bulletin. **
Date upon filing or later Month and Year

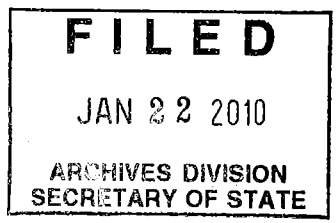
DEQ 1-2010

RULE CAPTION

Streamlining Water Quality General Permit Adoption

RULEMAKING ACTION

ADOPT: NA
AMEND: OAR 340-045-0033
REPEAL: NA
RENUMBER: NA
AMEND AND RENUMBER: NA



ORS 468.020, 468B.020 & 468B.035
Stat. Auth.: ORS
NA
Other Authority
ORS 468.065, 468B.015, 468B.035 & 468B.050
Stats. Implemented: ORS

RULE SUMMARY

The proposed amendment to Oregon Administrative Rule OAR 340-045-0033 will allow general permits previously adopted by the Environmental Quality Commission by rule to be superseded by permits subsequently adopted by a department order by the Director, Oregon Department of Environmental Quality. There are 22 NPDES and WPCF general permits that were adopted by rule in OAR 340-045 that cover such discharges as stormwater, washwater, suction dredges and seafood processing. Eight permits that are listed there will be removed from OAR 340-045 because they expired and were superseded by a new permit. The remaining permits will be superseded by general permits adopted by department order in the future. In addition, text revisions were made to clarify the rule language in OAR 340-045.

Maggie Vandehey January 20, 2010
Authorized Signer Date
Maggie Vandehey
Printed name

*Copies include a photocopy of this certificate with paper and electronic copies of each rule listed in the Rulemaking Action.
**The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday

General Permits

(1) General permits may be adopted by a rule of the Environmental Quality Commission or by order issued by the Director. 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 termination of 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 the effective date of this rule will specify the following:

(a) The requirements to obtain coverage under a general permit, including application requirements and application submittal deadlines. The Department may determine that submittal of 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. The Department's evaluation must be provided in the public notice for the general permit.

(b) The process used by the Department 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) Prior to issuing a general permit, the Department 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, the Department will also follow ORS 183.325 to 183.410. In addition the Department 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 submission of an application pursuant to 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 pursuant to subsection (9) of this rule. 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. A person who fails to submit an application in accordance with 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 make application for an individual permit in accordance with 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 denial of 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 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 a temporary or permanent reduction or elimination of the authorized discharge is necessary; or

(F) Any other relevant factors.

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

(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 1200-A, Storm water runoff that may discharge to surface waters or conveyance systems leading to surface waters from sand, gravel & non-metallic quarrying and mining in Standard Industrial Classification (SIC) 14, asphalt mix batch plants and concrete batch plants. Facilities may qualify for a conditional exclusion from the requirement to obtain a permit if there is no exposure of industrial activities and materials to storm water pursuant to 40 CFR §122.26(g); see permit for details. (issued July 26, 2002);

(e) NPDES 1200-A, Storm water runoff that may discharge to surface waters or conveyance systems leading to surface waters from sand, gravel & non-metallic quarrying and mining in SIC 14, asphalt mix batch plants and concrete batch plants. Facilities may qualify for a conditional exclusion from the requirement to obtain a permit if there is no exposure of industrial activities and materials to storm water pursuant to 40 CFR §122.26(g); see permit for details. (issued July 1, 2007);

(f) NPDES 1200-C, Storm water runoff from construction activities, including clearing, grading, and excavation, and stockpiling that disturbs one or more acres, and may discharge to surface waters or conveyance systems leading to surface waters. Also included are activities that will disturb less than one acre if such activities are part of a larger common plan of development that will disturb one or more acres over time (issued December 28, 2005)

(g) NPDES 1200-CA, Government agencies responsible for storm water runoff from construction activities that disturbs five or more acres; effective December 1, 2002, construction activities that disturb one or more acres are covered (issued February 20, 2001);

(h) NPDES 1200-COLS, Storm water runoff that may discharge to surface waters in the Columbia Slough watershed or conveyance systems leading to surface waters in the Columbia Slough watershed from industrial activities; see Sources Covered section of the permit for list of specific activities. Facilities may qualify for a conditional exclusion from the requirement to

obtain a permit if there is no exposure of industrial activities and materials to storm water pursuant to 40 CFR §122.26(g); see permit for details. (issued September 1, 2006);

(i) NPDES 1200-Z, Storm water runoff that may discharge to surface waters or conveyance systems leading to surface waters from industrial activities; see Sources Covered section of permit for a specific list of activities. Facilities may qualify for a conditional exclusion from the requirement to obtain a permit if there is no exposure of industrial activities and materials to storm water pursuant to 40 CFR §122.26(g); see permit for details. (issued July 26, 2002);

(j) NPDES 1200-Z, Storm water runoff that may discharge to surface waters or conveyance systems leading to surface waters from industrial activities; see Sources Covered section of permit for a specific list of activities covered. Facilities may qualify for a conditional exclusion from the requirement to obtain a permit if there is no exposure of industrial activities and materials to storm water pursuant to 40 CFR §122.26(g); see permit for details. (issued July 1, 2007);

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

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

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

(n) NPDES 01, Confined animal feeding operations (issued October 1, 2003).

Stat. Auth.: ORS 468.020, 468B.020 & 468B.035

Stats. Implemented: ORS 468.065, 468B.015, 468B.035 & 468B.050

Hist.: DEQ 28-1980, f. & ef. 10-27-80; DEQ 15-2000, f. & cert. ef. 10-11-00; DEQ 13-2001, f. & cert. ef. 10-16-01; DEQ 8-2002, f. & cert. ef. 8-9-02; DEQ 14-2002, f. & cert. ef. 10-16-02; DEQ 12-2003, f. & cert. ef. 9-2-03; DEQ 5-2005, f. & cert. ef. 7-1-05; DEQ 11-2005, f. & cert. ef. 12-28-05; DEQ 10-2006, f. 8-15-06, cert. ef. 9-1-06