UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB - 6 2015

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-133

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**REQUEST FOR INFORMATION**

Ms. Lisa Grossman
4481 Fallbrook Road
Concord, California 94521-3539

Re: July and August 2014 Suction Dredging Activity along the South Fork Clearwater River, Hwy. 14, Mile Marker 39-40

Dear Ms. Grossman:

This letter concerns alleged violations of the Clean Water Act (CWA), 33 U.S.C. § 1251 *et seq.*, for the discharge of pollutants from suction dredges operating in the South Fork Clearwater River without authorization under a National Pollutant Discharge Elimination System (NPDES) permit. By this letter, the U.S. Environmental Protection Agency (EPA) is requesting additional information regarding those activities.

EPA received information that during July and August 2014, members of the American Mining Rights Association (AMRA) conducted suction dredging activities on a mining claim held in your name within the South Fork Clearwater River, near Mile Marker 39-40, Hwy. 14. The South Fork Clearwater River is a water of the United States. Additionally, this section of the South Fork Clearwater River is listed as critical habitat for endangered species including bull trout, Chinook salmon, and steelhead and is listed as a CWA Section 303(d)-impaired water for sediment. Pursuant to Section 402 of the CWA, an individual must obtain an NPDES permit to discharge pollutants such as rock and sand from a suction dredge into a water of the United States. Our records indicate that an NPDES permit was not issued to anyone for dredging on the South Fork Clearwater River.

The discharge of pollutants from a suction dredge into a water of the United States without authorization under an NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

## INFORMATION REQUEST

In exercising its responsibilities under the CWA, EPA requests information from you. EPA is authorized to make this Information Request pursuant to CWA Section 308, 33 U.S.C. § 1318. EPA requires this information to evaluate whether you are in compliance with the CWA.

Your response to this Information Request must be postmarked within thirty (30) days of receipt of this letter. All responses must be submitted to the following addresses:

Original to: Jeff KenKnight
U.S. Environmental Protection Agency
NPDES Compliance Unit
1200 Sixth Avenue, Suite 900 (OCE-133)
Seattle, WA 98101-1128

Copy to: John Cardwell
Idaho Department of Environmental Quality
1118 "F" Street
Lewiston, ID 83501

**For <u>each day</u> that <u>each dredge</u> was operating on the South Fork Clearwater River in July and August 2014, provide:**

**(1) the name(s) and address(es) of the dredge owner(s) and operator(s);**
**(2) a map indicating the precise locations where suction dredge activities took place;**
**(3) size of dredge hose (e.g., 4", 6" etc.);**
**(4) engine horsepower;**
**(5) number of hours dredged;**
**(6) approximate amount of soil/fill moved in cubic yards;**
**(7) length in feet of downstream plume created by each dredge;**
**(8) ounces of gold collected; and**
**(9) any photographic and/or video documentation taken of the dredging activity.**

Your submission must be signed with the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide all the information requested, the failure to adequately explain the basis for such failure, or the making of any false material statement or representation in response to this Request for Information constitutes a violation of Section 308 of the Act, 33 U.S.C. § 1318, and may result in an enforcement action and the imposition of civil and/or criminal penalties or fines pursuant to Section 309 of the Act, 33 U.S.C. § 1319, and Title 18 of the United States Code, 18 U.S.C. § 1001.

Although the information requested must be submitted to EPA, you are entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. If EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this letter or other matters related to your compliance with environmental laws, please contact Jeff KenKnight, Manager, NPDES Compliance Unit, at (206) 553-6641. If you have any legal questions, please contact Endre Szalay, Assistant Regional Counsel, at (206) 553-1073.

Sincerely,

Edward J. Kowalski
Director

Via email: Mr. Mike Burgan
U.S. Army Corps of Engineers

Mr. Ken Clark
Nez Perce Tribe

Mr. Clint Hughes
Nez Perce-Clearwater National Forest

Mr. Dave Mabe
National Marine Fisheries Service

Mr. Mark Robertson
Fish and Wildlife Service