



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 19, 2018

Gabriel Scott
Cascadia Wildlands
PO Box 10455
Eugene, OR 97440

Re: Petition for General Permit

Dear Mr. Scott:

On October 30, 2017, you submitted a petition on behalf of Cascadia Wildlands requesting that the Washington State Department of Ecology (Ecology) begin the development of a National Pollutant Discharge Elimination System (NPDES) general permit for small scale prospecting and mining in Washington State. For the reasons discussed below, Ecology is denying your request.

The main reason Ecology is denying your request is that the agency simply does not have the resources to make development of a small-scale prospecting and mining general permit a priority at this time. Ecology has developed and currently implements approximately 17 general permits. These general permits include three municipal stormwater permits, a construction stormwater general permit, an industrial stormwater general permit, boatyard general permit, aquatic pesticide permits, concentrated animal feeding operation general permit, sand and gravel general permit, and several other permits.

In addition, Ecology is currently considering suggestions for developing general permits for approximately 12 additional sectors including small municipal wastewater treatment plants, tributary conveyance systems, non-contact cooling water, hydrostatic test water, bulk fuel storage, log sort yards and wood products, seafood processors, and groundwater remediation sites, to name a few. The development of a general permit is a resource-intensive undertaking and Ecology must carefully consider how it will prioritize the development and ongoing management of general permits.

Ecology's unwillingness to begin the development of a general permit for small-scale prospecting and mining, as you have requested, does not leave these facilities unregulated. As you note in your petition, suction dredge miners that are operating without an NPDES permit are operating in violation of the Clean Water Act if their operations discharge pollutants to navigable waters of the United States via a point source. Absent a general permit, those operators can and should apply to Ecology for an individual NPDES permit. If it turns out that there are a



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significant number of small scale prospecting and mining operations that require NPDES permits, Ecology will reconsider its decision for developing a general permit for these facilities. In the meantime, Ecology is prepared to develop and issue individual permits for those operations that require NPDES permits and that apply to Ecology for an individual NPDES permit.

Sincerely,



Heather R. Bartlett
Water Quality Program Manager