

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES)

FOR SMALL SUCTION DREDGE MINERS IN IDAHO

General Permit No.: IDG370000

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4, the owners and operators of small suction dredges in Idaho (intake nozzle size of 5 inches in diameter or less (or the diametrical equivalent defined in the general permit) and with equipment rated at 15 horsepower or less) are authorized to discharge to waters of the United States, except those sites excluded from coverage under this NPDES permit, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

**A COPY OF THIS GENERAL PERMIT
MUST BE KEPT AT THE SITE
WHERE DISCHARGES OCCUR.**

This permit shall become effective on June 1, 2018.

This permit and the authorization to discharge shall expire at midnight on May 31, 2023.

The Permittee shall reapply for a permit coverage on or before December 2, 2022 if the Permittee intends to continue operations and discharges beyond the term of this permit.

Signed this 25th day of April, 2018.

/s/

Daniel D. Opalski, Director
Office of Water & Watersheds, Region 10
U.S. Environmental Protection Agency

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Important Highlights

EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Small Suction Dredge Mining in Idaho

Eligibility Requirements (see page 5)

- Intake nozzle size of 5 inches or less (or combination totaling no more than 5 inches);
- Engine rated at 15 horsepower or less; and
- Operated in EPA's open or allowed areas only.

Family and friends sharing one or more dredge may operate under the owner's permit. The owner remains responsible for permit compliance.

This permit is not required for non-motorized operations (hand panning) or techniques that prevent sediment from being placed back in the water (high banking).

Determining Allowable Areas (see pages 6-15)

Read the permit and supporting documents illustrating EPA's open/closed waters. Materials can be mailed upon request or are available online at: <https://www.epa.gov/npdes-permits/npdes-general-permit-small-suction-dredge-placer-miners-idaho>.

Confirm your location is eligible for permit coverage from both the EPA and Idaho Department of Water Resources (IDWR) before applying. **EPA and IDWR share some of the same open areas, but not all.**

EPA'S OPEN WATERS

Open waters can be permitted for the duration of the permit cycle (currently 2018-2023). Most applications or Notice of Intent (NOI) are welcome year-round.*

**Exception 1: NOIs for Grimes/Elk/Mores Creek, and their tributaries are due by April 1st each year.*

**Exception 2: NOIs for the South Fork Clearwater are welcome after May 1st each year.*

EPA'S CLOSED WATERS

There are 7 categories closed to dredging:

- National Designated Areas
(see Permit Part I.D.1. for exceptions)
- Tribal Reservations
- National Wild & Scenic Rivers
- Withdrawn Rivers
- State Protected Rivers
- Mercury, suspended solids and/or sediment impaired streams
- Waters where threatened or endangered species or their critical habitat occur
(see Permit Part I.D.4. for exceptions)

Bull trout, steelhead, Chinook salmon, white sturgeon, and certain species of snails in Idaho are protected under the Endangered Species Act (ESA). ESA consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries is required before EPA can authorize suction dredging in critical habitat areas, or where threatened/endangered species are present. This is a time-intensive process. Please consider the timing of your application, in case the EPA, Federal land management agency or the Army Corps of Engineers need to go through this process.

How to Apply (see pages 17-18)

A complete NOI—example provided in Appendix A—must be submitted to:

EPA Idaho Operations Office
950 W. Bannock St, Suite 900
Boise, ID 83702
Fax: 208-378-5744

Send a duplicate NOI to the land manager (BLM, U.S. Forest Service, IDL, private property owner) as well as the nearest Idaho Department of Environmental Quality office.

The Idaho Department of Environmental Quality (DEQ) may request additional information if the dredging location is within 500 feet of a water supply intake.

Dredging is limited for Grimes/Elk/Mores Creek (including their tributaries), and the South Fork Clearwater River. Read more on pages 17-19.

Processing the NOI (see pages 5 and 15-16)

The EPA coordinates every permit action with land management agencies prior to permit issuance. If they do not have a copy of your NOI, EPA's notification will trigger their review.

Land management agencies have 30 days to object to permit issuance by EPA.

Permittees must wait for written authorization from the EPA, in the form of a letter, before operating.

Don't wait to apply. Processing can take 30-60 days.

Permit Conditions (see pages 20-23)

The permit contains 12 conditions or best management practices addressing:

- Avoiding silt and clay areas
- Encountering mercury
- Operating 800 feet apart
- Fish passage, spawning fish, spawning habitat
- Alterations to the active stream channel
- Erosion and undercutting
- Dams and diversions
- Moving of natural obstructions
- Other mechanized equipment in the water
- Refueling and hazardous material storage
- Invasive species
- Screen mesh opening for intake nozzle

Permittees must visually monitor for compliance with all permit conditions and retain records of monitoring information.

Permit conditions and restrictions are necessary to prevent harm to aquatic environments.

Lethal effects to fish may occur from sucking eggs or young fish out of the gravel; crushing nests (redds) and trampling or disturbing eggs or young fish inside them; or from dispersing sediment through the streambed, which can deplete the oxygen supply to eggs in redds.

Nonlethal effects include causing fish to move out of preferred habitat, disrupting feeding patterns, altering habitat, and disrupting food supplies. Water quality is temporarily impaired when sediment is stirred up.

Reporting Requirement (see pages 23-34)

For each permitted location, an Annual Report (AR)—example provided in Appendix B—must be provided by January 31, even if you did not operate the previous season.

Only problems observed while dredging must be noted in the AR. If no problems were encountered, the non-compliance section can be left blank. ARs must be submitted to:

EPA Region 10
Water & Wetlands Enforcement Unit OCE-101
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Send a duplicate AR to the nearest DEQ office.

Other Important Information

- Do not operate in waters closed by either the EPA or IDWR, unless authorized by both agencies.
- Land management agencies may require additional information, like a Plan of Operations, before operating.
- The EPA will provide each permittee a number, which must be posted on the dredge, demonstrating proof of authorization.
- Documentation of one's "Letter Permit" from IDWR is not required to apply for this permit.
- Applicants may schedule an appointment to meet with EPA staff from the Idaho Operations Office to discuss the permit.
- There is no application fee.

I. APPLICABILITY AND NOTIFICATION REQUIREMENTS

A. Coverage and Eligibility

1. Owners or operators of suction dredges covered by the Idaho Department of Water Resources (IDWR) Idaho Recreational Mining Authorization (Letter Permit) may be eligible for coverage under this General Permit (GP). See Permit Part I.G. for notification information.
2. Upon submittal of a Notice of Intent (NOI) all owners or operators of suction dredges that meet the criteria for coverage under this GP will be granted coverage.

Authorization to discharge requires **written notification from EPA** that coverage has been granted. The NPDES GP does not cover anything other than the discharge of wastewater from the suction dredge. Permittees are expected to follow all other applicable regulations including acquiring permission from land managers or land owners to access a site and acquiring other required permits, see Figure 1.

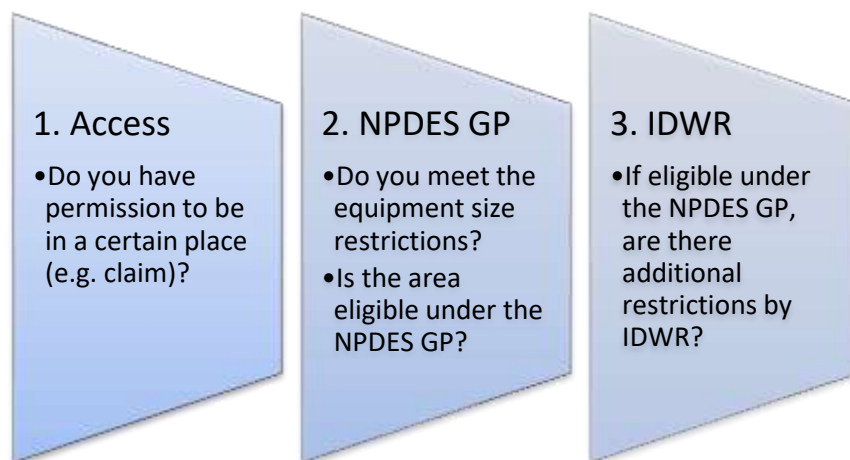


Figure 1

B. Termination of Discharges

The Permittee shall notify EPA in writing when GP coverage is no longer needed at a site. This notification shall accompany the Annual Report (AR) for the year in which coverage is being terminated, which is due no later than January 31 of the following year.

C. Authorized Operations

This GP authorizes discharges from small suction dredge operations, defined as having intake nozzle diameters of less than or equal to 5 inches or the diametrical equivalent and a cumulative rating of 15 horsepower or less.

Diametrical Equivalents to one 5-inch Dredge	
One 4-inch and one 1-inch	Two 2-inch and one 1-inch
One 3-inch and one 2-inch	Three 1-inch and one 2-inch
One 3-inch and two 1-inch	Five 1-inch

D. Prohibitions

1. National Designated Areas: This GP does not apply in National Parks System Units (i.e., Parks and Preserves), National Monuments, National Sanctuaries, National Wildlife Refuges, National Conservation Areas, or National Wilderness Areas or other Federal lands formally withdrawn from mineral entry unless an approval from the land management agency is submitted with the NOI.
2. Tribal Reservations: This GP does not apply to the Nez Perce Reservation, the Coeur d'Alene Reservation, the Kootenai Reservation, the Shoshone Bannock Tribe, or the Duck Valley Reservation.
3. National Wild & Scenic Rivers: Pursuant to Section 47-1323 of the Idaho Code, the State Board of Land Commissioners prohibited dredge mining in any form in water bodies that are part of the National Wild and Scenic Rivers System. This includes any waters included in the federal Wild & Scenic River system since the codification of Section 47-1323 of the Idaho Code.
4. Endangered Species Habitat Areas:
 - a. This GP does not apply in either waterbodies that are designated as critical habitat under the Endangered Species Act (ESA), or areas that are occupied by listed aquatic species, unless compliance with ESA § 7 has been determined through another federal process (e.g. US Forest Service (USFS) Plan of Operations). EPA must be in possession of the ESA determination or the applicant must provide it to EPA.
 - b. If EPA coordinates on an ESA Consultation and receives an ESA determination with stipulations for areas not covered by a federal land manager, then the inclusion of the stipulations in the authorization letter become binding permit conditions to comply with ESA.
5. Withdrawn River Segments: Pursuant to the authorities specified in Section 58-104(9)(a) and 47-702(2), Idaho Code, the State Board of Land Commissions has withdrawn from mineral entry and exploration certain segments of specific navigable rivers. Recreational dredge or placer mining is prohibited in portions of the Boise River, Payette River, Priest River, Salmon River, and Snake River.
6. State Protected Rivers: Pursuant to the authorities specified in Section 42-1734A, Idaho Code and adopted by the Idaho Water Resources Board, certain waterways and/or stream segments are protected as either a State Natural River or as a State Recreational River with recreation dredge or placer mining prohibited. This includes the Priest River Drainage, Payette River Drainage, Boise River Drainage, Snake River Drainage, Henry's Fork Snake River Drainage, South Fork Snake River Drainage, North Fork Clearwater River Drainage, South Fork Clearwater Tributaries, and Main Salmon River Drainage.
7. Impaired Streams: This permit does not authorize discharges from small suction dredging operations into streams listed in the State of Idaho's Integrated Report as impaired for mercury, suspended solids, siltation/sediment or that have a Total Maximum Daily Load (TMDL) for these parameters, except as allowed in Permit Part II.B.2. and 3. See Appendix D

for information and an internet link to the complete list of the impaired waters.

8. Drinking Water Intakes: DEQ will notify the operators of drinking water intakes if the dredge area indicated on an NOI is near a drinking water intake. See Appendix D for a link to a list of active intakes.

E. Areas of Coverage/Areas of Closure

1. The IDWR requires owners and/or operators of suction dredges to obtain a Letter Permit that may include specific timing requirements and additional restrictions. Permittees must contact the appropriate regional IDWR office (see Appendix A for contact information) to obtain a Letter Permit and determine whether additional restrictions may apply.

Attachment of F of IDWR’s annual Recreational Mining Program Instructions contains a table showing which waters are open and closed to recreational mining under the Letter Permit. To illustrate where EPA has waters open and closed in common with IDWR, the very same table has been incorporated into this permit, below (Table 1). The “EPA Permit Eligibility” column indicates whether there is a prohibition that would prevent or limit permitting by EPA.

2. Any waterbody listed as “Closed the Entire Year” or missing from Table 1 can still be considered for EPA permit coverage. To pursue this option, an applicant must submit an NOI to EPA, and a Joint Application for Permits to IDWR. If the location is not on a Tribal Reservation (Permit Part I.D.2.), is not a Wild & Scenic River (Permit Part I.D.3.), is not a Withdrawn River Segment (Permit Part I.D.5.), is not a State Protected River (Permit Part I.D.6., including the SF Clearwater tributaries), and is not impaired for sediment or mercury (Permit Part I.D.7.), EPA could provide permit coverage to an applicant. For National Designated Areas (Permit Part I.D.1.), permission must be acquired from the land manager before EPA permit coverage could be authorized. For endangered species habitat areas (Permit Part I.D.4.), ESA consultation must be completed to be eligible for permit coverage.

Table 1. EPA permit eligibility status of popular waters throughout Idaho

EPA Permit Eligibility	Name of Waterbody
KOOTENAI RIVER DRAINAGE	
ESA	Kootenai River & tribs not listed
✓	Trout Creek, from confluence upstream 0.8 miles
✓	Trout Creek, 0.8 miles above the confluence to the headwaters
ESA	Ball Creek, from confluence upstream 0.8 miles
✓	Ball Creek, 0.8 miles above the confluence to the headwaters
Sediment	Cow Creek, trib to Smith Creek
Closed Entire Year	Myrtle Creek & tribs.
	Long Canyon Creek & tribs.
	Parker Creek & tribs.

Legend

- ✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions
- Closed Entire Year** = Closure established by IDWR; Joint Application for Permits may apply
- ESA** = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.)
- ESU** = Evolutionary Significant Unit for a particular species, see ESA above
- Mercury, Sediment, or TSS** = Impaired as determined by IDEQ (Permit Part I.D.7.)
- TMDL** = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.)
- Color** = Red (permit not possible), Yellow (permit may be possible), Green (permit always possible)
- X** = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.)

EPA Permit Eligibility	Name of Waterbody
KOOTENAI RIVER DRAINAGE	
Closed Entire Year	Callahan Creek & tribs.
	N. Callahan Creek & tribs.
	S. Callahan Creek & tribs.
	Boulder Creek & tribs.
	Debit Creek & tribs.
	Caboose Creek & tribs.
	Curley Creek & tribs
MOYIE RIVER DRAINAGE	
✓	Moyie River above the dam & tribs not listed
ESA	Moyie River from its confluence with the Kootenai River upstream 1.6 mi
Closed Entire Year	Canuck Creek & tribs
	Keno Creek & tribs
	Spruce Creek & tribs
DEEP CREEK DRAINAGE	
✓	Deep Creek above McArthur Lake & tribs not listed
ESA	Caribou Creek, from confluence with Kootenai upstream 0.5 miles
✓	Caribou Creek, 0.5 miles above the confluence to the headwaters
Sediment	Deep Creek, from McArthur Lake to confluence with Kootenai River
Closed Entire Year	Trail Creek & tribs
	Ruby Creek & tribs
	Fall Creek & tribs
	Snow Creek & tribs
BOUNDARY CREEK DRAINAGE	
✓	Boundary Creek, headwaters to mouth & tribs not listed
Closed Entire Year	Grass Creek & tribs
	Saddle Creek & tribs
PEND OREILLE LAKE DRAINAGE	
✓	Pend Oreille Lake drainage not listed
ESA	Pend Oreille River from the crest of Boundary Dam upstream 100.8 mi to Lake Pend Oreille
Sediment	Pack River & tribs
	Sand Creek
	Sand Creek tribs above and including Schweitzer Creek
	Little Sand Creek
Closed Entire Year	Grouse Creek & tribs
	Trestle Creek & tribs
	Rapid Lightning Creek & tribs
	Lightning Creek & tribs
	E. Fork Lightning Creek & tribs
	Savage Creek & tribs
	Char Creek & tribs

Legend

- ✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions
- Closed Entire Year** = Closure established by IDWR; Joint Application for Permits may apply
- ESA** = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.)
- ESU** = Evolutionary Significant Unit for a particular species, see ESA above
- Mercury, Sediment, or TSS** = Impaired as determined by IDEQ (Permit Part I.D.7.)
- TMDL** = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.)
- Color** = Red (permit not possible), Yellow (permit may be possible), Green (permit always possible)
- X** = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.)

EPA Permit Eligibility	Name of Waterbody
PEND OREILLE LAKE DRAINAGE (CONT)	
Closed Entire Year	Porcupine Creek & tribs
	Wellington Creek & tribs
	Rattle Creek & tribs
	Morris Creek & tribs
	Clark Fork to Montana border & tribs
	Twin Creek & tribs
	Johnson Creek & tribs
	Granite Creek & tribs
	Sullivan Springs & tribs
	Falls Creek
Sediment	Gold Creek & tribs
	N. Gold Creek & tribs
Closed Entire Year	Strong Creek & tribs
X	PRIEST RIVER DRAINAGE – WITHDRAWN
SPOKANE RIVER DRAINAGE	
✓	Spokane River & tribs not listed
ESA & Sediment	Coeur d’Alene (Cd’A) River from mouth up to and including Latour Creek
	Cd’A River above LaTour Creek to the confluence of the North Fork (NF) and South Fork (SF) Cd’A River
✓	SF Cd’A River above Canyon Creek
✓	SF Cd’A River tribs above Placer Creek
Sediment	SF Cd’A River below Canyon Creek
	SF Cd’A River tribs below Placer Creek
Closed Entire Year	NF Cd’A River & tribs above Yellow Dog Creek.
Sediment	NF Cd’A River below Prichard Creek
	Tepee Creek below Trail Creek
	Little NF Cd’A River & tribs below Lavern Creek
Closed Entire Year	Little NF Cd’A River & tribs above Lavern Creek
Sediment	Burnt Cabin Creek & tribs
	Copper Creek & tribs
	Prichard Creek & tribs
	Eagle Creek
	EF Eagle Creek & tribs
ESA	WF Eagle Creek & tribs below Bobtail Creek
Closed Entire Year	WF Eagle Creek & tribs above Bobtail Creek
Sediment	Beaver Creek & tribs
	Shoshone Creek & tribs above Falls Creek
	Shoshone Creek below Falls Creek
✓	Shoshone Creek tribs. below Falls Creek
Sediment	Falls Creek and tributaries

Legend

- ✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions
- Closed Entire Year** = Closure established by IDWR; Joint Application for Permits may apply
- ESA** = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.)
- ESU** = Evolutionary Significant Unit for a particular species, see ESA above
- Mercury, Sediment, or TSS** = Impaired as determined by IDEQ (Permit Part I.D.7.)
- TMDL** = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.)
- Color** = Red (permit not possible), Yellow (permit may be possible), Green (permit always possible)
- X** = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.)

EPA Permit Eligibility	Name of Waterbody
SPOKANE RIVER DRAINAGE (CONT)	
✓	Brown Creek & tribs
Sediment	Lost Creek, Headwater & tribs
	Lost Creek below EF Lost Creek
✓	Tribes to Coeur d'Alene Lake not listed
Sediment	Cedar Creek and tribs
	Cougar Creek and tribs
Sediment	Kid Creek
	Mica Creek and tribs including NF and SF Mica creeks
ST. JOE RIVER DRAINAGE	
X	St. Joe River & tribs (Wild & Scenic withdrawal)
Sediment	St. Maries from confluence of MF & WF to mouth
	MF St. Maries River & tribs
	WF St Maries River & tribs
✓	St. Maries River tribs not listed
Sediment	Alder Creek & tribs, source to mouth
	John Creek & tribs, source to mouth
	Santa Creek & tribs, source to mouth
	Charlie Creek & tribs, source to mouth
	Tyson Creek & tribs, source to mouth
	Carpenter Creek & tribs, source to mouth
	Emerald Creek & tribs, source to mouth
	Crystal Creek & tribs, source to mouth
Sediment	Renfro (Davis) Creek & tribs, source to mouth
	Thorn Creek & tribs, source to mouth
PALOUSE RIVER DRAINAGE	
✓	Palouse River & tribs. not listed
Sediment	SF Palouse, source to Gnat Creek and tribs
	SF Palouse, Gnat to mouth
	Rock Creek
	WF Rock Creek
	EF Rock Creek
	Hatter Creek
	Gold Creek
	Crane Creek
	Deep Creek
	Idlers Rest Creek
	Paradise Creek

Legend

- ✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions
- Closed Entire Year** = Closure established by IDWR; Joint Application for Permits may apply
- ESA** = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.)
- ESU** = Evolutionary Significant Unit for a particular species, see ESA above
- Mercury, Sediment, or TSS** = Impaired as determined by IDEQ (Permit Part I.D.7.)
- TMDL** = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.)
- Color** = Red (permit not possible), Yellow (permit may be possible), Green (permit always possible)
- X** = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.)

SALMON RIVER (ESU)	
ESA	Main Salmon River, Hammer Creek to Long Tom Bar
	All other Salmon River segments (Wild & Scenic & Withdrawn)
Closed Entire Year	All Salmon River tributaries
CLEARWATER DRAINAGE (ESU UNLESS OTHERWISE NOTED)	
ESA	Main Clearwater River
✓ Not ESU	Orofino Creek & tribs. above Orofino Creek Falls (falls are located approx. 2.5 miles above Whiskey Creek)
ESA	Lolo Creek (trib. to main Clearwater River), from Eldorado Creek to Dutchman Creek, incld. Dutchman Creek
Closed Entire Year	All tributaries to Main Clearwater not listed
✓ Not ESU	NF Clearwater River from Kelly Creek to Isabella Creek
ESA	Orogrande Creek, (trib. to NF Clearwater River) including French Creek Moose Creek (tributary to Kelly Creek), including Independence Creek and Deadwood Creek
Closed Entire Year	All other portions of the NF Clearwater River & all tribs. not listed
	MF Clearwater River and tribs including the Lochsa and Selway rivers (Wild & Scenic and Navigable Rivers withdrawal)
ESA & TMDL	SF Clearwater from Harpster Bridge to Red River
Closed Entire Year	All other portions of the SF Clearwater River & tribs.
WEISER RIVER DRAINAGE	
Sediment	Weiser River, mouth to Little Weiser River
✓	Weiser River tribs. not listed mouth to Little Weiser River
Sediment	Crane Creek
Closed Entire Year	Weiser River & tribs. above Little Weiser River
ESA	Little Weiser River, Andersen Creek to Grays Creek
Sediment	Little Weiser River, Grays Creek to mouth Grays Creek
Closed Entire Year	Little Weiser River & tribs. above Anderson Creek
ESA	Dewey Creek (tributary to Little Weiser River)
✓	Tribs to Dewey Creek Sage Creek & tribs. (tributary to Weiser River) Goodrich Creek & tribs. (tributary to Weiser River)
Closed Entire Year	All other streams and tribs. not listed
PAYETTE RIVER DRAINAGE	
	Payette River, Black Canyon Dam (Sec 22, T7N, R1W) to Banks (Sec 32, T9N, R3E) (Withdrawn) Payette River, Banks to Beehive Bend Boat Access (Sec 26, T8N, R2E) (Protected) NF Payette River, Banks to Cabarton Bridge (Withdrawn & Protected)
Closed Entire Year	NF Payette River, Cabarton Bridge to Big Payette Lake
	NF Payette River, Payette Lake inlet to headwaters (Protected)
Sediment	MF Payette River, mouth to Tie Creek (lower 13.2 miles)
ESA	MF Payette River, Tie Creek to Wet Foot Creek (Sec 28, T12N, R5E)
✓	MF Payette River tribs Wet Foot Creek to mouth, not listed below

Legend

- ✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions
- Closed Entire Year** = Closure established by IDWR; Joint Application for Permits may apply
- ESA** = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.)
- ESU** = Evolutionary Significant Unit for a particular species, see ESA above
- Mercury, Sediment, or TSS** = Impaired as determined by IDEQ (Permit Part I.D.7.)
- TMDL** = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.)
- Color** = Red (permit not possible), Yellow (permit may be possible), Green (permit always possible)
- X** = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.)

PAYETTE RIVER DRAINAGE (CONT)	
ESA	Lightening Creek, from confluence with MF to its headwater
	Silver Creek from confluence with MF to its headwater
	Peace Creek from its confluence with Silver Creek upstream to its headwaters
	Valley Creek from its confluence with Peace Creek upstream 8.5 km to its headwaters
	Ucon Creek from its confluence with Silver Creek to its headwaters
	Long Fork Silver Creek from its confluence with Silver Creek to its headwaters
Closed Entire Year	MF Payette River & tribs., Wet Foot Creek to headwater
ESA & Sediment	SF Payette River, from confluence of the MF Payette to Big Pine Creek
	SF Payette River, from confluence of Big Pine Creek to confluence of Deadwood River (Protected)
ESA	SF Payette River, from confluence of Deadwood River to Five Mile Creek
Closed Entire Year	Deadwood River & tribs.
	All other stream segments & tribs.
BOISE RIVER DRAINAGE	
Sediment	Boise River below Star Highway Bridge
	Boise River, Star Bridge to Lucky Peak Res. (Withdrawn – Navigable Rivers)
	Boise River, Arrowrock Res. to confluence of the NF Boise River and MF Boise River (Protected)
Closed Entire Year	Mores Creek & tribs upstream from Boulder Creek
TMDL	Mores Creek downstream from Boulder Creek
	Tributaries to Mores Creek not otherwise specified
	Thorn Creek downstream of NF Thorn Creek
	Thorn Creek upstream of NF Thorn Creek
	Tributaries to Thorn Creek
	Daggett Creek downstream of Sheep Creek
	Daggett Creek upstream of Sheep Creek
	Tributaries to Daggett Creek
	Elk Creek between Ross Fork & Eldorado Gulch
	Elk Creek upstream of Ross Fork
	Tribs to Elk Creek upstream of Eldorado Gulch
Closed Entire Year	Elk Creek & tribs. downstream of Eldorado Gulch
TMDL	Grimes Creek & tribs. upstream of Charlotte Gulch
	Grimes Creek downstream of Charlotte Gulch
	Tributaries to Grimes Creek not specified
	Clear Creek downstream of Smith Creek
	Clear Creek & tribs. upstream of Smith Creek
	Smith Creek downstream of SF Smith Creek
	Tributaries to Smith Creek
	Granite Creek downstream of WF Granite Creek
	Granite Creek upstream of WF Granite Creek
	Granite Creek tribs. not otherwise specified
Woof Creek downstream of Ophir Creek	

Legend

- ✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions
- Closed Entire Year** = Closure established by IDWR; Joint Application for Permits may apply
- ESA** = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.)
- ESU** = Evolutionary Significant Unit for a particular species, see ESA above
- Mercury, Sediment, or TSS** = Impaired as determined by IDEQ (Permit Part I.D.7.)
- TMDL** = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.)
- Color** = Red (permit not possible), Yellow (permit may be possible), Green (permit always possible)
- X** = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.)

BOISE RIVER DRAINAGE (CONT)	
TMDL	Woof Creek upstream of Ophir Creek
	Tributaries to Woof Creek
	Clear Creek downstream of Trail Creek
	Clear Creek & tribs. upstream of Trail Creek
	Trail Creek between Clear Creek and Canyon Creek
	Trail Creek upstream of Canyon Creek
	Tributaries to Trail Creek
	NF Boise River, confluence with MF Boise River to Crooked River (Protected)
Closed Entire Year	NF Boise River, Crooked River to Hunter Creek
	NF Boise River, Hunter Creek to Sawtooth Wilderness
	NF Boise River, all other stream segments and tributaries
	MF Boise River, Arrowrock Res. to east boundary T5N, R8E below Roaring River (withdrawn Nav. Rivers)
	Roaring River & tribs (Protected)
ESA	MF Boise River, Roaring River to Sawtooth Wilderness
	SF Boise River, Neal Bridge to Anderson Ranch Dam (Navigable Rivers withdrawn)
✓	SF Boise River, Pine Bridge upstream to Barker Gulch
Closed Entire Year	All other stream segments and tribs.
OWYHEE RIVER DRAINAGE	
✓	Jordan Creek between Louse and Big Boulder creeks
Mercury	Jordan Creek, Headwaters to Louse Creek
	Jordan Creek, Big Boulder to Williams creeks
	Tribs from Headwaters to Williams Creek
Closed Entire Year	All other streams & tribs.
BRUNEAU RIVER DRAINAGE	
✓	Bruneau River & tribs. below Hot Creek
Closed Entire Year	All other streams & tribs.
Closed Entire Year	
Closed Entire Year	
MALAD-WOOD RIVER DRAINAGE	
BIG LOST RIVER DRAINAGE	
SALMON FALLS CREEK DRAINAGE	
TSS	Salmon Falls Creek
✓	All other streams & tribs. not listed
Closed Entire Year	Hot Creek & tribs. Nevada line to mouth
Closed Entire Year	
GOOSE CREEK DRAINAGE (CASSIA COUNTY)	
RAFT RIVER DRAINAGE	
Sediment	Raft River, between Cassia Creek and the Utah border
✓	Raft River, below Cassia Creek
	All other streams & tribs. unless otherwise listed
Sediment	Cassia Creek, Clyde Creek to mouth

Legend

- ✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions
- Closed Entire Year** = Closure established by IDWR; Joint Application for Permits may apply
- ESA** = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.)
- ESU** = Evolutionary Significant Unit for a particular species, see ESA above
- Mercury, Sediment, or TSS** = Impaired as determined by IDEQ (Permit Part I.D.7.)
- TMDL** = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.)
- Color** = Red (permit not possible), Yellow (permit may be possible), Green (permit always possible)
- X** = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.)

BLACKFOOT RIVER DRAINAGE	
✓	Blackfoot River Trail Creek Bridge to Blackfoot Dam
Closed Entire Year	All other streams & tribs.
SNAKE RIVER DRAINAGE	
X	Idaho portion of the Snake River from the north boundary of Boise Meridian T20N, R4W downstream to the south boundary of T31N, R5W (Withdrawn, includes Hells Canyon NRA)
ESA	Wildhorse River (Adams County) Indian Creek (Adams County)
X	Snake River from west boundary of T1S, R2W upstream to east boundary of T6S, R8E (Withdrawn – encompasses Birds of Prey Area)
Sediment	Snake River from east boundary of T6S, R8E to King Hill Little Canyon Creek & tribs. upstream 4 mi. from mouth
✓	King Hill Creek & tribs. mouth upstream for 4 miles
X	Snake River 100 feet below Murtugh Bridge to 100 feet above the Hansen Bridge. (Protected)
Sediment	Snake River from King Hill to Milner Dam (except 100 feet below Murtaugh Bridge to 100 feet above Hansen Bridge)
ESA & Sediment	Kings Hill Reach
Closed Entire Year	Snake River from Heyburn/Burley Bridge to Minidoka Dam
✓	Snake River Minidoka Dam to Massacre Rock SP (except for Lake Walcott – impaired for mercury)
✓	Deep Creek (Twin Falls County) Mud Creek (Twin Falls County)
TSS	Cedar Draw Creek (Gooding County) Rock Creek & tribs. (Cassia & Twin Falls County) below mile 38
✓	Rock Creek & tribs. (Cassia & Twin Falls County) above mile 38
TSS	McMullen Creek (Twin Falls County)
✓	Snake River from Massacre Rock State Park to American Falls Reservoir Dam
Mercury	Snake River from American Falls Reservoir Dam to 108 miles above the Reservoir
✓	Grays Lake Outlet upstream from Homer Creek
Sediment	Lava Creek
X	Henry's Fork of the Snake River (includes protected or withdrawn reaches and tributaries) Falls River from Kirkham Bridge to Idaho border & tribs. (Fremont County) (Protected)
Closed Entire Year	Teton River and tributaries
✓	Moose Creek trib. To Warm River (Fremont County) McCoy Creek headwaters to Fish Creek (Bonneville County) Tributaries to McCoy Creek (City Creek, Camp Creek, Miners Delight Creek, Barns Creek, Iowa Creek, Anderson Creek, and Bilk Creek)
Closed Entire Year	All other stream segments & tribs.

Legend

- ✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions
- Closed Entire Year** = Closure established by IDWR; Joint Application for Permits may apply
- ESA** = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.)
- ESU** = Evolutionary Significant Unit for a particular species, see ESA above
- Mercury, Sediment, or TSS** = Impaired as determined by IDEQ (Permit Part I.D.7.)
- TMDL** = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.)
- Color** = Red (permit not possible), Yellow (permit may be possible), Green (permit always possible)
- X** = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.)

BEAR RIVER DRAINAGE	
TSS	Georgetown Creek
	Eight Mile Creek, headwaters to N. Wilson Creek
Sediment	Eight Mile Creek, N. Wilson Creek to 1 mile below FS boundary
TSS	Eight Mile Creek, 1 mile below FS boundary to mouth
	Cottonwood Creek, Shingle Creek to mouth.
✓	Cottonwood Creek, above Shingle Creek
TSS	Mink Creek, source to mouth.
✓	Cub River, headwaters to Sugar Creek
Closed Entire Year	All other streams & tribs.
Closed Entire Year	MALAD RIVER DRAINAGE (ONEIDA COUNTY)

F. Requiring an Individual Permit

1. The Regional Administrator may require any person authorized by this GP or requesting coverage under this GP to apply for and obtain an individual NPDES permit for the following reasons, which include, but are not limited to:
 - a. a single discharge or cumulative number of discharges from a covered facility is/are a significant contributor of pollution;
 - b. the discharger is not in compliance with the terms and conditions of the GP;
 - c. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the facilities covered under this GP;
 - d. effluent limitations guidelines are subsequently promulgated for the facilities covered under this GP;
 - e. an approved Water Quality Management Plan contains requirements applicable to facilities covered under this GP
 - f. a Total Maximum Daily Load (TMDL) and corresponding wasteload allocation has been completed for a waterbody or a segment of a waterbody in which a facility is or expects to operate; or
 - g. circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this GP, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
2. Any applicant proposing to discharge to a Tier III water or Outstanding Resource Water (ORW), should one be designated during the term of this GP, must obtain an individual NPDES permit and an individual water quality certification from the state, as necessary.
3. The Regional Administrator may deny coverage under this GP for the following circumstances, which include, but are not limited to:

Legend

- ✓ = Open; see IDWR Recreational Mining Program Instructions regarding timing restrictions
- Closed Entire Year** = Closure established by IDWR; Joint Application for Permits may apply
- ESA** = Endangered Species Habitat Area; consultation required (Permit Part I.D.4.)
- ESU** = Evolutionary Significant Unit for a particular species, see ESA above
- Mercury, Sediment, or TSS** = Impaired as determined by IDEQ (Permit Part I.D.7.)
- TMDL** = Total Maximum Daily Load, allowing limited suction dredging per season (Permit Part I.D.7.)
- Color** = Red (permit not possible), Yellow (permit may be possible), Green (permit always possible)
- X** = Protected as Wild & Scenic, Withdrawn, or State Protected River (Permit Part I.D.3, I.D.5., I.D.6.)

- a. a state or federal land management agency with jurisdiction over affected portions of the receiving water, bed, or affected uplands submits to EPA a request that GP coverage be denied within thirty (30) days of EPA's receipt of an NOI; or
- b. the land management agency's request includes proposed additional or revised permit terms that the requesting agency believes, based upon evidence attached to or cited in the request, are necessary to protect the natural values of the affected location; or
- c. the land management agency's request concerns an applicant who either:
 - i. seeks to discharge into United States waters located in National Recreation Areas, National Historic or Natural Landmarks, congressionally designated Land Use Designation (LUD) II, which are to be managed in a roadless state, or in State Refuges, Sanctuaries, or Critical Habitat Areas; or
 - ii. is in significant noncompliance with the terms and conditions of the most recent applicable NPDES permit.

Any person denied coverage under this part must apply for and obtain coverage under either: (1) an individual permit; or (2) another applicable watershed-specific GP. Upon receipt of any such application, EPA will determine whether the permit terms requested by the land management agency should be included in the applicable permit.

4. If the Regional Administrator makes a determination pursuant to Permit Part I.F.1. or 3., then the Regional Administrator will notify the applicant in writing by certified mail that an individual permit application is required. If an owner or operator of a suction dredge facility fails to submit an individual NPDES permit application by the date required in the notification, coverage under this GP is automatically terminated at the end of the day specified for application submittal.
5. Any owner or operator authorized by this GP may request to be excluded from the coverage of this GP by applying for an individual NPDES permit. The owner or operator shall submit an individual NPDES permit application (Form 1 and Form 2C or 2D) with reasons supporting the request to the Regional Administrator at the address in Permit Part I.G.3.
6. When an individual NPDES permit is issued to an owner or operator otherwise covered by this GP, the GP is automatically terminated on the effective date of the individual permit for that owner or operator.
7. When an individual NPDES permit is denied to an owner or operator otherwise covered by this GP, the Permittee is automatically reinstated for coverage under this GP on the date of such denial, unless otherwise specified by the Regional Administrator.
8. A source excluded from a GP solely because it already has an individual NPDES permit may request that the individual NPDES permit be revoked and that it be covered by the GP. Upon revocation of the individual permit and submission of a NOI, the GP shall apply to the source.

G. Notification Requirements

1. Owners or operators of suction dredges eligible for this GP must submit a complete NOI to EPA in a timely manner to obtain permit coverage. The information required for a complete NOI is listed below and shown in table format in Appendix A:

Applicant, Whether a New Applicant (if not, include Miner #), Winter/Summer Address (Indicate if same), Telephone Number, Email Address, Names of Other Operators (when sharing equipment), Size of Suction Dredge Nozzle (5 inches or less), Equipment rating (15 hp or less), Land Management Agency (include approval where applicable, see Permit Part I.D.1),

Waterbody, Nearest Town, Latitude, Longitude, Dates of Operation, Hours of Operation, Map noting each location,

Printed Name, Signature (Certified according to Permit Part V.E.4.), Date

Although Permit Part I.E. identifies the need for the applicant to obtain a Letter Permit from IDWR, that Letter Permit is not required to be submitted for EPA to process an NOI.

- a. The implementation of the TMDL for the Grimes, Elk, and Mores (GEM) creeks limits the number of 4 hour operating days for suction dredges. EPA has divided these 4 hour operating days into hours per year. Applicants for GEM creeks and their open tributaries must file an NOI on an annual basis and specify the number of hours being requested.

EPA will accept NOIs for GEM creeks and their tributaries after January 1st each year until April 1st, or the next business day if it falls on a weekend. If a Permittee obtained GEM coverage the previous year, the AR must be submitted before new coverage will be granted. EPA will mail coverage letters and permits by May 1st.

The TMDL limits the number of dredge days allowed during the year, converted here to allowable hours:

Grimes Creek	84 four hour dredge days	336 hours
Elk Creek	11 four hour dredge days	44 hours
Mores Creek	60 four hour dredge days	240 hours

The Mores Creek allocation is applicable to the mainstem of Mores Creek and the tributaries (except Grimes and Elk creeks) below Boulder Creek. The Elk Creek allocation is applicable to the mainstem of Elk Creek and the tributaries above Eldorado Gulch. The Grimes Creek allocation is applicable to the mainstem of Grimes Creek and all tributaries. See Table 1.

EPA will divide the total allowable hours between applicants, on a creek-by-creek basis, as follows:

- 1) if hours requested are less than or equal to the allocation then all requests will be filled, or
- 2) if requests are over the allocated hours then each Permittee will receive a portion of their request.

- b. EPA will accept NOIs for the South Fork (SF) Clearwater River starting on April 1st of each year. If a Permittee obtained SF Clearwater River coverage the previous year, the AR must be submitted before new coverage will be granted. EPA will authorize the first 15 NOI submittals that meet all the requirements of the joint EPA/IDWR/USFS/BLM (Bureau of Land Management) authorization process and notify any applicants not meeting the requirements, or that coverage is no longer available.

EPA would authorize no more than 15 dredges in any one year in accordance with the TMDL.

2. An applicant must submit the NOI at least 60 days prior to discharge from a suction dredge. See above for special provisions for GEM creeks and their tributaries, and the SF Clearwater River.
3. The NOI must be signed by an owner or operator or other person with signatory authority in accordance with Permit Part V.E. (Signatory Requirements), and a copy must be retained on site in accordance with Permit Part III.F. An NOI for coverage under this GP must be submitted to the EPA at the following address:

EPA Idaho Operations Office
NPDES/IDG370000
950 W Bannock Street, Suite 900
Boise, ID 83702

Fax: (208) 378-5744

Scanned signed copy e-mailed to:
godsey.cindi@epa.gov

4. An applicant must submit a copy of the NOI to the appropriate Idaho Department of Environmental Quality (DEQ) Regional Office (see Appendix A for contact information).
5. An applicant must provide a copy of the NOI to the Federal, State, or local agency that manages or owns the land on which the suction dredge is operated or proposed to be operated. Such agencies may include the USFS and BLM.
6. Once EPA makes a determination that an applicant is eligible for coverage under this GP, a copy of the permit along with an authorization letter and 2 copies of the Miner Number will be sent to the Permittee. If EPA determines that an applicant is ineligible for coverage under this GP, the applicant will be informed in writing.

H. Permit Expiration

This permit will expire 5 years from the effective date. For Permittees submitting a new NOI 180 days prior to expiration of this GP (by December 2, 2022), the conditions of the expired permit continue in force until the effective date of a new permit.

Permit coverage for GEM creeks and their tributaries expires on April 30th of the year following coverage.

Permit coverage on the SF Clearwater River expires on August 15th of each year.

II. PERMIT REQUIREMENTS

A. Identification

Permittees will be assigned a Miner Number in the authorization letter. EPA will provide the number on two 8½" by 11" sheets of paper, which can be laminated, placed in a sheet protector, or wrapped in plastic to be displayed on the suction dredge and in a vehicle near the dredge site.

B. Effluent Limitations

1. For all operations:
 - a. Any visible increase in turbidity (any cloudiness or muddiness) above background beyond any point more than 500 feet downstream of the suction dredge operation while operating is a violation of this GP. This requirement includes any turbidity that may result from any part of the operation.
 - b. If any visible increase in turbidity is observed above background beyond any point more than 500 feet downstream of the suction dredge, operation of the suction dredge must be modified, curtailed, or ceased so that a violation as defined in Permit Part II.B.1.a. does not exist.

2. GEM creeks and their tributaries:

Permittees are limited to processing an average of 2 cubic yards per hour (yd³/hour) during the hours they are allocated, and must comply with the limits in Permit Part II.B.1.

3. SF Clearwater River

Permittees are limited to processing an average of 2 yd³/hour over the period of an 8-hour day and must follow the requirements in Permit Part II.B.1. to comply with the following limits:

- a. SF Clearwater River above Harpster Bridge, including tributaries:

July 15 – August 15:

- When background turbidity is 50 Nephelometric Turbidity Units (NTUs) or less: Turbidity below the mixing zone shall not exceed background turbidity by more than 5 NTU;
- When background turbidity is more than 50 NTU: Turbidity below the mixing zone shall not exceed background turbidity by more than 10 percent and shall not exceed a maximum increase of 25 NTU;

August 16 – July 14:

- Zero wasteload allocation. No discharges are allowed to the SF Clearwater River and tributaries above Harpster Bridge between August 16 and July 14.

- b. SF Clearwater River below Harpster Bridge

No discharges are allowed at any time to the SF Clearwater River below Harpster Bridge.

C. Monitoring & Reporting Requirements

1. Permittees must visually monitor the area for turbidity between the suction dredge operation and the downstream end of the mixing zone. Observations must be made at least once per day of operation. Individuals who conduct visual monitoring must observe the turbidity plume, where visible, immediately downstream from the dredge until the turbidity plume is no longer visible and note the distance.

There is no need to conduct more extensive monitoring if the turbidity plume is not distinguishable from background at a distance less than the authorized mixing zone.

All turbidity monitoring results must be recorded in a daily log, even if no visual increase of turbidity was observed. The Permittee shall retain records of all information resulting from any visual inspections and other information required by the AR according to Permit Part III.F. (for at least 5 years).

2. The Permittee must report the period of suction dredging in the AR. The AR must include the following information: name, GP number, activity status, waterbody where suction dredging took place, the geographic location of suction dredge operation, length of longest observed turbidity plume, and dates of operation.

Observations of turbidity that exceed the requirements set out in Permit Part II.B. must be reported in the AR along with any measures taken to comply with the provisions of Permit Part II.B. Spills not required to be reported to DEQ (see Permit Part II.D.10.c.) are required to be reported in the AR.

See Appendix B for AR Information Sheet.

D. Best Management Practices

The Permittee must comply with the following best management practices.

1. Silt and Clay Areas. Dredging of concentrated silt and clay should be avoided. The Permittee shall use reasonable care to avoid dredging silt and clay materials that would result in a significant increase in suspended solids resulting in increased turbidity and downstream sedimentation. Reasonable care includes moving the suction dredge to a new location or reducing the volume of effluent discharge by limiting operation speed of the suction dredge.
2. Mercury. If mercury is found during suction dredging, (i.e. mercury is collected in the sluice box), the operator must:
 - a. Keep the mercury collected and not remobilize the collected mercury, including by stopping suction dredging immediately if that is the only way to prevent the remobilization of the collected mercury; and
 - b. Work with the appropriate entity to dispose of the mercury properly.

Some communities have household hazardous waste disposal programs available for free to citizens and/or at a low cost to small businesses or conditionally exempt small quantity generators. To find out if your community has a program, contact your county solid waste department or landfill or city public works department. If your county does not have a program but a nearby county does, it may be willing to accept out-of-county waste at a lower

cost than alternative disposal options. You could also generate support for a county-sponsored event or, if you belong to a mining association, an association-sponsored event. Contact your local DEQ office for questions on hazardous waste regulations.

Boise	(208) 373-0550	(888) 800-3480
Coeur d'Alene	(208) 769-1422	(877) 370-0017
Idaho Falls	(208) 528-2650	(800) 232-4635
Lewiston	(208) 799-4370	(877) 541-3304
Pocatello	(208) 236-6160	(888) 655-6160
Twin Falls	(208) 736-2190	(800) 270-1663

Consult the DEQ Best Management Practices for Mercury Collection from Suction Dredging Activities:

<http://www.deq.idaho.gov/media/60181379/suction-dredge-mining-activities-mercury-collection-bmps.pdf>

3. Separation Distance

- a. For all operations: Suction dredge operations shall not discharge within 800 feet of another suction dredge operation discharge that is occurring simultaneously.
- b. Permittees are prohibited from discharging within 500 feet upstream of the confluence with a waterbody that is impaired for sediment, suspended solids or mercury.

4. Fish Passage, Spawning Fish and Spawning Habitat.

- a. Suction dredging and discharging are prohibited within 500 feet of locations where:
 - i. fish are spawning (See Appendix C); or
 - ii. fish eggs or alevins are known to exist at the time dredging occurs.
- b. Suction dredging and discharging must not occur in gravel bar areas at the tail of pools or where discharges of suspended solids result in fine sediments settling onto gravel bars.
- c. The Permittee shall ensure there is adequate passage for fish around and through the suction dredging area at all times.

5. Stream Channel. Suction dredge operations must occur within the wetted perimeter of the stream channel and must not alter the bottom elevation of the active stream channel (dredged material must be used to backfill all dredged holes before any new holes are excavated) or redirect the flow of water into the stream bank, which may destroy the natural form (width/depth configuration) of the active stream channel.

6. Erosion. Suction dredge operations that result in undercutting, littoral channeling, stream bank or beach erosion, are prohibited. Removal or disturbance of boulders (cobbles or larger rock) or any type of vegetation (dead or alive) on the stream bank, leading to erosion or undercutting of the banks, is prohibited under this GP.
7. Dams or Diversions. Damming or diversions within a stream channel are not authorized by this GP.

8. Explosives, motorized winches, or other motorized equipment to move boulders, logs, or other natural obstructions to facilitate dredging are prohibited under this GP.
9. Wheeled or tracked equipment used in-stream is prohibited under this GP while suction dredging is in progress. With the exception of the suction dredge itself and any life support system necessary to operate the suction dredge, mechanized equipment shall not be used below the mean (ordinary) high water mark.
10. Refueling and Hazardous/Deleterious Material Storage
 - a. Care shall be taken by the operator during refueling of equipment to prevent spillage. When using a fuel container without a nozzle, a funnel must be used while pouring. Absorbent material, such as a towel, must be placed under the fuel tank to catch any spillage from refueling operations. A spill kit that includes material for minimizing the effects of a spill, such as sorbent pads and a boom, must be available in case of accidental spills.
 - b. Suction dredges must be checked for leaks, and all leaks repaired, prior to the start of operations each day. Equipment must be in proper working order and shall not leak petroleum products.
 - c. Spill Reports. Spills of petroleum products must be reported to DEQ as required below:

Owners and operators shall contain and immediately clean up an above ground spill or overflow of petroleum only after identifying and mitigating any fire, explosion and vapor hazards.

 - i. If an above ground spill or overflow of petroleum results in a release that exceeds twenty-five (25) gallons or that causes a sheen on nearby surface water, within twenty-four (24) hours, the owners and operators shall report the spill to DEQ and begin corrective action.
 - ii. If an above ground spill or overflow of petroleum results in a release that is less than twenty-five (25) gallons and does not cause a sheen on nearby surface water, the owners and operators shall report the spill to the DEQ only if cleanup cannot be accomplished within twenty-four (24) hours.

Any other spills shall be noted in the log and reported on the AR.
 - d. All chemical or petroleum products shall be stored in a safe and secure location at all times. Fuel not stored and dispensed with an American National Standards Institute (ANSI) or Underwriter Laboratory (UL) approved safety container must be maintained more than 100 feet from the mean (ordinary) high water mark. The USFS requires secondary containment for fuel storage within the National Forest system.

Hazardous and deleterious material must not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of state waters or waters of the United States unless adequate measures and controls are provided to ensure that those materials will not enter these waters as a result of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third party activities.

- e. Suction dredges must be anchored to the streambank during refueling, so that fuel does not need to be carried out into the stream.
- f. Owners and operators may transfer fuel over water in a detachable fuel tank or in an approved container for proper storage on the opposite bank (see d., above).

In the event of a reportable spill, see Appendix A for DEQ contact information. Outside of regular business hours, report to the State Communications Center at (800) 632-8000 or (208) 846-7610.

11. Invasive Species

Owners and operators must ensure that their suction dredging equipment does not house invasive species. Equipment must be decontaminated prior to placement in a waterbody. Furthermore, suction dredging equipment used in multiple streams should be decontaminated before each deployment. DEQ Decontamination procedures can be found at:

http://www.deq.idaho.gov/media/457155-decontamination_procedures.pdf

- 12. The intake for the suction dredge pump shall be covered with screening mesh. If fry-sized salmonids are never present at the site, screen mesh openings shall not exceed 1/4 inch. Otherwise, screen mesh openings shall not exceed 3/32 inch.

III. GENERAL MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling (Routine and Non-Routine Discharges)

Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the Permittee must monitor the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample.

The Permittee must collect such additional samples as soon as a spill, discharge, or bypassed effluent reaches the outfall. Any samples collected must be analyzed in accordance with Permit Part III.C (Monitoring Procedures). The Permittee must report all additional monitoring in accordance with Permit Part III.D. (Additional Monitoring by Permittee).

B. Reporting of Monitoring Results

Monitoring results shall be reviewed for incidents of noncompliance that must be reported in the AR (See Appendix B). The Permittee must sign and certify all ARs, in accordance with the requirements of Permit Part V.E. (Signatory Requirements). The AR must be submitted to the following address:

US EPA Region 10
Attn: Water & Wetlands Enforcement Unit, OCE-101
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140

The AR shall also be sent to the appropriate DEQ Regional Office (see Appendix A for contact information). The AR must be postmarked no later than January 31 for the activities during the previous calendar year.

An AR is required even if no mining activity occurred during the year.

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

D. Additional Monitoring by Permittee

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the Permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the AR.

Upon request by EPA, the Permittee must submit results of any other sampling, regardless of the test method used.

E. Records Contents

Records of monitoring information must include:

1. the date, exact place (i.e., geographic coordinates), and time of sampling and measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of such analyses.

F. Retention of Records

The Permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of ARs, a copy of this GP, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report, or application. This period may be extended by request of EPA or DEQ at any time.

G. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must report the following occurrences of noncompliance by telephone at (206) 553-1846 within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances:
 - a) any noncompliance that may endanger health or the environment;
 - b) any unanticipated bypass that exceeds any effluent limitation in the permit (See Permit Part IV.F., "Bypass of Treatment Facilities");
 - c) any upset that exceeds any effluent limitation in the permit (See Permit Part IV.G., "Upset Conditions"); or

2. The Permittee must also provide a written submission within five (5) days of the time that the Permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - a) a description of the noncompliance and its cause;
 - b) the period of noncompliance, including exact dates and times;
 - c) the estimated time noncompliance is expected to continue if it has not been corrected; and
 - d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement (OCE) may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
4. Reports must be submitted to EPA and DEQ as specified in Permit Part III.B (“Reporting of Monitoring Results”).

H. Other Noncompliance Reporting

The Permittee must report all instances of noncompliance, not required to be reported within twenty-four (24) hours, at the time that monitoring reports for Permit Part III.B. (“Reporting of Monitoring Results”) are submitted. The reports must contain the information listed in Permit Part III.G.2. (“Twenty-four Hour Notice of Noncompliance Reporting”).

I. Changes in Discharge of Toxic Pollutants

The Permittee must notify the Director of the Office of Water and Watersheds (OWW) and DEQ as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a) One hundred micrograms per liter (100 ug/l);
 - b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following “notification levels”:
 - a) Five hundred micrograms per liter (500 ug/l);
 - b) One milligram per liter (1 mg/l) for antimony;

- c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR § 122.21(g)(7); or
 - d) The level established by EPA in accordance with 40 CFR 122.44(f).
3. The Permittee must submit the notification to OWW at the following address:

US EPA Region 10
Attn: NPDES Permits Unit Manager
1200 Sixth Avenue, Suite 155, OWW-191
Seattle, Washington 98101

Idaho Department of Environmental Quality
Water Quality Division
1410 N. Hilton
Boise, ID 83706

IV. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The Permittee must comply with all conditions of this GP. Any noncompliance with this GP constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application (NOI).

B. Penalties for Violations of Permit Conditions

1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the CWA, any person who violates CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to a civil penalty not to exceed the maximum amounts authorized by CWA § 309(d) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$53,484 per day for each violation).
2. **Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating CWA §§ 301, 302, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402. Pursuant to 40 CFR 19 and the CWA, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(A) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$53,484). Pursuant to 40 CFR 19 and the CWA, penalties for Class II violations are not to exceed the maximum amounts authorized by CWA § 309(g)(2)(B) and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$21,393 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$267,415).

3. Criminal Penalties:

- a. Negligent Violations. The CWA provides that any person who negligently violates CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any of such sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA §§ 402(a)(3) or 402(b)(8), is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
- b. Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. Knowing Endangerment. Any person who knowingly violates CWA §§ 301, 302, 303, 306, 307, 308, 318 or 405, or any permit condition or limitation implementing any of such sections in a permit issued under CWA § 402, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in CWA § 309(c)(3)(B)(iii), shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- d. False Statements. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The CWA further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this GP.

D. Duty to Mitigate

The Permittee must take all reasonable steps to minimize or prevent any discharge in violation of this GP that has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this GP. Proper operation and maintenance also includes best management practices, adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
 - a) Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
 - b) Unanticipated bypass. The Permittee must submit notice of an unanticipated bypass as required under Permit Part III.G. ("Twenty-four Hour Notice of Noncompliance Reporting").
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Director of the OCE may take enforcement action against the Permittee for a bypass, unless:
 - (i) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The Permittee submitted notices as required under paragraph 2 of this Part.

- b. The Director of the OCE may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this Part.

G. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the Permittee meets the requirements of paragraph 2, below.

No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the Permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The Permittee submitted notice of the upset as required under Permit Part III.G., "Twenty-four Hour Notice of Noncompliance Reporting;" and
 - d) The Permittee complied with any remedial measures required under Permit Part IV.D., "Duty to Mitigate."
3. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

H. Toxic Pollutants

The Permittee must comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this GP has not yet been modified to incorporate the requirement.

I. Planned Changes

The Permittee must give written notice to the Director of the OWW at the address specified in Permit Part III.I.3. and DEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alternation or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Permit Part III.I., "Changes in Discharge of Toxic Substances.

J. Anticipated Noncompliance

The Permittee must give written advance notice to the Director of OCE and DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

V. GENERAL REQUIREMENTS

A. Permit Actions

This GP may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the Permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

B. Duty to Reapply

1. If the Permittee intends to continue an activity regulated by this GP after the expiration date of this GP, the Permittee must either apply for and obtain an individual permit or submit an NOI to be covered under a new general permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the Permittee must submit an application for an individual permit or submit a new NOI at least 180 days before the expiration date of this GP.
2. If this GP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (5 U.S.C. § 558(c)) and EPA's implementing regulations at 40 CFR 122.6 and remain in full force for discharges that were authorized prior to this GP's expiration and the Permittee meets the requirements of subpart 1 above. Permittees granted coverage prior to the expiration date will automatically remain covered by this GP until the earliest of:
 - a. Authorization for coverage under a reissuance or replacement of this GP, following timely and appropriate submittal of a complete NOI requesting authorization to discharge under the reissued GP and compliance with the requirements with the reissued GP;
 - b. Submittal of a Notice of Termination in accordance with Permit Part I.B. and 40 CFR 122.64;
 - c. Issuance of a new GP that authorizes discharges without requiring re-submittal of an NOI to obtain coverage;
 - d. Issuance or denial of an individual permit for the facility's discharges; or
 - e. A formal permit decision by EPA not to reissue this GP, at which time EPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this GP will cease at the end of this time period.

C. Duty to Provide Information

The Permittee must furnish to EPA and DEQ, within the time specified in a request, any information that EPA or DEQ may request to determine whether

cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee must also furnish to EPA or DEQ, upon request, copies of records required to be kept by this permit.

D. Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in an NOI, or that it submitted incorrect information in an NOI or any report to the EPA or DEQ, it must promptly submit the omitted facts or corrected information in writing.

E. Signatory Requirements

All NOIs, reports or information submitted to EPA and DEQ must be signed and certified as follows.

1. All NOIs must be signed and certified by:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or DEQ must be signed by a person described in subpart 1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, owner or operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or an individual occupying a named position.); and
 - c. The written authorization is submitted to the Director of the OCE and DEQ. Appendix A contains the EPA and DEQ addresses.
3. Changes to authorization. If an authorization under subpart 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subpart 2 must be submitted to the Director of the OCE and the applicable DEQ office prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this part must make 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."

F. Availability of Reports

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the Permittee. In accordance with the CWA, permit applications, permits, and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the Permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public information) and 41 Federal Register 36924 (September 1, 1976), as amended.

G. Inspection and Entry

The Permittee must allow the Director of the OCE, EPA Region 10; DEQ; or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

I. Transfers

This permit is not transferable to any person except after written notice to the Director of the OWW to the address specified in Permit Part III.I.3. The Director may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).

J. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by CWA § 510.

K. Re-opener Clause

This permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the Permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR 122.62 or 122.64, and 40 CFR 124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to future monitoring results. All requests for permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.

VI. DEFINITIONS

- A. "Active Stream Channel" means that part of the channel that is below the level of the water. Unvegetated gravel bars are considered part of the active stream channel.
- B. "Director of the Office of Compliance and Enforcement" means the EPA Region 10 Director of the Office or an authorized representative.
- C. "Director of the Office of Water and Watersheds" means the EPA Region 10 Director of the Office or an authorized representative.
- D. "Dredging Operation" means a small suction dredge defined as having an intake nozzle diameter of less than or equal to 5 inches (or the diametrical equivalent) and a cumulative rating of no more than 15 HP.
- E. "Facility" means any NPDES "point source" that is subject to regulation under the NPDES program.
- F. "Mean High Water" Mark means the water level corresponding to the natural or ordinary high water mark and is the line which the water impresses on the soil by covering it for sufficient periods of time to deprive the soil of its terrestrial vegetation and destroy its value for commonly accepted agricultural purposes.
- G. "New Facility" means a facility that has not operated in the area specified in the NOI prior to the submission of the NOI.
- H. "Nephelometric Turbidity Units" or "NTU" means a measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions.
- I. "Receiving Water" means waters such as lakes, rivers, streams, creeks, wetlands or any other surface waters that receive wastewater discharges.
- J. "Recommencing Facilities" are those facilities that may have let permit coverage lapse but still meet the coverage requirements of the GP.
- K. "Regional Administrator" means the Regional Administrator of the United States Environmental Protection Agency, Region 10, or an authorized representative.

- L. "Silt and Clay" are soil particles having a diameter of less than 0.002 mm (2 microns).
- M. "Turbidity" is a measure of the degree to which the water loses its transparency due to the presence of suspended particulates.

APPENDIX A: NOTICE OF INTENT (NOI) INFORMATION SHEET

NPDES General Permit IDG370000

Small Suction Dredge

*** Denotes required fields – NOIs will be returned if not complete**

Applicant:*	Miner #: New Applicant <input type="checkbox"/>
--------------------	--

Winter Address:*	Summer Address <input type="checkbox"/> Check if same
------------------	---

Telephone Number:*	Email address:
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List other operators of same dredge:

Suction Dredge Nozzle size(s):* (5 inches or less)	_____ inches _____ inches _____ inches	Equipment rating:* (15 hp or less)	_____ hp _____ hp _____ hp
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Land Manager (if mixed ownership, check more than one)* USFS BLM IDL Private

Permit Part I.D.1. requires copies of certain land management approvals be submitted with the NOI if you want to suction dredge in any National Park System Units (i.e., Parks and Preserves), National Monuments, Sanctuaries, Wildlife Refuges, Conservation Areas, or Wilderness Areas.

Permit Part I.E. requires that you contact the Idaho Department of Water Resources to obtain a permit and determine whether additional restrictions may apply.

Requested Dredging Locations*
(all information required, see appropriate footnotes below)

Waterbody ¹	Nearest Town	Latitude (DD or DMS) ²	Longitude (DD or DMS) ²	Dates of Operation	Hours of Operation ³

- 1 - **Include a map noting each location.***
- 2 - DD is Decimal Degrees.
DMS is Degrees, Minutes, Seconds.
- 3 - An NOI is required on an annual basis for dredging on Grimes, Elk, and Mores (GEM) creeks and their open tributaries, along with a request for the total number of dredge hours (See Permit Parts I.G.1. and II.B.3.).

Example, the Latitude & Longitude of the Capitol Building in Boise is:
Decimal Degrees: 43.6179448°, -116.1995616°
Degrees, Minutes, Seconds: 43°37'05" N, -116°11'58" W

Printed Name:*

Signature:*	Date:*
-------------	--------

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.

Submit Completed NOI as described below:

Mail original to:

EPA Idaho Operations Office
NPDES/IDG370000
950 W Bannock Street, Suite 900
Boise, ID 83702

OR Signed copies may be faxed to (208) 378-5744

OR Scanned signed copies may be e-mailed to godsey.cindi@epa.gov

Submit completed NOI to Land Management Agency and the appropriate DEQ Regional Office:

State of Idaho Contact Information	
Department of Environmental Quality	Department of Water Resources
Boise Regional Office 1445 North Orchard Boise, Idaho 83706 (208) 373-0550 (888) 800-3480	The Idaho Water Center 322 East Front Street PO Box 83720 Boise, Idaho 83720-0098 Phone: (208) 287-4800
Twin Falls Regional Office 650 Addison Ave. W, Suite 110 Twin Falls, Idaho 83301 (208)736-2190 (800) 270-1663	Field Office 1301 East Main Street, Suite 7 Salmon, ID 83467 Phone: (208) 756-6644
Pocatello Regional Office 444 Hospital Way, #300 Pocatello, Idaho 83201 (208) 236-6160 (888) 655-6160	Western Regional Office 2735 Airport Way Boise, ID 83705-5082 Phone: (208) 334-2190
Lewiston Regional Office 1118 F Street Lewiston, Idaho 83501 (208) 799-4370 (877) 541-3304	Northern Regional Office 7600 Mineral Drive, Suite 100 Coeur d'Alene, ID 83815-7763 Phone: (208) 762-2800
Coeur d'Alene Regional Office 2110 Ironwood Pkwy Coeur d'Alene, Idaho 83814 (208) 769-1422 (877) 370-0017	Southern Regional Office 1341 Fillmore Street, Suite 200 Twin Falls, ID 83301-3380 Phone: (208) 736-3033
Idaho Falls Regional Office 900 N. Skyline Suite B Idaho Falls, Idaho 83402 (208) 528-2650 (800) 232-4635	Eastern Regional Office 900 North Skyline Drive, Suite A Idaho Falls, ID 83402-1718 Phone: (208) 525-7161

**APPENDIX B
Annual Report Information Sheet***

Name		Miner No.: _____		
Address		Permit No.: IDG37 _____		
		No Mining <input type="checkbox"/> (check here)		
Phone		Period of Dredging		
		From	To	Days**
E-mail				
Waterbody Name				
Location	Latitude:			
	Longitude:			
For Grimes, Elk, and Mores (GEM) creeks & tributaries, the total number of hours dredged:				
Estimated number of cubic yards processed during the season:				cy
Length of Longest Turbidity Plume Observed during daily monitoring:				feet
Report of Non-compliance				
Date	Describe non-compliance and the remedy to come back into compliance			
Date	Fuels spills not required to report to DEQ			
Printed Name:				
Signature:			Date	
<p>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.</p>				
<p>* A separate Annual Report (AR) must be submitted for each permit number. ** Refers to the number of dredging days that occurred during the period of dredging.</p>				

Please submit the AR to: EPA Region 10
Water & Wetlands Enforcement Unit OCE-101
1200 Sixth Avenue Suite 155
Seattle, WA 98101

And to the appropriate DEQ office (see previous page for addresses).

APPENDIX C - IDENTIFYING SPAWNING AREAS

The following information can be used to determine if you are located in an area that may be a spawning area of a species of concern. These areas should be avoided.

- Trout construct spawning nests (redds) in clean gravel from 0.25 to 1.5 inches in diameter. The preferred site is a gravel bar at the tail or side of pools covered by 6 to 12 inches of smoothly flowing water. Redds may be recognized as round or oval depressions in the gravel which appear cleaner or brighter than the surrounding gravel.
- Salmon and Steelhead spawn in similar areas in gravel and cobblestones up to 3-4 inches in diameter.
- Steelhead, Rainbow and Cutthroat Trout spawn during spring (March-June). Peak spawning of steelhead and rainbow trout often occurs during April and May and incubation may extend into mid-summer. In many areas, peak cutthroat spawning occurs during May and June and incubation may extend into late summer.
- Spring and Summer Chinook Salmon typically spawn in August and September, Fall Chinook Salmon spawn in October and November. Their eggs and fry remain in the gravel until the following spring.
- Brook Trout, Brown Trout, Bull Trout, Kokanee and Mountain Whitefish spawn from September into December and their eggs and fry remain in the gravel during winter. Incubation of Bull Trout eggs also occur over a longer period than other species and their young have an extended period of residency in spawning gravels - 200 days as opposed to about 60 days for other trout.
- Pacific Lamprey are an anadromous species present in the Snake River Drainage utilizing similar stream habitats to Chinook Salmon and Summer Steelhead. Lamprey adults migrate into the Columbia and Snake River basins from June through October, over winter, and spawn during April through July. Spawning substrates are fine to medium size gravels (0.25 to 1.0 inch diameter). Following a hatching period of 2-3 weeks, larvae (ammocoetes) rear in fine substrates where they remain for over 5 years until the transformation to adult is complete. Adults migrate to the ocean where they become parasitic.

APPENDIX D – STATE INFORMATION

A. Impaired Waterbodies for Mercury, Suspended Solids and Siltation/Sediments

Discharges from suction dredge operations are not authorized in waterbodies that are listed for mercury, suspended solids or siltation/sediment.

The Idaho Department of Environmental Quality's document: Final 2014 Integrated Report, Sections 4(a), 4(b) and 5: Impaired Waters: Lakes and Rivers, approved by EPA, contains the list of water quality limited waterbodies.

The document can be accessed at:

<http://www.deq.idaho.gov/media/60179654/idaho-2014-integrated-report.pdf>.

This list is subject to change during the life of the permit, as the Integrated Report is updated every two (2) years and the permit will be valid for a term of five (5) years. Therefore, it is the Permittee's responsibility to know whether or not additional waters have been added to this list. The Permittee must use the most current EPA-approved Integrated Report, available on DEQ's website:

<http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report.aspx>

Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) reflects impaired waters for which a TMDL has been approved by EPA. Category 5 contains waters which have been identified as "impaired" but do not yet have an EPA-approved TMDL. DEQ's webpage also has a link to the state's map-based Integrated Report, which presents information from the Integrated Report in a searchable, map-based format: <http://mapcase.deq.idaho.gov/wq2010/>. The Permittee is advised to contact the appropriate DEQ regional office (Appendix A) to verify these listings.

B. Drinking Water Intakes

DEQ has provided a list of 146 active drinking water intakes as of April 2018. That list can be found on the EPA website at:

<https://www.epa.gov/npdes-permits/npdes-general-permit-small-suction-dredge-placer-miners-idaho>