

Environmental Protection Agency  
Andrew Wheeler, EPA Administrator  
Office of the Administrator 1101A  
1200 Pennsylvania Ave NW  
Washington, DC 20460

US Army Corps of Engineers  
Lt General Todd T Semonite, Commander  
Headquarters  
441 G St NW  
Washington, DC 20314-1000

**Re: Donald G. Smith Petition for Rulemaking**

(Submitted August 12, 2019 to Chris Hladick, EPA R-10 Administrator;  
and Duane Mitchell, USACE, Walla Walla District)

**Dear EPA Administrator Wheeler and USACE Commander Lt General Semonite:**

In his Appeal & Petition, Mr. Don Smith request that the EPA and USACE jointly promulgate regulations to clarify that suction dredges (used for gold mining and reclamation) “do not as a matter of practice constitute a point source discharge of a pollutant namely because they *do not add a pollutant* within the meaning of the CWA.”

As we are sure you are aware, the Clean Water Act clearly states that NPDES permits are required for the “addition” of a pollutant and no such “trigger” is met when utilizing a suction gold dredge.

You already received a Letter of Support to the above-named Petition seeking national clarification of the NPDES permitting process under Section 402 of the Clean Water Act. This letter was signed by a broad spectrum of organizations, companies and counties—28 in total.

We wish to be added to the list of those requesting an expedited rulemaking to correct this regulatory error.

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Name (Print): \_\_\_\_\_

Company or Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

I would like to be included by email when the EPA and USACE address this issue

Email: \_\_\_\_\_