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March 18th, 2020

Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

Submitted via email to: paula.wilson@deq.idaho.gov

RE: March 14th, 2020 Negotiated Rulemaking – Ore Processing by Cyanidation; Docket No. 58-0113-1901

Dear Ms. Wilson:

Thank you for the opportunity to submit comments following IDEQ's March 13th, 2020, negotiated rulemaking for ore processing by cyanidation.

Since 1973, the Idaho Conservation League ("ICL") has been Idaho's leading voice for clean water, clean air, and wilderness – values that are the foundation for Idaho's extraordinary quality of life. As a 501(c)(3) nonprofit organization, ICL works to protect these values through public education, outreach, advocacy, and policy development. ICL is Idaho's largest state-based conservation organization and represents over 30,000 supporters, many of whom have a deep personal interest in protecting Idaho's water quality, aquatic species, and human health.

Our comments are provided following this letter. We appreciate the opportunity to provide comments on this matter and share our perspective. Please contact me at (208) 345-6933 x23 or awalkins@idahoconservation.org if you have any questions regarding our comments or if we can provide you with any additional information on this matter. Thank you for your time and consideration.

Sincerely,

Austin Walkins
Climate Campaign Coordinator

200.04.b.ii – Subbase Layers or Performance Based Equivalent

We continue to support language that would require a subbase layer (or “layer” or “soil layer”) thickness of between 24” and 36” in order to ensure the containment liner performs as needed. We feel strongly that any rule language less-stringent than this would be counter to the overwhelming evidence that a subbase layer must be 24”-36”, and thus inconsistent with the requirement to set rules and regulations based upon the best available science. Idaho Code 39-107(D).

200.08.e and 09.f – Response Plans and Threshold Values

We appreciate DEQ’s inclusion of our comments and believe the current draft captures the intent of what we were seeking. It is our understanding that the current language requires operators to designate “threshold” values that would require action - as detailed in their response plan - in order to avoid ever reaching the 50 mg/L WAD concentration. For example, 45 mg/L could be a threshold value that requires the operator to take action. We think it’s important that these threshold values are clearly and explicitly defined as part of a monitoring and response plan.

We wish to certify that the public will have an opportunity to review and provide comments on any proposed threshold values and response actions. If these rules do not already allow for this then we request that the appropriate changes be made to allow public review and comment on these critical components of this process.