



**UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
REGION 10**

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OFFICE OF  
REGIONAL COUNSEL

Paula Wilson  
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1410 N. Hilton  
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June 8, 2020

**Re: U.S. EPA Comments on Design and Construction of Phosphogypsum Stacks:  
Docket No. 58-0119-2001 Preliminary Draft Negotiated Rulemaking**

Dear Ms. Wilson:

Thank you for organizing the public meeting on May 28, 2020 to discuss the preliminary draft negotiated rulemaking, "Rules for the Design and Construction of Phosphogypsum Stacks" (Docket No. 58-0119-2001). As discussed during this meeting, the U.S. Environmental Protection Agency Region 10 (EPA) recommends that the Idaho Department of Environmental Quality (IDEQ) postpone finalizing the preliminary draft negotiated rulemaking.

Currently, EPA and the U.S. Department of Justice, on behalf of EPA, are engaged in discussions with two phosphoric acid manufacturing facilities located in Idaho pursuant to EPA's National Compliance Initiative for Mining and Mineral Processing. The discussions potentially could resolve compliance issues that EPA previously has identified at those facilities. EPA is considering how the preliminary draft negotiated rule and exhibits affect these discussions. Accordingly, EPA recommends postponing any public meetings and comment periods associated with the preliminary draft negotiated rule at the present time.

EPA remains interested in attending future public meetings about this preliminary draft negotiated rule and reserves its right to provide comments to IDEQ on a later date. Please include me on future email notifications ([davies.lynne@epa.gov](mailto:davies.lynne@epa.gov)), as well as Kevin Schanilec ([schanilec.kevin@epa.gov](mailto:schanilec.kevin@epa.gov)).

Sincerely,

/s Lynne Davies  
Lynne Davies  
Assistant Regional Counsel

cc: Kevin Schanilec, U.S. EPA Region 10