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LEAGUE

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May 5, 2020

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

RE: April 28, 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 April 28th, 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.

Respectfully submitted,

Randy Fox
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100.04 - Cost Recovery Agreement

We appreciate DEQ consulting with the Idaho State Attorney General to clarify the legality and authority of DEQ to require a Cost Recovery Agreement between applicants and the agency. Further, we support DEQ withholding a permit if expenditures associated with Cost Recovery Agreements have not been paid and the financial obligations fulfilled.

200.03 - Process Water Storage Sizing Criteria

ICL fully supports the requirement to maintain a minimum two (2) foot freeboard during storage or conveyance of the design climactic event plus maximum expected normal operating levels. Although maintaining this level of protection may add to the mitigative work required of operator's, we believe doing so remains fully within their capabilities. Moreover, we note that during the April 28, 2020 virtual rulemaking session, one meeting participant stated that numerous wastewater treatment facilities require three (3) feet of freeboard for holding tanks, vats, ponds, or ditches. We recommend DEQ retain the proffered 2-foot minimum and we request that the agency ensures these standards remain as protective, if not more so, than wastewater treatment facilities. While spillage and transportation of contaminated waters from either cyanide processing facilities or wastewater treatment plants maintain the potential to harm human, wildlife, and plant health, we believe the repercussions of a cyanide-associated overflow would have far more calamitous effects.

204.01.b - Limiting Hydraulic Head on Geomembranes

ICL supports Design Criteria for Tailings Impoundments that includes limiting hydraulic head over geomembrane liners to less than two (2) feet on average and five (5) feet maximum. Although some rulemaking participants argue that maintaining and monitoring for this Design Feature is problematic and prohibitive, we refer to Nevada regulators who strongly suggest that the head on liners be minimized to one (1) foot.

400.06 - Public Comment Period

ICL supports the Director allowing public comment on a draft permit for a period of 60 days, beginning on the date of the public notice for the draft permit, and commends DEQ for retaining this critical public involvement period, particularly as many of the potential locations affected by this rulemaking will potentially impact public lands.