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April 28, 2020

VIA EMAIL – paula.wilson@deq.idaho.gov

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

**Re: DEQ Negotiated Rulemaking – Rules for the Design and Construction of Phosphogypsum Stacks
Docket No. 58-0119-2001 – Draft No. 1**

Dear Ms. Wilson:

Itafos Conda LLC (Itafos), located in Soda Springs, ID, appreciates IDEQ's efforts in promptly moving forward with the subject draft rule to implement House Bill 367. Itafos operates the phosphate fertilizer manufacturing facility located at Conda, Idaho (near Soda Springs, Idaho) and thus has a direct interest in this rulemaking to establish "Rules for the Design and Construction of Phosphogypsum Stacks".

Itafos is a member of the Idaho Mining Association (IMA) and participated in the creation of House Bill 367 through the IMA. Itafos supports the letter from the Idaho Mining Association, dated April 28, 2020, referencing the subject rulemaking.

In addition to the comments provided by the IMA, Itafos offers up the following comments for additional discussion and consideration. Itafos reserves the right to expand on the below or make additional comments in the future.

140. LINER AND LEACHATE CONTROL SYSTEMS

05. Leachate Control System Standards

d. Leachate control systems shall meet the liner system construction quality assurance/quality control requirements in Subsection 140.03 and the soil layer construction quality assurance requirements in Subsection 140.04.

Itafos believes that the requirements of 140.05.d, referencing 140.03 and 140.04 are not technically feasible to all leachate control systems constructed within a stack system and thus alternative design and construction methods should be allowed. Notably, bench drain systems, used to aid in de-watering, are often designed and constructed at

elevations throughout the stack and may be substantially different than as described in 140.03 and 140.04.

140. LINER AND LEACHATE CONTROL SYSTEMS

06. Liquid Containment and Conveyance Systems

b. Pump and piping systems associated with the transport of phosphogypsum or process wastewater and that cross surface waters of the state must be double contained with chemically compatible materials in a manner that assures that all materials under pumped flow are contained within a lined system in the event of a leak or piping system failure.

Itafos believes that additional clarification is needed within the requirements of 140.06.b. Specifically of concern is the reference to “double contained”, and “...assures that all materials under pumped flow are contained within a lined system in the event of a leak or piping system failure”. The term “double contained” should be further discussed and defined to clarify intent. Containment that meets the implied requirement may not be practical, depending on the intent of the IDEQ, considering the piping technology available to industry and the typical flows and pressures used to transport phosphogypsum or process wastewater.

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c. Lined ponds that are part of the phosphogypsum stack system shall be seepage tested prior to use by an Idaho licensed professional engineer, an Idaho licensed professional geologist, or by individuals under the direct supervision of the engineer or geologist. The design and construction plan shall include a schedule for submittal of a procedure identifying site specific testing methods, equipment, and quality control processes for Department review and approval. The schedule will also identify submittal and review of a report presenting seepage test results.

Itafos believes that alternative options to seepage tests should be considered for the requirements of 140.06.c. Alternatively, 140.06.c should simply require that lined ponds be designed and constructed in a way that prevents harmful releases to the environment.

Itafos looks forward to continuing to work with IDEQ on the subject rulemaking.

Sincerely,



Timothy A Vedder III
Vice President and General Manager
Itafos Conda LLC