

<p>Docket Number: <u>58-0111-0801</u> Effective Date: <u>July 1, 2009</u> Rules Title: <u>Ground Water Quality Rule</u> Agency Contact and Phone: <u>Ed Hagan, 373-0356</u></p>	<p style="text-align: center;">Public Notice</p> <p>Hearings: [] Yes [X] No Locations and Dates: N/A Written Comment Deadline: September 3, 2008</p>
<p>Descriptive Summary of Rule as Initially Proposed: The purpose of this rulemaking is to clarify portions of the Ground Water Quality Rule to promote consistency in application of the rule to mining activities. The proposed rule addresses the following issues:</p> <ol style="list-style-type: none"> 1) Adds definitions necessary to improve statewide consistency with interpretation and implementation of mining provisions of the Ground Water Quality Rule; 2) Develops a procedure and process to follow for setting the point(s) of compliance for ground water quality related issues at mining areas; 3) Ground water monitoring at mining areas; 4) Applicability of rule changes; and 5) Imposes a fee on mine operators making an application with the Department of Environmental Quality (DEQ) to set the ground water quality point(s) of compliance. <p>Public comments were received. The proposed rule has been revised. DEQ recommends that the Board adopt the rule, as presented in the final proposal, as a pending rule with a final effective date of July 1, 2009. The rule is subject to review by the Legislature before becoming final and effective.</p>	<p>Negotiated Rule Making: [X] Yes [] No Groups Involved: Sign-in sheets attached.</p> <p>On April 2, 2008, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Vol. 08-4, pages 38-39, and a preliminary draft rule was made available for public review. Meetings were held on April 23, May 7, May 21, June 4, and June 30, 2008. Several members of the public participated in this negotiated rulemaking process by attending the meetings and by submitting written comments.</p>
	<p>Costs To the Agency: Unknown. Costs To the Regulated Community: Unknown.</p>
	<p>Relevant Statutes: Idaho Code §§ 39-105, 39-107, 39-120, and 39-126</p>
	<p>Idaho Code § 39-107D Statement: See attached.</p> <p>Idaho Code § 67-5221(1)(c) Fiscal Impact Statement: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.</p> <p>Fee Summary: This proposed rule includes a requirement that applicants submit a \$2500 fee at the time the application is submitted to DEQ (Subsection 401.02.a.). Imposition of the fee is authorized by Section 39-119, Idaho Code.</p>

Temporary Rule	<input type="checkbox"/> Necessary to protect public health, safety or welfare <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs <input type="checkbox"/> Conferring a benefit
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Docket Number: <u>58-0111-0801</u>		
Section	Section Title	Summary of Rule Changes Based on Public Comment
007	Definitions	<p>This section has not been changed. See attached Response to Comments.</p> <p><i>Prior to adoption of this rule docket at its October 8, 2008 meeting, the Board of Environmental Quality revised the definitions of "mining activity" and "mining area" in response to public comment (Subsections 007.21 and 007.22).</i></p>
400	Ground Water Contamination	This section has not been changed. See attached Response to Comments.
401	Mining	This section has been changed. See attached Response to Comments. In addition to the changes made to this section in response to comments, Subsection 401.03 has been revised to make a correct to a citation within that subsection. 401.03.i. through 401.03.viii. has been changed to 401.03.a. through 401.03.h.

IDAHO CODE SECTION 39-107D STATEMENT: Section 39-107D, Idaho Code, provides that DEQ must meet certain requirements when it formulates and recommends rules which are broader in scope or more stringent than federal law or regulations. There is no federal law or regulation that is comparable to the Ground Water Quality Rule. Therefore, the proposed changes to the rule are not broader in scope or more stringent than federal law or regulations.

Section 39-107D, Idaho Code, also applies to a rule which "proposes to regulate an activity not regulated by the federal government." This rule amends portions of the Ground Water Quality Rule that address mining activities. Mining activities are regulated by the federal government. The federal government, however, does not have a regulatory program that specifically sets standards to protect ground water quality and beneficial uses of ground water as the Ground Water Quality Rule does. For this reason, DEQ believes Section 39-107D is applicable and that the amendments to the rule describe aspects of mining activities not regulated by the federal government.

The following is a summary of additional information required by Sections 39-107D(3) and (4), Idaho Code. Information relating to Section 39-107D(2) has also been provided.

Section 39-107D(2)(a), Idaho Code. To the degree that a department action is based on science, the department shall utilize the best available peer reviewed science and supporting studies conducted in accordance with sound objective scientific practices.

The proposed rule changes were initiated for clarification purposes rather than for reasons based on new scientific information. By clarifying the language in the Ground Water Quality Rule, DEQ is facilitating more efficient implementation of the Ground Water Quality Plan and the Ground Water Quality Rule thereby reducing the economic burden on the regulated community. Improved rules also allow the public to better understand the requirements imposed on the regulated community to protect human health and the environment. Thus, the changes to the rule describe an administrative process to determine the application of the Ground Water Quality Rule to mining activities. The administrative process requires the application of sound science and identifies the scientific factors that must be considered and analyzed by mining companies and DEQ when making decisions. DEQ has relied upon its experience, the experience of federal agencies, and input from mining companies and environmental organizations in drafting the proposed changes to the rule.

Section 39-107D(2)(b), Idaho Code. To the degree that a department action is based on science, the department shall utilize data collected by accepted methods or best available methods if the reliability of the method and the nature of the decision justifies use of the data.

This provision is not applicable because the proposed rule changes are based on clarifying existing rule language. Please see explanation above.

Section 39-107D(3), Idaho Code. Any proposed rule subject to this section which proposes a standard necessary to protect human health and the environment shall also include in the rulemaking record requirements under chapter 52, title 67, Idaho Code, the following additional information:

- (a) Identification of each population or receptor addressed by an estimate of public health effects or environmental effects;**
- (b) Identification of the expected risk or central estimate of risk for the specific population or receptor;**
- (c) Identification of each appropriate upper bound or lower bound estimate of risk;**
- (d) Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty; and**
- (e) Identification of studies known to the department that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.**

The proposed changes to the rule set up an administrative process for DEQ to work with the mine operator and other interested persons to determine, on a site-specific basis, the application of the standards in the Ground Water Quality Rule in order to protect human health and the environment. This administrative process is not itself based upon any analysis of risk to specific populations or receptors, but rather sets out a process by which the risk to human health and the environment will be evaluated by DEQ as it reviews a specific mining site. Therefore, DEQ has no additional information relevant to this rulemaking pursuant to Section 39-107D(3).

**Ground Water Quality Rule
Docket No. 58-0111-0801
Response to Public Comments**

Comment	DEQ Response
<p><u>Marv Hoyt, Idaho Director, Greater Yellowstone Coalition, Idaho Falls, ID</u></p> <p>The following comments are submitted on behalf of the Greater Yellowstone Coalition (GYC) and the Caribou Clean Water Partnership (CCWP), on the proposed changes in the Idaho Ground Water Rule as described in the Idaho Administrative Bulletin, Vol. 08-8, page 286, on August 6, 2008. GYC and the CCWP participated in both the 2007 and 2008 negotiated Ground Water Rulemaking process.</p> <p>According to the IDEQ website, “The purpose of this rulemaking is to clarify portions of the Ground Water Quality Rule to promote consistency in application of the rule to mining activities.” As noted above, GYC and CCWP participated in both the 2007 and 2008 negotiated rulemaking process that has led to the August 6 final draft of the proposed rule. I’d like to say that the process has worked as intended, with give and take from all sides, and that the final draft is something that we could support. However, that is not the case. In both the 2007 and 2008 process, we observed a significant bias in favor of mining interests over the interests of actually protecting Idaho’s ground water. In the final analysis, it is our view that the proposed rule does nothing more than liberalize the current, and unnecessary, exemption for mining companies to expand their pollution and contamination of Idaho’s ground water resources, rather than protecting Idaho’s ground water. Even more troubling is the fact that this proposal came from the mining industry because they have failed to comply with the current, lax standards for protecting water quality.</p> <p>Our position is that there should be <i>no</i> allowance for the mining industry to pollute and contaminate Idaho’s ground water, including the current exemption. Instead, the industry should strive to be the “good neighbors” and good corporate citizens they purport to be by developing techniques and technologies to prevent any pollution or contamination of Idaho’s ground water. Should IDEQ deem that this process should go forward, we believe that at a minimum the following changes need to be made to the current draft.</p> <p>Section 007 – Definitions</p> <p>We do not support the definition of -- #21. Mining Activity as now proposed. We commented on this specific issue numerous times during the 2008-rulemaking meetings, and our comments were repeatedly ignored. We strongly believe that the definition should be as conservative and protective as possible when it comes to determining what constitutes a “mining activity”. Specifically we believe that the definition should read. “21. <i>Mining Activity. Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation.</i>”</p>	<p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as</p>

Section 400, 05(d)

The proposed addition of the language at 05(d) in Section 400, which follows: *Dissolved concentrations of secondary constituents listed in Section 200 of this rule. The Department may allow the use of dissolved concentrations for secondary constituents if the requesting person demonstrates that doing so will not adversely affect human health and the environment;* should reflect EPA’s guidance, which indicates samples collected for the analysis of metals should be split into two portions and one portion should be filtered and analyzed for dissolved metals, and one portion should not be filtered and should be analyzed for total metals. [RCRA Ground-Water Monitoring Technical Enforcement Guidance Document (TEGD) (USEPA, 1986), and RCRA Ground-Water Monitoring: Draft Technical Guidance (GWM) (USEPA, 1992)].

Addition of a Section 400.06, which would address mining cessation.

6. Permanent Cessation

- a. The provisions set out in this Subsection [400.06(a) – (b)] will apply for not less than four years nor more than eight (8) years following permanent cessation of mining activities or when a request is made for the release of the reclamation bond for the mining activity, whichever comes first.
- b. If an operator does not plan to conduct mining activities for three (3) or more years but intends to continue mining activities and desires to defer final reclamation, the operator shall submit a written notice of intent and request for deferral to the Department. If the Department determines that the operator plans to continue mining activities within a reasonable period of time not to exceed (5) years, the Department shall notify the operator of that determination in writing. If the Department determines that mining activity will not be continued within a reasonable period of time not to exceed five (5) years, the Department may proceed as though mining activity has permanently ceased, but shall notify the operator in writing of that determination at least thirty (30) days before taking any formal administrative action concerning the mining activity. Any determination regarding deferral would be made in coordination with the Idaho Department of Lands or applicable federal agencies when appropriate. Mining operations that have suspended mining activities as of July 1, 2009 shall have two (2) years to submit a request for deferral from the Department.

Section 401 01 through 08

All language in this entire section should be deleted and replace with the following language.

Point of Compliance. The point(s) of compliance will be set at the edge of the mining activity area.

directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.

The rule as proposed provides flexibility and allows the use of guidance in interpreting this section. DEQ currently uses federal (EPA) and state guidance and other scientifically accepted practices when evaluating whether to use total or dissolved sampling and analytical methods.

This concept was abandoned as a result of the opposition to the 2007 proposed rule. The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.” GWQP, p. 32.

DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . .” See Subsection 401.03.

<p>Public Notice and Comment Should the IDEQ allow changes in the point(s) of compliance, and then language should be added that includes provisions for both a public notice and a public comment period related to the request for such a change.</p> <p>Return to compliance with standards Language needs to be reinstated that provides a time frame for groundwater to be back in compliance with standards should be reinstated.</p> <p>Request for public hearing on proposed changes to the Ground Water Rule As part of these comments we are requesting a public hearing be held on the proposed changes to the Idaho Ground Water Rule.</p>	<p>Subsection 401.05 has been revised to include that the Department may provide public notice and an opportunity for public comment prior to setting <u>or changing</u> the point(s) of compliance.</p> <p>This concept was abandoned as a result of the opposition to the 2007 proposed rule. The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.” GWQP, p. 32.</p> <p>DEQ did not receive the requisite number of written hearing requests and, therefore, did not schedule a public hearing.</p>
<p><u>Jack Lyman, Executive Vice President, Idaho Mining Association, Boise, ID</u> In late 2006 the Idaho Mining Association requested that the Department initiate negotiated rulemaking to consider clarifying changes to its ground water quality rule so it would be consistent with the intent of the <i>Idaho Ground Water Quality Plan</i>. Our experience with this rule since its adoption in 1997 has been generally favorable. In early 2006, however, the Department had taken the position that drinking water standards must be met in backfilled mined pits following mining.</p> <p>We requested the negotiated rulemaking because such a position is directly contradicted by the <i>Idaho Ground Water Quality Plan</i>. The <i>Plan</i> was developed by the Ground Water Quality Council and was unanimously adopted by the Idaho Legislature. It is essential that the ground water rules be consistent with the legislative intent reflected in the <i>Plan</i>, which has the full force and effect of law (Senate Bill 1269, approved by the 1989 Legislature and signed into law).</p> <p>The Department initiated negotiated rulemaking during 2007 and proposed a modified rule. We had four major concerns with that proposed rule and asked that changes be made by the Board of Environmental Quality. The Board rejected that request and directed the Department to continue negotiated rulemaking in an attempt to forge an acceptable resolution to the concerns expressed by the parties to the negotiations.</p> <p>We are pleased that those negotiations have proven largely successful and have resulted in the proposed rule in Docket No. 58-0111-0801. In general, we support the changes contained in this proposal that are consistent with the law.</p> <p>The proposed rule is vastly more consistent with the <i>Ground Water Quality Plan</i> than is the current rule or the</p>	

rule proposed last year. It recognizes that mining is a unique activity in regards to its potential impact on ground water. It creates a regulatory scheme that protects ground water beyond mining areas. It imposes appropriate restrictions and requirements on mining activities to minimize the impact of mining on local ground water resources. It allows mining to take place by acknowledging that some ground water impacts in localized areas will inevitably occur due to the very nature of mining activities.

We are still concerned about the Department's proposal to enforce drinking water standards in all mining areas unless an operator requests specific points of compliance and pays a substantial fee. In those instances where an operator hasn't requested specific points of compliance, we believe the Department should set such points, at its sole discretion, to protect the ground water resource while recognizing that the mining activity may cause a localized impact. To accomplish this, we suggest that proposed section 401.01 be modified by adding the sentence: "If a request is not made, the department may establish points of compliance consistent with 400.03."

We also suggest that the following sentence be added at the end of proposed section 401.07: "Nothing herein precludes the Department from authorizing site- specific ground water quality levels pursuant to 400.05." This is consistent with the Department's prior practice and the discussions held during the negotiating rulemaking process. The inclusion of this statement will clarify that nothing in this rulemaking restricts the Department's ability to continue to administer the rule as it has in the past when justified by site-specific considerations.

The remaining concern we have is DEQ's restriction of the application of these provisions to a subset of the mining activities identified in the *Ground Water Quality Plan*. A common sense reading of the Mining Section

DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide. With respect to the comment regarding the fee, the \$2500 fee was included in the draft rule at the suggestion of the Idaho Mining Association during the June 4, 2008 negotiated rulemaking meeting. The amount of the fee was not changed from the amount originally proposed by IMA. Regarding DEQ setting a point(s) of compliance at its discretion when the mine operator has not made a request, the rule as proposed provides DEQ this discretion. See Subsection 401.01. It is likely, however, that DEQ may not have the necessary information nor resources to set the point(s) of compliance without having received the information contained in an application from the mine operator. In order to ensure that the operator can take advantage of the provisions in this rule, it may be necessary for a mine operator to submit an application to DEQ.

The current rule provides for a process in which site specific criteria is established. No additional language is necessary.

DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP

of the plan makes it clear that the intent of the Ground Water Quality Council was to treat all of the activities identified in the *Plan* as "mining activities" in the same fashion. The *Plan* is not merely guidance and the mining activities described as constituting mining are not merely suggestions; they are critical to the application of the Mining Section of the *Plan* and have the full force and effect of law.

Section II-C Mining of the *Ground Water Quality Plan* states:

Mining activities which could impact ground water include drilling, excavation, extraction, processing, overburden placement, waste disposal, and reclamation.

It is clear that the Council anticipated that all of the activities included in this list would be subject to a mining-specific application of ground water rules. There is no language in this section of the *Plan* that indicates the Council's intent was to create a regulatory system that treats some mining activities differently than others.

The Department has previously contended that this list of mining activities is limited by the next two sentences which read: "Mining is unique among land use activities which impact ground water. While other activities usually occur on the land surface, mining can actually occur directly in ground water." The Department has contended that this means the Council intended to restrict its list of mining activities only to those activities that occur directly in the ground water.

Such an interpretation of this language is a clear misreading of the Council's intent. If the Council had wanted to have these activities treated differentially, or to limit the application of mining-specific rules to only those activities that took place in ground water, it would have crafted the language of this section to explicitly state that intent.

The language in the *Ground Water Quality Plan* then expresses the key concept of the Mining section: "Mining, by its very nature, may use ground water and impact ground water quality in a localized area. The localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site." It is clear that the use of the word "mining" here must be given the meaning of mining contained in the previous paragraph. That is, it must include the entire list of activities: drilling, excavation, extraction, processing, overburden placement, waste disposal, and reclamation.

It is also clear that the Council intended that the regulatory scheme fashioned for mining must recognize that mining may result in localized contamination. As a result, some ground water may be unavailable for other beneficial uses at that specific site.

We have previously accepted restrictions on mining activities that require the application of best management practices to assure that all appropriate efforts are made to protect ground water in mining areas. We believe

elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination. Including drilling for exploration purposes in the mining activity definition unnecessarily expands the mining area, resulting in an overly large area for setting a point(s) of compliance. DEQ believes the intent of the mining section of the GWQP was to recognize that certain aspects of mining are unique in that ground water degradation is unavoidable. Ground water impacts resulting from processing of ore are not inevitable and can be avoided through the application of engineering practices and BMPs for the construction and operation of those facilities. Therefore, processing is not included in the definition of mining activity because ground water impacts from processing operations are avoidable.

such an approach is consistent with the Mining Section and the overall goals of the *Ground Water Quality Plan*. It appears clear to us, however, that the *Plan* anticipated that mining activities that had impacts despite the application of BMPs would not be prohibited.

The Department has largely accepted this concept in its proposed rule. The creation of "mining areas" and the location of points of compliance beyond those mining areas are generally consistent with the intent of the *Ground Water Quality Plan*. The provisions in the proposed rule that restrict the application of this approach to a subset of the activities identified by in the *Plan* as "mining," however, is inconsistent with the intent of the *Plan*.

The Department restricts the meaning of "mining activities" by the use of two definitions in the proposed rule. First, it proposes to define "extraction" in a way that includes only the physical separation of ore from an ore body:

15. *Extraction.* *Physical removal of ore or waste rock from mineral-bearing deposits. Extraction does not include processing, which is the removal of target minerals from ores by physical or chemical methods.*

This is an extremely limiting definition of a term that is widely used in the mining industry. The Dictionary of Mining, Mineral, and Related Terms (U.S. Bureau of Mines, U.S. Department of Interior) defines extraction as:

. . . all processes of obtaining metals from ores. Broadly, these processes involve breaking down ore both mechanically (crushing) and chemically (decomposition), and separating the metal from the associated gangue [uneconomical waste rock]. Extractive metallurgy may be conveniently divided into beneficiation, pyrometallurgy, hydrometallurgy, and electrometallurgy.

The terms "extract" and "extraction" are defined in various dictionaries:

- Webster's New Collegiate Dictionary: *to separate (a metal) from an ore.*
- WordNet.com: *the process of obtaining something from a mixture or compound by chemical or physical or mechanical means.*
- MSN Encarta: *to obtain a substance from a compound, in solid, liquid, or gas form, by using an industrial or chemical process.*
- The American Heritage® Dictionary: *To obtain from a substance by chemical or mechanical action, as by pressure, distillation, or evaporation.*

DEQ's definition of "extraction" explicitly excludes processing from the application of this rule. Such

DEQ recognizes there are broader definitions of extraction. The definitions were drafted, however, during the negotiated rulemaking process for implementation and clarification of the rule. The proposed definition of extraction was included for clarification purposes and to limit extraction to physical removal.

exclusion is contrary to the intent of the *Ground Water Quality Plan*, is contrary to way the term is used in the mining industry and is contrary to the common definition of the term.

Second, the Department proposes to define "mining activity" as:

21. Mining Activity. *Recovery of a mineral from mineral-bearing deposits, which includes reclamation, extraction, excavation, overburden placement, and disposal of mineral extraction wastes, including tailings that are the result of extraction, waste rock, and other extraction wastes uniquely associated with mining.*

This proposed definition fails to include drilling and processing, two mining activities explicitly included in the description of the term "mining activity" in the *Ground Water Quality Plan*. When coupled with the proposed definition of "extraction," this definition would eliminate the application of the rule to any processing activities typically associated with a mining operation.

This was the topic of numerous discussions during the negotiated rulemaking, and it is clear that we read the intent of the *Ground Water Quality Plan* differently than does the Department. We believe all of the activities, including drilling and processing, mentioned in the discussion of mining activities in the *Plan* were intended to be considered as mining activities; otherwise, those specific activities would not have been incorporated into the *Plan*.

We recognized the concern expressed by some of the parties to the negotiations about applying this rule to processing facilities substantially removed from the actual point of mineral extraction. As a result, we proposed restricting the application of the rule to those processing activities that took place near the mineral extraction site.

Similarly, we believe the inclusion of drilling in the list of activities that constitute mining in the *Ground Water Quality Plan* was purposeful and designed to include all drilling activities associated with mineral development activities. In response to concerns that such an inclusion might lead to a vast expansion of the mining area, we are willing to restrict the application of the rule to drilling activities that take place near the mineral extraction site.

To address these concerns we offer two recommendations:

1. Delete the definition of "extraction." The only purpose of this definition is to exclude processing activities, including crushing, beneficiation and other processing activities that typically occur in a mining setting. The term is used in the discussion of "mining activities" in the *Ground Water Quality Plan*. Deleting the definition

DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination. Including processing overly expands the applicability of this rule to mining activities that can avoid ground water contamination through application of engineering practices and BMPs.

of "extraction" would then mean that the term would have its usual definition when used to define a mining activity.

If the Department insists on including a definition of "extraction," we recommend it be modified to read:

Extraction. *Physical and chemical removal of ore or waste rock from mineral-bearing deposits. Extraction includes processing, which is the removal of target minerals from ores by physical and chemical methods.*

2. Change the definition of "mining activities" to read:

Mining Activity. *Recovery of a mineral from mineral-bearing deposits, which includes extraction, excavation, overburden placement, reclamation and disposal of mineral extraction wastes including tailings, waste rock, low grade stockpiles and other materials uniquely associated with mining. The term also includes mineral processing, disposal of processing wastes and drilling, if that processing, waste disposal or drilling takes place in the proximate area of the mineral extraction.*

This change would work if the current definition of "extraction" is deleted or if it is modified as we recommend.

We appreciate the Department's willingness to work with us and other parties to develop this proposed rule. With the changes we have recommended, we would be in full support of the proposed rule.

Thomas Dyer, State Director, Bureau of Land Management, Boise, ID

Thank you for this opportunity to comment on proposed changes to Idaho's Ground Water Quality Rule (IDAPA 58.01.11), Docket No. 58-0111-0801. As you know, the Idaho Bureau of Land Management (BLM) has participated in the negotiated rulemaking process in 2008, and provided written comments to the previous proposed changes to the Ground Water Quality Rule in the fall of 2007. In that comment letter, we explained how the BLM relies on Idaho's groundwater quality rule as its mechanism for achieving the agency's policy of managing the public lands in a manner that will protect the quality of water resource values. The Idaho BLM provided comments on the changes to the Rule being proposed at that time and we are very pleased with the 2008 proposed rule, as described in the August 6, 2008, edition of the Idaho Administrative Bulletin. We feel that the August 6, 2008, proposed rule is a major improvement over the existing rule and the 2007 proposed rule, and feel that it meets most, if not all, of the BLM's concerns stated in our 2007 comment letter.

We have only two suggested changes to the proposed rule, and they are minor.

-The BLM supports the addition of Subsection 401.04, entitled Ground Water Monitoring

DEQ believes the intent of the mining section of the GWQP was to recognize that certain aspects of mining are unique in that ground water degradation is unavoidable. Ground water impacts resulting from processing of ore can be avoided through the application of engineering practices and BMPs for the construction and operation of those facilities. Impacts to ground water are not, therefore, inevitable or unavoidable. A good example is facilities that process ore by cyanidation. As required by DEQ rules, such facilities are designed to avoid ground water impacts.

DEQ appreciates receiving comments in support of the proposed rule.

In Subsection 401.04, the word "may" has been

and Reporting, as we feel monitoring should be a critical component of the proposed rule, particularly when the Idaho Department of Environmental Quality (hereinafter referred to as IDEQ or the Department) sets the point(s) of compliance. However we feel that these provisions should be mandatory, and recommend changing the wording in Subsection 401.04 (first line) from "The Department MAY require ground water monitoring ..." to "The Department SHALL require ..."

-The BLM appreciates and supports the addition of proposed Subsection 401.05, which requires IDEQ to coordinate with and seek recommendations from other State or Federal agencies that have regulatory authority over mining activities. However, the BLM feels that, under Subsection 401.05 of the proposed rule, the Department should also be required to provide public notice prior to setting alternative point(s) of compliance, so that the Department is fully aware of all issues and concerns regarding its decision to set the point of compliance. This could be accomplished by changing the wording in Subsection 401.05 (third line) from "The Department MAY provide public notice ..." to "The Department SHALL provide public notice ...".

Other than those two points, the Idaho BLM agrees with all of the proposed changes to the rule, as presented in the August 6, 2008, edition of the Idaho Administrative Bulletin. The definitions that were added under Section 007 of the proposed rule, are clear and seem to work when used in context with the remainder of the proposed rule. The definition for "Extraction" makes it clear that ore processing is not considered extraction, which is an important distinction for the purposes of describing mining activity and mining area. Also the definition of "Point of Compliance" has been improved such that the ambiguities the BLM felt were associated with the 2007 proposed definition are no longer a concern. The BLM's concern about our ability to model impacts at the point of compliance, for the purposes of determining appropriate mitigation measures and for Mine Plan approval, has been sufficiently addressed by the addition of this definition as well as the provisions in Subsection 400.05 and Section 401. The BLM does not support making any changes to the Section 007 of the proposed rule.

The BLM appreciates the deletion of paragraph 350.0 1.c.iv that was contained in the 2007 proposed rule, regarding re-categorization of an aquifer in areas where mineral extraction will occur or is occurring. As our 2007 comment letter indicated, the BLM had concerns about that process and we're glad to see it deleted.

Likewise, the BLM appreciates the proposed removal of Subsection 400.06, which addressed exemptions for mineral extraction. Under that subsection, the 2007 proposed rule suggested

replaced with the word "shall" as suggested. Monitoring may not necessarily require water sample collection but will require some data collection or the submittal of data required to be collected by other state or federal agencies.

Subsection 401.05 has been revised to include that the Department may provide public notice and an opportunity for public comment prior to setting or changing the point(s) of compliance. DEQ's discretion is necessary when other agencies may already have, as part of their permitting process, a public notice component. This section has not been revised with respect to DEQ's discretion. DEQ needs to exercise its discretion so as not to duplicate other state or federal public notice procedures.

DEQ appreciates BLM's comment in support of the proposed definition of extraction.

Recategorization is still an avenue available for various ground water stakeholders.

<p>extensive additions that the BLM had major concerns about (as described in our 2007 comment letter). With that subsection removed and with the addition of Section 401 in the 2008 proposed rule, the BLM feels that IDEQ strikes a good balance between mineral production and protecting groundwater quality for present and future uses. The 2008 proposed Section 401 makes it clear that, in general, a mine operator must meet the ground water quality standards in ground water both within and beyond the mining area. However, at the request of a mine operator, the IDEQ would have the ability to establish an alternative point of compliance, based on the Department's analysis and consideration of relevant factors. We strongly support IDEQ considering "projected beneficial uses" and effects on "interconnected surface waters" in setting alternative points of groundwater compliance (Subsection 401.03). This provides the BLM considerably more clarity for groundwater impact assessment related to our mine plan proposal assessment and review process.</p> <p>The Idaho BLM feels that the 2008 proposed rule provides the flexibility the mining industry needs while still ensuring that naturally occurring contaminants don't migrate off-site such that water rights and uses, including future uses, are impacted. The Idaho BLM appreciates the opportunity to participate in the negotiated rulemaking process, and appreciates the hard work that IDEQ put into the 2008 proposed rule.</p>	
<p><u>Harv Forsgren, Regional Forester, USDA Forest Service, Ogden, UT</u></p> <p>The Forest Service previously submitted written comments on various draft versions of proposed changes to the Idaho Ground Water Quality Rule, Docket No. 58-0111-0801, on July 30, and September 21, 2008 [2007], and April 23, May 27, and June 16, 2008. Forest Service representatives also attended the negotiated rulemaking sessions on April 23, May 7, May 21, June 4, and June 30, 2008. The Forest Service appreciates that the majority of our comments have been addressed in Docket No. 58-0111-0801 (Fee Rule), as published in the Idaho Administrative Bulletin, dated August 6, 2008, Vol. 08-8.</p> <p>The Forest Service supports the cooperative nature of the negotiated rulemaking process and looks forward to continuation of our long history of coordination with the State of Idaho in managing water resources at mining sites on National Forest System lands.</p> <p>Thank you for the opportunity to participate in negotiations and to provide comments on the proposed rule.</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>
<p><u>Phillips Baker, President and Chief Executive Officer, Hecla Mining Company, Coeur d'Alene, ID</u></p> <p>We appreciate DEQ's willingness to work with the Idaho Mining Association to revise DEQ rules so that mining in Idaho can continue. We support the concepts of the proposed groundwater rules, to the extent the rules are consistent with the Idaho Ground Water Quality Plan (IGWQP), which was developed by the Ground Water Council and unanimously adopted by the Idaho Legislature. The IGWQP clearly recognizes that "Ground water and minerals are vital to our lives" and that the intent of the IGWQP is "to strike a balance between these two resources". Further, the IGWQP recognizes that "mining activities" (i.e. "drilling, excavation extraction, processing, overburden placement, waste</p>	<p>DEQ believes that the proposed rule is consistent with the intent of the GWQP.</p>

disposal, and reclamation") "may use ground water and impact ground water quality in a localized area". The proposed rules must be consistent with the IGWQP, which has the force and effect of law.

The mineralization of mining districts makes it unfeasible to demand drinking water standards be met at all times and all places within the mineralized rock units, even where "mining activities" have not occurred. Outside of the mineralized areas of mining districts, it is reasonable to apply the goal of drinking water standards where the water quantity is adequate to support drinking water uses.

Mining is a key component in many localized areas of Idaho's economy. It is essential that the ground water rules be consistent with the legislative intent of the IGWQP. It is the stated intent of the IGWQP to strike a balance between these two resources. This will help to ensure a healthy economy in Idaho.

We are concerned over the DEQ's proposal to enforce drinking water standards in all mining areas unless an operator requests specific points of compliance and pays a substantial fee. There is no basis for such an approach under the mining policy section of the IGWQP. Site specific considerations must be taken into account in DEQ's administration of ground water protection. Implementation of the mining policy in the IGWQP suggests a feedback loop approach be utilized to protect ground water quality while allowing mining activities to continue.

In accordance with the Ground Water Quality Rule, in areas where naturally occurring constituents are above the numerical ground water quality standard, the natural background level is the standard. In this way, the rule recognizes the impacts of highly mineralized areas.

DEQ agrees that it is the intent of the GWQP to strike a balance between mining and ground water protection.

DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide. With respect to the comment regarding the fee, the \$2500 fee was included in the draft rule at the suggestion of the Idaho Mining Association during the June 4, 2008 negotiated rulemaking meeting. The amount of the fee was not changed from the amount originally proposed by IMA. Regarding DEQ setting a point(s) of compliance at its discretion when the mine operator has not made a request, the rule as proposed provides DEQ this discretion. See Subsection 401.01. It is likely, however, that DEQ may not have the necessary information nor resources to set the point(s) of compliance without having received the information contained in an application from the mine operator. In order to ensure that the operator can take advantage of the provisions in this rule, it may be necessary for a mine operator to submit an application to DEQ.

Best Management Practices (BMPs) should be developed and implemented on a site specific basis with consideration for the hydrology, geology and other characteristics and needs of the site, as clearly discussed in the IGWQP mining policy. We are not aware of any BMPs developed for the specific application of ground water quality protection. It appears as though DEQ is putting the cart before the horse by not clearly developing appropriate BMPs before applying ground water standards to mining activities. We would encourage DEQ to address mining activities as clearly directed in the IGWQP.

DEQ has approved the use of mining BMPs for the protection of ground water. Examples of these BMPs are water management used to prevent ground water recharge in areas where ground water would drive contaminant transport, sediment and tailings pond liner and cover systems, and primary and secondary containment systems.

Justin Hayes, Program Director, Idaho Conservation League, Boise, ID

Thank you for the opportunity to comment on the DEQ’s negotiated rulemaking for Ground Water Quality Rule – Docket 58-0111-0801 – regarding provisions of Idaho Rules that exempt the mining industry from complying with ground water quality standards.

Since 1973, the Idaho Conservation League has been Idaho’s voice for clean water, clean air and wilderness—values that are the foundation for Idaho’s extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development.

As Idaho's largest state-based conservation organization, we represent over 9,500 members, many of whom have a vested interest in ensuring that Idaho’s ground water quality is protected from contamination and degradation. Statewide, our members depend on our state’s ground water for drinking and irrigation. In addition, our members rely on the hydrologic connection between ground water and surface water to ensure that many Idaho rivers and streams have high quality year round flows to support fisheries and water based recreation. The protection of ground water quality throughout Idaho is a critical issue for our membership.

In Addition, Idaho municipalities are increasingly turning to Idaho’s clean ground water to provide critically needed water for consumption. As Idaho’s population grows it is certain that Idaho’s reliance on groundwater will continue to grow.

Mining, and mining related activities, have a long history of negatively impacting groundwater throughout Idaho. Mining related ground water pollution is not, however, a historic footnote to practices of yesterday. Modern (both recent and currently operating) Idaho mines have resulted in groundwater contamination. The ongoing contamination of groundwater is facilitated by the fact that Idaho’s existing “Ground Water Quality Rule” creates an exemption by which active mining operations can lawfully violate state ground water quality standards and degrade ground water quality.

The draft language of this proposed rule has evolved much over the course of this 2-year rulemaking. However, the codification of some form of an exemption has steadfastly remained in the proposed rule.

At the close of the 2007 effort to conclude this rulemaking, the Idaho Conservation League was tentatively supportive of the draft rule. Indeed, we testified at the DEQ Board meeting that we believed that additional negotiating sessions could “close the gap” between unsatisfied parties and produce a consensus proposal.

However, as the 2008 negotiations close, it is with regret that I must state our opposition to the draft rule.

Our opposition is based on the fact that the draft rule creates a permanent exemption to Idaho’s Ground Water Quality Standards. Prior versions of this draft rule had proposed that the exemption be limited to 8 years after the end of mining activities.

The 8-year exemption was based on the industry’s claim that active mining operations, by their very nature, had the potential to mobilize naturally occurring pollutants at the mine site. Industry argued that once active mining ceased, and the agitation of contaminants caused by the mining activities ceased, any contamination would naturally subside.

While we were never enthusiastic about *any* exemption to water quality standards, we viewed the 8 year, temporary, exemption as an acceptable compromise as a component of an effort to craft rules that DEQ could apply more uniformly to the mining industry. The now proposed *permanent* exemption to Idaho’s ground water quality standards is not an expectable compromise.

This latest version of the proposed rule has drifted far afield from prior claims that active mining could result in temporarily elevated levels of contaminants. We believe that if a mining company cannot operate in a manner that is protective of groundwater quality in the long term, then DEQ should not allow the company to conduct the activity. To this end, DEQ should not craft a rule that creates a permanent exemption to Idaho’s ground water quality standards.

Should DEQ decide that it wants to pursue a permanent exemption to standards, DEQ should consider what sort of regulatory and oversight mechanisms need to be in place to manage contamination in perpetuity. One needed, but absent, mechanism to ensure that long term contamination can be dealt with is the presence of financial assurance (bonding) to cover long term monitoring and remediation costs. The proposed rule fails to require any financial assurance from the mine operator.

Absent additional regulations and mechanisms to ensure that long term ground water contamination is contained within the mining area we believe that the most prudent course of action is for DEQ is to dissolve this proposed rule. Frankly, maintaining the inadequate status quo is better than embracing rules that create permanent, and unmanageable, exemptions to Idaho’s ground water standards.

Idaho’s clean ground water is a precious resource that should be closely guarded so as to provide benefits to all

This concept was abandoned as a result of the opposition to the 2007 proposed rule. The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.” GWQP, p. 32.

During the first negotiated rulemaking meeting, Lisa Evans, lawyer with Earthjustice, suggested that DEQ follow 40 CFR 257 as the foundation for the Ground Water Quality Rule with respect to mining. This approach sets a point(s) of compliance for ground water to meet the ground water quality standards. Inside the point(s) of compliance, ground water can exceed the standards for naturally occurring constituents.

DEQ questions its authority to impose financial assurance requirements as part of the Ground Water Quality Rule. Financial assurance is not provided as part of the GWQP or the Idaho Environmental Protection and Health Act.

DEQ respectfully declines the suggestion to withdraw the proposed rule.

Idahoans now, and in the future. Once ground water is contaminated it is very hard, if not impossible, to clean up.

The official policy of the State of Idaho, as currently articulated in the Idaho Ground Water Quality Plan, is to “maintain and protect the existing high quality of the state’s ground water.” The Idaho Ground Water Plan further states that “[t]he goal of the Ground Water Protection Plan is to protect ground water to the level of its existing high quality and to prevent deterioration to a lower quality.”

We believe that providing permanent exemptions to Idaho State ground water quality standards is counter to the official policy of the State of Idaho and counter to the best interests of Idahoans. We urge DEQ to reject this draft rule.

James Werntz, Director, Idaho Operations Office, U.S. EPA, Boise, ID

Background and Context

The existing ground water quality rule contains the following provision pertaining to mineral extraction.

Mineral Extraction. Naturally occurring constituents found in ground water within a specified area surrounding an active mineral extraction area, as determined by the Department, will not be considered contaminants as long as all applicable best management practices, best available methods or best practicable methods, as approved by the Department, are applied.

Thus, as currently written, the existing rule authorizes the release of contaminants to and degradation of ground water in the vicinity of a mining area during the active phase of mining, provided that BMPs selected by DEQ are implemented. The rule implies that ground water standards must be met when active mining is concluded.

The existing rule does not address a number of key issues and concerns related to the mineral extraction provision. The existing rule does not establish a clear process for implementing the mineral extraction provision, or address stakeholder involvement. The existing rule also does not describe factors and standards to be considered by DEQ in determining the spatial extent of the mineral extraction area, appropriate BMPs, points of compliance, or the time frame in which the mineral extraction exemption is to be applied. Additionally, no provisions for monitoring or reporting or financial assurance are included in the existing rule.

DEQ is now proposing amendments to the existing rule. These amendments were developed through a negotiated rulemaking process. The stated purpose of the rulemaking was to “...clarify portions of the Ground Water Quality Rule to promote consistency in application of the rule to mining activities.”

General Comments

See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).

EPA appreciates the opportunity to have participated in the negotiated rulemaking process over the past several months, and to provide comments on the proposed rule. In our review, we have identified opportunities to strengthen the rule and minimize the potential for conflict with programs and statutes implemented by EPA.

The sections of the proposed Ground Water Quality Rule that pertain to mining authorize the discharge of contaminants from mine facilities to ground water. These discharges would occur during active mining and in some cases would persist in perpetuity. The discharges are anticipated to result in the long-term or even permanent degradation of local ground water resources. The Ground Water Quality Rule would limit the allowable level of degradation at and beyond points of compliance to the ground water quality criteria, however the rule would not limit the magnitude degradation within compliance boundaries. The rule would attempt to control impacts to ground water quality by implementing a regulatory set of checks and balances.

EPA appreciates the difficulty of crafting ground water quality regulations that protect human health and the environment while allowing for recovery of mineral resources. These challenges arise because:

- resource extraction and resource protection are competing interests
- impacts to ground water quality are expected to be long-term or permanent
- it is technically difficult to understand and model complex environmental processes, and because there are numerous and substantial sources of uncertainty
- it is technically difficult to predict the effectiveness of BMPs and mitigation measures
- mine plans may change over time
- ground water use may change over time
- there is uncertainty over the administrative and financial capacity of a corporate entity to follow through on long-term commitments

If impacts from mining to ground water resources are understated, it can result in unanticipated impacts to ground water and interconnected surface water that pose an unacceptable risk to human health and the environment. Once ground water is contaminated, it may be technically impracticable to remove contaminants from ground water or surface water. And once mine facilities have been constructed it may be technically impracticable to revise source control strategies (for example add amendments to waste materials or install liners and leachate collection systems to dumps). These are not hypothetical scenarios – they have played out time and again at mine sites across Idaho and the West. Thus, it is important to get it right from the start.

Discharges to and degradation of ground water also have the potential to create conflict with programs and statutes that EPA is responsible of implementing, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Clean Water Act (CWA).

Under CERCLA, EPA and federal land management agencies (FMLA's) are charged with investigating and addressing releases or threats of releases to the environment. The proposed rule would authorize releases of contaminants to ground water and degradation of ground water. These releases authorized by DEQ could result in the creation of Superfund sites that EPA and the FMLA's will need to address, as well as CERCLA liability for mining owners and operators, *if* the scope and magnitude of ground water degradation is not correctly predicted and adequately controlled. In some cases, existing Superfund sites with ongoing investigation or remediation could be adversely impacted by the authorized releases at nearby facilities. Thus, mining actions subject to the Ground Water Quality Rule have the potential to create a legacy of contamination that the Superfund program may be spending years and significant dollars addressing in the future.

The proposed rules also create the potential for conflict with the CWA. The proposed rules may authorize the release of contaminants to ground water that is hydrologically connected to surface water, resulting in discharges of pollutants to surface water. There is the potential for conflict or confusion because the CWA regulates the discharge of pollutants into U.S. waters through the national pollutant discharge elimination system (NPDES) permit program. In cases where there is a direct hydrologic connection between a mine facility and surface water, a discharge of pollutants to waters of the U.S. could only be authorized under an NPDES permit issued by EPA. In addition, releases of contaminants to surface water via a ground water pathway may cause or contribute to violations of State water quality standards and interfere with efforts of other stakeholders to achieve water quality goals in a watershed.

Our overall assessment of the proposed rule is that it addresses many of the concerns raised by stakeholders and offers significant improvements to the existing rule in several respects. The proposed rule establishes a clear implementation process and sets clear, objective, and measureable standards of performance or criteria that must be achieved. It sets forth appropriate factors that DEQ would consider in setting points of compliance. In addition, it adds important provisions related to monitoring and reporting, and public involvement. EPA has several outstanding concerns however. Described below are EPA's recommendations to further strengthen the rule and minimize the potential for conflict with programs and statutes implemented by EPA.

Specific Comments and Recommendations

1. Definition of "mining activity" and scope of authorization to discharge contaminants. The proposed rule would allow discharges of contaminants from any mining activity to ground water within the boundaries of the mining area. The rule's authorization to discharge would be effective in perpetuity, allowing discharges to occur long after the mine operator has closed the operation. We recommend that you limit the scope of the term "mining activity" (and thus the scope of the authorization to discharge) to those activities that are unique to mining and for which impacts to ground water are unavoidable, such as impacts that may be associated with underground mine workings and open pits. We recommend that the authorization to discharge not be extended to those mining activities for which

See Subsection 401.03 which states that "the points of compliance shall be set so that, outside the mining area boundary, there is no injury to current or projected future beneficial uses of ground water and there is no violation of water quality standards applicable to any interconnected surface waters." This does not preclude EPA from exercising its authority under the NPDES program for interconnected surface waters.

This definition was drafted during the negotiated rulemaking process. EPA's comment does not suggest alternative language. DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and

technologies are available to prevent or minimize impacts to ground water. Construction of waste management facilities on the land surface (such as dumps, tailings ponds, industrial effluent ponds, water treatment facilities, land application areas, and the like) are not unique to mining, and should not automatically be authorized to discharge to ground water. Such facilities should be designed to prevent contamination of ground water. We believe this approach would be consistent with the core principles and policies embodied in the Idaho Ground Water Plan.

2. Definition of “reclamation” and scope of authorization to discharge contaminants. Reclamation is also included within meaning of the term “mining activities” and thus within the scope of authorization to discharge contaminants to ground water. This may have important implications, depending on whether reclamation includes long-term management and discharge of contaminated effluent. We recommend that the definitions in the proposed rule be revised to clarify that the discharge of effluent (for example using land application systems, infiltration galleries, and seepage ponds) is not eligible for the authorization to discharge. There are many mining sites in Idaho where effluent treatment and discharge is anticipated to be required in perpetuity. The proposed rule does not include appropriate elements (such as financial assurance) to control such long-term water management practices.

3. Points of compliance. The proposed rule sets standards of performance that must be achieved at the point of compliance. Within the boundary established by the points of compliance, there would be no limit on the amount of degradation allowed. The proposed rule allows DEQ discretion in setting points

strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.

During the first negotiated rulemaking meeting, Lisa Evans, lawyer with Earthjustice, suggested that DEQ follow 40 CFR 257 as the foundation for the Ground Water Quality Rule with respect to mining. This approach sets a point(s) of compliance for ground water to meet the ground water quality standards. Inside the point(s) of compliance, ground water can exceed the standards for naturally occurring constituents.

DEQ disagrees with EPA’s position, stated repeatedly in its comments, that the new provisions in the Ground Water Quality Rule allow or authorize the discharge of contaminants to ground water. The rule requires that mine operators manage mining activities using the level of protection appropriate for the aquifer category. This means that, at the least, mine operators must use BMPs to the maximum extent practical to maintain or improve existing ground water quality. See Sections 301 and 401.01. The proposed rule does not preclude EPA from exercising its authority under the NPDES program for interconnected surface waters. DEQ questions its authority to impose financial assurance requirements as part of the Ground Water Quality Rule. Financial assurance is not provided as part of the GWQP or the Idaho Environmental Protection and Health Act. No changes to the definitions are necessary.

This comment contradicts the purpose of the rulemaking. Having a point(s) of compliance within the mining area is the genesis of IMA’s complaint that DEQ was not

<p>of compliance, but stipulates that the points of compliance must not be set within the boundary of the mining area. This may be a reasonable approach in many cases, however, there may be circumstances where it is appropriate and necessary for DEQ to establish a more restrictive point of compliance to protect existing and future beneficial uses and avoid potential situations where discharges to ground water result in unacceptable risks to human health or the environment. We recommend that DEQ strike the proposed language in section 401.03 that would restrict DEQ discretion in setting compliance points within the boundary of the mining area.</p> <p>4. <u>Public notice and comment.</u> The proposed rule includes provisions requiring that DEQ coordinate with other agencies that have regulatory authority over mining activities prior to setting points of compliance. The proposed rule also requires DEQ to issue a public notice after setting points of compliance. We believe these are important enhancements over the existing rule. In addition, the proposed rule allows for DEQ discretion in determining whether to provide an opportunity for public comment prior to setting points of compliance. We recommend that the proposed rule require a public involvement process, and that that process seek public input on all aspects related to implementation of the ground water rule at a mining operation (and not be limited to points of compliance).</p> <p>5. <u>Contingency planning.</u> We recommend adding a provision that requires mine operators to prepare contingency plans. Such plans would describe potential corrective actions that may ultimately be necessary to avoid or correct adverse impacts to ground water resources, along with an estimate of the time needed to implement such measures and their approximate cost. This type of plan would help to ensure that water quality and post-mining land use objectives can be achieved and sustained in the future, and avoid the types of problems that have occurred at many mine sites in Idaho and the Northwest.</p> <p>6. <u>Financial Assurance.</u> Given EPA’s concerns with the potential for this rule to authorize actions that may create costly Superfund sites in the future, EPA strongly recommends the inclusion of a provision mandating financial assurance by the party contaminating ground water. This will ensure that public dollars will not be used to investigate and remediate contamination resulting from DEQ’s authorization to contaminate ground water through mining activities.</p>	<p>following the GWQP mining policy, which resulted in the last two years of negotiated rulemaking. Subsection 401.04.b. allows DEQ to require indicator wells within the boundary of the mining area to predict the quality of ground water at the point(s) of compliance. In addition, mine operators must apply BMPs to avoid ground water impacts.</p> <p>Subsection 401.05 has not been revised to remove DEQ’s discretion with respect to public notice requirements. DEQ’s discretion is necessary when other agencies may already have, as part of their permitting process, a public notice component. DEQ needs to exercise its discretion so as not to duplicate other state or federal public notice procedures.</p> <p>Contingency planning is an operational and maintenance aspect of mining and would be more appropriate included in federal or state permits.</p> <p>DEQ questions its authority to impose financial assurance requirements as part of the Ground Water Quality Rule. Financial assurance is not provided as part of the GWQP or the Idaho Environmental Protection and Health Act.</p>
<p><u>Bert Doughty, Environmental Manager, Thompson Creek Mining Company, Clayton, ID</u> Thompson Creek Mining Company appreciates the opportunity to comment on this proposed ground water rule (Docket No. 58-0111-0801).</p> <p>The Thompson Creek Mine is located in Custer County, Idaho, approximately 30 miles southwest of Challis. The mine is approximately five miles north of the Salmon River between Thompson Creek and Squaw Creek, both of which are directly tributary to the Salmon. Buckskin Creek and Pat Hughes Creek, which are</p>	

tributaries of Thompson Creek, and Bruno Creek, which is a tributary of Squaw Creek, also flow through the site. Thompson Creek is the sole owner and operator of the Thompson Creek Mine and the mill.

Since 1983, Thompson Creek has mined molybdenum ore from an open pit, which is milled into molybdenum, concentrates for transportation offsite and subsequent processing. Waste rock is deposited in two dumps located in the Buckskin Creek and Pat Hughes Creek drainages adjacent to the pit. Tailings, as a residual product of milling, are piped in slurry from the mill to the tailings impoundment located in the Bruno Creek drainage. Other facilities at the mine site include a mill building, a crusher, maintenance and storage buildings, various conveyors, access and haul roads, and an office building. With one nominal exception, the Thompson Creek Mine is located on private land patented by and to Thompson Creek.

Mining is an important industry for the State of Idaho and particularly Custer County. Thompson Creek Mining Company currently employs over 350 people and has an annual payroll of over \$31.2 million, including benefits. Thompson Creek donates over \$150,000 a year to local and state youth groups and many other organizations. In 2006, property taxes paid by Thompson Creek Mine and its employees accounted for an estimated \$1.7 million of total property tax dollars collected in Custer County, also Thompson Creek Mine made over \$33 million dollars in purchases from Idaho companies for goods and services with approximately \$14.4 million being spent in Custer County and \$9.2 million spent in Ada County. An additional \$44.9 million was spent with vendors from outside the State of Idaho. In 2006, the direct and secondary economic impact of the Thompson Creek Mine added nearly \$75.8 million to the total personal earned income of Idaho's economy and an additional \$4.7 million in tax revenues for the State of Idaho. From this, one can see that Thompson Creek Mining Company and Idaho mining in general has a definite economic impact on our state.

For mining to continue this positive economic impact for the State of Idaho, ground water rules must meet industry needs while still protecting the important ground water resource. Drinking water standards should not be strictly applied in areas that are currently being mined or have been disturbed by mining activities in the past.

We have reviewed the proposed ground water rules and offer the following comments for consideration. We feel that the negotiations have proven useful and for the most part successful, resulting in a proposed rule that will allow Thompson Creek Mine to continue to operate into the future. In general, Thompson Creek supports the changes contained in this proposed rule.

Mining is a unique activity in regards to its potential impact on ground water. The proposed rule creates a regulatory format that protects ground water beyond the mining area while imposing appropriate restrictions and requirements on mining activities to minimize the impact on local ground water resources. It allows mining to take place while recognizing that some ground water impacts will occur in localized areas and inevitably

impacts will occur due to the very nature of mining activities.

In Section 007. DEFINITIONS Thompson Creek is concerned about the definition of **15. Extraction** and **21. Mining Activity**.

Thompson Creek believes the definition for "extraction" as written will exclude processing activities at our property including crushing, ore beneficiation and other processing activities which occur at our mine. The processing facility is not removed from the site as it is located between the mine and the tailings facility. We recommend that the definition of "extraction" be modified to read as follows:

Extraction. Physical and chemical removal of ore or waste rock from mineral-bearing deposits. Extraction includes processing, which is the removal of target minerals from ores by physical and chemical methods.

Thompson Creek believes that the definition of "mining" fails to include drilling and processing, two activities that are expressly included in the "Ground Water Quality Plan", and a very important part of our operation. By excluding extraction in the definition of "mining activities," coupled with the current definition of "extraction," processing and drilling activities would be eliminated from the rule. We recommend that the definition of "mining activities" be modified to read:

Mining Activities. Recovery of a mineral from mineral-bearing deposits, which includes extraction, excavation, overburden placement, reclamation and disposal of mineral extraction wastes including tailings, waste rock, low grade stockpiles and other materials uniquely associated with mining. The term also includes mineral processing, disposal of processing wastes and drilling, if that processing, waste disposal or drilling takes place in the proximate area of the mineral extraction.

DEQ recognizes there are broader definitions of extraction. The definitions were drafted, however, during the negotiated rulemaking process for implementation and clarification of the rule. The proposed definition of extraction was included for clarification purposes and to limit extraction to physical removal.

DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination. Including drilling for exploration purposes in the mining activity definition unnecessarily expands the mining area, resulting in an overly large area for setting a point(s) of compliance. DEQ believes the intent of the mining section of the GWQP was to recognize that certain aspects of mining are unique in that ground water degradation is unavoidable. Ground water impacts resulting from processing of ore are not inevitable and can be avoided through the application of engineering practices and BMPs for the construction and operation of those facilities. Therefore, processing is not included in the definition of mining activity because ground water impacts from processing operations are avoidable.

Thompson Creek is concerned about the Department's decision in section 401.01 to enforce drinking water standards both within and beyond the mining area unless an operator specifically requests points of compliance and pay the required fee. Where an operator hasn't requested specific points of compliance, we believe the Department should set such points, at its discretion, to protect the ground water resource while recognizing that the mining activity may cause a localized impact. To accomplish this we suggest that the proposed section 401.01 be modified by adding the sentence: "If a request is not made, the department may establish points of compliance consistent with 400.03."

DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide. With respect to the comment regarding the fee, the \$2500 fee was included in the draft rule at the suggestion of the Idaho Mining Association during the June 4, 2008 negotiated rulemaking meeting. The amount of the fee was not changed from the amount originally proposed by IMA. Regarding DEQ setting a point(s) of compliance at its discretion when the mine operator has not made a request, the rule as proposed provides DEQ this discretion. See Subsection 401.01. It is likely, however, that DEQ may not have the necessary information nor resources to set the point(s) of compliance without having received the information contained in an application from the mine operator. In order to ensure that the operator can take advantage of the provisions in this rule, it may be necessary for a mine operator to submit an application to DEQ.

We also suggest that the following sentence be added at the end of the proposed section 401.07: "Nothing herein precludes the Department from authorizing site-specific ground water quality levels pursuant to 400.05." The inclusion of this statement will clarify that nothing in this rulemaking restricts the Department's ability to continue to administer the rule as it has in the past by the use of site-specific considerations.

The current rule provides for a process in which site specific criteria is established. No additional language is necessary.

We appreciate DEQ's willingness to participate in the negotiated rule making process and allowing Thompson Creek and other parties help develop this proposed rule. With the changes we have recommended above, we would be in full support of the proposed rule.

David Blausner, dblausner000@yahoo.com

I am writing to express concern over and opposition to the currently proposed revisions to the regulation. Idaho's long term assets include an abundance of high quality ground water; this is key to our long term

See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs

<p>economy. We are already feeling the pinch of short water supplies for irrigation and development. I am concerned that the new rules give too much latitude on location of and type of monitoring wells. "All monitoring wells shall be constructed (well depth, well screen size, well screen interval, gravel pack, etc.) and developed so that ground water samples represent the quality of ground water that is relevant to current and future beneficial uses."</p> <p>Localized contamination rarely remains localized in the long term and it needs to be monitored and controlled. Ground water and / or surface water quality should not be permanently reduced by mining operations. Currently there are 17 Superfund cleanup sites at phosphate mines in Eastern Idaho. We can't afford another. If mining which protects Idaho's long term interests is not profitable, then it is not practical. I believe the mining industry can handle this issue responsibly under strict rules, albeit at some increased cost.</p>	<p>DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>Compliance points and indicator wells are located and designed based on criteria set out in Subsection 401.03.</p> <p>See Subsection 401.03 which states that "the point(s) of compliance shall be set so that, outside the mining area boundary, there is no injury to current or projected future beneficial uses of ground water and there is no violation of water quality standards applicable to any interconnected surface waters."</p>
<p><u>Rick Skinner, Boise, ID</u></p> <p>I am very concerned about the proposed relaxation of the ground water rules which would allow for further contamination of our ground water systems here in Idaho and would oppose this change. This proposal from the mining industry will allow for further degradation. In addition, it defines "mining activity" too broadly, the point of compliance should be at the edge of the mining activity and there should be specific timetables for restoring areas to former compliance. More effective provisions for the mining industry would make them the "good neighbors" they claim to be in their promotional materials. Thank you for taking these comments.</p>	<p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that "the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in</p>

<p><u>Lili Simpson, Hailey, ID</u> I am opposed to weakening Idaho ground water quality and the rules that govern it currently.</p> <ol style="list-style-type: none"> 1. There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water, including the current exemption. 2. The mining industry should be the "good neighbors" and good corporate citizens they claim to be by developing techniques and technologies to prevent any pollution or contamination of Idaho's ground water. 3. The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation." The definition should not include other activities such as transportation and processing. 4. The point of compliance should always be set at the edge of the mining activity area. <p>Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards.</p>	<p>Subsections . . ." See Subsection 401.03.</p> <p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that "the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . ." See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that "localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site."</p>
<p><u>Kathy Richmond, Clayton, ID</u> Please consider these comments on Idaho's proposed ground water rule change: There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water, including the current exemption.</p> <ol style="list-style-type: none"> 1. The mining industry should be the "good neighbors" and good corporate citizens they claim to be by 	<p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and</p>

<p>developing techniques and technologies to prevent any pollution or contamination of Idaho's ground water.</p> <ol style="list-style-type: none"> 2. The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation." The definition should not include other activities such as transportation and processing. 3. The point of compliance should always be set at the edge of the mining activity area. 4. Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards. 	<p>II-A). DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . .” See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.”</p>
<p><u>B.G. Smith, Mountain Home, ID</u></p> <p>I am writing in opposition to the proposed IDEQ rule change that intends to “clarify” what constitutes contaminated water. I don’t understand how, in all good conscience, an agency chartered to protect the inhabitants of this state from any potential harmful pollution, could rationally justify such a change. To do so is, in my opinion, an egregious failure of that fundamental responsibility.</p> <p>One can hardly pick up a newspaper today without reading an article about some municipality struggling with a shortage of a clean, potable water supply. If current State statistics are dependable, Idaho will continue to experience population growth and development in both the city and rural areas for the foreseeable future, contributing to an ever growing demand for clean, safe water resources.</p> <p>I fully support the position of the Caribou Clean Water Partnership and the following recommendations offered by them:</p> <ol style="list-style-type: none"> 1. There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water, 	<p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between</p>

<p>including the current exemption.</p> <ol style="list-style-type: none"> 2. The mining industry should be the "good neighbors" and good corporate citizens they claim to be by developing techniques and technologies to prevent any pollution or contamination of Idaho's ground water. 3. The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation." The definition should not include other activities such as transportation and processing. 4. The point of compliance should always be set at the edge of the mining activity area. 5. Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards. <p>The reality is, as has been demonstrated time and time again, pollutants seep into the ground water and aquifers and eventually ends up in our drinking water wells and in our rivers and creeks, causing serious problems for fish, wildlife, livestock, and Idaho's residents.</p> <p>I thank you for the opportunity to make a comment on this serious matter and trust IDEQ will make the right choice for Idahoans and not yield to a profit motivated private interest.</p>	<p>the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that "the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . ." See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that "localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site."</p>
<p><u>Maxine Dakins, Rigby, ID</u></p> <p>This is a comment on DEQ's proposed changes to the groundwater rule as it applies to the mining industry in Idaho. It is my understanding that the proposed changes would expand the exemption for ground water pollution caused by mining operations by allowing contamination to extend beyond the boundaries of a mine. Worse, these boundaries would be identified by the mine owners and operators, not by the regulatory agency. In addition, the proposed rule changes would allow for contaminated aquifers to be re-categorized from "General Resource" to "Other Resource" to remove an aquifer from future beneficial use because it does not meet public drinking water standards.</p> <p>My strongly held position is:</p> <p>The mining industry should not be allowed to contaminate Idaho's ground water, they should be treated the same as every other industrial activity in Idaho. They should not be exempt from environmental regulations. As with other industries, they should employ the best available technologies to prevent contamination of Idaho's ground water.</p> <p>The definition for "mining activity" should include extraction and excavation, it should not include transportation, processing or other industrial activities.</p> <p>The point of compliance should be set by DEQ at the edge of the mining activity area and not be set by the corporation carrying out the mining.</p> <p>The regulations must include a time frame for groundwater to be back in compliance with regulations.</p>	<p>The existing recategorization process is not proposed to be changed.</p> <p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between mining the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what</p>

<p>The citizens of Idaho expect that the groundwater of Idaho will be protected by DEQ and that this responsibility will not be ignored.</p>	<p>ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . .” See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.”</p>
<p><u>Dexter Pitman, Pocatello, ID</u></p> <p>I understand that the Idaho Department of Environmental Quality (IDEQ) is taking comments on its proposal to "clarify portions of the Ground Water Quality Rule". As it is now written, the proposal would allow for long-term contamination of Idaho's water resources.</p> <p>Mining companies already have an exemption in Idaho law to pollute groundwater under their large mining pits. The proposed changes to the groundwater rule would expand this current, and unnecessary, exemption. The changes will also allow mining companies to increase their contamination of Idaho's ground water resources. Idaho ground water is our drinking water and provides for our rivers and creeks. For example, one-half of American Falls' 1.7 million acre-feet of annual storage comes from springs (ground water) inside its immediate basin. We do not need even more serious problems for fish, wildlife, livestock, and people because of ground water contamination!! Ground water pollution is a long-term problem of serious nature. Condoning it is certainly foolish policy for our State.</p> <p>I believe that:</p> <ol style="list-style-type: none"> 1. There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water, including the current exemption. 2. The mining industry should develop techniques and technologies to prevent any pollution or contamination of Idaho's ground water. 3. The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation." The definition should not include other activities such as transportation and processing. 4. The point of compliance should always be set at the edge of the mining activity area. 	<p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining</p>

<p>5. Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards. Please! No free rides for polluting industries including mining!</p>	<p>area. The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . .” See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.”</p>
<p><u>Barbara McClain, Idaho City, ID</u> I am writing to state my objections to the proposed changes by DEQ to Ground Water laws in Idaho.</p> <ol style="list-style-type: none"> 1. There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water, including the current exemption. 2. The mining industry should be the "good neighbors" and good corporate citizens they claim to be by developing techniques and technologies to prevent any pollution or contamination of Idaho's ground water. 3. The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation." The definition should not include other activities such as transportation and processing. 4. The point of compliance should always be set at the edge of the mining activity area. <p>Language needs to be reinserted which sets a time frame for groundwater to be back in compliance</p>	<p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . .” See Subsection 401.03.</p>

Kenneth Krivanek, Idaho Falls, ID

There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water, including the current exemption. The INL was forced by DEQ to shut down for potential groundwater pollution so the same standards should be applied to mining and agriculture and other industries in this State. The mining industry should be the "good neighbors" and good corporate citizens they claim to be by developing techniques and technologies to prevent any pollution or contamination of Idaho's ground water. The INL was required to do this type of treatment and even that wasn't good enough for DEQ. So I believe mining should also be shut down. The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation." The definition should not include other activities such as transportation and processing. The point of compliance should always be set at the edge of the mining activity area. Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards. This is no less then DOE was forced to abide by. So I say let mining take their turn in the DEQ hot seat.

See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).

DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.

DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that "the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . ." See Subsection 401.03.

The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that "localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site."

Tom Smith, tomj@ida.net

1. There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water, including the current exemption.
2. The mining industry should be the "good neighbors" and good corporate citizens they claim to be by developing techniques and technologies to prevent any pollution or contamination of Idaho's ground water.

See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).

<ol style="list-style-type: none"> 3. The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation." The definition should not include other activities such as transportation and processing. 4. The point of compliance should always be set at the edge of the mining activity area. 5. Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards. 	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . .” See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.”</p>
<p><u>Marcus Gallo, marcusgallow@cablone.net</u> I have heard through the grapevine the DEQ is considering changing some pollution levels of groundwater in Southeast Idaho and maybe even reclassifying some aquifers to accommodate dirty mining practices. I urge you to reconsider and keep accountable all private and public uses of our water systems. Dirty water is not a good idea from any angle.</p>	<p>See Idaho Ground Water Quality Plan, Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p>
<p><u>Allen Jackson, jackalle@isu.edu</u> It is my understanding that you are taking comments on the proposal to "Clarify portions of the Ground Water Quality Rule" Here are my comments: The problem is that the IDEQ proposal apparently expands the current exemption for the ground water pollution caused by mining companies.</p>	<p>The existing recategorization process is not proposed to be changed.</p> <p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs</p>

<p>It makes allowances to downgrade aquifers from General Resources to Other Resources, a classification that does not meet public drinking water standards.</p> <p>(1) Surely the responsibility of IDEQ is primarily to make no allowance for the mining industry to pollute and contaminate Idaho's ground water, including the current exemption.</p> <p>(2) Mining companies should be held to the standard of no pollution or contamination of Idaho's ground water.</p> <p>(3) There should be a specific reference to mining activity which includes mineral extraction and excavation, and omit reference to transportation or processing.</p> <p>(4) The point of compliance should specify "at the edge of the mining activity."</p> <p>(5) Mining companies should be assigned a compliance date for standards in place with clear and substantial penalties for failure to comply.</p> <p>All these matters seem straight forward and to make plain sense. If ground water is compromised by mining activity because of a lack of clarity of the standard, IDEQ would be complicit in allowing polluted ground water to end up in drinking water wells, in rivers and creeks. Wouldn't this have serious legal liabilities for IDEQ for allowing pollution to seriously affect residents, livestock, fish and wildlife?</p> <p>Thank you for consideration of these comments.</p>	<p>DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that "the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . ." See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that "localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site."</p>
<p><u>Richard McCardell, rkm@ida.net</u></p> <p>I oppose changing Idaho law to allow for increased pollution in water around mining activity. The new groundwater rule released by the DEQ for public comment appears to have been written by the mining lobbyists. Please quit destroying my Idaho (I've lived in Idaho 72 years) for the purpose of big companies making more money; i.e. raping the ground and groundwater with no responsibility to clean up their mess. Drive up Napias Creek (on the way to Leesburg) and see the mess that was made there over a hundred years ago mining for gold with a large water hose (called a Monitor by those who used it). There is nothing left there but rocks and mercury. Napias Creek empties into Panther Creek which empties into the Main Salmon. Mercury has been being washed into the Salmon River for over 100 years and nobody is responsible for it.</p>	<p>See Idaho Ground Water Quality Plan, Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p>

<p>FOR HELLS SAKES DO YOUR JOB, KEEP IDAHO'S WATER CLEAN!!!!</p>	
<p><u>Jim Bergfeld, jimbergfeld@cableone.net</u> you have to be kidding!! YOU ARE THE people's protection against pollution, not its advocate. reject this rule change. how about if i don't like the speed limit -- can i change it to suit my driving habits?</p>	<p>See Idaho Ground Water Quality Plan, Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p>
<p><u>Lee Halper, Jerome, ID</u> The IDEQ is accepting comments on this rule change via mail, fax, or email. Comments must be received by September 3rd! Dear DEQ, I am opposed to ANY loosening of rules to allow MORE water pollution, regardless of the source. The reasons set out below are enough. On another matter, thank you for complying with Idaho Code and accepting comments via email. Since Governor Batt instituted his Executive Order and the Legislature followed suit with the addition of subsection 11 of IC 9-338, communication between the public and its employees has been more efficient for everyone. A note of Idiocy, Jerome County "officials" have adopted a policy wherein they will not follow this code. You expect that, don't you? Thanks for entering my comments into the record. Lee Halper 331 S 230 W Jerome, Idaho 83338 Idaho Department of Environmental Quality Rule Change Would Allow Ground Water to be Contaminated. The Idaho Department of Environmental Quality (IDEQ) is taking comments on its proposal to "clarify portions of the Ground Water Quality Rule". However, as it is now written, the proposal would allow for long-term contamination of Idaho's water resources. Most troubling is the fact that this proposal came from the mining industry because they have failed to comply with the current groundwater rules meant to protect Idaho's water quality. The real problem is that Idaho ground water eventually ends up in our drinking water wells and in our rivers and creeks, causing serious problems for fish, wildlife, livestock, and Idaho's residents. Mining companies already have an exemption in Idaho law to pollute groundwater under their large mining pits. The proposed changes to the groundwater rule would expand this current, and unnecessary, exemption. The changes will also allow mining companies to increase their contamination of Idaho's ground water resources. The three most troubling problems with the proposed rule are:</p> <ol style="list-style-type: none"> 1. It expands the current exemption for the ground water pollution caused by mining companies. This expanded exemption will allow additional contamination causing pollution levels to exceed human health standards and lead to the pollution of surface waters. 2. It will allow contamination to extend beyond the boundaries of a mine to an enlarged area based on information and suggested boundaries developed by the mine operator. 3. The proposal makes allowances for contaminated aquifers to be re-categorized (downgraded) from 	<p>The existing recategorization process is not proposed to be changed.</p> <p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A). DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of</p>

<p>"General Resource" to "Other Resource". Idaho currently has no aquifers that have been classified as Other Resource; a classification that removes these aquifers from future beneficial uses because they do not meet public drinking water standards.</p> <p>Send a written comment and let your voice be heard! In your comments tell IDEQ that:</p> <ol style="list-style-type: none"> 1. There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water, including the current exemption. 2. The mining industry should be the "good neighbors" and good corporate citizens they claim to be by developing techniques and technologies to prevent any pollution or contamination of Idaho's ground water. 3. The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation." The definition should not include other activities such as transportation and processing. 4. The point of compliance should always be set at the edge of the mining activity area. 5. Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards. 	<p>mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that "the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . ." See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that "localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site."</p>
<p><u>Mike Lenaghen, Boise, ID</u></p> <p>The below listed points, although they are not mine, reflect what I think of ongoing negotiated rule making with the mining industry. It all smacks of J. R. Simplot, of course.</p> <ol style="list-style-type: none"> 1. It expands the current exemption for the ground water pollution caused by mining companies. This expanded exemption will allow additional contamination causing pollution levels to exceed human health standards and lead to the pollution of surface waters. 2. It will allow contamination to extend beyond the boundaries of a mine to an enlarged area based on information and suggested boundaries developed by the mine operator. 3. The proposal makes allowances for contaminated aquifers to be re-categorized (downgraded) from "General Resource" to "Other Resource". Idaho currently has no aquifers that have been classified as Other Resource; a classification that removes these aquifers from future beneficial uses because they do not meet public drinking water standards. <ol style="list-style-type: none"> 1. There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water, including the current exemption. 2. The mining industry should be the "good neighbors" and good corporate citizens they claim to be by developing techniques and technologies to prevent any pollution or contamination of Idaho's ground water. 3. The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation." The definition should not include other activities such as transportation and processing. 	<p>The existing recategorization process is not proposed to be changed.</p> <p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be</p>

<p>4. The point of compliance should always be set at the edge of the mining activity area.</p> <p>5. Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards.</p> <p>Fresh water is finite, a very small portion of the world's water, and demands extreme measures to protect it. Idaho has not done a very good job of protecting its abundance of fresh water. Actually, Idaho has done quite a lot to protect the farming, mining and industrial interests when it comes to fresh water. The citizens of Idaho which rely heavily on fresh water for everyday life are rarely consulted except by cryptic "Notices of Rule Making they never see. The lower Snake River looks like a cesspool as it enters Brownlee Reservoir. In south eastern Idaho there are many concerns about the amount of selenium entering both surface and ground water from mining operations. Idaho screams loudly about mercury contamination in our fresh water from Nevada, but has no concern about our down gradient contaminants entering other states.</p> <p>Put me on your list of Idaho citizens against this rule making in its current form.</p>	<p>done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that "the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . ." See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that "localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site."</p>
<p><u>Jerry Jayne, gajwild@srv.net</u></p> <p>Your proposal to allow mining companies to continue to pollute our ground water, and even to expand their pollution exemption beyond actual mining areas, is terrible. The Department of Environmental Quality is supposed to protect public health and welfare, including ground water quality, not pander to the wishes of the mining industry.</p> <p>Do not allow the mining industry to pollute Idaho's ground water. Eliminate the current exemption from ground water protection standards at the mining sites, and don't even think about expanding this exemption beyond the actual mining area.</p> <p>Don't downgrade the classification of aquifers under mining sites.</p> <p>Set and enforce dates for all ground water at mining sites to be back in compliance with standards.</p>	<p>See Idaho Ground Water Quality Plan, Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p>
<p><u>Deborah Jackson, deb888idaho@yahoo.com</u></p> <p>You would think the name "The Dept of Water Quality" would actually mean that, but it should actually be "The Dept of Poor Water Quality," or "The Dept of Polluted Water Quality," or "The Dept of What the Mining Companies Want." The fact that the mining companies have already been allowed to pollute groundwater illegally under their large mining pits is disgraceful, much more, that they want to be allowed to pollute more! Have the phosphate mining companies yet cleaned up their messes they're already required to clean up? Of course not! How do you fix irreparable damage already done to fish, flora, micro organisms, farm animals, anyway? And yet that's not enough. The mining companies continue to laugh in the face of law and water quality restrictions by demanding to make their own laws now, such as to expand to the current exemptions to pollute acquifers. Can you believe that some conservation groups have made proposals to DEQ to increase protection of Idaho's clean water resources and their proposals have been denied????????????????? This should be a no-brainer! "The Dept of Water Quality" needs to do their job and actually protect our water quality. The</p>	<p>See Idaho Ground Water Quality Plan, Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p>

<p>clean water we already have is precious enough, but if Dept of Water Quality bends to the mining companies, that little bit of precious water is shrinking and can you imagine the far reaching impact of losing our clean water?!!!!</p> <p>Concerned Citizen Who Likes To Drink Clean Water</p>	
<p><u>Dick Artley, Grangeville, ID</u></p> <p>These are comments on your proposal to "clarify portions of the Idaho Ground Water Quality Rule". Please show me the dictionary where you obtained your definition of "clarify." Obviously, your use of the word clarify is intended to deceive the Idaho public.</p> <p>This statement by the Idaho DEQ shows that the state agency massively underestimates the intelligence of most Idaho citizens and how much they care about their surroundings. Most Idahoans moved to this state for the quality of life it offered: fishing, hunting, hiking, bird watching, and camping in a nearby national forest with the family. These people sought-out clean, unpolluted air and water and they found it here in Idaho.</p> <p>Here's what's really happening. This explains my outrage that the Idaho DEQ is even considering the approval of the Smoky Canyon Mine:</p> <ol style="list-style-type: none"> 1) When the J.R. Simplot corporation found out that the U.S. Forest Service had changed the rules that govern the inventoried roadless areas on national forests located in Idaho, they immediately proposed their Smoky Canyon Mine. 2) Employees of the J.R. Simplot corporation knew the mine violated the Idaho Ground Water Quality Rule, so they contacted the Idaho DEQ Director Toni Hardesty and sweettalked her into weakening the rule enough to allow the mine to legally operate. 3) Director Hardesty directed her employees to support such a change. Knowing that this change to allow the J.R. Simplot corporation to profit financially would be opposed by most Idahoans if they knew the truth, Director Hardesty instructed her staff to refer to the weakening of the rules as "clarification." This constitutes public deception and dishonesty. <p>Governor Otter needs to sit down with director Hardesty and explain 1) the science underlying Idaho's Ground Water Quality Rule, and 2) that rules intended to protect the public safety MUST (emphasis added) be enforced ... regardless of the perceived power of the entity wishing to violate them.</p> <p>The following statement is made on page 9 of the "Management Plan for Conservation of Yellowstone Cutthroat Trout in Idaho" (April 2007) authored by employees of the Idaho Fish & Game Dept.:</p> <p>"Habitat conditions generally are fair in the upper river basin and tributaries with a few exceptions due to livestock grazing and irrigation diversions. One of the largest phosphate ore reserves in the United States is located in this drainage. Environmental problems associated with phosphate mining were first documented in the 1990s with die offs of domestic horses and sheep that grazed in watersheds below Blackfoot drainage phosphate mines. Investigation of potential effects of selenium generated from phosphate mines on the fish and wildlife in the upper Blackfoot River drainage is ongoing."</p> <p>"Large (>457 mm long) YCT that are occasionally caught downstream from Blackfoot Reservoir probably escape from the reservoir."</p>	<p>This comment is outside the scope of this rulemaking and offers no suggested changes.</p>

The link to this IDF&G report is:

<http://209.85.141.104/search?q=cache:vU1LnnOIf48J:fishandgame.idaho.gov/fish/programs/yellowstone.pdf+simplot+%22selenium+mine%22&hl=en&ct=clnk&cd=2&gl=us>

Lastly, I will include exact excerpts from an article published in the *Idaho State Journal* on January 11, 2007.

The entire article may be read online at: <http://www.idahostatejournal.com/articles/2007/01/11/news/local/news02.txt>

ISU: Trout imperiled

POCATELLO - Two of the top strongholds of Yellowstone cutthroat trout are imperiled by selenium contamination from phosphate mining, a new report by two Idaho State University researchers concludes.

The new data, released Thursday afternoon, warns trout populations in many streams within the Blackfoot and Salt River watersheds may already be declining.

Both watersheds are in proximity to the so-called “phosphate patch,” which includes 17 Superfund sites from phosphate mining.

The research was conducted by Rob Van Kirk, an associate professor in math who specializes in creating models for aquatic systems, and Sheryl Hill, who specializes in biology. It was funded by the environmental advocacy organization the Greater Yellowstone Coalition at a cost of about \$8,600, according to GYC Idaho Director Marv Hoyt.

Van Kirk and Hill studied 63 fish tissue samples taken by the U.S. Geological Survey and GYC in 2000, 2001, 2005 and 2006.

The researchers constructed a mathematical model to describe the trout populations. According to their estimates, the baseline concentration of selenium in fish tissue taken from a healthy stream is 2.5 micrograms per gram. They predict there would be no effects on fish populations up to levels of 5 or 6 micrograms per liter.

“When we looked at data from the Blackfoot and Salt River, we had a fair number of fish that have 20 to 30, or even 50 micrograms,” Van Kirk said. “We’ve got fish out there that are exceeding anybody’s criteria by factors of two, three or four.”

After reviewing the study Thursday night, Rick Phillips, a spokesman for the Pocatello-based phosphate giant J.R. Simplot Co., said he’s intrigued but unconvinced by the results.

As for his research, he’s (Van Kirk) confident it’s accurate.

I ask you Ms. Wilson, if selenium pollution from small phosphate mines killed horses and sheep in the 1990s, just imagine what the J.R. Simplot corporation’s massive mine proposal will do to the “large Yellowstone Cutthroat” that inhabit the Blackfoot River and the huntable wildlife that drink the water from the Blackfoot River. Why can you not see the insanity of approving this project?

If the Idaho DEQ turns belly-up to corporate America and approves the Smoky Canyon Mine, you can be assured that your next stop will be in a court of law as the defendant against a coalition of sportsmen and environmental groups.

I resent that my Idaho state tax money will be wasted in such a way when our roads need this funding for maintenance.

<p>Governor Otter, please have a discussion with Idaho DEQ Director Toni Hardesty and bring her to her senses.</p>	
<p><u>Angela Carpenter, Pocatello, ID</u></p> <p>I oppose the changes to the ground water quality rule that are currently being proposed by the DEQ. It is the DEQ's job to protect ground water in Idaho. These changes, however, make it possible for mining companies to degrade our streams with even more pollution than before.</p> <p>There is no reason that some of our states worst polluters should be exempted from obeying the rules set in place to protect our water. Therefore, there should be no exemption for the mining industry to pollute and contaminate Idaho's water.</p> <p>The mining industry should prevent future pollution of our ground water, and do more to clean up the pollution that they have allowed into our streams.</p> <p>The definition for "mining activity" should be the "Recovery of a mineral from mineral-bearing deposits, which includes mineral extraction and excavation."</p> <p>The point of compliance should always be set at the edge of the mining activity area.</p> <p>Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards.</p>	<p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that "the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . ." See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that "localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site."</p>
<p><u>Betty Slifer, Filer, ID</u></p> <p>I hope that "clarifying portions of the Ground Water Quality Rule" means tightening the rule in order to prevent water pollution. No matter what the source of pollution (mining or other), no lessening of water quality should be allowed.</p>	<p>See Idaho Ground Water Quality Plan, Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-</p>

<p><u>Dan Verbeten, amybeirne499@cs.com</u> My name is Dan Verbeten and I am writing to comment on the proposed legislation on groundwater quality regulations. Please do not allow the quality standards be lessened. There should not be any exemption for mining or any other industry to contaminate groundwater. Please also clearly define that mining activity should only be extraction of minerals from the ground. Do not give exceptions transportation or processing. Additionally, the point of compliance should be at the edge of the mining activity area. Lastly, please hold companies accountable by setting a time frame when the groundwater needs to be in compliance with standards. Our water resources in Idaho are extremely important to all citizens. Please maintain high standards protecting this valuable resource.</p>	<p>A, I-B and II-A).</p> <p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . .” See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.”</p>
<p><u>Ron Modrow, Idaho Falls, ID</u> Your proposed rule change to clarify portions of the Ground Water Quality Rule must hold the mining industry responsible to protect Idaho's ground water, not give them more leeway to pollute. Specifically: 1. There should be no allowance for the mining industry to pollute and contaminate Idaho's ground water,</p>	<p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining</p>

<p>including the current exemption.</p> <ol style="list-style-type: none"> 2. They should be good neighbors and good corporate citizens they claim they are by developing techniques and technologies to prevent any pollution or contamination of Idaho's ground water. 3. The definition for mining activity should be the recovery of a mineral from the mineral bearing deposits, which includes mineral extraction and excavation. The definition should not include other activities such as transportation and processing. 4. The point of compliance should always be set at the edge of the mining activity area. 5. Language needs to be reinserted which sets a time frame for groundwater to be back in compliance with standards. <p>Thankyou for seeing that rule change good for Idaho is enacted.</p>	<p>policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . .” See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.”</p>
<p>Jon and Hergart Bledsoe, jhbledsoe@wildblue.net</p> <p>My wife, Hergart and I wish to comment on the proposed clarification of the "ground water quality rule" by the Idaho Dept. of Environmental Quality. We are concerned about ground water contamination by mining activities because we live slightly over 1/4 mile below the proposed Elk City Mining Company proposed gold mine within the Buffalo Gulch Creek drainage. The company proposes to utilize the cyanide heap leaching process which has had a very poor track record in the western United States and elsewhere due primarily to leaks and spills of cyanide and other caustic chemicals that have leached into ground waters, and contaminated water systems, springs, creeks and ponds. We have a spring-fed pond, stocked with rainbow trout, and a water well, which could be contaminated by the proposed mining activity if permitted.</p>	<p>The Rules for Ore Processing by Cyanidation, IDAPA 58.01.13, apply to cyanide heap leaching mines and requires mines to obtain a permit. Permits are written to protect surface water and ground water.</p> <p>See Idaho Ground Water Quality Plan, Policy II-C. Mining, and House Concurrent Resolution No. 8</p>

<p>It is our understanding that mining companies already have an exemption in Idaho law to pollute groundwater under their large mining pits. The proposed changes to the groundwater rule would effectively expand this current, and unnecessary exemption. This expanded exemption would allow additional contamination causing pollution levels to exceed human health standards and lead to the pollution of surface waters.</p> <p>There should be no allowance for the mining industry to pollute and contaminate Idaho's groundwater, including the current exemption.</p>	<p>adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p>
<p><u>Diana Painter, Pocatello, ID</u></p> <p>I have grown up my whole life in Idaho. My family farmed here, and my parents were always hard working Idahoans who taught me to respect my neighbors.</p> <p>For the rule changes to include exemptions to allow mining companies to continue and even expand their exemptions on acceptable pollution is ridiculous. I want my children to grow up in a clean environment so that we can maintain a lifestyle in Idaho of health and wellness. Pollution is not one my family's values.</p> <p>If someone throws their plastic bag out the window that is pollution. For mining companies to think that just because they may can pollute on their way to the dump is also not what I want my children to think the rules justify. Transportation and processing should not be included as exempt activities. Just because the trash on your campsite blows into another campsite, does not mean the other campsite is yours. The point of compliance should be set on the edge of the activity.</p> <p>I want my children to learn to clean up after themselves and I even demand it. I demand the same from mining companies. There should be clear language that will define when the clean up should be done, and it should be in the DEQ rules.</p>	<p>See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).</p> <p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ agrees that the point(s) of compliance should be set as close as possible to the edge of the mining area. The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in Subsections . . .” See Subsection 401.03.</p> <p>The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.”</p>

Barbara Felton, Pocatello, ID

Why is the DEQ allowing the mining industry to write rules in re groundwater? It is, thus, allowed to do as it wishes, to discharge/pollute wherever, whenever and as it wants. There must be control exercised by DEQ over industry, NOT the reverse as things now appear – unconscionable! Industry (Simplot) simply cannot be allowed to continue operating with complete disregard for public safety. They must be compliant: no more pollution, point of compliance must always be set at the edge of mining activity, mining activity defined only as extraction and excavation (which is exactly that!) Further, a specific time must be set for all groundwater to be in, or back in, compliance with standards. You, the DEQ, are responsible to citizens now and in future not to Simplot, etc. To ignore this is simply unconscionable.

See Idaho Ground Water Quality Plan (GWQP), Policy II-C. Mining, and House Concurrent Resolution No. 8 adopted by the Idaho Legislature in 1997, which directs DEQ to strike a balance between the GWQP mining policy and the GWQP protection policies (I-A, I-B and II-A).

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The current rule recognizes that mining impacts may be long term or permanent. The GWQP states that “localized contamination may result in some ground water being unavailable for other beneficial uses at that specific site.”

Tad Sparks, Pocatello, ID

I would like to express my appreciation for the Department of Environmental Quality revising its groundwater rule to accommodate the unique needs of mining. Mining is important to me and my family and in my opinion “is” our local economy. I am a 42 year old gentleman who was born and raised in Montpelier Idaho. My father encouraged me as did everyone I grew up around to go to school and get out of the small mining

This comment is in support of the rule and requires no response. DEQ appreciates the support.

<p>community. I listened to the encouragement, moved to Pocatello and attended Idaho State University shortly after High School Graduation. I have never been disappointed in my decision. I have now raised my own kids successfully into early adulthood; I am more successful than I had ever dreamed. I am in management for a large company in Pocatello, Western States Equipment Company a Caterpillar Dealership. I left the small mining community, and now find myself educated in a larger community with various opportunities and am still completely dependent on Mining, as are most of my many diverse acquaintances. Thank you for your time.</p>	
<p><u>Jack Daniell, jdaniell@agrium.com</u> We as employees of a mining value the environment but also know the value our company provides to the local economy and Idaho. We help produce nutrients that not only feed people in the US but the world. Each year people go hungry in the US and the world. If we don't continue to produce nutrients to help the farmers thousand's more people will go hungry each day. Please consider the impact not only to the local economy but the thousand's others we help feed in your decisions.</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>
<p><u>Tim Buller, tbuller@agrium.com</u> I am writing this letter to express my gratitude to the DEQ for revising its rules surrounding ground water in mining areas. Mining and Environmental stewardship are both important to me and the people I work with. I believe both can co-exist and the rule change allows that to happen.</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>
<p><u>Angie and Paul Stenhouse, angieandpaul@q.com</u> We have a few comments on the proposed rule clarification/change. With regard to mining, I would not like to see a fee levied on mining companies, whilst applying to DEQ to set groundwater quality points of compliance. These groundwater points of compliance should be determined in the mine operations plan submitted to BLM, IDL, USFS, or any other applicable agency. So far as I know, DEQ is not involved with the permitting process. However, the mine operations plan deals with the groundwater quality issues. I also don't believe that mining operations should have to meet groundwater quality standards for drinking water within the mine boundaries, unless there is a potable drinking water source that is directly used for consumption by the mine workers. Mine water quality in the lease areas not used for drinking water sources should be subject to less stringent water quality standards. After all, these are industrial areas, not residential. Points of compliance with groundwater quality under the current EPA or IDAPA guidelines or regulations should be placed outside the mine lease boundary. Provided that the \$2500 application fee is required, DEQ should be listed as a PRP for any potential issues arising from, or pertaining to, the establishment of groundwater quality points of compliance (as DEQ will derive a benefit from the application fee). Additionally, if DEQ requires or recommends any actions to be conducted on a periodic or continual basis at said points of compliance, those actions will be wholly accepted by DEQ for any future decisions or actions to be taken by DEQ regarding groundwater quality at mining areas. Thanks for the opportunity to comment.</p>	<p>The \$2500 fee was included in the draft rule at the suggestion of the Idaho Mining Association during the June 4, 2008 negotiated rulemaking meeting. The amount of the fee was not changed from the amount originally proposed by IMA.</p> <p>See Subsection 401.05 which states that DEQ “shall coordinate with and seek recommendations from other state or federal agencies that have regulatory authority over the mining activities.”</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p> <p>The rule as proposed states that “the point(s) of compliance shall be set as close as possible to the boundary of the mining area, taking into consideration the relevant factors set forth in</p>

	<p>Subsections . . .” See Subsection 401.03.</p> <p>DEQ disagrees with the suggestion that it will become a PRP if it collects a fee for processing an application relating to setting a point(s) of compliance.</p>
<p><u>Brian Cofer, briancofer@wseco.com</u></p> <p>I appreciate the Department of Environmental Quality revising its groundwater rule to accommodate the unique needs of mining. Mining is important to me and my family and to our local economy. I support the changes to the groundwater rule that will protect groundwater beyond mining areas. Mines shouldn’t be expected to meet groundwater standards in those areas where mining, from exploration through processing and waste disposal, occurs.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Nikki Hyer, nikkihyer@wseco.com</u></p> <ul style="list-style-type: none"> • I appreciate DEQ’s willingness to change its rules. • Mining is important to me, my family and the local economy. • I want groundwater protected beyond the areas where mining occurs. <p>Mines shouldn’t be expected to meet groundwater standards in those areas where mining from exploration through processing and waste disposal, occurs.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p>

	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Travis Naef, tnaef@agrium.com</u> I would like you to know that I fully support the mining industry in Idaho. It is a way of life for myself, many friends, and family here in Southeast Idaho. It has a huge impact on our county, in general. I've worked in the phosphate industry for over 16 years- 13 with my current employer, and 3 with Conda Mining, Inc. (Washington Group International- present name). I appreciate the DEQ's willingness to change your stringent drinking water standards in areas that have been mined, even in the bottom of backfilled mine pits. I feel that we strive to go above and beyond by meeting industry standards. I do believe that ground water should be protected beyond areas where mining occurs. Strict standards should not apply in areas where mining (exploratory through waste disposal) has occurred.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Troy McCurdy, Grace, ID</u> Thank you for the opportunity of allowing me to share my comments regarding water quality for Idahoans where it is associated with mining operations. I wish to express my concern in applying drinking standards to water in areas where mining operations are taking place. Mining is very important to the economy of the communities and counties of southeastern Idaho. The livelihood of my family relies directly on mining. If it weren't for mining, I would probably have to move out-of-state to keep my career in computer administration. My family and I very much enjoy the lifestyle we have in southeastern Idaho, which I don't believe would be possible were it not for mining. I appreciate the rules set forth for protecting ground water outside areas where mining occurs. I would encourage the Idaho Department of Environmental Quality to make the needed changes so that drinking water standards are not applied in areas where mining (from exploration through processing and waste disposal) has occurred.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to</p>

	protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.
<p><u>Chad Ericsson, Soda Springs, ID</u> I appreciate IDEQ's willingness to change your rules when there is a need. I would like to provide comments regarding the proposed ground water rule as it pertains to mining activities. I believe the ground water should be protected outside of mining areas, but I think it is unreasonable to require drinking water standards where mining has occurred. Phosphate mining is very important to my family and allows us to live and work in this great portion of Idaho. It is also the lifeblood of the southeast Idaho economy.</p>	DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.
<p><u>Jim Jernigan, Salmon, ID</u> I wanted to take the time to thank the Idaho DEQ for representing my interests as a citizen. I also wanted to thank you for having the flexibility, and willingness to change rules that are too restrictive on mining in Idaho. I am employed in the mining industry. Mining in Idaho represents a significant part of the local and state economy. Mining supports my family, as well as many others in this community, and surrounding communities. Mining also supports local and state governments though taxes that are paid. If mining were absent from our economy, it would be a great hardship on many Idaho citizens. Myself and my fellow employees expend great effort to meet or exceed all environmental quality rules. Miners are good environmental stewards, and we understand the potential for harm should we fail in our efforts. We have systems, safeguards, and good people working daily to make sure that we do not discharge contaminated water from our mine site. I believe that our current efforts are more than adequate to ensure clean water for the State of Idaho. I also believe that more restrictive rules, such as requiring that "drinking water" standards be met in operations areas, would be excessive, and impossible to meet. The net result of such a rule would be an end to mining in Idaho. Again, thank you for your efforts, and thank you for this opportunity to comment.</p>	DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.
<p><u>Kent Watson, kwatson@tcreek.com</u> Thank you for receiving my comments and thank you to the DEQ for its willingness to review its rules. I would like to go on record stating that it makes no sense for drinking water standards to be applied in areas where the entire mining process (exploration, processing, and waster disposal) has occurred. While I feel that ground water quality should be protected beyond the area where mining occurs the application of drinking water quality standards to the mining area is excessive and unduly burdensome. Excessive to such an extent that such a rule would severely threaten mining in Idaho. Mining is very important to my family, my coworkers, my community, and this state. It has been proven repeatedly that mining can be done in a responsible manner that protects all aspects of the environment. It is also true that mining jobs are good high paying jobs that are significant to the local and the state economy as well as the infrastructure that supports mining. Each dollar created in a natural resource business such as mining has a multiplier effect which is very significant to the economy. Thank you for your consideration of my comments.</p>	DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.

	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Cody Glazier, codyglazier@wseco.com</u> I am sending this note in support of the proposed Ground Water Quality Rule 58-0111-0801. The mining industry is important to my family and we really appreciate the DEQ's willingness to change its current rules. I believe that mining has a tremendous impact on Idaho families and our local and state economy. I do not believe that mines should be expected to meet groundwater standards in those areas where mining, from exploration through processing and waste disposal occurs. Thank you, and please contact me with any questions.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Paul Miller, Georgetown, ID</u> I wanted to take a minute to thank the DEQ for revising the groundwater rules as they apply to mining. I have been in the mining industry for 33 years. It's been good to not only myself but to my family. In those many years, I've seen a lot of positive changes in the way we do things in a mine. I believe we are truly proactive in our efforts to protect all waters that we contact. We take care to properly install BMP's and track all storm, runoff, well, and stream waters. I have served in my own community, in both operation and administration of our public drinking water system, and support all efforts to protect that resource. However, I find it beyond practical to try and impose those same standards in a mining application. It's paramount to comparing apples to oranges in my book. I feel we have been very good stewards of the environment and try hard on a daily basis to mine responsibly. I conduct the daily mine meetings, and a part of every agenda is devoted to environmental issues, and we plan our daily schedules to ensure that we do business in a safe and environmentally responsible manner. Once again, I thank you for</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>

<p>your willingness to provide a fair and consistent rule with respect to groundwater. I hope we can find common ground to both protect our environment and also protect the backbone of our local economy through mining!</p>	
<p><u>Charley Jones, Stinker Stores, Boise, ID</u> I am writing in support of the proposed Groundwater Rule revision designed to accommodate the unique needs of Idaho mining operations. Clean air and water is a priority for most Idahoans and Idaho businesses. The proposed rule revision will continue to protect the environment and allow mining to continue to compete efficiently in the global market place. I appreciate DEQ's willingness to change rules when and where appropriate in all areas of departmental responsibility. Thompson Creek Mine, near Challis, has been a highly valued customer of Stinker for many years. We supply them diesel and gasoline for mining operations. The Thompson Creek Mine is professionally operated in an environmentally responsible way. One example of the commitment to environmental responsibility is their use of biodiesel which minimizes exhaust emissions from diesel equipment used in mining operations. Biodiesel is a renewable fuel that burns cleaner than conventional diesel. Biodiesel use is not mandated or required. Thompson Creek uses biodiesel because it provides an environmental benefit at a reasonable cost. Thompson Creek is the major employer in the Challis community providing good jobs and benefits for its workers. Wages from Thompson Creek workers help support Challis and the surrounding community. The proposed Groundwater Rule revision will help ensure that those mining jobs remain in Idaho.</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>
<p><u>Vicki Bagley, Westpoint Transportation, Inc., Boise, ID</u> I support the proposed Groundwater Rule revision for Idaho mining operations. Drinking water standards should be enforced for water that is available for human consumption. The proposed rule revision will continue to protect the environment and allow mining to continue to compete efficiently in the global market place. I work with Thompson Creek Mine, near Challis, on a daily basis transporting diesel and gasoline to support mining operations. I know from firsthand experience that Thompson Creek is committed to safe and environmentally responsible operations. Thompson Creek is a very important customer to Westpoint and the major employer in Challis. Challis is thriving in these difficult economic times because of the good jobs and benefits paid by Thompson Creek to its workers. The proposed Groundwater Rule revision will keep those mining jobs in Idaho.</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>
<p><u>Allan Wrubell, ccanuck@altazip.com</u> I have recently retired after having spent forty years in management positions in the resource industry in Canada and the United States, with twenty five years in the mining sector. During my time in the mining sector I have never observed nor taken part in discussions where companies knowingly and flagrantly ignored or dismissed mandated environmental standards. Quite the contrary, in many instances the companies'</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between</p>

<p>standards preceded or exceeded those established by regulating agencies. The last twelve years of my career were spent with an open pit mining company in Idaho and I had similar experiences with respect to their being sensitive to the environment.</p> <p>I appreciate the Department of Environmental Quality revising its groundwater rule to accommodate the unique needs of mining. I support the changes to the groundwater rule that will protect groundwater beyond mining areas. Having been a Boy Scout leader for over twenty five years I have had the opportunity to hike and camp in wilderness areas in both the United States and Canada. While in those areas I did not drink nor allow the youth to drink water from the streams and lakes we visited without it being properly treated. Early on in my Scouting experience I learned my lesson the hard way that water, even in wilderness areas, did not meet drinking water standards. Drinking water standards shouldn't be applied in areas where mining (from exploration through processing and waste disposal) has occurred any more than it is applied to lakes and streams in wilderness areas.</p> <p>Mining has been a significant and important part of my life and my family's life and continues to be important to my mining friends and their local economy. I have every confidence that they will continue to act responsibly on environmental issues.</p> <p>Thank you for considering my comments on this proposed rule.</p>	<p>two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Kirk Hansen, kirkh@conradbischoff.com</u></p> <p>I appreciate this opportunity to address you concerning the proposed changes to ground water legislation. We at Conrad and Bischoff, Inc do business with many sectors of the economy, but none are more critical and unique as mining. Mining is one of the few industries that generate revenue, most are a value added version of a middle man, but mining digs a whole and generates wealth and revenue.</p> <p>Idaho must protect these core industries! Mining is very important to our business, employees and their families.</p> <p>I support legislation to protect ground water, but demanding that mined areas' ground water meets drinking water standards is ridiculous.</p> <p>Thanks again for this opportunity to share my support of mining and the DEQ.</p> <p>Please don't hesitate if I can be of any help.</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Gerey Dillinger, gdillinger@bucyrus.com</u></p> <p>I would like to submit my comments on the Ground Water Regulations in Idaho.</p> <p>I have spent considerable time in Idaho, and in Idaho mines.</p> <p>I believe that the majority, if not all of the mines in Idaho are good stewards of the environment and of society. Especially in Idaho, I've seen first hand that a large part of the management, supervision, and employees are outdoor enthusiasts committed to finding a balance between safe, responsible mineral exploration, and maintaining the local ecology, and wildlife in the area.</p> <p>I've seen the commitment to responsible reclamation to restore the natural landscape to its splendor when mining ceases in the area.</p> <p>Mining is vital to the local, regional, national, and global economy. Mining provides safe high paying jobs, and creates numerous support businesses and jobs. The groundwater rules has the potential to seriously impede</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected</p>

<p>Idaho's ability to compete on an even field with other producers in the country, and across the world. America mines are some of the safest, productive, and environmentally responsible producers in the world. The world market is calling for and will get the raw materials, where they get it from is the question, and no one can do it safer, cleaner, and more responsible than the mining companies in your backyard. But as current regulation is written, Idaho producers' future and existence are threatened. Drinking water standards should not be applied in areas where mining, from exploration through processing and waste disposal, has occurred, but can and should be protected beyond the areas where mining occurs. I appreciate DEQ's willingness to look at the complete implications, and the true facts, and it's willingness to change its rules.</p>	<p>to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Mitchell Hart, mhart@agrium.com</u> As a long time resident, city leader and employee of the phosphate industry of Southeast Idaho; I am appreciative of IDEQ's willingness to establish fair and achievable groundwater rules for the mining industry. The phosphate industry provides key products to the worldwide economy, is a mainstay to Idaho's diversified economy and provides high paying jobs to hundreds of families in and around Caribou County. The rules IDEQ is establishing for mining will allow Idaho mining to remain competitive and still protect the environment. Reasonable and achievable groundwater standards where exploration and mining occurs, less stringent than drinking water standards, are applicable and appropriate. Drinking water standards shouldn't be required in areas where mining, from exploration through processing and waste disposal, has occurred. I applaud IDEQ's practical approach to this important issue to the future of Idaho mining.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Dan Bersanti, dan.bersanti@us.rhodia.com</u> I am writing this e-mail to express Rhodia's support for the proposed rule on groundwater as it applies to the mining industry. We are pleased that DEQ has listened to industry to develop a rule that makes sense. Mining is important to the country, particularly in Idaho, and is needed to sustain the local economies. Although we believe that drinking water standards should not be applied in areas where mining, exploration, processing or waste disposal has occurred, groundwater must be protected outside of these areas. We think the new rule will be protective and allow mining to continue.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be</p>

	<p>done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Michael Campbell, Montpelier, ID</u></p> <p>I wish to thank you for yours and the DEQ’s willingness to receive public comment on the groundwater issue relating to mining. Our water is a valuable resource and needs to be managed for the good of all. I am a resident of Idaho and know the importance of water not only for drinking but for agriculture, industry, power generation and wildlife. It is important to achieve a balance so that all these area will benefit. Unrealistic regulations on any of these areas will have devastating effects on any of these and on the economy of Idaho. I make my living in mining and wonder how mining has been singled out as a potential root cause of groundwater contamination. I wish to see groundwater protected beyond the areas where mining occurs. Please do not single out this industry. Drinking water standards should not be applied where mining has, or is occurring. Not all water found in nature is of drinking standard quality. Why should this industry be held responsible for a level of quality that is not always true naturally? Please rethink your standards. Idaho’s economy and our livelihoods depend on this.</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>F.S. Mooney, Englewood, CO</u></p> <p>I am writing in support of rule changes which are pending that would allow mining operations some flexibility in water quality in those areas that are actually disturbed by mining activities.</p> <p>The proposed rules appear to be reasonable and realistic. Mining and the products that are produced are a key part of our economy and our life-style. We should, in my opinion, try hard to protect water quality outside of active mining areas, but the mine operations need realistic and flexible rules during operations. Thank you for your attention.</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>
<p><u>Douglas Parker, Missoula, MT</u></p> <p>Thank you for the opportunity to comment on proposed rulemaking 58-0111-0801. I applaud the Department for taking the initiative to address this issue and attempt to find a reasonable way to regulate impacts of mining on groundwater. I have been involved with the mining industry and water resources issues in Idaho for the past 25 years and appreciate that the State of Idaho recognizes the importance of continued responsible natural resource development. I have recently been involved with working closely with IDEQ on preparation of an Environmental Impact Statement for the Idaho Cobalt Project near Salmon, where the issue of groundwater impacts and the current rule were the subject of detailed evaluation. My experience is that the present rule does not adequately address the range of situations provided by current or future mines in Idaho. The proposed rule changes, particularly the recognition that mining and mineralized</p>	<p>Primary metal ground water quality standards are based on human health protection levels, and it is not appropriate to use dissolved sampling and analytical methods to measure for these metals in monitoring wells.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>

<p>areas may require modification of standards in both time and space while still protecting the larger environment outside of the mine area will be beneficial to Idaho. Additionally, the recognition that measurement of "total" values of a constituent in the context of groundwater and consideration of the use of dissolved concentrations is a step forward. However, the consideration of the use of dissolved concentrations should be extended to the metals constituents in the "primary" as well as the secondary list.</p> <p>In summary: I support the proposed rule changes to provide additional flexibility in addressing groundwater quality at mine sites; I support expanded use of measurement of dissolved constituents in evaluating groundwater quality; strict compliance with drinking water standards within mining areas is not realistic; and water quality regulation should continue to allow responsible mining activities in the State of Idaho.</p>	
<p><u>Bruce Pallante, Monsanto Soda Springs Plant Manager</u></p> <p>I appreciate DEQ's willingness to revise the groundwater rule to reflect the practical aspects of mining while protecting groundwater. Applicability of drinking water standards to areas that have been disturbed by mining, be it exploration, the actual mining, or processing are inappropriate and jeopardize the viability of valuable products to society as well as the backbone of the SE Idaho economy. Clearly the point of measurement and use of the water must consider practical limitations and a standard that makes sense. One would not impose a dust control standard used in a class I clean room of micro chip manufacturing facility at the mine or processing plant, nor should a drinking water standard be imposed in an area disturbed by mining activities. The phosphate industry makes valuable products to insure an abundant food supply and the ability for farmers throughout the world to meet the challenge of feeding a growing population.</p> <p>In the interest of complete disclosure and transparency, I am the plant manager of the Monsanto elemental phosphorous operation near Soda Springs, Idaho. I am also a member of the Caribou Clean Water Partnership (CCWP). More importantly, I live in Caribou County and assure you that clean water is an important issue to me and my family. The changes that DEQ is proposing in the revised rule addresses: 1) the practical needs of the industry, 2) protects groundwater beyond the areas where mining occurs and 3) provides a sustainable a vibrant economy in SE Idaho while meeting the challenges of a world in desperate need of food.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Jon Goode, jgoode 1@msn.com</u></p> <p>As a lifetime resident of Idaho, I'm keenly aware of the important role mining has played in our past, and the equally critical role it will play in the future of our great state. Accordingly, I submit the following comments for your consideration:</p> <ol style="list-style-type: none"> 1. I very much want groundwater protected <u>beyond</u> the areas where mining occurs. 2. Drinking water standards should <u>not</u> be imposed within these same mining areas. <p>I applaud the DEQ's willingness to consider a change to its existing rules.</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>

<p><u>Jerald Harris, Tucson, AZ</u> I appreciate the Department of Environmental Quality revising its groundwater rule to accommodate the unique needs of mining. Mining is important to me, my family, fellow employees, and our local economy. I support the changes to the groundwater rule that will protect groundwater beyond mining areas. Drinking water standards should not be applied in areas where mining (from exploration through processing and waste disposal) has occurred. Thanks for considering my comments on this proposed rule.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Jamie Sturgess, jsturgess@augustaresource.com</u> My name is Jamie Sturgess, I have worked in the mining and environmental protection business for over 30 years. I have degrees in resource management and Ecology, and a home in Northern Idaho. Based on my experience and expertise in the field, as well as my concerns for the health and wealth of our society, I support the concepts of the Departments proposed groundwater rules, wherein the quality of water is protected as required to meet drinking water standards outside the mineralized mining districts. The very nature and mineralization of mining districts, makes it unfeasible to demand drinking water standards be met at all times and all places within the mineralized rock units and mining facilities. Outside the mining districts, outside the mineralized structures, is a reasonable and achievable goal of drinking water standards where water quantity is adequate to support drinking water uses. A reasonable transition zone between the mineralized geology and the adjacent areas is supported by experience in other states where similar issues arise. Thank you for this opportunity to comment on the IDEQ rules proposed.</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Lin Kramer, lkramer@agrium.com</u> This note is let you know that my family appreciates the Idaho DEQ's willingness to work with the mining companies in our state to develop a rule that will allow us to develop our natural resources, provide high paying employment, and protect our ground water outside the limited areas impacted by mining. I believe our legislators spoke with the voices and their votes many years ago recognizing the importance of mining not only for our state but for country. Mining of our resources allows our country to provide the minerals we need for ourselves. It is all to clear</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>

<p>from the recent events in the oil markets that we must be able to stand on our own, to protect the values that we as Idahoans and Americans have come to know. I feel that individuals who want drinking water standards met in mining areas are not concerned about the life we have come to know only their personal agendas. Mining provides an excellent income, far above the national and our states average income. The companies involved in major mining operations have demonstrated a willingness to mine and reclaim their properties in conjunction with the applicable standards, and in many case above and beyond those requirements. These companies are good corporate citizens and strive to support their communities. I would appreciate your working with them on this matter and others as they arise to allow development of our natural resources in a reasonable manner.</p>	
<p><u>Jeff Crane, jrcrane@q.com</u> I am writing to let you know that as a resident of Idaho, and an employee of the mining related industries of the area, I am all for protecting the environment as a whole but against any self interest groups, GYC and the like, trying to cripple the area and put thousands of families and businesses out of a way of life and prosperity. I support any ruling that amends or relaxes the Drinking Water Quality standards around mining facilities that are not too restrictive but yet are sufficient to avoid any damage or threat to wild life or the environment. These self interest groups and so called "Coalitions" are becoming more and more prominent and a bigger BURR under the publics saddle blanket and it is about time that we as an industry start standing up and telling all that we have had enough of their bantering and badgering and tell them we will not allow them to control our way of life.</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>M. Doak Jacoway, Denver, CO</u> I appreciate the Department of Environmental Quality revising its groundwater rule to accommodate the unique needs of mining. Just as in Idaho, as a Colorado citizen mining is important to me, my family and our local economy. I support the changes to the groundwater rule that will protect groundwater beyond mining areas. Drinking water standards shouldn't be applied in areas where mining (from exploration through processing and waste disposal) has occurred.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>

<p><u>Mike Veile, icsofidaho.com</u> Mining is important to my family and I, our lively hoods depend upon it. I do not drink out of ditches, roadside puddles, stock ponds, the snake river or even the swimming pools my children play in. There is no reason to expect drinking water quality from water present in and around mining operations. I do not support applying strict drinking water standards in areas that have been disturbed by mining activities. Unreasonable environmental rulings destroy the very economy that allows us the luxury to have jobs and be sensitive to our environment.</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Kent McGarry, kmcgarry@cateequipment.com</u> I want to voice my support for the change in the water quality rule as it applies to mining activity. I appreciate the department reviewing and proposing changes to the rule as it stands. It is not practical to expect drinking water standards to apply to an area under active mining. Those standards should be expected outside of the active area being mined. Mining companies must risk a lot of capital to develop a mine; they must have confidence that they can reclaim the resource with out threat of shut down by a rule that not reasonable. Mining is important to me, my family, my company and to the State of Idaho. I feel that the mining industry is responsible and responsive in developing our natural resources.</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Randal Duren, Soda Springs, ID</u> I am a mining engineer working at a phosphate mine in Southeast Idaho. I have 20 years of mine engineering experience in Texas, Nevada, Arizona, Chile, Venezuela and Mexico and the 7 years here in Idaho. The livelihood of my family and so many of my neighbors depends on phosphate mining which in turn depends on the service of our own public legal and regulatory system. We depend on the Department of Environmental Quality to provide common sense stewardship of our water resources and appreciate DEQ's willingness to consider rule and policy changes with that approach. We do want drinking water protected however, it is not practical to apply drinking water standards to areas where mining occurs. What would be the economic impact if drinking water standards were applied to mining areas? How many families would loose their livelihood? Exactly whose drinking water would be protected? I trust the DEQ to protect our livelihood.</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Ronald Miller, Pocatello, ID</u> I support the proposed rule changes to improve the consistency in application of the ground water rules to statewide mining activities. As a life long Idaho resident, I appreciate the need to regulate ground and surface water quality beyond the areas that mining activities occur. I feel that a viable mining industry supplies vital fuel and resources needed for our way of life. I also rely on phosphate mining for my family's livelihood so I appreciate IDEQ's willingness to change the existing rule.</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>
<p><u>Cherokee Anderson, Challis, ID</u> I am the wife of a man that is working at Thompson Creek Mine. While I do appreciate the fact that you are trying to clean up the water situations of the U.S., I think you may not realize how important it is that you do it in a way that allows for the use of mining and timber operations. First of all I live in Challis Idaho and I can tell you that the mine here supports more than just it's workers, they</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed</p>

<p>lend support and financing for many of the towns events. It is a very vital part of the town, without the mine the businesses that are here would probably be forced to cut down employees and hours of operation, or close up altogether.</p> <p>My husband is 60 years old and has worked at the mine for over 5 years now. He spent 30 yrs. doing auto-body work with no benefits or retirement plans of any kind. I am not sure you can imagine how it feels knowing that the best years of making income are almost gone and you have nothing to count on for income. Now his employment at the mine has allowed us to put a small amt. into a 401 plan that will hopefully help us when he retires.</p> <p>You, Mr.Hagan probably have a nice little nest egg from years of service to a good job that is great, but my husband doesn't have that same luxury. He will have to work to age 68 at least for us to make it. I am disabled and therefore just one more burden for him to bear, my S.S. is 432.00 a month, not even enough for the house payment so our financial standing is praying for his continued health and the hope that this Groundwater ruling will allow for him to continue his job.</p> <p>I would like some way to be found to protect the water beyond areas where the mining industries are. The need for this is very important but not at the expense of the mine. I do not believe that the water standards should be applied in areas that are mined from exploration and waste disposal has occurred. I urge you to carefully consider the effects this will have on EVERYONE, not just the lawmakers (who know little to nothing of the processes that happen in a mine.</p>	<p>definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Richard Berry, Omaha, NB</u></p> <p>By way of introduction, I have been involved with the mining industry for over 20 years of my career. I was briefly associated with Thompson Creek Mining. In my current capacity as owner of United Seeds, Inc. I am certainly involved in environmental matters and my company is a customer of Jacklin Seeds which is owned by J.R. Simplot Company.</p> <p>Mining clearly is a major segment in the Idaho economy and every effort should be made to keep that section vibrant as well as protecting the environment. We all support both goals. No sane person can be against safe drinking water <u>per se</u>. Groundwater should be protected diligently. It is not practical, however, to apply stringent standards to surface water or water impounded in mining areas – if the mines are to continue to operate.</p> <p>My understanding is that you and the IDEQ are willing to consider a revised rule proposed by your organization at the urging of the mining industry in Idaho. I strongly urge you to implement this proposed rule revision that meets mining industry’s needs and protects groundwater outside of mining areas.</p> <p>Thanks for your consideration.</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Steve Smith, Caldwell, ID</u></p> <p>I appreciate the willingness by IDEQ to negotiate and make common sense revisions to the existing Groundwater Rule. Mining is an important industry to the state of Idaho and the entire country. As we have seen in the petroleum industry, if we do not produce a substantial portion of our minerals domestically, we will at some point be at the mercy of governments from other countries. Without these realistic updates to the</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed</p>

<p>Groundwater Rule, Idaho would have gone yet another step towards making mining essentially illegal. The old slogan still rings true: "If you can't grow it, you've got to mine (or drill) it."</p> <p>I'd also like to make the following additional comments:</p> <ol style="list-style-type: none"> 1) Mining is important to me and my family. I've supported my family through work in the mining industry for over 20 years. 2) It is unrealistic to impose stringent drinking water standards within mining areas, and serves no real purpose because drinking water will not be a beneficial use in mining areas in the foreseeable. 3) It is appropriate to have a buffer zone that extends well outside of mining and support areas that allows for limited impact to groundwater. 4) Stringent drinking water standards should not be applied to mining, processing, waste disposal, tailings, exploration, and reclaimed areas. <p>Thank you for your work during this process!</p>	<p>definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>David Farnsworth, Soda Springs, ID</u></p> <p>I'm writing to express my general support for the proposed changes to Idaho's groundwater quality rules. As a licensed professional mining engineer, I very familiar with the needs and challenges of an industry who frequently has to operate in the groundwater it is challenged to protect. Oft times the very nature of mineral deposits and the undisturbed groundwater make meeting drinking water standards impossible. The Idaho legislature recognized this in its actions. The proposed changes recognize this expectation and need.</p> <p>I urge the Department to accept the recommendations of the rulemaking and the minor additions suggested by the Idaho Mining Association (IMA). IMA's member companies are dedicated to producing the minerals our country needs in an efficient and environmentally effective manner while providing high paying, quality jobs for Idahoans.</p> <p>I am also a member of the Caribou Clean Water Partnership and Trout Unlimited. Like other members of these groups, I value the high quality waters that our state offers. But unlike some of those groups leadership and spokespersons, I recognize the need for a balanced economic structure. After some 34 years experience in the mining industry I know what can be done and is being done to operate mines in an environmentally acceptable manner.</p> <p>Again, I would express my appreciation to the IDEQ for the opportunity to comment on the proposed changes and for its efforts to bring diverse groups together to reach mutually acceptable ground. I support the position of the IMA and urge IDEQ to adopt their suggested language.</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Dave Cuvelier, dave.cuvelier@kinross.com</u></p> <p>I am employed with Kinross DeLamar Mining Company at the DeLamar Mine near Jordan Valley, Oregon. Mining is important to me and my family because it provides a great standard of living. I'm sure that my peers</p>	<p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to</p>

<p>can say the same thing. Also our employment provides benefits to the local economy in the Boise, Idaho and Ontario, Oregon areas.</p> <p>I appreciate DEQ's willingness to change its' decision regarding the groundwater rule. I believe that it is prudent to maintain the quality of the groundwater beyond the areas where mining and industry impacts. However, I believe that it is impractical to require that mining and industry be required to comply with strict drinking water standards within the boundaries of the areas that we conduct our normal day-to-day business. I appreciate your cooperation and willingness to work with us on this.</p>	<p>protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Chuck Anderson, chuck.anderson@kinross.com</u></p> <p>I have been in the mining industry for 30 years. It has gave my family a good life. I appreciate DEQ's willingness to change to rules on ground water in the active mining areas. I believe ground water out side of the active mining area needs to be clean from active mining. I'm working on a reclamation mining site at present. I also monitor ground water on the site. We pay close attention to the quality of are ground water. Thank You for helping to keep mining active in Idaho. It makes a good life for a family and helps supports the community.</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>
<p><u>Randy Vranes, Soda Springs, ID</u></p> <p>As a citizen of the State of Idaho, I am grateful for the opportunity to comment on the Proposed Groundwater Quality Rule (58-0111-0801). First of all I would like you to know that I appreciate the departments charge to preserve water quality and support all beneficial end uses that benefit and enhance our quality of life here in this great state. Also I would like to extend my support and appreciation to the department for their willingness to modify the existing rule to apply common sense to the rule to provide points of compliance that fall outside of the immediate mine area limits. I don't believe that as individuals or communities we should be held in violation for water quality standards inside of our sewage pipes or septic systems. In a like manner I do not believe that mines should be in violation of water quality standards within the mineralized area. In general because of these naturally occurring minerals, water quality within the mineralized areas was in fact in violation of standards long before we existed or mining occurred. Outside of these areas of compliance it is vital that the quality of water be maintained so that all important beneficial uses can be preserved.</p> <p>Mining in the state is a very important and is vital to the livelihood of many Idahoans. The minerals extracted are vital to our national economy and our standard of living that we enjoy as Americans. Mining in our part of the state provide minerals that are key to a significant part of the agricultural crop production of this country as well as the world. Other minerals in the state provide important metals for hundreds of industrial end uses.</p> <p>I encourage you to modify and clarify the existing rule to achieve the objectives indicated above. The US Mining industry contains the cleanest most environmentally friendly mining operations that exist in the world. It is acknowledged that problems have occurred and that challenges exist but these problems are much more likely to be solved by an industry that is operating and making a profit. The alternative to this is a defunct industry whose jobs and associated standard of living become a memory and the resulting production of minerals simply migrates to 3rd world countries where concern for the environment is at best an afterthought.</p>	<p>This comment is in support of the rule and requires no response. DEQ appreciates the support.</p>

<p>Your attention to this matter is greatly appreciated.</p>	
<p><u>Comments submitted on form letter</u></p> <p>I appreciate the Department of Environmental Quality revising its groundwater rule to accommodate the unique needs of mining. Mining is important to me and my family and to our local economy. I support the changes to the groundwater rule that will protect groundwater beyond the mining areas. Mines shouldn't be expected to meet groundwater standards in those areas where mining, from exploration through processing and waste disposal, occurs.</p> <p>David Beimann, Angela Bruno, Stacy Cook, Boise, ID; Katie Crook, Brandon Haag, Doug Moore, Meridian, ID; Jason Stumbaugh, Nampa, ID; Alicia Hollinger, Caldwell, ID; Aaron Shoemaker, Greg Graybill, Linda Keller, Troy Ricard, Lafarge, Lewiston, ID; Jim Phillips, Gary Fullmer, Richard Studebaker, Pocatello, ID; Ned Smith, Dennis Luce, Brandon Hammer, Idaho Falls, ID; Garan Gallun, Del Huffaker, Shelley, ID; Jonas Johnson, Chuck Gransbury, Kimberly, ID; Dennis Birch, Rexburg, ID; Janna Bingham, Coty Berry, Twin Falls, ID; Guy Jeske, Salmon, ID; S. England, Mackay, ID; Trevor Vigor, Stan Fisher, Sonny McCay, Ammon, ID; Shelly Helm, Violet Stevens, Ruth Leuzinger, Kathryn Spence, Kathy Miller, Kitzman, Bruce Clayton, Caleb Curt, Jarrod Kelley, Harold Wilson, Challis, ID; Mark Rhodes, Helena, MT; Thomas Smith, Aurora, CO; Joy Ramos, Beavercreek, OH; Rick Gilmore, Houston, TX; Michael Reyes, Fort Mill, SC; Wayne Hastings, Sonja Graham, Gary McFadden, Ronald Wheeler, Camille Palmer, C. Lopez, Tim Park, location not provided</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p> <p>DEQ is required by the Idaho Environmental Protection and Health Act (Idaho Code 39-102) to protect existing and future beneficial uses of ground water. This includes drinking water, agricultural, industrial and aquacultural water supplies statewide.</p>
<p><u>Comments submitted on postcard</u></p> <p>I appreciate the Department of Environmental Quality revising its groundwater rule to accommodate the unique needs of mining. Mining is important to me, my family and our local economy. I support the changes to the groundwater rule that will protect groundwater beyond mining areas. Drinking water standards shouldn't be applied in areas where mining (from exploration through processing and waste disposal) has occurred.</p> <p>Jeff Roesler, Howard T., W. Simmons, Scott Hauck, C. Scott, Sergio E. Lopez, Cheryl Yergovich, Jake Cook, Boise, ID; Tom Harris, Eagle, ID; S. Brown, Etna, ID; Peter Blockman, Kuna, ID; Dennis Groan, Dyke D. Jones, William L. Josey, J. Linstrom, Meridian, ID; Michelle Warwick, Wilder, ID; Ann Robison, Hayden, ID; Jeremy Robinson, Arco, ID; Russ Beavers, D. J. I'nama, John I'nama, Ron Sherer, Leni Sue Hallie, Atlanta, ID; John Jordan, R. Franks, Alan Wilson, Geoff Parker, Arthur Smith, Steve Petroni, Raul Mondragon, Glader, Coeur d'Alene, ID; Tia Evans, American Falls, ID; Trisha Arave, J. Lee, Blackfoot, ID; Vicki Larson, David Berberick, Post Falls, ID; Alfred Crane, Martin Berry, Kimberly, ID; Shanie Johnson, Jerome, ID; Randy Peterson, Don Reno Jr., Ron C., Kylo Bredehoff, Roy Miller, Randy Nelson, Blake</p>	<p>DEQ has reviewed the list of mining activities in the GWQP. Mining interests seek to include all GWQP elements while the conservation groups seek to exclude the majority of mining elements. The proposed definition of mining activity is a compromise between two opposing viewpoints and strikes a balance between the mining policy and ground water protection policy as directed by the GWQP. The proposed definition of mining activity also strikes a balance between what ground water degradation might reasonably be expected to occur as a result of mining activities and what can be done to protect ground water from contamination.</p>

Jacobson, Lucas Spencer, J.D. Haslam, Shawn Farnworth, Mindy Jensen, Aaron Chambers, **Grace, ID**; Jason Tenhonen, **Osburn, ID**; Daws Auto Repair, **Filer, ID**; Joh Gilbert, **Moore, ID**; Tina Jo Hull, **Rockland, ID**; J. Stepheason, **Rupert, ID**; Paul Hooper, Tim Schwarz, Scott Donahoo, Brett Larsen, Jen Vettergren, Tara Parker, Michelle Alver, Maurie Christensen, Blair Winward, Adelee Muir, Cody Muir, Mary Gambles, Scott Gambles, Nathanael Goode, Don Thornock, Clay Diement, Lori Peoples, Dave Peoples, Jason Rassmussen, Don Lyman, Dan Wilder, David Aubrey, Mildred Aubrey, Arlene Bailey, Brandy Bredehoft, Joan Wind, Douglas McCuddy, Devin Woods, R.M. Hydzik, Nancy Hydzik, Laurie Dooley, Kathie Keller, Curtis Keller, Sino Mathews, Amity White, Brent Erickson, Jean Adkins, Lorin Adkins, Chad Christensen, Terry Poulsen, Kris Davis, Rick Kneip, Elvin McAlister, Tom Bailey, Dan Moyer, Russell Price, M. Gronning, Darrin Deckstader, Natalie Watson, Robert Gentry, Alan Erickson, Paul Robinson, Mike Allen, Damian Peck, Tom Cartwright, Tom Frankos, Janet Frankos, Gina Jensen, Tom Bassett, Cheryl Ford, Brad Ford, Bruce Andersen, Tom Fuechsal, James McCulloch, Vance Smith, Bret Thompson, Kris Bassett, Ted Beckstead, R.L. Geddes, Von Beckstead, Donald Wind, Paul Kowallis, Bruce Wistisen, Doug Mazza, George Moore, Cindy Lyman, Dave Matyus, Erin Bartschi, Tammy Geddes, Glorianna McCuddy, Mark Snooks, Brock Sturn, Gary Petersen, K.D. Bolinglorke, Charles Pugmire, Gary Vorwaller, Mark Dooley, J.A. Crawford, Amy Gentry, Jeremiah Sweet, Mark Olson, Matt Lyon, Matt Bridges, Tina Lyndsay, Bob Nelson, Randy Ledbetter, S. Young, Adecca Sweet, Robert Cook, Camron Kowallis, Doug Bragg, Lesli Havili, Ashley Bartschi, Darrell R. Lindsay, Randy Smith, Jerry Taylor, Jon Fowler, Larry Dimick, Christine Dimick, Sue Hunseker, James Hunseker, Roger Empey, Carolee Empey, David Fliasher, Pam Cartwright, Kirk Young, Nolan Koller, John Petersen, Blair Rasmussen, James Ashley, Doug McGehee, Ken D., Chad Ericsson, Delvin Humble, Maka Havili, Ginger Perkins, Derick Peoples, Kurt M., S. Wolf, Frank Moore, Teasha Moore, Shawn C. Offret, Guy Stephens, Chalice Call, M. Johnson, Justyn Peterson, Michael P. & Tammy J. Nally, Bob C. M., Linda Berg, William Corder, Dennis Archibald, Mitch Perro, Wade Z., Mike Peterson, Dean Mickelson, Deven Watkins, Katherine Jensen, Jon Berg, Brandon Hopkins, Gladas Tippetts, Kevin Corder, Danny Rice, Derek Vranes, Ryan Hale, Robert Jensen, Kevin Christensen, Ronald Morgan, Christina Jensen, Chris Leatherman, Ken Seelos, Ryan Yamauchi, Bob Peterson, Jacqueline Winward, LeAnn Vranes, Tim Vedder, **Soda Springs, ID**; Jack Stoddard, JoLene Stoddard, Alan Hubbard, Diane Hubbard, Alma Hubbard, Robert Comish, Jaime Stoddard, Charles Titcomb, Sonya Schiess, Carla May Thompson, Patrick White, Jan Silvernail, Mike Farnsworth, Barbara Mellor, Dennis Mellor, LaDawn White, Leona Petersen, Jerry Weeks, Teresa Farnsworth, Yvette Weeks, Brent Thomas, Fran Penny Farnsworth, Diane Lloyd, Jane Stoddard, Dwight Aplanalp, Kelli Aplanalp, Joan Farnsworth, R. Gunnell, Randy Peterson, Samantha Gold, Brent Peterson, Rosario Rodriguez, Robert Jensen, William Corder, Dave Orchard, Robin Corder, Reid Lester, **Grace, ID**; Sherwood Ringling, **Wendell, ID**; David Orr, Todd Louis, Joseph A. Provence, Chet Johnson, **Twin Falls, ID**; Brian McLeod, Andrea McLeod, **Buhl, ID**; Dan Miller, **Rigby, ID**; Jim Nelson, Tab Mendenhall, Alvin Guthrie, David Carpenter, **Lava Hot Springs, ID**; Michael Yates, David Bates. Pat Kinney, Josh Summers, Josh Wilde, Denton Wilde, Brad Smith, Stephen Roberts, Don Ball, Jeff Hunt, **Idaho Falls, ID**; Kevin Bradburn Carla Koritnik, Jackie Gilpin, John Gilpin, Robert Goodenough, Alyssa Overdorf, Lori Hamann, Sally Hamann, Brian Hamann, Jerry Keely, Dennie Hamann, Dana Facer, James Samuelson, Rebecca Anderson, Dawn Anderson, Monty Johnson, Bonnie

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Garner, Mark McCollum, Brent F., Ted Rosa, T. Lewis, K. Lewis, Cheri Parker, M.D. Parker, Denton W. Parker, Eric McCabe, S. Christensen, Rebecca Seedall, Kim Gower, Matt Rudolph, Jeff Christensen, Hanna Lee Bernal, Mike Bailey, D. Kim McFarland, Harold Payne, Chet Whitworth, **Pocatello, ID**; Desiree Hopkins, Diane Fredrickson, Becky Pickens, Brandon Milsted, Geri Knudsen, Kenneth Knudsen, Steve Olson, Joe C., Paul Taylor, Steve Dann, Tom Reagan, **Chubbuck, ID**; Jason Summers, **Lemhi, ID**; Curtis Mai, **Hazelton, ID**; Tyler Baily; **Hansen, ID**; Glen Sykes, Judy Ludwick, William Houchin, Terri Dexter, Mike Dexter, Patrick Kinsey, Douglas Gibbs, Leonard Nickelby, R.F. Baker, Joe Kramer, Mary Jacobsen, **Wallace, ID**; Steven Tucker, Bob K., Cliff L., **Idaho City, ID**; A. Campo, Tracie Jeffries, Eric Carlson, Keith Davis, David Haughn, John Towne, Jim White, **Pinehurst, ID**; Jesse Hill, Matthew Backu, Harold Durfee, James Angle, Dale Stepro, Judy Cloos, Sadae Lortz, Bruce Cox, M. Lindstrom, **Mullan, ID**; Brian Muir, Alicia Muir, Gary Miller, D. Lloyd, **Wayan, ID**; John Alleman, Vickie Alleman, Dan Gunn, Burke Phelps, Royce Phelps, **Bennington, ID**; Jay Christensen, Charles Humphrey, Stacy Christensen, Darrell Wright, David Smith, Chuck Sims, Kirby Price, Chris Price, Chase Price, Tony Price, Shadow Lewis, Cody Mangum, Scott Wilcox, Ryan Spencer, Danyelle Spencer, Derek Price, **Georgetown, ID**; Emil Juhola, **Glenns Ferry, ID**; Barry Elam, **Stites, ID**; George Whitworth, Erick Nichols, Ward Larsen, Caron Keller, Dena Larsen, **McCammom, ID**; Josh Weston, **May, ID**; Dominick Mitchell, **Wallace, ID**; Jeff Mickel, Kurtis Nelson, David Matthews, Dawson Solum, Josh Eborn, **Paris, ID**; Roy McMurray, Beth McMurray, Justin Skinner, Paul George, Marilyn Crane, Timothy Crane, Stuart Critchlow, Bob Sparks, Daniel Nate, B. Baker, Dave DeGran, Zachary Thomas, Brad Solum, Corey Sherman, Troy & Sally Hymas, Ken VanDarlin, Kayla Merritt, Matthew Hirschi, Keven Nield, William L. Hunter, June Hunter, Ron Singleton, Mick Merritt, Jason Merritt, Teresa Merritt, Rick Stringham, Jeremy Smith, Boyd P., Nicholas Smith, Jody Smith, Amber Smith, Nick Spencer, Keith Kulick, Ricky Smith, Bruce Williamson, **Montpelier, ID**; Steve Achord, Mike Achord, Eric Tester, Scott Hogsmier, James Craig, David Barnes, T. DeVoe, **Silverton, ID**; Rex Miller, **St. Anthony, ID**; Hank Godwin, W. Levi, Robert Stevenson, Cobie Allen, W. Sherwood, Jeff Halverson, Ashley Baker, Dustin W. Edwards, Greg Mills, Thomas Hill, Gene Ros, Elene Campbell, Dale W. Jernberg, Mrs. Marty Walls, Frank Foster, Kevin Edwards, Jake A. Windson, Cody Wilcox, Harold Worman, D. Stone, Tom Fortenberry, Leonard L. Fisher, Ken Crisp, Diann Dunham, Lacey Lish, Ed Dixon, Ben Spillett, Robert McNabb, C. Clark, Ryan H., **Clayton, ID**; Allen Viehweg, Tucker Duhlke, Richelle Dahlke, Shilo Roubidoux, **Inkom, ID**; Helen Smith, Troy Carver, Mark Hirschi, Mike Shirley, Judy Twiss, Brian Skinner, **Preston, ID**; Paul Sala, Kevin and Tracee Decker, **Mullen, ID**; Dale J. Waite, Linda L. Waite, **Nampa, ID**; David Pugh, **Swan Lake, ID**; Zane Thornock, **Bloomington, ID**; Byron Steed, **Downey, ID**; Jeffrey Lowe, Nancy Hubbard, **Franklin, ID**; R. Sandau, Baldasare, Michelle Denon, Matt Ullrich, David Clark, David Suhr, Gene Gilder, Harvey Keim, Andrew Thompson, Christina Clark, Dan Meyer, **Osburn, ID**; Ron Pearce, Howard Pettit, Frank Reed, Lori Toews, **Kellogg, ID**; J. Dixon, Chris Gibson, Don Adams, Jared Pilkerton, **Carmen, ID**; Dane Haine, **Cambridge, ID**; Scott Bennett, **Rexburg, ID**; Steve Thomas, Josh Baugh, **Smelterville, ID**; B. Shull, **Star, ID**; R. Nicks, Kurt S., **Tendoy, ID**; Cynthia Moore, **Harrison, ID**; Cathy Reese, Tom Reese, Randy Corgatelli, Chris Natoli, Robert Clifford, Robin Oerke, J. Oerke, Raymond Cheff, Charla Dowton, E. Tilman, Lachele Bradshaw, Devin Crane, David Brantner, Dani Harvie, Nathan Dizes, Ryan Millick, Sue Hill, Cassandra Cooper, Trina Taylor, Shelley Eich,

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