



## **IDAHO MINING ASSOCIATION**

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Paula Wilson  
DEQ State Office  
1410 N. Hilton  
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Submitted via email: [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

### **Re: Docket No. 58-0102-1701, Selenium Aquatic Life Criteria**

Dear Ms. Wilson:

The Idaho Mining Association (IMA) appreciates the opportunity to provide the following comments on the DEQ draft rule on selenium aquatic life criteria.

Since 1903, IMA has represented miners and mining companies engaged in mineral exploration, mineral developments, and land reclamation throughout the state of Idaho. Our membership also consists of companies and industries that provide services to the mining industry within the state. IMA and its members are committed to responsible and sustainable mineral withdrawal in Idaho and our member companies continue to utilize and explore more innovative and science based methods to extract minerals needed for everyday life while protecting and preserving the environment in Idaho for future generations.

IMA commends the department on conducting a thoughtful and productive rulemaking within the short timeframe that has been given to the state to update our selenium criteria for aquatic life. Further, we appreciate the diverse interests that have been gathered to consider the changes to this department rule.

IMA supports the DEQ position to bi-furcate selenium criteria to address surface waters that have no species of white sturgeon present. While there may not be an industry representative advocating for this approach today, we believe it is a logical approach in creating a state-wide criterion that is applicable now and in the future, should the DEQ be faced with a similar question on resident aquatic life.

After auditing the presentations provided on site specific criteria plans on June 14, a clear conclusion that IMA came to, is that these companies have spent a significant amount of time and done a significant amount of research, compiling decades of data points to support plans specific to the streams and fish species that are impacted by their operations. IMA supports the ability for mining operations to submit site specific plans for approval and supports the

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departments language that considers a performance-based approach from fish tissue values via mechanistic or bioaccumulation modeling methods as referenced in EPA guidance *Appendix K: Translation of a Selenium Fish Tissue Criterion Element to a Site-Specific Water Column Value*.

The IMA appreciates DEQ's consideration of these issues and looks forward to participating further in the rulemaking for aquatic life criteria for selenium that protects the fish species in Idaho waters. If you have any questions please don't hesitate to contact me at (208) 342-0031.

Kindest Regards,

A handwritten signature in blue ink, appearing to read 'BJD', with a large, sweeping flourish above the letters.

Benjamin J. Davenport,  
Executive V.P., Idaho Mining Association