



August 31, 2017

Via email – PAULA.WILSON@DEQ.IDAHO.GOV

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706-1255

Re: Docket No. 58-0102-1702

Dear Ms. Wilson:

Hecla Mining Company submits these comments to the subject proposed rule-making docket. Hecla also supports the IACI comments which also discuss the “Alaska Rule” and its impacts. It appears the intent of the proposed rule is to make clear which Idaho water quality standards are in effect for purposes of the Clean Water Act.

IDEQ’s effort in the proposed rule to provide clarity is appreciated and we support the following suggestions which are identified by the IACI letter:

Proposed Section 007. Effective for Clean Water Act Purposes

This Section should be expanded upon the description of the Alaska Rule to make clear that water quality standards approved by EPA after 2000 and which are subsequently disapproved by EPA remain in effect for Clean Water Act purposes until EPA adopts a federal replacement standard – reference 40 CFR 131.21(c).

Proposed Section 210.a. Table 1 Criteria for Protection of Aquatic Life (mercury)

The numerical criteria which are in effect for Clean Water Act purposes should be specified in Table 1 and 2. Where appropriate, a footnote should be added to the applicable criteria notifying of a pending rule to change the criteria or proposed revision to methodologies and risk management decisions to derive criteria which are currently under consideration by EPA.

The total recoverable mercury criteria to protect aquatic life should be stated in Table 1.

Proposed Section 210.b. Table 2 Criteria for Protection of Human Health (arsenic)

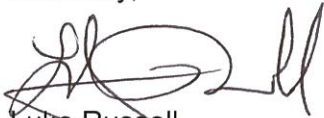
IDEQ should leave the 10 ug/L arsenic criteria in the proposed Table 2 and revise the footnote since the 10 ug/L criteria is still in effect for Clean Water Act purposes until EPA promulgates a replacement federal standard.

EPA’s recent disapproval of the arsenic criteria is problematic, as it seems likely EPA will proceed with adoption of a replacement rule which could result in adoption of the old criteria of

0.02 ug/L. This would be concerning since most natural Idaho groundwater quality has arsenic concentrations much higher than the 0.02 ug/L criteria. This would present compliance challenges for NPDES permittees throughout the state and impose burdens on IDEQ during TMDL development. Hecla supports IACI in requesting that IDEQ initiate negotiated rule-making for a revised human health criteria for arsenic.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Luke Russell". The signature is stylized with a large, looped initial "L" and a long, sweeping underline.

Luke Russell
VP External Affairs