



October 5, 2017

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

SUBJECT: Comments on the Rule - Water Quality Standards/Copper Criteria for Aquatic Life, Docket No. 58-0102-150

Dear Ms. Wilson,

Kinross DeLamar Mining Company (Kinross) appreciates the opportunity to provide comments on the Proposed Rule for Idaho Water Quality Standards: Copper Criteria for Aquatic Life (DOCKET NO. 58-0102-150). Kinross is subject to two NPDES permits for discharges to the Jordan Creek watershed in Owyhee County.

The proposed rule does not clearly state the specific copper aquatic life criteria applicable to surface waters in the State. Rather, the regulated community must interpret guidance to discern applicable criteria. The rule should clearly specify which copper criteria applies to which waters.

Kinross interprets the proposed rule and associated implementation guidance as requiring monitoring for nine water quality parameters (temperature; pH; dissolved organic carbon [DOC]; dissolved calcium, magnesium, potassium, and sodium; sulfate, chloride, and alkalinity) to determine applicable receiving water aquatic life copper criteria for its facility using the proposed biotic ligand model (BLM-Cu). The current aquatic life criteria are based on one water quality parameter, hardness.

The *Implementation Guidance for the Idaho Criteria for Aquatic Life*, a guidance document cited in the proposed rule, recommends 24 consecutive monitoring events (one per month) for the abovementioned parameters of a surface water to determine acceptable BLM-Cu based criteria. This represents a significant increase in monitoring requirements for NPDES permit holders compared to monitoring based on the current criteria.

This same document presents conservative criteria that would apply (determined by regional classifications) to a waterbody if the recommended monitoring data is insufficient (24 sampling events of the nine parameters listed above). This conservative criterion was developed using data collected during a statewide monitoring program that consisted of monitoring the required parameters during one sampling event at 200 surface water locations. It should be noted that no samples were collected in the southwestern corner of the State in the Owyhee river basin. Kinross recognizes this was a large monitoring effort completed by the state and commends their efforts; however, this method lacks scientific rationale by implying regionally scaled criteria based on a single sampling event to a single waterbody lacking water quality data.

According to the methods outlined in the Implementation Guidance document, Kinross interprets the copper criteria applicable to the Jordan Creek subbasin would be reduced by roughly half compared to the current hardness-based criteria, creating criteria twice as stringent for this drainage. Kinross is unaware of any documented impacts from copper in the Jordan Creek subbasin or generally elevated copper concentrations. It is arbitrary to establish new copper criteria for waterbodies absent data indicating current criteria is not protective. The use of the BLM-Cu derived criteria may be appropriate for certain streams and for protection of certain endangered aquatic species; however, it is unjustified and would require an excessive monitoring effort for waters where there is no documented impact to aquatic life caused by copper or any endangered species present such as the Jordan Creek watershed.

Kinross DeLamar Mine is an inactive remote mine site that mostly discharges stormwater from reclaimed surfaces. It is unreasonable to expect inactive and remote facilities to undergo the assumed intricate instream monitoring program in order to determine applicable aquatic life criteria for surrounding waterbodies, especially when these waters are not impacted by copper. Kinross advocates for the current hardness-based criteria absent an identified copper impact to a subbasin or in watersheds where endangered species are present.

Kinross appreciates the opportunity to comment on the proposed rule to update the Idaho copper water quality standards for aquatic life.

Sincerely,



Steven C. Smith
Site Manager
Kinross DeLamar Mining Co.

Submitted via email: paula.wilson@deq.idaho.gov