



## **IDAHO MINING ASSOCIATION**

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Paula Wilson  
DEQ State Office  
1410 N. Hilton  
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Oct. 5, 2017

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 Idaho Department of Environmental Quality (DEQ) proposed rule on selenium aquatic life criteria. Similarly, we would like to thank DEQ for conducting a thoughtful and productive rulemaking regarding updating the selenium criteria for aquatic life.

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 appreciates working the diverse interests that have been gathered to consider the changes to this rule. For months, DEQ and stakeholders have negotiated what IMA considers to be a well written and comprehensive rule that all stakeholders should be able to support. The rule protects aquatic life by creating fish tissue criteria both statewide and in site specific areas that may be more sensitive to selenium concentrations. IMA supports the proposed rule and recognizes the amount of work put into drafting it.

Specifically, IMA supports the site-specific criteria proposed by DEQ, which 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*.

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Further, as we stated in prior comments and conversations, we support the DEQ position to bifurcate selenium criteria to address surface waters that have no species of white sturgeon present. 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.

The IMA appreciates DEQ's consideration of IMA's input on this rule and looks forward to participating in future rulemakings that our membership may have interest in. 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