



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/Update Selenium Criteria for Aquatic Life, Docket No. 58-0102-1701

Dear Ms. Wilson,

Kinross DeLamar Mining Company (Kinross) appreciates the opportunity to provide comments on the Proposed Rule for Idaho Water Quality Standards: Update Selenium Criteria for Aquatic Life (DOCKET NO. 58-0102-1701). Kinross is subject to two NPDES permits for discharges to the Jordan Creek watershed in Owyhee County.

Kinross understands the scientific rationale presented in the associated document to the proposed rule, the *Justification for Site-Specific Selenium Criterion for Aquatic Life in Portions of Idaho*, prepared to identify non-sturgeon State surface waters. The material presented in this supporting document provides scientific rationale for defining sturgeon and non-sturgeon waters based on the historic range for White Sturgeon populations and their desired habitat. Resident fish populations in non-sturgeon waters were then reviewed to determine if White Sturgeon serves as a surrogate to any of those resident species. Rationale concluded that site-specific aquatic life criteria could be calculated for waters not supporting white sturgeon or surrogate species. The supporting document also presents methods for deriving the site-specific aquatic life criteria for these waters using various EPA guidance documents related to their newly recommended 304(a) selenium criteria based on fish tissue concentrations (2016). While Kinross supports the concept of sturgeon and non-sturgeon water classifications, it is unclear how the proposed rule would be implemented.

State implementation guidance for the proposed selenium criteria have not been publically presented. Kinross is generally concerned with the potential magnitude of sampling requirements that may be associated with this proposed rule, especially for receiving waters without assigned waste load allocations, or identified concerns about elevated selenium water concentrations. Kinross is in support of a water column criteria that would apply to such waters rather than requiring an unwarranted exhaustive fish tissue monitoring program for selenium. Kinross looks forward to reviewing implementation guidance for the proposed selenium aquatic life criteria; specifically how the water quality based effluent limits for selenium would be developed.

Lastly, it is unclear if the proposed water column criteria applicable to the subbasins listed in the table in 287.05 is expressed as total recoverable or dissolved total selenium. This clarifying factor is

not listed in footnote '3' following the criteria in 287.05b as it is stated specifically in footnote 3 for the selenium aquatic life criteria presented in 210.01, footnote 'r.'

Kinross appreciates your time in reviewing these comments and the opportunity to comment on the proposed rule to update the selenium aquatic life water quality standards.

Sincerely,

A handwritten signature in black ink that reads "Steven C. Smith". The signature is written in a cursive style with a large, stylized 'S' at the beginning.

Steven C. Smith
Site Manager
Kinross DeLamar Mining Co.

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