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July 15, 2019

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

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

**RE: Negotiated Rulemaking – Preliminary Draft Rule: Ore Processing by Cyanidation;
Docket No. 58-0113-1901**

Dear Ms. Wilson:

Since 1973, the Idaho Conservation League (“ICL”) has been Idaho’s leading voice for clean water, clean air, and wilderness – values that are the foundation for Idaho’s extraordinary quality of life. As a 501(c)(3) nonprofit organization, ICL works to protect these values through public education, outreach, advocacy, and policy development. ICL is Idaho's largest state-based conservation organization and represents over 30,000 supporters, many of whom have a deep personal interest in protecting Idaho’s human health and environment.

With regards to the preliminary draft rule, we have concerns with the wording in section 201.03, which currently reads:

03. Department Review. In evaluating alternative design proposals, the Department shall consider the WAD cyanide concentration and other materials contained in facilities receiving process water, site hydrogeology, advances in liner technology, alternative designs implemented at other facilities receiving process water, and other site-specific factors in determining if a proposed alternative is appropriate to protect water quality and the public health.

Emphasis added

The use of the word “appropriate” seems vague and overly discretionary to us. The preceding sections (201.01-02) provide specific language detailing the obligations of an applicant seeking to utilize an alternative plan. We feel section 201.03 would be more effective if it included language referencing back to these aforementioned requirements. We recommend the following language:

03. Department Review. In evaluating alternative design proposals, the Department shall consider the WAD cyanide concentration and other materials contained in facilities receiving process water, site hydrogeology, advances in liner technology, alternative designs implemented at other facilities receiving process water, and other site-specific

factors in determining if a proposed alternative meets all requirements necessary to protect water quality and the public health.

We appreciate the opportunity to provide comments on this matter and share our perspective. Please contact me at (208) 345-6933 x23 or awalkins@idahoconservation.org if you have any questions regarding our comments or if we can provide you with any additional information on this matter. Thank you for your time and consideration.

Sincerely,



Austin Walkins

Senior Conservation Associate