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October 22, 2019

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

*Submitted via email to: [paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)*

**RE: Negotiated Rulemaking Draft No. 2 – Ore Processing by Cyanidation; Docket No. 58-0113-1901**

Dear Ms. Wilson:

Thank you for the opportunity to comment on Draft No. 2 of DEQ's Negotiated Rulemaking for Ore Processing by Cyanidation.

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 water quality, aquatic species, and human health.

Our comments are provided following this letter. 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](mailto: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,

A handwritten signature in cursive script, appearing to read "Austin Walkins".

Austin Walkins  
Senior Conservation Associate

## **Definition of Degradation**

Idaho's Water Quality Standards (IDAPA 58.01.02) contain a definition of degradation, and we are curious to see what definition IDEQ creates for these rules. If IDEQ's proposed definition is substantively different from the existing definition of "degradation" found at IDAPA 58.01.02.10.20 then we request that IDEQ include an explanation of how these two definitions will relate to each other in a regulatory capacity.

## **Wildlife Exclusions from Facilities**

IDEQ is requiring facilities to exclude wildlife from process waters having a WAD cyanide concentration in liquid fraction exceeding 30 mg/L. This appears to be far less stringent than the 0.50 mg/L standard that Nevada uses. We request that IDEQ provide justification for why they have chosen this less stringent standard when a more protective standard is demonstrably feasible based on its use in Nevada.

## **Define "Limited Periods" in 202.02**

IDEQ is proposing to allow a facility to utilize a single liner for ponds "which are primarily designed to contain excess quantities of process waters that result from storm events for limited periods..." We believe it's important for IDEQ to include a quantifiable time limit (e.g. not to exceed 10 days) in this section so it is clear what constitutes a "limited period" of time.

## **Inconsistent References in Section 205**

Section 205 opens by stating "An applicant may propose an alternative to the requirements identified in Sections 201, 202, 203, or 204..." (emphasis added). Later, in Section 205.01, the proposed rule states "The applicant must demonstrate that the alternative design proposal will protect water quality and human health by confirming that the alternative to the minimum design criteria in Sections 200 through 204..." (emphasis added). It seems inconsistent that Section 200 is omitted from reference in the introductory paragraph but included in Subsection 205.01.