



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
M/S 11-C07
Seattle, WA 98101-3140

OFFICE OF
REGIONAL COUNSEL

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

April 27, 2020

**Re: U.S. EPA Comments on Design and Construction of Phosphogypsum Stacks:
Docket No. 58-0119-2001 Preliminary Draft Negotiated Rulemaking**

Dear Ms. Wilson:

Thank you for organizing the public meeting on April 16, 2020 to discuss the preliminary draft negotiated rulemaking, "Rules for the Design and Construction of Phosphogypsum Stacks" (Docket No. 58-0119-2001). This letter is to notify you that the U.S. Environmental Protection Agency Region 10 is reviewing the preliminary draft negotiated rule, as well as Idaho Department of Environmental Quality (IDEQ) Meeting Exhibits 1 and 2, and reserves its right to provide comments to IDEQ on a later date.

Currently, the U.S. Department of Justice, on behalf of EPA, is engaged in negotiations concerning potential civil judicial consent decrees with two phosphoric acid manufacturing facilities located in Idaho pursuant to EPA's National Compliance Initiative for Mining and Mineral Processing. EPA is considering how the preliminary draft negotiated rule and exhibits affect its negotiations to date, and therefore needs additional time to complete its review.

EPA remains interested in attending the public meeting on May 28, 2020, as well as any other meetings about this preliminary draft negotiated rule. Please include me on future email notifications (davies.lynne@epa.gov), as well as Kevin Schanilec (schanilec.kevin@epa.gov).

Sincerely,

/s Lynne Davies

Lynne Davies
Assistant Regional Counsel

cc: Kevin Schanilec, U.S. EPA Region 10