



IDAHO
CONSERVATION
LEAGUE

208.345.6933 • PO Box 844, Boise, ID 83702 • www.idahoconservation.org

June 17, 2020

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

RE: June 10, 2020 Negotiated Rulemaking - Ore Processing by Cyanidation; Docket No. 58-0113-1901

Dear Ms. Wilson:

Thank you for the opportunity to submit comments following IDEQ's June 10th, 2020, 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 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.

Respectfully submitted,

Randy Fox
Conservation Associate
Idaho Conservation League
rfox@idahoconservation.org
(208) 345-6933 x 28

Section 204.01.b

We have serious concerns about the proposed language in section 204.01.b, which as currently written states:

A system designed to limit hydraulic head over the geomembrane liner to the maximum extent practicable;

IDEQ has proposed this language in lieu of previous language which required numeric limits on hydraulic head for tailings impoundments. We do not feel this vague language is an appropriate alternative to the previous numeric limitations.

For instance, who will determine the “maximum extent practicable,” and when and how will they make this determination? How often will this determination be revisited to ensure the “maximum extent of practicability” has not changed? What if a facility limits head to the “maximum extent practicable” but leaks still occur? If this language is ultimately retained, IDEQ should ensure these outstanding questions are clearly addressed in the final rule language.

We are particularly concerned with the fact that this language could be interpreted as allowing any amount of head over a liner, with it only becoming of regulatory concern *after* a discharge of pollution has occurred and impacted nearby ground and/or surface water. We do not believe this approach of essentially failing to attempt to limit pollution is consistent with the national environmental laws and regulations that IDEQ must adhere to.

We appreciate the numerous references and comments the Idaho Mining Association (IMA) provided regarding the placement of gravel over geomembrane liners, and we recognize that this poses a significant risk of tearing or puncturing the liner. However, addressing these concerns should not preclude the establishment of quantifiable metrics for limiting hydraulic head on geomembrane liners. Moreover, the proposed language opens the regulatory door to subjective rather than objective interpretation.