

Thornycroft, Kensie

From: Luke, Tim
Sent: Friday, May 7, 2021 8:39 AM
To: Thornycroft, Kensie
Subject: FW: 37.03.07.61 Notice of Negotiated Rulemaking Comments

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FYI – please keep this with other comments received.

Tim

From: Troy.Smith@deq.idaho.gov [mailto:Troy.Smith@deq.idaho.gov]
Sent: Tuesday, May 4, 2021 10:14 AM
To: RulesInfo <rulesinfo@idwr.idaho.gov>
Cc: Luke, Tim <Tim.Luke@idwr.idaho.gov>; Golart, Aaron <Aaron.Golart@idwr.idaho.gov>
Subject: 37.03.07.61 Notice of Negotiated Rulemaking Comments

Good Morning,

The Idaho Department of Environmental Quality (DEQ) appreciates the opportunity to participate and comment on the Idaho Department of Water Resources (IDWR) 37.03.07.61 Negotiated Rulemaking Public Meeting on April 27, 2021. As such, we respectfully provide the following comments:

- In general, DEQ appreciates the cooperation with IDWR to try and better align our agencies' permitting requirements to the extent practicable, because most IDWR permittees are also be required to obtain coverage under the IPDES General Permit for Small Suction Dredge Miners in Idaho (IDG370000).
- Rule 061.01 – The IDWR strawman proposes to remove, "...moving more than one quarter (1/4) cubic yard per hour." DEQ notes that there is no such requirement or prohibition in the current IPDES General Permit IDG370000, except that section II.B.1 limits GEM creeks permittees to "...processing an average of 2 cubic yards per hour..."
- Rule 061.01 – The IDWR strawman proposes to change "Mechanized" to "Powered." DEQ notes that the current IPDES General Permit IDG370000:
 - Section II.D.8 prohibits, "Explosives, motorized winches, or other motorized equipment to move boulders, logs, or other natural obstructions..."
 - Section II.D.9 prohibits, with the exception of the suction dredge itself, "mechanized equipment" below the mean high water mark.
- DEQ plans to reissue the current IPDES General Permit IDG370000 before its expiration in 2023. The reissued General Permit will go through the public comment and review process, which may result in changes to the permit's terms and conditions, including those in II.B.1, II.D.8, and II.D.9, referenced above.

Please contact me if you would like to discuss these comments or any other issues related to small suction dredge mining. Thank you,

-Troy



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