

Weaver, Mathew

From: Troy.Smith@deq.idaho.gov
Sent: Tuesday, June 22, 2021 12:11 PM
To: Luke, Tim; Golart, Aaron; Thorneycroft, Kensie; Costello, Sean; Weaver, Mathew
Cc: Brent.King@deq.idaho.gov; Mark.Cecchini-Beaver@deq.idaho.gov; AJ.Maupin@deq.idaho.gov; Troy.Smith@deq.idaho.gov
Subject: FW: IDAPA 37.03.07 SCA Rule 61 Strawman Draft v2.0
Attachments: 37.03.07.61_Strawman2.0_20210609.pdf

Good Afternoon,

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 Negotiated Rulemaking Public Meeting on June 2, 2021 and the associated draft strawman v2.0. 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).
- DEQ believes there are two typos in the draft strawman v2.0:
 - 37.03.07.061.01 – should state “...by the Department of ~~or~~ Board, or as...”
 - 37.03.07.061.02 – should state “...(15) HP or less below the mean high water mark, or the use of ~~and~~ non-powered...”
- DEQ believes the that any “power sluice” identified in IDWR’s draft strawman v2.0 for rule 37.03.07.055.06, 061.01., 02., 03., and 04. that does not fit the definition of a small suction dredge in the IPDES General Permit IDG370000 and accompanying fact sheet are not covered by the General Permit as currently written.
 - General Permit IDG370000 – Authorizes discharge for, “...small suction dredges in Idaho (intake nozzle size of 5 inches in diameter or less (or the diametrical equivalent defined in the general permit) and with equipment rated at 15 horsepower or less).”
 - Section III. of the fact sheet – Identifies that throughout the permit EPA, “Changed ‘placer mining’ to ‘suction dredging’ to more precisely describe the activity being covered by the GP.”
 - IV.A of the fact sheet – “Suction dredges consist of a supporting hull with a mining control system, excavating and lifting mechanism, gold recovery circuit, and waste disposal system. All floating dredges are designed to work as a unit to extract, classify, beneficiate ores, and discharge.”
 - Section VI.B of the fact sheet – “...a suction dredge is a mechanical device that floats on the stream surface and pumps stream water and stream bed material through a suction intake conduit to a sluice box to process and recover gold or other minerals. The discharge from suction dredges consists totally of stream water and bed material immediately released back into the receiving water.”
- Any proposed small scale mining operation that does not meet the definition of a small suction dredge according to the IPDES general permit and fact sheet, would need to apply for an IPDES individual permit.
- 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, 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

From: Luke, Tim [mailto:Tim.Luke@idwr.idaho.gov]
Sent: Wednesday, June 09, 2021 4:50 PM
Cc: Weaver, Mathew; Costello, Sean; Golart, Aaron; Thorneycroft, Kensie
Subject: IDAPA 37.03.07 SCA Rule 61 Strawman Draft v2.0

Good Evening,

Please find attached the IDWR Stream Channel Alteration Rule 61 Draft Strawman proposal version 2.0. At the public rulemaking meeting last week, IDWR committed to get this revised strawman version sent to interested stakeholders today. Please note that the changes highlighted in yellow are changes from version 1.0 to version 2.0. The version 1.0 changes remain in red font (not highlighted).

We ask interested parties to review version 2.0 edits and submit written comments to IDWR by June 23. Please send written comments to rulesinfo@idwr.idaho.gov or to Kensie Thorneycroft at kensie.thorneycroft@idwr.idaho.gov.

IDWR requested the Office of Information Technology to post the following documents to our website by close of business today:

- April meeting attendance roster
- June meeting attendance roster
- June meeting audio file
- Pat Finnegan June 2 comments
- Gary Bowling June 2 comments
- June 3 Stakeholder Email Notice
- Strawman v2.0

IDWR staff is working towards completing a summary of comments from interested parties who participated at the first and second public meetings. We anticipate posting those summaries to our website sometime next week. Please note that the audio recordings, written comments from interested stakeholders, and other related documents may be found on our website at <https://idwr.idaho.gov/legal-actions/rules/stream-channel-rules.html>

Thanks again for your ongoing participation in this rulemaking process.

Best Regards,

Tim Luke

Idaho Department of Water Resources

Water Compliance Bureau Chief

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