

From: [Bradley Kucera](#)
To: [Rule Making](#)
Subject: Comments to Review of IDAPA Revisions Draft No. 7
Date: Thursday, July 09, 2020 10:51:29 AM
Attachments: [image001.png](#)
[07092020 Comments on Rules Governing Mined Land Reclamation thru Dft7.pdf](#)

Please find attached review comments submitted on behalf of Thompson Creek Mine.

Thank you,

Bradley Kucera, P.E.
Environmental/Safety Manager
Thompson Creek Mining Company
208.838.3524
Bradley.Kucera@Centerragold.com





July 9, 2020

Idaho Department of Lands
Attn: Amy Johnson - Rulemaking
300 N. 6th St., Suite 103
Boise, ID 83702

**Re: Rulemaking for IDAPA 20.03.02 - Docket No. 20-0302-1901
Draft No. 7, dated June 30, 2020**

Dear Ms. Johnson:

Thompson Creek Mining Company appreciates the opportunity to provide the following comments to the subject Rule Draft No. 7. Thompson Creek strongly supports the comments to Draft No. 7 submitted by the Idaho Mining Association.

Generally, Thompson Creek believes that the proposed reclamation rule is not consistent with the legislature's intent in enacting H.B. No. 141. Thompson Creek supports the financial assurance purposes of the legislation; however, IDL's proposed rule significantly exceeds the purposes of the act. IDL has improperly used the rulemaking to expand its regulatory jurisdiction over mining operations to the detriment of other administrative agencies in Idaho, most notably the Department of Environmental Quality. Although IMA and other commentators have repeatedly asserted this concern, Draft No. 7 similarly disregards the legislature's intent in enacting H.B. No. 141.


More specifically, IMA's comments identify a number of instances in which IDL's proposed rule has altered existing statutory terminology of regulatory terms. These types of revisions insert ambiguity and uncertainty for both mining operations and regulators because of the resulting difference in the legal requirements in, and obligations imposed by, the statute as opposed to the regulation. If IDL believes statutory provisions should be modified, it should propose legislation to this effect, not unilaterally draft regulations that create a conflict with the statute. Thompson Creek supports IMA's requests that IDL draft the reclamation and financial assurance rulemaking to be consistent with Idaho statutes so that the rulemaking reflects the legislature's intent and so it facilitates, rather than complicates, regulation of mining operations, including financial assurance.

Thompson Creek particularly agrees with IMA's comments per revision of IDAPA 20.03.02.070.04,g which we believe eliminates overly complicated language, utilizes the term "likely" and precludes requiring the operator to pre-permit potential discharges which if

managed properly are not likely to occur. The language of Draft No. 7 suggests requiring forecast of applicable effluent limitations which are in many cases based on the receiving water to which the discharge is made. These aspects of a given mining project are dynamic as the water management strategies mature which is the reason for reviewing and updating an Approved Reclamation Plan on a 5 years basis as opposed to burdening a project with forecasting the unforeseeable and ever changing landscape of regulation.

Thompson Creek appreciates the opportunity to submit these comments.

Very truly yours,



Bradley Kucera
Environmental Manager

cc: Jim Kopp - TCM Mine Manager
Benjamin Davenport – Idaho Mining Association