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

November 13, 2020  


Dear Ms. Wilson:  

Thank you for organizing the public meeting on October 30, 2020 to discuss Negotiated Rule Draft No. 2, “Rules for the Design and Construction of Phosphogypsum Stacks” (Docket No. 58-0119-2001) (Negotiated Rule). During previous public meetings associated with this Negotiated Rule and in previously submitted public comments, the U.S. Environmental Protection Agency Region 10 (EPA) recommended that the Idaho Department of Environmental Quality (IDEQ) postpone finalizing the Negotiated Rule. EPA’s rationale for postponing finalization of the Negotiated Rule was based on the fact that the U.S. Department of Justice, on behalf of EPA, is still engaged in discussions with two phosphoric acid manufacturing facilities located in Idaho pursuant to EPA’s National Compliance Initiative for Mining and Mineral Processing. The discussions potentially could resolve compliance issues that EPA previously has identified at those facilities.  

Although EPA repeats its previous recommendation here – that IDEQ postpone finalizing the Negotiated Rule until those discussions conclude – it also understands that IDEQ intends to finalize the Negotiated Rule even though some interested stakeholders have recommended otherwise. EPA remains interested in attending future public meetings about this Negotiated Rule. Please include me on future email notifications (davies.lynnne@epa.gov), as well as Kevin Schanilec (schanilec.kevin@epa.gov).  

Sincerely,  

/s Lynne Davies  
Lynne Davies  
Acting Chief, Waste Enforcement Branch  

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