



ITAFOS Conda LLC
3010 Conda Road
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November 13, 2020

VIA EMAIL – paula.wilson@deq.idaho.gov

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

**Re: DEQ Negotiated Rulemaking – Rules for the Design and Construction of Phosphogypsum Stacks
Docket No. 58-0119-2001 – Draft No. 2**

Dear Ms. Wilson:

Itafos Conda LLC (Itafos), located in Soda Springs, Id., operates the phosphate fertilizer manufacturing facility located at Conda, Idaho (near Soda Springs, Idaho) and thus has a direct interest in this rulemaking to establish “Rules for the Design and Construction of Phosphogypsum Stacks”.

Itafos is a member of both the Idaho Mining Association (IMA) and the Idaho Association of Commerce and Industry (IACI), and participated in the creation of House Bill 367 through the IMA. Itafos supports the letters from the IMA and IACI dated November 13, 2020, regarding the subject rulemaking and incorporates their comments into this letter.

Additionally, Itafos offers the following specific comments for consideration. Itafos reserves the right to expand on the below or make additional comments in the future.

140. LINER AND LEACHATE CONTROL SYSTEMS

05.d. Leachate Control System Standards

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As indicted in our prior comment letter of April 28, Itafos believes that the requirements of 140.05.d, referencing 140.03 and 140.04 are not technically feasible to all leachate control systems constructed within a stack system and thus alternative quality assurance/quality control (QA/QC) requirements should be allowed. Notably, bench drain systems, used to aid in de-watering, are often designed and constructed at elevations throughout the stack and may have substantially different design and construction details and thus substantially different QA/QC requirements than described in 140.03 and 140.04.

140. LINER AND LEACHATE CONTROL SYSTEMS
06.b. Liquid Containment and Conveyance Systems

As pointed out in our April 28 letter, Itafos believes that additional clarification is needed within the requirements of 140.06.b. Specifically of concern is the reference to “double contained”, and “...assures that all materials under pumped flow are contained within a lined system in the event of a leak or piping system failure”. The term “double contained” should be further discussed and defined to clarify intent. Containment that meets the implied requirement may not be practical, depending on the intent of the IDEQ, considering the piping technology available to industry and the typical flows and pressures used to transport phosphogypsum or process wastewater. If additional technical information is required by IDEQ to better understand Itafos’ concerns, we can provide during the negotiated rule-making.

140. LINER AND LEACHATE CONTROL SYSTEMS
06.c. Liquid Containment and Conveyance Systems

Itafos, appreciates IDEQ’s removal of the seepage testing requirements in this section.

Itafos looks forward to continuing to work with IDEQ on the subject rulemaking.

Sincerely,



Timothy A Vedder III
Vice President and General Manager
Itafos Conda LLC