

Schaben, Darlene

From: Cummings, Mark <mcummings@doerun.com>
Sent: Wednesday, September 18, 2013 4:22 PM
To: Hoke, John
Subject: Comments on Proposed Lake Classification and Use Designations in Proposed Rule 10 CSR 20-7.031, MO Register Vol 38, No 12, June 17, 2013
Attachments: DRC Comments 091813.pdf

Mr. Hoke,

Attached are The Doe Run Company SEMO Mining & Milling Division's comments on the proposed Water Quality Standards changes in Missouri Register Vol. 38, No. 12, that assign the presumptive uses of paragraph (2)(A)4 to "...lakes and reservoirs that intersect the flow lines of rivers and streams identified in paragraph (2)(A)3 of this rule."

Thank you for considering these comments. If you have any questions, please feel free to contact me at 573-244-8152.

Sincerely,

Mark Cummings

Environmental Manager

The Doe Run Company

SEMO Mining & Milling Division

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**SOUTHEAST MISSOURI
MINING AND MILLING DIVISION**

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Via Electronic Mail: john.hoke@dnr.mo.gov

September 17, 2013

Mr. John Hoke
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

Re: Comment on Proposed Lake Classification and Use Designations in Proposed Rule 10 CSR 20-7.031; Missouri Register Volume 38, Number 12, June 17, 2013

Dear Mr. Hoke:

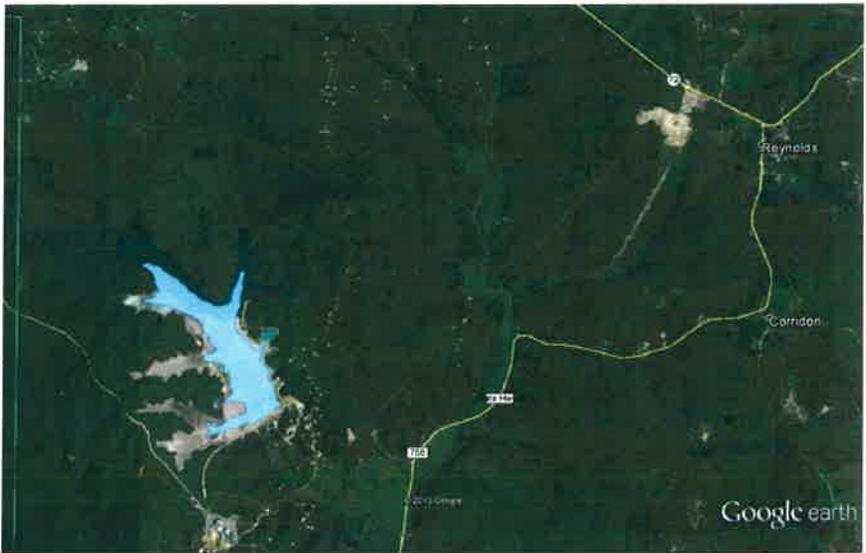
This letter is to provide comments regarding proposed Water Quality Standards changes in Missouri Register Vol. 38, No.12, that assign the presumptive uses of paragraph (2)(A)4 to all "...lakes and reservoirs that intersect the flow lines of rivers and streams identified in paragraph (2)(A)3 of this rule."

Subsection (2)(E) of the rule indicates that the department shall maintain a geospatial dataset and associated list of waters as described in the rule. On August 12, 2013, the department released a draft set of the lake data prepared by the department to implement the data set required by subsection (2)(E). Within the data, there are several figures representing impoundments located on property owned or operated by The Doe Run Company, Southeast Mining and Milling Division in Reynolds and Iron Counties, that under the rule framework are not intended to receive the presumptive use designations of paragraph (2)(A)4.

The impoundments, described in detail in the attached figures, are utilized for tailings management and/or treatment of stormwater and mine water. The proposed regulation 10 CSR 25-7.031(2)(D)4 provides that presumed uses do not apply to "Man-made systems constructed solely to treat or convey wastewater or stormwater." Under the proposed regulation, presumed uses do not apply to these structures. We believe that they were identified in error and should be removed from the data set.

Also, when considering effluent limitation regulations, 10 CSR 20-7.015(1)(A)2, the following exclusion applies "... An impoundment designed for or used as a disposal site for tailings or sediment from a mine or mill shall be considered a wastewater treatment device and not a lake or reservoir. ..." Consequently, tailings and mine water impoundments should not be included in the NHD data set, because they are not waters of the state.

Therefore, we request that these figures/shapefiles be removed from the data set and that the department acknowledge this understanding in its written response to these comments.



Sweetwater Mine Tailings Impoundment

Reynolds County

Missouri State Operating Permit
MO0001881. Outfall 002

Tailings storage and settling
impoundment for mine dewatering,
process wastewater, and stormwater
runoff from mine/mill operations.



**Fletcher Mine Dewatering and
Stormwater Settling Impoundment**

Reynolds County

Missouri State Operating Permit
MO0001856 Outfall 001

Settling impoundment for mine
dewatering and stormwater runoff from
mine operations; and process wastewater
and stormwater runoff from tailings
impoundment.



**Brushy Creek Mine Water Settling
Impoundment**

Reynolds County

Missouri State Operating Permit
MO0001848 Outfall 002

Storage and settling impoundment for
mine dewatering, process wastewater,
and stormwater runoff from mine/mill
operation.



Brushy Creek Mine Dewatering and Stormwater Impoundment

Reynolds County

Missouri State Operating Permit MO0001848
Outfall 001

Settling impoundment for mine dewatering and stormwater runoff from mine operations; and process wastewater and stormwater runoff from tailings impoundment.



Glover Non-Contact Cooling Water Impoundment

Iron County

Missouri State Operating Permit MO0001121
Outfall 002 (Eliminated from permit)

Settling impoundment for plant make-up water for blast furnace jackets and reserve fire protection water.

Thank you for considering these comments. If you have any questions, please feel free to contact me at 573-244-8152 or via email at mcummings@doerun.com.

Sincerely,

Mark Cummings
Environmental Manager
SEMO Mining and Milling Division

c: Ed Galbraith, Barr Engineering Co.