



March 26, 2024

By Dan.darlington@simplot.com

Dan Darlington
Smoky Canyon Mine Manager
J.R. Simplot Company, Smoky Canyon Mine
PO Box 1270
Afton, WY 83110

Re: Notice of Noncompliance – J.R. Simplot Company, Smoky Canyon Mine Idaho Pollutant Discharge Elimination System (IPDES) Permit IDR053128

Attention Dan Darlington:

The Idaho Department of Environmental Quality (DEQ) has determined that J.R. Simplot Company, Smoky Canyon Mine is out of compliance with IPDES Permit IDR053128. The non-compliance is due to:

- Illegal unpermitted discharge to waters of the US under the CWA section 301

DEQ is providing this notice so J.R. Simplot Company, Smoky Canyon Mine may correct the noncompliance with IPDES Permit IDR053128. Please provide the following information or documentation by May 1st, 2024:

- Continue to coordinate with the Forest Service and other jurisdictional agencies to assess the potential harm resulting from the slurry released to the environment.
- In writing, submit a report that describes the pipeline breach, the estimated volume of slurry released and potential hazards of the slurry to the environment and to human health. The report should include the results of any environmental sampling undertaken by Simplot since the breach occurred. **Completed October 3, 2023**
- In writing, submit a proposed response action plan that describes how Simplot proposes to prevent future pipeline breaches. Include any system or design failures that contributed to the pipeline breach and allowed the slurry reduction in the pipeline to go unnoticed, and how those will be corrected by Simplot. **To be completed and submitted to the U S Forest Service by April 26th, 2024**

- Provide a yearly summary report of sampling completed under the approved monitoring plan submitted to the Forest Service.
- The affected area from the release will be considered disturbed area due to mining operations and included under the MSGP. This area should be incorporated into your stormwater management plan until vegetation cover meets requirements to remove it.

DEQ appreciates your cooperation in resolving this matter. DEQ encourages you to continue your compliance efforts; responsibility for compliance with the IPDES permit rests with the permittee.

If you have any questions concerning this matter, please do not hesitate to contact me at 208-239-5013 or via email roy.henson@deq.idaho.gov.

Sincerely,



Roy Henson
IPDES Pocatello Regional Compliance Officer

cc: Troy Smith, IPDES Bureau Chief, DEQ State Office
Jennifer Cornell, Surface Water Quality Manager, DEQ Pocatello Office
Katy Bergholm, Regional Administrator, DEQ Pocatello Office
Ron Quinn, Smoky Canyon Mine, lori.hamann@simplot.com
Lori Lusty, Smoky Canyon Mine, ron.quinn@simplot.com