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October 16, 2020

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

Submitted via email: paula.wilson@deq.idaho.gov

Re: DEQ Negotiated Rulemaking – Ore Processing by Cyanidation
Docket No. 58-0000-2000F Omnibus re:58-0113-1901 (Proposed Rule)

Dear Ms. Wilson:

The Idaho Mining Association (IMA) provides the following comments to the subject Proposed Rule.

IMA commends IDEQ in their work on modernizing the rules governing minimum design standards for cyanidation facilities to reflect best practices in the industry which is reflected in the subject Proposed Rule. There are a few remaining suggested revisions and clarifications IMA would like addressed set forth before submission of the Proposed rule to the Board.

SPECIFIC COMMENTS

Idaho Code Section 39-107D Statement

In section 107D(3)(a) reference is made to “chlorine” as a contaminant of concern and later there is a suggestion that algal blooms could be a concern. We do not believe that either of these concerns should be associated with cyanidation facilities.

Section 001. There is a reference in this section to the term “process contaminated water containing cyanide” as well as in other subsections of the Proposed Rule (and in the 107D Statement). This is not a defined term but it clearly is intended to describe something beyond “process water” which is a broadly defined term in the Proposed Rule. We are not sure what is intended by use of this term and we do not think the Rule should be expanded beyond regulating process water. We suggest defining this term or striking it if the intent is to expand the scope of the Proposed rule beyond process water.

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Section 007.08.a.ii. Material Modification. Please add the word “Significant” to the beginning of this subsection. Minor changes to the components of a facility can and will occur throughout construction and operations. For a large facility such minor changes can occur hundreds of times throughout construction and operations. Such minor changes should not trigger a permit modification.

Section 200.06.ii. Minimum Plans and Specifications. Please revise that last portion of this subsection for clarity so the focus is on anticipated seismic conditions and it therefore should read “... for each component based on anticipated seismic activity considering the history of seismic events at the site.”

Section 205.01 Alternative Plans. Suggest striking the phrase “supported by best available science”. It should not be an applicant’s responsibility to identify what best available science and would likely invite disputes as to what is the best available science in any given situation.

We look forward to the upcoming board meeting in November 2020 when the board considers both the proposed rule and temporary rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Davenport", with a large, sweeping flourish at the end.

Benjamin J. Davenport

Cc: Director Jess Byrne