

Rules for Ore Processing by Cyanidation, IDAPA 58.01.13 Scoping Meeting – 58-0113-2502



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Overview

- Current Rules for Ore Processing by Cyanidation, IDAPA 58.01.13
- Most recent permit issued was to Perpetua Resources on March 31, 2025
- Last new permit issued prior to this was in 1996
- Previous negotiated rulemaking completed in 2019/2020 and 2005

Idaho Code 39-118A

- Section 39-118A, Idaho Code – Ore Processing by Cyanidation
- Senate Bill 1170 revised Section 39-118A, Idaho Code
- New definitions: cyanidation pollutants, issued for construction (IFC) data package, component or phase, procedural completeness, technical completeness
- Clarifies permitting in phases or components; additional flexibility in application review and approval
- Moves several rule sections directly into statute
- Required issuance of temporary rules prior to July 1, 2025

Changes in Temporary Rule

- Temporary Rule effective July 1, 2025
- Removed portions of 58.01.13 that are now in 39-118A, Idaho Code
- Clarifies permitting in components or phases
- Removes requirement of an approved PCP prior to permit issuance (but is required as a permit condition)
- IFC Data Package
- Construction within two years of permit issuance, or an approved extension

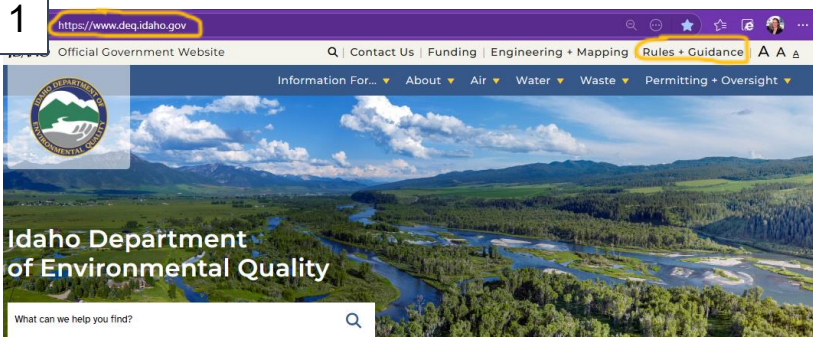
Negotiated Rulemaking

- Public comments from temporary rule included some topics that would be better addressed in negotiated rulemaking
- Temporary rule was limited to revisions for direct conflicts between 39-118A, Idaho Code and 58.01.13
- Negotiated rulemaking initiated to bring in all stakeholders
- ZBR type revisions

Next Steps

- First negotiated rulemaking meeting December 9, 2025
- Draft Schedule
 - Continue negotiated rulemaking spring 2026 following end of the legislative session (2 meetings)
 - Mid-July 2026 proposed rule to DFM
 - Publish in September 2026 Administrative Bulletin
 - Before Board of Environmental Quality in mid-November 2026
 - Proposed rule to 2027 legislature

New Website



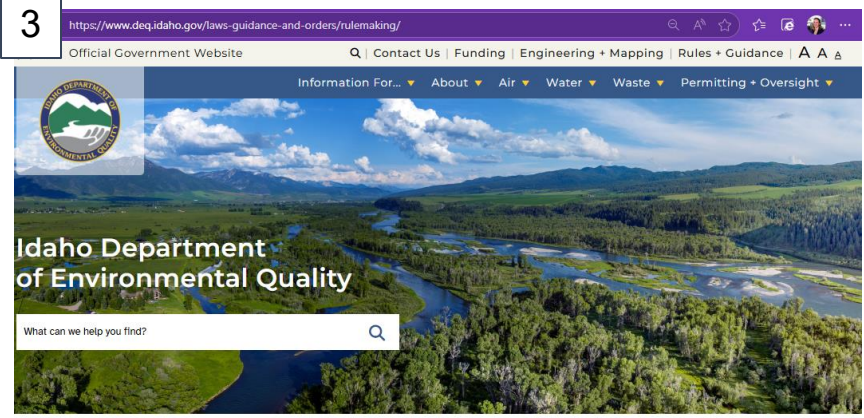
2 Rules and Guidance

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The Idaho Legislature determined it was in the interest of the state and its citizens to establish a Department of Environmental Quality to carry out programs to protect human health and the environment, to enforce environmental laws, and to develop pollution, compliance assistance, and other environmental incentive programs ([Idaho Code §39-102A\(4\)](#)).

Rules and guidance determine how DEQ, its partners, and regulated entities comply with state and federal laws to protect human health and the quality of Idaho's air, land, and water.

Topics	
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Rulemaking

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Category	Docket Description	Status
Ore Processing by Cyanidation IDAPA 58.01.13	Ore Processing by Cyanidation: Docket No. 58-0113-2502 Provides opportunity for stakeholder input on DEQ's cyanidation rule based on revisions made to Section 39-118A, Idaho Code per 2025 Senate Bill 1170.	PUBLIC COMMENT PERIOD PENDING Negotiated rulemaking scheduled to commence December 2025.
Drinking Water IDAPA 58.01.08	Drinking Water: Docket No. 58-0108-2502 Rulemaking initiated to revert the 80 psi maximum distribution system pressure	PUBLIC COMMENT OPPORTUNITY CLOSED

Questions?



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Your name
Your title