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Public Comments on IDAPA 53.01.13 Rule Draft 2

Diane Cutler
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Dear Ms. Cutler,

Thank you for considering our comments on the Cyanidation Rule Draft 2, Docket # 58-0113-2502. We respectfully submit the following recommendations to the Idaho Department of Environmental Quality (IDEQ) for your review and action.

- **Clarify/limit secondary containment requirements for piping:** We request clarification that secondary containment for piping should only apply to lines outside process buildings or not otherwise contained. Much of the requested application content is unnecessary given the detailed requirements in section 200.07.
- **Limit "As-Built" submittals to statutory items:** We support edits restricting the as-built report to the cyanidation statute's specified components (items "a" and "b"). Updated O&M plans should not be included in the as-built package, as they are not required by the statute and are addressed in section 200.10.
- **Remove redundant wildlife-protection provisions from this rule/application:** Perpetua recommends eliminating wildlife-related requirements from the application and operational sections contained in the draft rule. Wildlife measures are already governed by federal biological opinions and authorizations, and general wildlife interaction prevention is addressed through the Operations & Maintenance Plan (200.10). Including additional provisions is redundant.
- **Seasonal/temporary closure plan should not be automatic:** A Seasonal/Temporary Closure Plan should only be required as necessary, limited to safe shutdown and security, and could be submitted at the IFC stage.
- **Limit cross-program compliance narratives:** Perpetua asks IDEQ to limit the scope of this requirement to an explanation of compliance with **other IDAPA chapters or**



federal requirements, to simply identifying which chapter or federal requirements also apply. The cyanidation statute does not require the level of detail.

- **Characterization and prediction of cyanidation pollutants:** The chemical processes used for extraction of gold and antimony is a complex series of individual physical and chemical processes. The concentration and characterization of cyanidation pollutants varies across these different processes. Perpetua asks IDEQ to clarify at which point in the ore process characterization this should occur (section 100 *Contents of Application*). Perpetua recognizes this information is intended to aid in identifying leaks from secondary containment and recommends this information at most be provided for the individual process secondary containment areas. If more than one process unit operation exists within a common containment area then the highest concentration and characterization would be provided. Secondary containment is designed and built to contain any releases, and, therefore the key focus of this information should be to identify environmental exposure to cyanidation pollutants.
- **Requirements for shear resistance and anchoring materials:** Perpetua requests a change to the language to specify liner interface requirements separately from anchoring.

Perpetua Resources would like to thank IDEQ for updates to the Rule Draft 2 that specifically address:

- Requirements regarding containment of ore processing reagents.
- Scope of process water storage sizing requirements to those components subjected to meteoric water.
- Eliminating the mandatory submittal of the Employee Education Plan.

A redline version with Perpetua's recommended edits to the draft rule is attached for your consideration. If you have any questions please reach out to myself via phone at 208-484-7218 or email at Mckinsey.Lyon@perpetua.us.

Mckinsey Lyon
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