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RE: Public Comment on Proposed Rule – Cyanidation: Docket No. 58-01.13

To Whom it May Concern:

Thank you for the opportunity to comment on the proposed cyanidation rules for IDAPA 58.01.13. The Idaho Mining Association (IMA) and its members appreciate the Idaho Department of Environmental Quality (DEQ) entering into a negotiated rulemaking in the hopes that these rules are revised to meet the intent of streamlining the permitting process by clarifying the needs of the cyanidation facility permit application, the cyanidation facility permit application and the review and approval requirements conducted by DEQ outlined in Senate Bill 1170 (S1170) as required in Chapter 1 Title 39-118A (33)(a)¹ Idaho Code.

58.01.13 – Rules for Ore Processing by Cyanidation.

Idaho Code 39-118A sets the requirements for the cyanidation permitting design to address containment and the prevention of degradation of waters of the state. The permit review and facility design are limited by the statute to the secondary containment of cyanidation pollutants in process equipment, tanks, and piping, and to primary and secondary liners associated with leach pads, tailings storage facilities.

It is also clear that another purpose of 39-118A was to avoid reviews that duplicate other permits. The rule should be consistent with the statute by only requiring data, analysis, specifications, and design information for the cyanide permit and to establish only those cyanidation permit obligations for containment and that will not be addressed by other state and federal permits (which would be a direct conflict with 39-118A(10)(a)).


IMA appreciates the IDEQ's staff work to identify and work through questions that have arisen throughout the rulemaking process and we appreciate many of the changes that have been made to

address these questions. With that in mind, there are a few issues that IMA membership has identified as needing further attention. These are identified below:

- **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, if remains required should be submitted at the IFC stage vs with application.
- **Limit cross-program compliance narratives:** The rule should limit the requirement to explain compliance with **other IDAPA chapters or federal requirements**, to simply identifying which chapter or federal requirements also apply. The revised statute does not require that level of detail.
- **Characterization and Prediction of cyanidation pollutants:** The chemical processes used for extraction of minerals is a complex series of individual physical and chemical processes. The concentration and characterization of cyanidation pollutants varies across these different processes. IDEQ should clarify at which point in the process circuit(s) characterization should occur. Characterization and concentration of cyanidation pollutants is used as part of the monitoring program to identify leaks from secondary containment and IMA recommends this information be provided for the individual process secondary containment areas. If more than one process circuit exists within a common containment area then the highest concentration and associated characterization would be provided.

IMA appreciates the opportunity to provide these comments. We would welcome the opportunity to participate further in this rulemaking process and would be happy to provide additional clarification or feedback upon request.

Kindest Regards,

A handwritten signature in blue ink, appearing to read "B. J. Davenport", written over a white background.

Benjamin J. Davenport
Executive V.P., Idaho Mining Association