IDAHO MINING ASSOCIATION

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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.

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, one remaining issue that IMA membership has identified as needing further attention is outlined below:

It is IMA's position that Section 50.03 that addresses the information required for a Preliminary Design report is too prescriptive and unnecessary during the preliminary design stage and pre application process. While the Preliminary Design Report is required in statute, we believe this draft of the rule goes beyond that requirement. It is IMA's belief that the intent of the Preliminary Design Report is to lessen the burden to develop and approve an application given that the approval or denial of the report does not preclude the permittee from continuing to the application phase. Further, design plans often change drastically between the pre application process and when an application is filed. It is IMA's position that the intent of the report should not be equivalent to an

application-lite but rather a general overview of the project, the location and the use of cyanide within the project.

IMA would propose amending Section 50.03(b) to read:

> **a.** *A general overview of the project, the location and preliminary layout, a description of how cyanide and reagents will be used, storage of cyanide, general process flow, neutralization of cyanidation pollutants, and final disposal or closure.* ~~*How The project will address each application requirement in Subsection 100.03 and Sections 200 through 205, or why a specific requirement in Subsection 100.03 and Sections 200 through 205 is not applicable:*~~

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,



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