STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Jervois Mining USA Points of Compliance Determination

Version 3.1 November 2, 2026

Purpose

The Idaho Department of Environmental Quality (DEQ) issued a final revised Points of Compliance (POC) determination (POC 3.0) on May 15, 2026. On June 15, 2026, DEQ received an appeal to POC 3.0 from Jervois Idaho Cobalt (Jervois). This initiated DEQ's contested case process. DEQ and Jervois agreed to a stay of the Contested Case to further negotiate Jervois' concerns and questions. POC 3.1 presents DEQ's response to these negotiations.

Background

Jervois suspended operations at the Idaho Cobalt Operations (ICO) in March 2023.

Jervois transitioned ICO from short-term suspension to a long-term care and maintenance phase. Beginning in November 2025, active water treatment ceased when water management ponds reached the minimum operating levels to maintain stormwater storage capacity, and underground dewatering was discontinued. The site entered a passive water management phase.

POC determination is required to ensure continued compliance with DEQ's "Groundwater Quality Rule" (IDAPA 58.01.11). Previous POC determinations were issued in 2011 and 2022 to address mine development. The proposed 2026 POC revision reflects changes appropriate for long-term care and maintenance, including reassignment of monitoring wells, reduced sampling constituents and parameters, and reduced sample collection frequency.

POC compliance monitoring will be conducted on an annual basis, reflecting the extensive groundwater characterization data already available for the site. Jervois will implement a revised POC monitoring plan consistent with the approved parameters, wells, and frequencies, while continuing any additional sampling required for other regulatory or internal purposes.

Jervois will report any upper tolerance limit (UTL) or exceedance of the "Ground Water Quality Standards" (IDAPA 58.01.11.200) at POC wells to DEQ within 30 days of receiving laboratory results and will submit an annual POC report summarizing groundwater data, trend analyses, and quality assurance reviews. The company will also update and submit a revised POC Response Plan within 90 days of POC issuance, in accordance with IDAPA 58.01.11.400.02.

Accommodation services: The Idaho Department of Environmental Quality will provide reasonable language access services and/or disability services for documents at no charge. To request an accommodation under Title VI of the Civil Rights Act of 1964 or Americans with Disabilities Act, contact DEQ's Title VI Coordinator at (208) 373-0271 or accessibility@deq.idaho.gov. Para obtener información en español, visite https://www.deq.idaho.gov/about-us/accessibility/

Current Status

Since suspending operations at the ICO in March 2023, Jervois has maintained the site in compliance with all permit requirements through a focused program of environmental monitoring, site maintenance, water management, and water treatment. A small on-site team has ensured continuous care of infrastructure and environmental resources, including ongoing dewatering of underground workings (except May–August 2023), restoration of site water balance, and treatment and discharge of mine, storm, and contact water.

Throughout the long-term care and maintenance period, Jervois will continue to uphold all performance standards defined in the approved Plan of Operations, associated management plans, and applicable state and federal permits.

DEQ issued previous POC determinations in 2011 and 2022, addressing the development of the mine. This 2026 POC 3.1 version addresses reassigning wells, reduction in sampling parameters, and sampling frequency and UTLs.

Modification of the POC from 2022 to 2026

Significant modifications of the POC from 2022 to the 2026 version are identified below.

Removal of Contaminants of Concern from UTL Statistics

DEQ believes the POC 3.1 should exclusively reflect groundwater quality criteria at POC wells and not at indicator wells, springs, or seeps. Further, DEQ believes secondary contaminants are not subject to UTL calculation at this site, but remain subject to Section 200 of the Ground Water Quality Rule. Table 1 and Table 2 reflect the modified parameters and frequency.

Table 1. POC and indicator well monitoring locations data collection frequency.

Monitoring Location ID	Sampled Formation	Sample Collection Frequency	Latitude	Longitude
POC Monitoring				
RCW05	Bedrock	Annual*	45.145690	-114.365570
RCW06	Bedrock	Annual*	45.146780	-114.365300
RCW07	Bedrock	Annual*	45.148172	-114.365075
RCW09	Bedrock	Annual*	45.150028	-114.365413
Indicator Monitoring				
RMW01	Bedrock	Annual	45.145668	-114.357583
RMW02	Bedrock	Annual	45.146950	-114.363050
RMW06	Bedrock	Annual	45.150426	-114.361812
RMW07	Bedrock	Annual	45.142330	-114.364000
RMW11	Bedrock	Annual	45.149483	-114.361467

Notes: * = When a validated reported constituent concentration exceeds the POC established value, sample frequency will progress to quarterly sampling for the affected location unless a higher frequency is defined in the POC Response Plan.

Table 2. Constituents and field measurements for groundwater data collection at POC and indicator wells.

Constituent	Lab Reporting Limit (mg/L)	Numeric Groundwater Quality Standard (mg/L)
pH, laboratory	0.001 (SU)	6.5-8.5 SU
Sulfate	0.001	250
Arsenic (T)	0.001	0.05
Copper (T)	0.001	Location Specific UTL
Copper UTLs		
Location		**mg/L**
RCW05		1.07
RCW06		1.15
RCW07		0.92
RCW09		0.91
Field Data		
Parameter	**Method**	**Reporting Units**
Static Water Level	Electronic or Steel Tape	ft/bgs
Conductivity	Multi-Parameter Probe	mS/c^3
pH	Multi-Probe	SU
Temperature	Multi-Probe	^oF
Dissolved Oxygen*	Multi-Probe	mg/L
Turbidity*	EPA Method 180.1	NTU

Notes: mg/L = milligrams per liter; SU = Standard Units; (T) = Total; UTL - Upper Tolerance Limit; ft/bgs = feet below ground surface; mS/c^3 = milliseimens per cubic centimeter; ^oF = degrees Fahrenheit; EPA = US Environmental Protection Agency; NTU = Nephelometric Turbidity Units, * = optional measurement, not required for determination of POC compliance.

Addition and Removal of POC Wells

Ram Monitoring Wells (RMW) 09 and 12 will no longer be considered for POC purposes, nor will any of the springs and seeps previously monitored for nitrate. **Error! Reference source not found.** displays the POC and indicator wells for this revised POC 3.1 determination.

UTL Value

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Monitoring Schedule

Monitoring for POC compliance will be conducted annually. DEQ believes the site has significant characterization, and data for POC 3.1 should be used to inform POC compliance. Jervois is encouraged to continue any sample collection needed for other regulatory or internal directives unrelated to the POC. Jervois will implement a POC monitoring plan consistent with Table 1 and Table 2.

Reporting

Jervois will report any UTL exceedance at a POC well within 30 days of receipt from the laboratory. Additionally, Jervois will submit an annual POC report within 120 days of the completion of annual sampling. This report will provide electronic data for all groundwater samples collected, identify any data trends, and detail the quality assurance review.

Required Plan Development

Jervois will update, revise, and implement its current POC Response Plan consistent with IDAPA 58.01.11.400.02. Jervois will submit this plan within 90-days of POC issuance. Items in 02a and 02b will be specifically addressed.

Right to Appeal

This revised final POC determination may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5) and the "Rules of Administrative Procedure before the Board of Environmental Quality" (IDAPA 58.01.23), within 35 days of the date of final revised determination.

Summary of Public Comments

THIS SECTION TO BE COMPLETED AFTER NEXT PUBLIC COMMENT PERIOD

This POC revised determination was made available for public review and comment from January 26, 2026, to March 27, 2026. DEQ received comments from Jervois ICO and the Blackbird Mine Site Group.

The comments expressed concerns related to reductions in POC monitoring locations and frequency, dissolved fraction analysis, and sampled constituents; discontinued POC monitoring of site seeps and springs; and a desire to further reduce POC locations and recalculate UTLs for copper using methods to exclude seasonality (contrary to previous UTL calculations and DEQ [2014] statistical guidance).

A summary of comments submitted to DEQ during the public comment period and agency responses are included in Attachment A.

References

DEQ (Idaho Department of Environmental Quality) 2025. “Ground Water Quality Rule.” IDAPA 58.01.11, et seq.

DEQ (Idaho Department of Environmental Quality). 2014. S*tatistical Guidance for Determining Background Ground Water Quality and Degradation*. Boise, ID: DEQ.

GSI Environmental. October 2026. *Proposed Total Copper Limits – Idaho Cobalt Operations.*

Jervois Mining Limited. June 2026. *Appeal of POC 3.0 Notice and Memorandum.*

Jervois Mining Limited. November 2025. *Jervois POC 3.0 Application.*

Jervois Mining Limited. November 2025. *Mine Void Water Quality Evaluation.*

Jervois Mining Limited. October 2025. *Idaho Cobalt Operations Updated Interim Shutdown Plan for Long-Term Care and Maintenance.*

Jervois Mining Limited. September 2025. *Idaho Cobalt Operations Interim Shutdown 2025 Long-Term Care and Maintenance.*

Jervois Mining Limited. October 2021. *2021 Interim Water Monitoring Plan.*

Newfields. July 2020. “ICL UTL Update Memorandum.”

Newfields. November 2018. *Upper Tolerance Limits and Intermediate Thresholds, Idaho Cobalt Project, Lemhi County, Idaho.*

Newfields. August 2022. *Jervois Idaho Cobalt Operations Updated Upper Tolerance Limits and Intermediate Thresholds, Idaho Cobalt Operations, Lemhi County Idaho.*

USFS (United States Forest Service). December 2009. *Forest Service Evaluation for Project 12-09, Idaho Cobalt Project Mining Plan of Operations.*

Attachment A. Summary of Comments and Responses to Draft POC Version 3.0 from the Public Comment Period TO BE COMPLETED AFTER POC 3.1 PUBLIC COMMENT PERIOD

Commenter	Concern	Response
Jervois	RCW01 is downgradient of the Blackbird Mine and water quality is likely more reflective of Blackbird Mine water, not ICO.	Total copper concentration data from samples collected at this site between 2012 and 2025 indicate concentrations near 1 µg/L prior to site activity and increasing concentrations since 2019. This behavior indicates a system response in relation to Idaho Cobalt site activity, which results in an increase in total copper concentrations in groundwater at RCW01. The observed groundwater response at this location also confirms the hydrogeological site conceptual model. There has been no exceedance of UTLs at this location through 2025.
Jervois	Retaining the established UTLs for copper is not consistent with site conditions, technical evaluations, or applicable regulatory framework.	Alternative numeric standards for the Idaho Cobalt site were developed collaboratively with Jervois for the POC V2 between 2019 and 2022 and in conformance with the Idaho Ground Water Quality Standards (IGWQS) as found in IDAPA 58.01.11, and consistent with required correction for seasonal effects as explained in DEQ's *Statistical Guidance for Determining Background Groundwater Quality and Degradation* (2014). The effort to calculate location- and constituent-specific numeric thresholds appropriate for the Idaho Cobalt site represents a significant investment of company and agency resources and results remain defensible for the site. There is no reason to believe that recalculating numeric thresholds in the same defensible manner using the same data as for POC V2 would result in different numeric UTLs for copper. To maintain the existing CERCLA action at the Blackbird Mine, the UTLs developed for total copper at POC locations are being carried forward from POC V2 to POC V3. The current IGWQS for arsenic and pH, as summarized in Table 2 of POC V3, are the numeric thresholds by which compliance will be determined.
BMSG	Recommend retaining monitoring wells that have reported UTL exceedances in the past.	The POC locations and constituents for POC V3 are intended to ensure compliance with IGWQS so that outside the mining area boundary, there is "no injury to current or projected future beneficial uses of groundwater and there is no violation of water quality standards applicable to any interconnected surface waters". Also, "in no event shall the point(s) of compliance be within the boundary of the mining area." Wells identified as POC monitoring locations are where compliance with numeric standards are determined. Indicator wells within the mining area are used to identify impacts prior to reaching a compliance location. Unexpected changes in the water quality observed at an indicator well may result in a requirement for more study or additional monitoring wells. If within the mining area, an indicator well could not become a POC well. If the hydrogeological conceptual site model or the mine plan changes, a POC well could become an indicator well.
BMSG	Sampling frequency and seasonal coverage	The monitoring plan will be customized to collect water quality data during the time of year in which existing data indicate the highest concentrations of COCs. The monitoring plan is intended to implement the purpose of the IGWQS to ensure there is no injury to current or projected future beneficial uses of groundwater by determining compliance with POC V3 UTLs and IGWQS at POC monitoring wells. The POC V3 includes a provision to resume quarterly sample collection and analysis in the event of a reported numeric value that represents an exceedance of identified thresholds.

Commenter	Concern	Response
BMSG	Exclusion of springs, seeps, and surface water interfaces	See previous response.
BMSG	Analyzed fractions and reporting limits	Determining compliance with IGWQS is based on reported total concentrations.
BMSG	Exclusion of cobalt as a COC	There is no IGWQS for cobalt; therefore, POC V3 included COCs for which there are numeric criteria.
BMSG	Reporting limits and analytical sensitivity	The reporting limits for site COCs are less than the UTL or relevant IGWQS and are identified in Table 2 of POC V3.
BMSG	Clarification of "Other regulatory or internal" monitoring	Idaho Cobalt operation activities are regulated by permits beyond the scope of the IGWQS and POC determination. The statement referred to in this comment is an acknowledgement of that reality and clarifies that the agency intends to support compliance efforts in general at this site.

Notes: ICO = Idaho Cobalt Operations; µg/L = microgram per liter; UTL = upper tolerance limit; IGWQS = Idaho Ground Water Quality Standards; POC = point of compliance; V2 = version 2.0; V3 = version 3.0; CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act; BMSG = Blackbird Mine Site Group; COC = contaminant of concern