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Aug. 13, 2019

Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706

Submitted via email: paula.wilson@deq.idaho.gov

**Re: DEQ Negotiated Rulemaking - Ore Processing by Cyanidation,
Docket No. 58-0113-1901**

Dear Ms. Wilson:

The Idaho Mining Association (IMA) appreciates the opportunity to provide the following comments on the Idaho Department of Environmental Quality (IDEQ) rulemaking regarding ore processing by cyanidation.

Since 1903, IMA has represented miners and mining companies engaged in mineral exploration, mineral developments, and land reclamation throughout the state of Idaho. Our membership also consists of companies and industries that provide services to the mining industry within the state. IMA and its members are committed to responsible and sustainable mineral withdrawal in Idaho and our member companies continue to utilize and explore more innovative and science backed methods to extract minerals needed for everyday life while protecting and preserving the environment in Idaho for future generations.

IMA appreciates IDEQ taking the steps to work with Nevada regulators to learn about their program and your willingness to utilize their expertise as we modernize Idaho's regulations. IMA supports IDEQ's recognition that different cyanidation facilities warrant different design considerations. We support the direction that the department has taken in suggesting an approach which follows Nevada's regulations and look forward to discussing specific language proposals as we move forward with this rulemaking.

To spur discussion and to more fully understand the practical application of how these regulations work in Nevada, we offer the following questions to their regulators:

- 1. In evaluating containment permeability equivalence under NAC 445A-437.01, how often are synthetic liners approved by Nevada? Does Nevada accept manufacturer representations on permeability of liners when approving an equivalent containment design?*

2. *In determining whether an alternative level of containment may be required under 445A-437.02,a. one of the criteria applied is the “characteristics of the material deposited”. Are there certain materials, like cyanide, mercury, arsenic etc., deposited in a tailings impoundment that automatically require alternative containment? What type of analysis does Nevada undertake in determining whether certain material deposited in an impoundment requires alternative containment. Are there threshold concentrations of materials deposited in an impoundment that require alternative containment? Please give some examples of alternative containment designs required under the Rule, with a brief explanation why such alternative containment was required.*
3. *Same general questions regarding the criteria requiring alternative containment under 445A-437.02,d related to the “extent of and methods used for recycling or detoxifying liquids”. Are there threshold concentration levels for liquids which are placed in an impoundment that require alternative containment?*
4. *How does the size and volume of a tailings impoundment dictate whether Nevada will require alternative containment under 445A-437.02?*
5. *Does NDEP have any checklists or other guidance to help inform what additional information (and necessary level of detail) is required in support of a permit application, such as engineering calculations, modeling, laboratory testing results, and/or material specifications?*
6. *How does minimization of hydraulic head on liner, and determination of its sufficiency, work in practice under 445A-437.02c?*

As I alluded to earlier, we have yet to fully analyze the language that was provided at the Aug. 6th rulemaking, but we are happy to do so if IDEQ would find it valuable prior to our next meeting and drafting of the rule. With that said, we are supportive of the efforts that the department has undertaken while working toward aligning this rule with the performance-based approach to the design and construction of cyanidation facilities. While we understand the possible need to have minimum design standards for certain types of facilities, we are fully supportive of the department taking a “Nevada-like” approach to distinguishing these design standards separately from the performance-based models for different types of facilities that will be designed and constructed specifically for individual sites.

Again, we appreciate IDEQ considering how to modernize the state’s cyanidation rule and we look forward to continuing to work with IDEQ for the remainder of 2019 to accomplish that result.

Sincerely,



Benjamin J. Davenport