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July 29, 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 DEQ 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.

On behalf of our membership, we appreciate the efforts by IDEQ to attempt to craft a performance-based alternative for cyanidation facilities that could be adopted by the Board in 2019. The proposal accomplishes the need to consider alternative design standards when different types of facilities are considered, and we appreciate the work and time that went into the draft proposal. Over the past two months, it has become clear that we will not be able to meet the goal of having a final proposal for Board review at the fall meeting. With that in mind, rather than continuing the attempt to make minor modifications to the subject rule, IMA believes it would make more sense to revise the rule in its entirety to be more aligned with the performance-based approach to the design and construction of cyanidation facilities that is already in place in the State of Nevada. As has been discussed in rulemaking meetings, the state of Nevada's program is the standard for regulating cyanidation facilities in the United States, if not worldwide. Thus, IMA would like IDEQ to continue to work on the subject rule throughout

2019 and early 2020 so that the rule ultimately is much more closely aligned with Nevada's program.

If IDEQ agrees with this approach, IMA would be interested in further discussing the importance in having a performance-based rule going forward so that the program can continue to advance over time as industry and cyanide facilities evolve.

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,

A handwritten signature in blue ink, appearing to read "B. J. Davenport", with a large, sweeping flourish at the end.

Benjamin J. Davenport