

IDAHO CODE § 67-5222 RULEMAKING PUBLIC MEETING REGARDING IDAPA 37.03.05 – MINE TAILINGS IMPOUNDMENT STRUCTURE & IDAPA 37.03.06 – SAFETY OF DAMS

Unofficial Public Meeting Transcript

Friday, 10/28/2022 at 9:00 AM

Mathew Weaver 00:01

At 9 am to provide further opportunity for the public to offer comments regarding proposed rule makings for IDAPA 37.03.05 Mine Tailings Impoundment Structures Rule and IDAPA 37.03.06 Safety of Dams Rule. Today's public meeting is the fourth public meeting in association with promulgating new rules. For promulgating those rules as required by Idaho Code, Title 42, Chapter 17-14, which mandates that the Idaho Water Resource Board adopt and revise from time to time such rules as may be necessary for carrying out the provisions of 42-1710 through -1721. Specifically, today's meeting is an opportunity for oral comment, as set forth in Idaho Code 67-5022, regarding the publication of proposed mine tailing impoundment structures and safety of dam rules. These proposed rules were published in Administrative Bulletin 10-22 [Vol. 22-10], on October 5, under Docket No. 37-0305-2201, and 37-0306-2201. We've got a pretty small group here today. But just a reminder to be civil in your calm, conduct in your comments. And if you're participating online, please ensure that your phone is muted except when you're speaking.

Mathew Weaver 01:13

So again, my name is Mat Weaver. I'm the Deputy Director at the Department. I'm joined here today by John Falk on my right. He's the program manager for the state's Dam Safety Program. And then Megan Jenkins is on my left and she's supporting the meeting as well. So just in the room, we'll do introductions. If you could just be loud, be good enough. Starting over here on my right.

Will Tiedemann 01:42

My name is Will Tiedemann, conservation associate from Idaho Conservation League.

Mathew Weaver 01:47

Morning Will.

Benjamin Davenport 01:49

Excuse me, Benjamin Davenport, Idaho Mining Association.

Mathew Weaver 01:52

Morning Ben.

Niko Lostra 01:54

Niko Lostra with Bilboa and Company.

Mathew Weaver 01:58

Morning. And then online, I see that we've got Kaycee Royer with Thompson Creek Mine. Is that correct, Kaycee?

Kaycee Royer 02:06

Yes, I represent Thompson Creek.

Mathew Weaver 02:11

And then two other folks, could you please introduce yourself?

Michael McCurdy 02:21

Michael McCurdy with Idaho Department of Environmental Quality.

Mathew Weaver 02:24

Good morning.

Mathew Weaver 02:35

Then it looks like we at least have one other person, maybe your mics muted?

Mathew Weaver 02:48

Yeah, the star six always throws me off. And then anyone else who can introduce themselves?

Mathew Weaver 03:10

All right, well, if you figure out your...yeah, you could also type in the chat, introduce yourself that way. Appreciate it. So again, I just want to thank everyone for submitting comments throughout this process and for participating in the process. We've been working the last two weeks to get ready for this meeting to respond to all comments. I will just quickly say that if you haven't been to our webpage in the last two weeks, we've been making some updates there. We've been posting the additional comments that have come in to the webpage, we've been preparing some materials, a response document that's been posted to the webpage. In addition, I reworked on a strikethrough underscore document, so it tracks the changes between the existing dam safety rule, that's in place now, and the proposed rule that was published in the October bulletin. I know that's something that a lot of people wanted in this process. I think it was a difficult thing to do when we had the combined rule, mine tailing and dam safety, but once we bifurcated that we were able to do those track change documents for both the dam safety rule and the mine tailing rule. So those are out on our webpage as well. So really, this meeting is an opportunity for oral comment. I'll just turn it over to people into the room first, and then we'll go to folks online. Will, do you, would you like to give testimony today? Yeah, come up and...

Will Tiedemann 04:51

Yeah

Mathew Weaver 04:51

...hit the button on the mic and when it's green you're live. Go ahead, sir.

Will Tiedemann 04:57

Well, thanks for having this meeting. It was a bit of a logistical challenge, I imagine, to get it together short notice, but I appreciate that. I've been with this process since it started back in the early summer and spoken with lots of folks, including both John, Matt, yourselves. Got a few things I want to say here, and I'll try to stay concise. But I do have several topics I'd like to touch on and tried to always keep comments particularly effective and maybe concise and fair. And I will still try to do, still strive to do that, but apologies if there's a little more passion, this time. I think, I want to start maybe at the beginning of kind of this, this rule process, and acknowledge some of the challenges that we've had, and maybe in hindsight ways they could have been, been

better addressed, or this process could have gone a little smoother. And that started I think with you know, separating, or combining the rules, the mine tailings and the dam safety rules. And I understand the Department's goal to combine those. So, I think from somebody who say, you're just stepping into the state, or, you know, they might see it better that way that it would make more sense, but for everybody who's already been using these rules, I think it felt, it felt alien, and it was hard to wrestle with what's changing and why. I can understand probably from a metric standpoint, I know ZBR rulemakings are reported in reduced word count. And if you can combine two rules that say a lot of the same things, you, you get a pretty big bump in reduced word count. And that's not, that's kind of the game that IDWR has to play in. And, you know, I can do a whole other thing about the ZBR, and how that, I believe, is flawed in many ways. But I think it maybe would have been helpful if there's a scoping meeting. I know other departments have held scoping meetings before they get into the first Negotiated Rulemaking. For example, DEQ just held one for upcoming IPDS rules and water quality standard rules. And it was helpful that they got to explain, "here's what you can expect in this process and here's what you can't". And for their purposes, it was, "don't expect a lot because there's overarching federal water quality rules, Clean Water Act Rules that don't let you change a lot and EPA has to review it". I think it would have been helpful if, you know, IDWR could have come out and said, "hey, you know, this one might be different." "There are no federal overarching rules." "We have, you know, there's changed statute, here's what's changed in the statute since, we have to incorporate that." "Here's what you can expect from that." You know, here's, you know, "we're thinking about combining the rules." "How do people feel about that?" "Is that helpful?" "Or if it's not helpful, maybe do you understand in the future, it could be helpful for other people coming in?" And there maybe would have been better buy-in into the process. Saying, you know, that, "okay, okay, yeah, it's gonna take us more time to understand that we're familiar with the rules this way." "But, okay, okay, now that you gave us a heads up, you know, we'll, we'll put the time into it, to understand it." So, I think that could have been very helpful and maybe perhaps IDWR has done in the past. And for one reason or another didn't happen for this rule. But, would suggest it for other rules going forward, to help kind of set the stage and there may not have been so many bumps around in this process.

Will Tiedemann 08:06

The second thing I wanted to touch on was the delay in kind of getting out documentation that helped parties understand what had changed from the, you know, the existing rule to the draft rule and why. I first brought this issue up in June 17, in the first comments of the first meeting. That there is statutory language in the ZBR executive order that states you know, "where the benefits of regulations can otherwise be realized," you know, and lends itself to stating that, "let's explain that, what is the benefit of the regulations we are removing, and how are they being realized elsewhere?" "Or if there no longer is benefit to them, let's explain why that's the case." And so, it lends itself to providing a summary or justification for why we're changing and what. And I think it was a struggle to get to where we are now. I think the Department's comments after I made that suggestion for a written document, technical document, summarizing the changes, and providing justification for this change, was kind of met with a little bit of confusion. There were statements that, "oh, we've already released all these, these previous documents, and we don't really know, we'll hold more meetings, but we don't really know what you're asking for, or we don't really know how we can help more." And then we held another meeting, and I made the same comments. And those comments were echoed not only by myself, but by the Idaho Mining Association, and again, echoed yesterday by additional written comments. And I had discussions with folks in the Department and I understand it sounds like there are some resource constraints to brought, bring into this, to this effort. And you know, maybe that, it was underestimated on how much involvement or how much time it would take to, to address this issue. But I guess overall, like, the sentiment I want to convey is some frustration and disappointment. Um, that four months ago, you know, I brought this issue up that we would like to have a document that summarizes changes and gives justification. And only at the 11th hour yesterday, where documents finally upload to the website that I didn't even see until this morning, trying to get to that. And I guess on a side note, we can talk after meeting, I'm still looking for, you know, response to the comments from last meeting that were posted reference, with you know, document blue and black language, showing old language, new language, and referencing textboxes giving context. I haven't seen that posted online yet, or found that, I know there was a zip file with some, some drafts, and I, I didn't quite see them yet. So perhaps that hadn't been posted yet, or I'm

missing it. So, I haven't had a chance to look over that. And maybe that answers a lot of questions now, finally, which would be great. But again, it's a little difficult at the 11th hour here.

Will Tiedemann 10:54

So, and I understand that, you know, I come from regulation, I worked for IDEQ for about two years writing permits. And I, when, when folks from all walks of life sometimes would state you know, I, frustrations with regulation and how regulators do their work, I, you know, I would always give them the benefit of the doubt, because I understood the challenges that come with it. And there's a lot that's obscured from the public's knowledge and perception of how regulation happens. But this is the process I've, I've had trouble giving that benefit of the doubt and not having, maybe coming to the defense with some of the frustration. And I know some of that, and I guess to make my final point, goes back to resources. And I, it's my understanding, you know, as other departments, that they haven't had the resources to properly devote to this issue. And I guess it's ultimately disappointing and frustrating that the regulated community and the public are the ones that are having to suffer because of that. The Department can't control what the governor's office chooses to do and hand down with ZBR efforts, but they can get feedback and say, you know, "governor's office, you're asking this big lift of every department in the state to happen within five years, and then to start all over again, we're going to need resources to do that." "And to do that properly, and to not do so the public will suffer." And what, so if it hasn't happened before, I would encourage IDWR to give feedback to the governor's office. To state you know, "there are people who care about these rules." And this has been a case study in how it hasn't been addressed to the most efficiently, or I assume how the governor's offices, office would like to hear how it's being addressed. And so I'm hopeful that they would be open to some feedback. But again, just expressing some frustration that the public is the one who is having to suffer, or, you know, having some frustrations, because the governor's office and their departments aren't on the same page about this. So. And I think it was mentioned before that there perhaps will be, will be some more time to add written comments, based on this meeting and based off the documents that IDWR has submitted before things kind of have to get finalized for the legislator. So I would, I would encourage that and request that that, that happen too. Maybe if we could extend and have some more comment period to look over these documents that were recently posted. So that's all right I have for now. Thank you.

Mathew Weaver 13:21

Thanks, Will. I appreciate the comments. Ben.

Benjamin Davenport 13:28

Thank you, but oh. There we go. Thanks, Benjamin Davenport, Idaho Mining Association. And just briefly, we did submit comments on Wednesday. There was not a lot of substance, because we were looking for that summary document. It did come yesterday and so I do think we will have some, some meaningful technical responses to that document in, in the upcoming days. I guess to Will's point, we would certainly appreciate an opportunity to provide some comments before next Friday, before your Board meeting next Friday. So if that's an option, we would certainly appreciate that ability to do so. There is one, as I skim through the, the summary this morning, very briefly, I did want to address one response that IDWR offered in regards to the landslide evaluation and seismic provisions. Certainly, it was not our intentions that IDWR ignore the seismic report comments. My members would, would absolutely do all the hazard assessments and include them in their reports. I think our concern is that as the rule is written, at least as we interpret the rule being written, it requires these, this report, these reports to be in a single report. And I'm under the impression from my membership that, that oftentimes there's multiple reports that, that address these hazards assessments, and that oftentimes the appended reports may not be stamped by a, an engineer on record, but rather signed by other, other professionals, like, typically geologists going forward. So that was, I think, what our, our concern was there, and it wasn't necessarily to, to imply that we ignore the seismic reports in our analysis. So, again, we'll have, I think we'll have some comments to address the, your, your summary document here as well as any of the changes we digest in, in the current rule. But, with that, I'm open for any questions if you have any.

Mathew Weaver 15:55

No questions on our end, I appreciate that. We've had two requests to extend a period for additional comment. We'll just take that up at the very end. I think it's something that the Department can agree to.

Mathew Weaver 16:10

Mr. Lostra? No, no comments. All right, would anyone like to provide comment who's joining us remotely?

Kaycee Royer 16:29

No comments from me? Thank you.

Michael McCurdy 16:45

Morning, this is Michael McCurdy with the Department of Environmental Quality. I guess I just have a clarification question. So, for the mine tailings impoundment structures rules it sounds like there were just minimal revisions made mostly grammatical spelling type corrections and trying to get the rule in line with the statute requirements and that in the future, you will do additional rulemaking to make modifications to that rule?

Mathew Weaver 17:18

Mr. McCurdy, that, that's correct. There would have been significant changes to the mine tailing impoundment structure requirements, had we continued under this, the combined rule. But when we decided to bifurcate it, it was too late in the rulemaking to, to kind of dive into that comprehensive change on the mine tailing rule by itself. So, you're right, we've just made a few changes to that make it consistent with statute. And we'll take up that rulemaking in some future year.

Megan Jenkins 17:46

Are you guys logged into the, in your laptops?

Mathew Weaver 18:04

Anyone else online like the comment this morning? All right, hearing no additional comment, to the request to extend the period to comment, I think we can leave, set a deadline for close of business next Wednesday, to get comments into the Department that we will consider for the pending rule draft. The way that I look at the comment response documents that the Department has prepared. We receive comments through the end of June. We respond to those comments. I call that the Comment Response Memo No. 1. Then we responded to all the comments received before the publication of the proposed rule. So, through that early September timeline, that's published to our web, under Comments Response Memo No. 2. We'll prepare a third memo that will respond to all subsequent comments. So, the comments that have come in after the proposed rule publication. But we will not be able to have that done in time for our submittal of the pending rule, but it will be there prior to the start of next legislative session, certainly.

Mathew Weaver 19:19

And so, we will be submitting a pending rule for publication, that deadline for us is to get it to DFM for their publication efforts by November 10. That's certainly our goal, a week from today we'll be presenting all of the rulemakings this year to the Idaho Water Resource Board asking for them to adopt us as pending rules and authorize us to publish those. And then in December on December 7, that administrative bulletin should contain the pending rule publications for all of the six rulemaking that are going on with the Department this year.

John Falk 19:55

Just to verify...[inaudible].

Mathew Weaver 20:02

Yeah, so if you go out online to the Idaho Rule, the Office of Rules Coordinator, they post a bulletin there, a publication bulletin. And so, for December 2022, materials are due to DFM, so that they can assemble that

publication on November 10. That bulletin will be published on December 7. And then the only additional opportunity to participate in this rulemaking occurs before the legislature next session. So, the Department will present all of its rules to the House and Senate Resource Committees. We will take comment from the legislature, and then the way that it's been done in the past is the public then also has opportunity to come in again, on our rules.

John Falk 20:53

Extension. The question, what date?

Mathew Weaver 20:57

Wednesday, November 2. Yeah. And that, that just gives us minimum time to turn around materials for the Board on the, on the next Friday. So, any, any other remarks from anyone in the room?

Tami Thatcher 21:13

Can you...

Mathew Weaver 21:13

All right, well...

Tami Thatcher 21:14

...hear me? Can you hear me?

Mathew Weaver 21:16

We can, who? Please introduced yourself.

Tami Thatcher 21:19

You had me muted before. And this is Tami Thatcher. And you had me on mute and I'd press star six and I was still on mute, unfortunately. Can I give comment?

Mathew Weaver 21:34

Sure. Of course. Did you, were you able to hear everything that's come so far?

Tami Thatcher 21:38

I was able to hear everything just fine. Yes, you just wouldn't unmute me, somehow. I do have a slide presentation that I prepared. It's on the Environmental Defense Institute website, homepage, if anyone wants to look at that. I don't want to take too much time, but I want to say, there's a, there's a number of important things. As I was involved with trying to review the proposed rules all summer, the various drafts, and again there were, there was no explanation provided for what was being changed. There was no redline strikeout. So, there was a lot of work involved in looking to see what had changed. And though again, no explanation of the impact of the changes. And the changes were, from, from one draft to the next, often would gyrate in a large direction of tightening a regula..., tightening a regulation to then the next draft would greatly loosen it. It was gyrating and there were no explanation. You know, it was, it was quite interesting to try to follow. I'm glad that now finally, just this morning, you're publishing a redline strikeout for the the changes. That's nice. Would have been, would have been nice to have earlier.

Tami Thatcher 23:17

The whole thing about the reason for the rulemaking being to reduce regulation. Well, there's some benefits to that, but there's a, there's a recognition across the United States that we have deteriorating dams, and that creates safety issues. And I guess it's, it's, it's interesting to me that this organization, the IDWR doesn't seem to speak to that. When it comes to dams and tailings dams, or MTISs, what matters is flood release capability and seismic design requirements. And the stringency of those depends on the hazard category that is selected for the dam or

the tailings dam. And the rule for the MTISs does not contain in it the criteria for assigning a hazard category for the tailings dam, nor does it tell specifically where those criteria are to be found. It's a big problem because a lot of the tailings dams would be located in places where their failure may not affect a permanent residence. Because of that, the hazard categorizations might end up significant hazard or low hazard. Even if there's significant environmental damage posed, that would far exceed the bonding that has been put forth for the tailings dam. So, the issue of hazard classification, especially for tailings dams, is a very important issue. And there's significant ambiguity. And you should never have something be considered low hazard that could cause a great deal of environmental damage and a great deal of taxpayer expense to attempt to remediate even if it's, if it's at all possible. So that is, that was an issue brought up in August, there was no written response to comments. It's a very important issue and one that would let tailings dams slide by with a lower hazard classification than is really warranted.

Tami Thatcher 26:00

The other thing is the requirements for a significant hazard dam were reduced in these proposed rules. Not explained, but high hazard and significant hazard dams and tailings dams, both have enormously bad consequences. And so, to reduce the design requirements for significant hazard structures, is, is really inexcusable. I think that needs to be understood by people. I think that these rules needed to require a step, they needed to establish minimum design criteria. Otherwise, citizens have, you know, nothing to understand, you know, nothing to rely on. It, in these, in some cases, these don't seem to establish any kind of a minimum. On top of that, even if they establish a design standard, the regulations allow the IDWR Director to basically waive any requirement. And to do so without any documentation that the public can see. The public won't be aware of just what was being waived, or why. That's a, I think that's a pretty serious issue.

Tami Thatcher 27:32

When it comes to flood release capability requirements. We are experiencing a higher risk of flooding, even as we have drought conditions, because of some of the climate change that's happening. We had, we had 500-year flooding in Montana this spring, despite having overall drought conditions. Suddenly, late spring come in with heavy snow followed by heavy rain, and you've got flooding conditions. And so IDWR didn't even speak to that, and instead went on to reduce the flooding capability requirements required for dams generally. The IDWR, at least in the case of the Mackay dam, had a history of not having an adequate assessment of the dam floodwater release capability for the dam. We've seen that they had an estimate that was grossly over optimistic for what it could release. That was only updated incidentally by people looking at ways to rehabilitate the dam, found that "oh, gee, the release capability was much less." As they continued looking at it, they found "Oh, goodness, the release capability is even much much less." So, I don't see that IDWR was responsible to citizens downstream of that dam. When they had thought it could release 1 in 1000-year flooding. Then they thought, "okay, it can only release 1 in 500-year flooding." Then they found "Oh, it really could only release 1 and 50-year flooding." Citizens weren't warned and I find that decades of the, the agency not having a technically adequate assessment of what amount of floodwater the Mackay dam could actually release. I think that's very telling on the agency and how it has. is not very thorough in how it's looking at existing structures. Existing structures didn't have technically, a sound technical basis for the floodwater release capability that they had and IDWR was not requiring any analysis. Nor was IDWR requiring updated, well, or any seismic analysis for certain existing dams. Even a dam that had large public safety significance, they knew people would not have time to evacuate, and even a dam that has safety ramifications at the Idaho National Laboratory from failure of the dam. Even in those cases, IDWR did not require technically competent floodwater release capability analyses or seismic analyses of that, of that dam. And so, in some ways the rulemaking makes an impression that reasonable and stringent requirements are put in place, when in fact, they aren't necessarily put in place. And if they're put in place, they aren't necessarily complied with.

Tami Thatcher 31:33

And so, I, I think it's important to, you know, it helped me to understand why things were going on this way. And if you look at Idaho Statute, Title 42-1717, it says "no legal action can be brought against the state or IDWR for

failure of dams or tailings dams, due to IDWR's failure to issue or enforce effective rules." That really helped me understand a lot of what was going on that, that didn't seem to make sense to me, personally didn't make sense. I also looked online, and I found campaign donations, heavy amounts of money pour into Idaho legislature and other political campaigns from the mining industry. That seemed to also suggest an explanation for what went on in this year's rulemaking where the seismic design criteria for mine tailing structures had been, actually had been updated in the earlier drafts, that was stripped out. And so, only the decades old, antiquated language was retained, which can give the structures on the western half of the state a free ride. They don't have to do a seismic analysis. They're on the western side of the state where older, older seismic hazard evaluations hadn't expected a problem. To, to not update the seismic design criteria for tailings structures in the state is a truly negligent act. Because the U.S. Geological Survey continues to find higher seismicity hazards in the state. And worldwide tailings dams tend to fail a lot more often, then water dams. Which, if they are well designed and well-constructed, would be reliable structures. That does not apply to the Mackay dam. But it's, it's just egregious to me that the new rule proposed for the mine tailings impoundment structures reduced, took the time and effort to reduce regulations that would be cost saving for the mining industry. And then said, "we don't have the time to update the seismic criteria." "We don't have the time to, to spell out what the hazard criteria, the criteria for assigning hazard classifications are." "But we do have the time to make changes that would reduce requirements for them, the mining industry." And I think if citizens truly understood what was going on, they'd be appalled, as I am appalled.

Tami Thatcher 34:57

Let's see here. I do think that high hazard and significant hazard structures, also, they need to have more rigorous inspections. The IDWR has, you know, decades of its own practices. And when you, when you look at, I mean these inspections are important, and IDWR certainly has a very important role and they take an active role in trying to get dam owners to control floodwaters, you know, based on weather forecasts, and so on. What they do is important. But the inspections conducted by IDWR tend to come up with very subjective ratings, the inspections don't have much in terms of written design, or written requirements for the inspections. The tracking of degradation of a structure is pretty sketchy. There's a real need for more sophistication in the inspections, along with requiring technically defensible analyses of the floodwater release capability and of the seismic capability of these dams. I think IDWR needs to be bringing in, for high hazard and for significant hazard structures, they need to be bringing in independent experts periodically, not just allowing that to happen ad hoc. They need, they need some, they need to bring in more expertise for some of these high hazard and significant hazard structures. Because when they do that, and they find that there's been a lot of things not understood or improperly understood. It's very telling. I think that IDWR needs to be more transparent with citizens about the structures that do not have a seismic analysis or have had the, the requirements for the seismic analysis reduced for some reason. Like, "we're going to assume this is, this structure is only in place for a very short time, so we're not, we're not going to apply rigorous criteria." I think citizens need to have the right to know when a structure really is not following even your stated rules. I think because of the shortcomings in this rulemaking, and not only did IDWR choose to not update the seismic criteria for tailings dams, the MTIS structures, they also made the statement, "and we will not be updating these anytime soon." "In years to come." Decades old language antiquated, no technically defensible basis for it and with wink and a nod to the mining industry, they said "we're not updating these anytime soon, either." I think IDWR needs to put a, you know, they can't do correct rulemaking. It needs to put in a policy that says it is in fact going to update and require current analysis, seismic analysis to current standards, especially for new structures or structures that are having new construction added to them. They need to, they need to start doing that even if they can't fix their rulemaking at this point. It's, it's, it's unacceptable that they're putting Idaho citizens and environment at risk and Idaho taxpayers at risk to save mining company some money. And that's a part of what needs to happen.

Tami Thatcher 39:16

Also, when you have a dam that you discover you thought it could release 1 that, 1 in 1000-year floodwaters and now you find, "maybe it's more like 1 in 50 year and heck, it might be 1 in 25 year." I think you need to talk seriously about revoking the dams' certification. I think you also need to talk seriously about taking steps

immediately to lower the allowed level in that reservoir instead of ignoring any possibility of that type. The Mackay dam needs to have its certificate revoked and the dam funded to be opened up. If they don't show a source of funding and adequate upgrades to provide an adequate level of safety, the dam certification needs to be removed. Because this is, there are lives at stake. There's actually the risk of radiological release at stake. There's risk of many millions and perhaps billions of dollars of just added costs to the Idaho National Laboratory if that dam fails. And so, I, you know, citizens are not holding the IDWR responsible, partly because they don't know what's going on, I'm sure. There is a lot more transparency needed. And all right, this presentation, it is, it is on the Environmental Defense Institute website. It was too late to submit for comments this week. I appreciate this opportunity to comment. Thank you.

Mathew Weaver 41:02

All right, Ms. Thatcher, thanks for your comments. And you probably heard that you still have an opportunity to submit that slideshow as written comment through the end of the day next Wednesday, November the 2nd. So, I'd encourage you to get that submitted to the Department.

Mathew Weaver 41:29

Any other comments from any of the participants, today's meeting?

Benjamin Davenport 41:35

Let us share how absurd it is that...you know, I'll talk about it later.

Mathew Weaver 41:41

Okay, well, again, just let me close on a round of thanks to everyone. We hear that people were frustrated with this process. The Department will strive to do better in future years. Just in response to the comment that I just heard that the Department isn't going to take up the mine tailing impoundment structure rules anytime soon. I would say that we do plan to take that up under this five-year zero-based rulemaking effort. Whether that's next year or the year after, I don't know, but I consider that soon. So, for those of you that are frustrated with the rule as it exists now, the Department will be coming back to that at some point, in what I would term the near future. All right. With that, I'll close the record on today's public meeting. Please pay attention to the webpage. We will be getting materials posted there over the next two weeks as we move towards that November 10 deadline. Thank you again to everyone.