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Dear Karen Peters, ADEQ Executive Deputy Director{

I urge you to reject the proposed air-pollution permit for the Copper World mine. As it's currently drafted, the proposed permit does little to ensure the mine protects our air or environment. Instead, it gives the mine a free pass to pollute. I recently moved from Tubac, Arizona, where I lived for the past 25 years and am very familiar with these issues.

The draft permit would allow for the construction of a massive open-pit mining operation in the Santa Rita Mountains south of Tucson. Daily operations will include blasting, ore crushing, processing, and the construction of a sulfuric acid plant. These activities have the potential to release thousands of tons of toxic air pollution every year, threatening public health and the environment.

I am still an intervening party in the Rosemont Copper (now Copper World) 138 kV transmission line siting case with the Arizona Corporation Commission (ACC). It was testified that "Rosemont" would **not** use Santa Rita Road for **any** mining activities and that SR 83 would be used for **all** Rosemont transportation activities including haul and mining vehicles and that all Rosemont employees would use company buses or vans to/from work at the mine. This is affirmed by Rosemont in the Environmental Impact Statement (EIS).

Copper World shifted all this road traffic to Santa Rita Road, a major conceptual and environmental impact change. There would have been NO Rosemont transportation activities on the Santa Rita Road through the Santa Rita Experimental Range. The gate to Santa Rita Road would always be locked for all but emergency vehicles.

Further, the Rosemont transmission line right of way (ROW) easement, granted by the Arizona Corporation Commission's (ACC) Certification of Environmental Compatibility (CEC), would have (a) one three-phase 138kV transmission line, (b) a water pipeline with three water pressure pumps connected via distribution lines, and (c) a "fence" on its north side. Access to the transmission line ROW would be from Santa Rita Road; however, there also would be a "road" parallel the easement, for utility inspections and maintenance. Any fence within the Experimental Range obstructs wildlife movement and thus has a negative impact for many studies. Also, the tall utility poles have flat tops that impact small wildlife by providing perches for predator birds. In addition to other objections, this unnecessary fence, utility road and raptor perches were included of my objections in the line siting case and EIS comments.

The water for Rosemont is planned from three groundwater wells near the Town of Sahuarita for the purpose of washing rock tailings. It was shown that Central Arizona

Project (CAP) water, available near to the proposed Rosemont groundwater wells, adequately meets this rock washing objective, while reducing the negative impacts on the increasing water table levels in the Pima Active Management Area. Further, Rosemont “guaranteed” that if local wells became dry, Rosemont would pay for deeper wells.

Groundwater in the Pima Active Management Area, a factor ignored by the Siting Committee required by ARS ¶40-360.14, is presently extracted from this AMA more than it is being replaced. The Pima AMA water table is lower every year. Using surface CAP water from the Colorado River, avoids billions of gallons of groundwater for washing rocks. This critical issue (ARS ¶40-360.14) was not discussed at the transmission line hearings because the ACC Line Siting Chairman would not allow discussion of any environmental impacts of the mine but only those caused by the actual transmission line; however, the ACC granted the easement for these multiple purposes. In summary, CAP water should be used and not local groundwater for these mines.

This "bait and switch" from Rosemont to CopperWorld is not been included in the ACC hearings or the CEC decision. That ‘switch’ changed the entire mining project (minus the transmission line) from being fully on the east of the Santa Ritas Mountains to the west. The resultant environmental impacts are significantly different between Rosemont only and Copper World mines as so many others have presented.

The NEPA-required Rosemont “Draft” Environmental Impact Statement (EIS) was used by the ACC Line Siting Committee as the basis of significant environmental impacts and the Rosemont transmission line only. The Rosemont EIS is not applicable for the other mines being developed by Copper World. In fact, since the Rosemont EIS is well over five years old and the project hasn’t begun, as a minimum, a Supplemental EIS (SEIS) is required just to update the environmental effects for that mine. The impacts of the other Copper World mines will need to included.

In summary, a completely new EIS (or SEIS) and ACC CEC are necessary and essential to fill the changes between Rosemont and the new Copper World projects to access the total environmental impacts of the mine and transmission line ROW multiple usages and the below specific concerns.

**This leads to my special concerns about the transportation road issues through the Santa Rita Experimental Range.**

- A review of the Copper World Air Permit uses the words "Santa Ria Road" only once, in the address of the company. Te impacts of this dirt “road” are not considered in this permit.
- During the construction, operation and close down of these mines, there will be millions of heavy ore vehicles, light trucks, vans, and automobiles using Santa Ria Road during the sixty (60) plus years of this project.

- Most of the transportation on Santa Rita Road will now be through the Sahuarita Environmental Experimental Range (SEER) which has over 100 years of natural desert land that has been used by hundreds of important “desert environmental” experiments and studies since 1902. This is the longest term, most famous, 'desert' environment area studied in the world.
- The impacts of vehicle exhaust particles and road and tire dust from millions of heavy and light trucks and cars will have long-term impacts on wildlife and vegetation in the Range. The resultant population densities will be impacted by this human-made polluted air particles and can have significant negative impacts on multiple future experiments and studies. Comparison with decades-long desert studies will be invalidated due to these changes.
- These environmental changes in the air over time, during the ongoing drought and evolving climate changes, add a new and unknown factors in validating and verification of almost all data from this 'national' desert environment.
- The Rosemont mine project did not use Santa Rita Road for ANY access to the mine and the only access would be via entries from roads to the east. A closed gate would be on Santa Rita Road (with only emergency vehicle access).

#### RECOMMENDED ACTION:

1. Please include details on the impacts of millions of vehicle exhaust and dust will have on this special unique environmental range before granting an air pollution permit

OR

2. Require all transportation to use roads from the East, as agreed during the Rosemont mine EIS process.

#### **I'm also especially concerned that the permit contains the following deficiencies:**

- It fails to require periodic updates to changes to the cost of closure, that can occur in a short timeframe due to product price changes, while various major air pollution changes are happening on the land. Cost to shutdown with no long-term pollution SHALL be reported to ADEQ. An Update Short-term Closure Cost must be determined, evaluated and *funds placed in escrow every five-years* to prevent another unfunded Super Fund project to protect air, water, and land pollution after an urgent closure, that might unexpectedly occur.
- It exempts the mine from compliance during malfunctions, startups, and shutdowns. If the mine can't comply at all times, it should NOT get a permit to pollute. The mine SHALL always comply with the permit during malfunctions, startups, and shutdowns.

- It SHALL require actual monitoring of emissions from all sources to ensure compliance with all limits over a wider area. Monitoring SHALL be required to ensure compliance and remediation.
- It SHALL include specific terms and conditions to ensure the enforceability of all emissions limits and SHALL include potential resultant restrictions for non-compliance.
- It inappropriately classifies certain emissions sources, like ore processing, as “fugitive,” allowing the mine to avoid more stringent permitting and pollution-control requirements. Ore processing SHALL include fugitive limits and control requirements.
- In short, it doesn't make sure the Copper World mine will fully protect the air we breathe. The mine SHALL protect the air as required by ADEQ.

**For these reasons and more, I call on you to deny the permit application.**

At a minimum you must require the Copper World mine to obtain a Class I permit. Under the Clean Air Act, a Class I permit imposes more stringent requirements to control emissions, ensure monitoring, and ensure more extensive public involvement. A Class I permit is necessary so that the mine is *\*always\** accountable for limiting its air pollution and protecting the environment — no exceptions. Copper World SHALL obtain a Class I air permit.

For too long the Arizona mining industry has been allowed to pollute with impunity. I urge you to hold Hudbay Minerals and the Copper World mine accountable instead of giving them a free pass to pollute.

**COPPER WORLD AIR PERMIT COMMENTS**

**1. ADEQ must remove loopholes that allow for excess emissions during emergencies, malfunctions, startups, and shutdowns.**

**CONTEXT:** Under the Clean Air Act, state permits SHALL follow federal standards for pollution emissions, which do not allow for excess emissions during emergencies, malfunctions, startups, and shutdowns. The logic is that an emitting facility should be engineered so that it avoids exceeding emission standards even during unusual events.

The state is not allowed to waive enforcement or approve exceedances prior to such an event, although fines or other sanctions occurring after the event may be applied with discretion. The bottom line is the Clean Air Act’s purpose is to prevent any releases of dangerous levels of air-borne pollutants.

Copper World SHALL be engineered so that it avoids exceeding emission standards even during unusual events.

**2. ADEQ must properly categorize ore processing as non-fugitive emissions**

**CONTEXT:** Under Clean Air Act regulations, fugitive emissions are emissions that cannot be reasonably prevented. Typically, these are activities like road traffic or blasting that

are open to the air. The distinction between fugitive and standard emissions is important because fugitive emissions, being considered beyond the control of the applicant;

Copper World SHALL include in calculating the TOTAL emissions from the mine even though they may be harmful.

Emissions caused by ore-processing activities are normally not considered fugitive because emissions can be prevented from escaping by containment structures built around where the activities take place. For example, a conveyor belt for carrying crushed ore SHALL be enclosed in housing.

In the August 14, 2024 public meeting, ADEQ stated that ore-processing activities should not be considered sources of fugitive emissions. Based on Hudbay's application, this means Copper World must be permitted as Class I source of air pollution, not a Class II.

Fugitive emissions SHALL be a Class I air pollution source.

**3. ADEQ must ensure the permit contains enforceable standards and monitoring to guarantee pollution controls operate as effectively as Hudbay asserts**

**CONTEXT:** The draft permit specifies that Hudbay must operate these systems according to manufacturer's specifications. Although the manufacturers may say, based on lab testing, that their systems are 99% effective, this is likely not the case in real-world working conditions.

The permit MUST specify that Hudbay and/or ADEQ SHALL monitor pollution control systems to make sure that they are adequately controlling emissions.

The plan SHALL specify what the manufacturers' specifications are and how the mine SHALL verify and validate that

- a) these specifications SHALL be met and
- b) that meeting these specifications SHALL adequately control emissions.

**4. Emissions from blasting SHALL monitored and limits on timing and frequency of blasting must be established**

**CONTEXT:** The level of toxic emissions from blasting, for example of poisonous nitrogen dioxide, Radon and others, can vary widely depending on environmental conditions and timing. For example, if charges are set on one day but not exploded until the next, the explosive charge may absorb moisture from the air, which can greatly increase the amount of nitrogen dioxide released during blasting.

**5. Hudbay SHALL not be allowed to exclude effects of high wind events when assessing ambient air quality impacts of PM10**

PM10 refers to particulates 10 microns or less in diameter. These particulates are regulated by the EPA and may include heavy-metal toxins like lead, selenium, and cadmium. In projecting the possible concentration of PM10 emissions caused by wind

blowing over tailings piles, ADEQ allowed Hudbay to exclude high wind events under the theory that these were outliers and not likely to happen. However, anyone who lives in Tucson knows that days with extreme wind are common and strong wind is what will cause the dust to blow.

ADEQ SHALL not allow Hudbay to model future dust blows based on only lower-velocity wind events. Hudbay SHALL model future dust blows based on at least the 99 percentile “high wind” events.

**6. ADEQ SHALL independently monitor and verify the assumptions made by Hudbay in its application and updated based on data monitoring and reported to ADEQ.**

**CONTEXT:** While ADEQ will rely on Hudbay to monitor the release of emissions, ADEQ must independently verify air emission levels, especially given the threat to health from blowing heavy metals. ADEQ has acknowledged that there is no safe level of lead exposure for children. The agency must ensure independent monitoring is done to protect public health and the environment.

Hudbay SHALL report to ADEQ results of air monitoring the release of all air emission levels so ADEQ can verify and validate reported data accuracy.

Respectfully submitted,

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