

Susan Silverman

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.

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'm especially concerned that the permit contains the following deficiencies:

It exempts the mine from compliance during malfunctions, startups, and shutdowns. If the mine can't comply at all times, it shouldn't get a permit to pollute.

It fails to require actual monitoring of emissions from all sources to ensure compliance with all limits. Monitoring must be required to ensure compliance.

It lacks specific terms and conditions to ensure the enforceability of all emissions limits.

It inappropriately classifies certain emissions sources, like ore processing, as "fugitive," allowing the mine to avoid more stringent permitting and pollution-control requirements.

In short, it doesn't make sure the Copper World mine will fully protect the air we breathe. 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.

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.

ADEQ must remove loopholes that allow for excess emissions during emergencies, malfunctions, startups, and shutdowns. Under the Clean Air Act, state permits must 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.

ADEQ must properly categorize ore processing as non-fugitive emissions. 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, are not included 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 could 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. Specifically, Jeff Christensen, one of ADEQ's permitting engineers said, quote "I don't think it would be unreasonable to account for those as non-fugitive emissions. In fact, I think going back we should probably look at those as non-fugitive..." Based on Hudbay's application, this means Copper World must be permitted as a Class I source of air pollution, not a Class II.

ADEQ must ensure the permit contains enforceable standards and monitoring to guarantee pollution controls operate as effectively as Hudbay asserts. 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. There is nothing in the permit that specifies that Hudbay and/or ADEQ must monitor pollution control systems to make sure that they are adequately controlling emissions. The plan should specify what the manufacturers' specifications are and how the mine will verify that a) these specifications are being met and b) that meeting these specifications will adequately control emissions.

Emissions from blasting must be monitored and limits on timing and frequency of blasting must be established. The level of toxic emissions from blasting, for example of poisonous nitrogen dioxide, 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.

Hudbay cannot 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 should not allow Hudbay to model future dust blows based on only lower-velocity wind events.

ADEQ must independently monitor and verify the assumptions made by Hudbay in its application
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.

ADEQ must classify Copper World as a Class 1 source of emissions and not a Class 2.

CONTEXT: If ore-processing emissions are correctly categorized as standard emissions and not fugitive emissions, then total standard emissions, according to Hudbay's application, would require Copper World to be classified as a Class I source of air pollution, not a Class II.

Additionally, it was promised at the August 14 meeting that staff would provide the community with a chart outlining where testing would be above and beyond Class 2 requirements. I would still like to see this chart.

Please protect this sacred land so that my grandchildren will be able to enjoy this beautiful area into the future. Please save this area for the sake of all the residents of Southern Arizona. Please take this into consideration for the benefit of environmental tourism and income that will be lost if this natural beauty is destroyed. Please consider the nuns who live in the Santa Rita Monestary who pray for the protection of this land each day, and listen to their pleas. Do the right thing and do not allow this permit to be approved!

Sincerely,
Susan Silverman
Concerned Citizen of Tucson and the State of AZ