

Stanley Hart

The Fallacy of Mining Permits

The Arizona Department of Environmental Quality (ADEQ) website states that their mission is "To protect and enhance public health and the environment in Arizona".

In Arizona, mining is regulated by state and federal permits. When ADEQ grants a state aquifer protection permit, or an air quality permit, they are asserting that the mining company has met the regulatory requirements for the permit. When ADEQ is challenged by the populace about a permit, they are told, and the mining company issues a press release saying, that all regulatory aspects of the permit have been satisfactorily met. And this is the answer in public meetings when opposition is voiced. Nowhere do they say that their mission has been satisfied! In fact, if comments are made that fall outside the permit scope, ADEQ tells us we can only comment on the particulars that are in the permit!

In fact, the ADEQ aquifer and air permits are assessed under regulatory guidelines that are fashioned, in the past, by inputs and discussion from state and federal regulators and legislators, the citizenry, and negotiations with the mining companies (how's that for letting the fox into the henhouse!! No conflict of interest here).

There is, however, a huge gap between what is "regulated" by the permits and what the public needs for health and environmental protection. In practical terms the name "ADEQ" is a classic oxymoron.

Take the recent draft Air Quality Permit for Copper World that was just released by ADEQ. First, it was for a Class II, not a Class I permit.

Interesting that Hudbay claims Copper World will be the second largest copper mine in the U.S., but this doesn't require a Class I permit! And then, from the citizens point of view, the biggest air problem around mines comes from toxic dust being blown off the tailings piles. This doesn't mean there aren't less visible air quality issues on the mining property. These are mostly covered by the permit.

So, how is the dust from the tailings piles regulated? The draft Permit says that "The Permittee shall not cause, suffer, allow or permit operations or activities likely to result in excessive amounts of airborne dust . . . from becoming airborne". But there is an exception if the wind blows more than 25 mph! And "Compliance with the approved dust control plan and approved tailings dust management plan shall constitute compliance with this requirement". But, this draft permit does not contain an "approved tailings dust management plan"!! Many pages later, this permit states that "Prior to beginning actual construction of the Copper World Project, the Permittee shall submit to the Director for approval a tailings dust management plan for the control of fugitive dust emissions from the tailings storage facilities associated with the Copper World Project". So, the citizenry is encouraged to submit comments on this draft permit, and to attend two public meetings where comments and criticisms can be made. However,

the single largest air quality issue is not covered in the permit, but will be decided between the Director and Hudbay before the start of mining. And the public is not given advance notice of this plan, nor given any opportunity to challenge it.

This, in itself, is the single biggest failing of this Draft Permit. The permit must be denied until a tailings dust management plan is included in the permit. Period.