

US EPA ARCHIVE DOCUMENT

**AMENDED
PUBLIC NOTICE OF INTENT TO ISSUE A
CLASS III UNDERGROUND INJECTION CONTROL AREA PERMIT
FOR
FLORENCE COPPER, INC.**

Comment period extended through March 16, 2015

PURPOSE OF PUBLIC NOTICE

Public Comments for the Draft Permit:

The United States Environmental Protection Agency, Region 9 (EPA) is soliciting public comments on its proposal to issue a Class III Underground Injection Control (UIC) Area Permit for Florence Copper, Inc. (FCI) to construct and operate an in-situ copper recovery (ISCR) facility known as the Production Test Facility (PTF) on FCI property near the Town of Florence, Arizona. The PTF well field is proposed to be constructed within Section 28, Township 4 South, Range 9 East, Pinal County, Arizona.

The Class III UIC Area Permit, if issued, would authorize FCI to inject a dilute sulfuric acid solution into the copper orebody and recover copper-laden solution for the purpose of producing copper at the overlying PTF surface facilities and assessing the feasibility of initiating commercial ISCR operations on FCI property surrounding the PTF site. EPA proposes to issue the permit and the authorization to construct, operate, restore and close the PTF for a period of up to two (2) years, with post-closure monitoring for a period of up to five (5) years following closure operations.

The primary injection interval would be the copper oxide orebody present within the Bedrock Oxide Unit at the PTF site at depths of 450 to 1,200 feet below ground surface. The orebody is approximately 250 acres in areal extent and located within a highly fractured, igneous, copper oxide, bedrock formation underlying the FCI property. After completing a thorough technical review of all submitted information, as well as the operational standards, monitoring requirements, and existing geologic setting, EPA has made a preliminary determination that the activities allowed under the draft Class III UIC Area Permit (draft Permit) are protective of underground sources of drinking water as required by the Safe Drinking Water Act (SDWA).

EPA has made a preliminary determination to issue a Class III UIC Area Permit to FCI pending this public notice and comment review period. This action is being taken as provided by Part C of the SDWA and pursuant to Title 40 of the Code of Federal Regulations (CFR) Parts 124, 144, 146, and 147.

Public Comments for the Section 106 Process of the National Historic Preservation Act:

During the public comment period for the draft Permit, EPA is also providing the public an opportunity to comment on resolution of potential adverse effects to historic properties from the proposed project in the draft Permit, measures to avoid, minimize, or mitigate potential adverse

effects to historic properties, and the draft Memorandum of Agreement (MOA) to resolve such effects (36 CFR §800.2(d) and §800.6(a)(4)). To provide the public with the background documentation required under 36 CFR §800.11(e), EPA is providing detailed information about the project and its effects on historic properties, a summary of views submitted to EPA by consulting parties, and a copy of the draft MOA. EPA will consider all comments submitted during the public comment period regarding resolution of potential adverse effects of the project on historic properties at the site.

PUBLIC COMMENTS

EPA requests public comment on the draft Permit and will accept comments in writing through the end of the comment period on March 16, 2015 (40 CFR §124.10).

EPA also requests comments and input on resolving the adverse effects of the proposed project in the draft Permit for purposes of the Section 106 process under NHPA. All written comments should clearly state the purpose of the information by referring to the NHPA Section 106 process. EPA will accept input through the end of this public comment period on resolving adverse effects of the project on historic properties.

During this period, all written comments should be mailed, faxed, or emailed using the contact information listed below.

U.S. Environmental Protection Agency, Region 9
Drinking Water Protection Section, Mail Code WTR-3-2
75 Hawthorne Street
San Francisco, CA 94105
Attention: Nancy Rumrill
Telephone: (415) 972-3293
Email: rumrill.nancy@epa.gov

EPA has scheduled a public hearing on the draft Permit from 7 pm to 10 pm on Thursday, January 22, 2015 at the Gym of the Florence High School, 1000 South Main Street, Florence, Arizona. Prior to the public hearing, EPA has also scheduled an open-house information session to provide information about the proposed project and EPA's draft Permit and to answer questions. The open-house is scheduled for 4 pm to 6 pm on January 22, 2015 at the same location as the public hearing.

EPA's statement of basis, the draft Permit, and the permit application prepared by FCI, are available for public review online at the web address below. Detailed information about the project and its potential effects on historic properties, a summary of views submitted to EPA by consulting parties, and a copy of the draft MOA are also available for public review online at the following address.

<http://www.epa.gov/region09/water/groundwater/uic-permits.html>

All of these materials are also available for public review Monday through Friday during regular business hours at the following location:

U.S. Environmental Protection Agency Environmental Information Center/Library
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-4406
library-reg9@epa.gov

The statement of basis, draft permit, and information about the potential effects on historic properties are also available for review at the following location:

Florence Community Library
1000 S. Willow St.
Florence, AZ 85132
(520) 868-8311

FINAL PERMIT DECISION AND APPEALS PROCESS

After the close of the public comment period, EPA will issue a response to comments, a final permit decision, and will notify all commenters regarding this decision. The final decision shall be to either revoke the existing permit and reissue the permit or deny the reissuance of the permit, pursuant to 40 CFR §124.15(a). If comments are filed which request a change in the draft permit, the final decision shall become effective no sooner than thirty (30) days after the service of the notice of decision. Within thirty (30) days after the final permit decision has been issued, any person who filed comments on the draft permit, participated in any public hearing on this matter, or takes issue with any changes in the draft permit, may petition the Environmental Appeals Board to review any condition of the permit decision. Commenters are referred to 40 CFR §124.19 for procedural requirements of the appeal process. If no comments request a change in the draft permit, the permit shall become effective immediately upon issuance.