To: Rumrill, Nancy[Rumrill.Nancy@epa.gov]
From: Albright, David
Sent: Tue 8/1/2017 12:05:12 AM
Subject: Fwd: Gunnison UIC

Ex. 5 - Deliberative Process

Sent from my iPhone

Begin forwarded message:

From: Stephen Twyerould <stwyerould@excelsiormining.com>
Date: July 31, 2017 at 4:54:26 PM PDT
To: "Rumrill, Nancy" <Rumrill.Nancy@epa.gov>
Cc: "Albright, David" <Albright.David@epa.gov>, Rebecca Sawyer <rsawyer@excelsiormining.com>, "Trevor Baggiore (baggiore.trevor@azdeq.gov)" <baggiore.trevor@azdeq.gov>
Subject: Gunnison UIC

Hi Nancy;

Thanks for getting the EPA's / Jim's comments to us in advance of last Thursdays meeting. It enabled a productive session with clarification on a number of topics.

Of concern however was Jim's (and/or EPA's) opinion that the Gunnison UIC permit should be aligned with the Florence Copper UIC permit. This was alarming, new, information for Excelsior.

From the beginning of the permitting process, we discussed with EPA and ADEQ the importance of consistency and alignment between the Gunnison APP and UIC permits. All seemed to agree that because the two permits regulate similar aspects of the Gunnison project, consistency of permitting requirements avoids increasing the likelihood of conflict and confusion for compliance. We also agreed that permits should be site and project specific, so the apparent desire for alignment with Florence, a distinctly different hydrogeological site, and entirely different mining project, is a concern.

Excelsior designed and presented its UIC and APP applications to be consistent with each other. This only makes sense as they are regulating the same mining project with the same geological and hydrological conditions, with much overlap in protective controls. For 18 months Excelsior has been working with both agencies, including participating in joint-agency calls and meetings, for the express purpose of ensuring consistency between the permits.

The public comment period for the draft final APP will conclude this week and we anticipate having an issued APP by the end of August. The EPA's apparent desire to now align the Gunnison UIC with the Florence UIC will likely create large inconsistencies with Excelsior's soon-to-be issued APP and the pending UIC. Our joint meetings and the processes of the past 18 months have been largely designed to avoid this situation. We sincerely hope that Jim was mistaken in his comments regarding the EPA's goal to align the Gunnison UIC with the Florence UIC, which would be at the detriment to consistency with the Gunnison APP.

We look forward to resolving this issue at your earliest convenience.

Regards,

Stephen Twyerould

President & CEO

Excelsior MINING CORP

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From: Rumrill, Nancy [mailto:Rumrill.Nancy@epa.gov]
Sent: Wednesday, April 26, 2017 12:32 PM
To: Rebecca Sawyer <rsawyer@excelsiormining.com>
Cc: Albright, David <Albright.David@epa.gov>; Stephen Twyerould <stwyerould@excelsiormining.com>
Subject: RE: Gunnison UIC

Hi Becky,

The comments are still draft. I hope we can finalize after discussion tomorrow.

Thanks, Nancy

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United States Environmental Protection Agency

Nancy Rumrill (rumrill.nancy@epa.gov)

Drinking Water Protection Section (WTR-3-2)

US EPA, Region IX

75 Hawthorne St.
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San Francisco, CA 94105

Phone (415) 972-3293

From: Rebecca Sawyer [mailto:rsawyer@excelsiormining.com]
Sent: Wednesday, April 26, 2017 10:54 AM
To: Rumrill, Nancy <Rumrill.Nancy@epa.gov>
Cc: Albright, David <Albright.David@epa.gov>; Stephen Twyerould <stwyerould@excelsiormining.com>
Subject: RE: Gunnison UIC

Thanks Nancy. Did Jim Walker provide you with any discussion points on the comment responses listed? That would be helpful as we prepare for the meeting and would make the call tomorrow more beneficial.

Becky

From: Rumrill, Nancy [mailto:Rumrill.Nancy@epa.gov]
Sent: Tuesday, April 25, 2017 6:31 PM
To: Rebecca Sawyer <rsawyer@excelsiormining.com>
Cc: Albright, David <Albright.David@epa.gov>
Subject: RE: Gunnison UIC

Hi Becky,

Here's a list of response numbers that we are ready to discuss with you for our April 27, 2017 conference call. Based on the Excelsior's March responses to EPA's comments, we would like to focus on additional discussion or clarification on numbers 1, 5, 6, 10, 11, 15, 20, 23, 24, 31, 34, 37, 38, 42, 49, 50, 51, 53, 56, 57, 59, 61, and 63 for the conference call. If there's time during the call, we may provide general feedback on other responses to numbers 4, 8, 9, 12b, 13, 19, 21, 35, 36, 45, 46, 48, 52, 55, 62, and 65. Numbers 60 and 64

need some additional internal discussion.

Looking forward to our call.

Thanks, Nancy

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United States Environmental Protection Agency

Nancy Rumrill (rumrill.nancy@epa.gov)

Drinking Water Protection Section (WTR-3-2)

US EPA, Region IX

75 Hawthorne St.

San Francisco, CA 94105

Phone (415) 972-3293

From: Rumrill, Nancy
Sent: Friday, April 21, 2017 6:00 PM
To: 'Rebecca Sawyer' <rsawyer@excelsiormining.com>
Cc: Albright, David <Albright.David@epa.gov>
Subject: RE: Gunnison UIC

Hi Becky,

Yes, I will provide a list of the responses before the meeting that we should be able to
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resolve through further discussion or clarification.

Nancy

From: Rebecca Sawyer [mailto:rsawyer@excelsiormining.com]
Sent: Friday, April 21, 2017 4:20 PM
To: Rumrill, Nancy <Rumrill.Nancy@epa.gov>
Subject: Gunnison UIC

Nancy,

Will you be able to provide an agenda for the meeting Thursday, April 27, 2017 that covers any outstanding concerns that Jim Walker has on the last set of comment responses.

Thank you,

Becky