**To:** Rao, Kate[Rao.kate@epa.gov]
**Cc:** Johnson, AudreyL[Johnson.AudreyL@epa.gov]
**From:** Rumrill, Nancy
**Sent:** Fri 9/8/2017 7:13:00 PM
**Subject:** RE: Contract EP-C-15-022, WA No. 2-90 -- Technical Direction: Excelsior Gunnison Copper Project Class III UIC Permit App, Excelsior Mining Company - Class III UIC Permit #R9UIC-AZ3-FY16-1: Task 2.1 - Statement of Basis/Fact Sheet & Task 2.2 Public Notice

# Ex. 5 - Deliberative Process

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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:** Shari Ring [mailto:Shari.Ring@cadmusgroup.com]
**Sent:** Friday, September 8, 2017 11:45 AM
**To:** Rao, Kate <Rao.kate@epa.gov>; JAMES D WALKER Ex. 6 - Personal Privacy
**Cc:** Rumrill, Nancy <Rumrill.Nancy@epa.gov>; Johnson, AudreyL <Johnson.AudreyL@epa.gov>
**Subject:** RE: Contract EP-C-15-022, WA No. 2-90 -- Technical Direction: Excelsior Gunnison Copper Project Class III UIC Permit App, Excelsior Mining Company - Class III UIC Permit #R9UIC-AZ3-FY16-1: Task 2.1 - Statement of Basis/Fact Sheet & Task 2.2 Public Notice

Thanks Kate,
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We will get started on preparing these documents. However, we are concerned that the 14th gives us too little time. As we understand it, the permit text probably won't be complete by then. We can do what we can to fit this in with other priorities (i.e., by having Cadmus write the first drafts), but we'd need to involve Jim in any review, which requires both his time and the final permit language.

Can we push the delivery date back to the middle of the following week? That was our understanding of the timing based on Jim's conversations with Nancy.

Shari Ring

The Cadmus Group LLC

703.247.6159

**From:** Rao, Kate [mailto:Rao.kate@epa.gov]
**Sent:** Friday, September 08, 2017 11:44 AM
**To:** Shari Ring <Shari.Ring@cadmusgroup.com>; JAMES D WALKER <Ex. 6 - Personal Privacy
**Cc:** Rumrill, Nancy <Rumrill.Nancy@epa.gov>; Johnson, AudreyL <Johnson.AudreyL@epa.gov>
**Subject:** Contract EP-C-15-022, WA No. 2-90 -- Technical Direction: Excelsior Gunnison Copper Project Class III UIC Permit App, Excelsior Mining Company - Class III UIC Permit #R9UIC-AZ3-FY16-1: Task 2.1 - Statement of Basis/Fact Sheet & Task 2.2 Public Notice

Hi Shari/Jim –

Below is a new work initiation request. Please let me know if you have any questions. I am assuming that Jim will continue to take the lead on this. If that assumption is incorrect, please let me know. Please note due date is next week.

Thanks. Kate

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**Contract No. EP-C-15-022, Workplan Assignment No. 2-90**

**Technical Direction: Excelsior Gunnison Copper Project Class III UIC Permit Application**

**Mining Company - Class III UIC Permit #R9UIC-AZ3-FY16-1**

**Tasks:**

- **Subtask 2.1 – Statement of Basis/Fact Sheet**
- **Subtask 2.2 – Public Notice**

**Technical Direction**

**Background:** Excelsior submitted a revised UIC area permit application in June 2017 to operate a Class III ISR copper mining facility in Chochise County, AZ.

**Action:** EPA is seeking technical support to 1) draft a Statement of Basis/Fact Sheet for the proposed Class III ISR copper mining facility permit action, and 2) prepare a Public Notice document regarding the proposed UIC permit action.

**Task 2.1: Statement of Basis/Fact Sheet**

Based on EPA's draft UIC permit action for the proposed Excelsior Class III ISR copper mining facility, Cadmus will prepare a Statement of Basis/Fact Sheet pursuant to the requirements of 40 CFR 124.7 and 124.8. The Statement of Basis/Fact Sheet will explain the rationale for EPA's proposal to issue the Class III ISR copper mining permit to Excelsior. The document shall include a brief description of the general background and description of the facility, principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit and the Aquifer Exemption. See the attached FCI example and the Excelsior UIC Permit application for background already provided to Cadmus. Leave place

holder to insert a few paragraphs regarding description of the review for other federal acts - NHPA and ESA (formal process consultation was not applicable). Additional drafts may be needed once input from EPA is received on the draft document.

- Deliverable: Draft Statement of Basis/Fact Sheet (approximately 20 pages)

- Due Date: Initial draft: COB September 14, 2017. Final draft: Within 2 days after receipt of EPA comments

- Estimated LOE: Ex. 4 - CBI

- Calls: Kick-off Call will be scheduled by Nancy Rumrill. Follow-up calls will be scheduled as needed to discuss draft document. Written summary of discussion within 5 days of call.

- Materials:

- EPA draft Class III ISR permit (coordinate with Jim Walker/Cadmus for the Background and Draft Permit Conditions)

- Draft Record of Decision (ROD) for the Aquifer Exemption (Excelsior – draft AE ROD 06142017(002).docx).

- Statement of Basis: Draft Class III area permit – Permit Number R9UIC-AX3-FY11-1, Florence Copper, Inc. (FCI UIC Draft Permit_Statement of Basis.pdf) – to be used as an example.

**Task 2.2: Public Notice**

Cadmus will prepare combined public notification document regarding 1) EPA's draft Class III ISR permit to Excelsior pursuant to the requirements of 40 CFR 124.10 (d)(1) and regarding 2) draft ROD for an Aquifer Exemption. Highlight spaces to insert actual dates of 30 day public comment period and any TBD addresses, such as the local library, to fill in later. No scheduled hearing at this time. See attached FCI example.

- Deliverable: Public Notice (approximately 3-4 pages)
- Due Date: Align with Statement of Basis/Fact Sheet schedule.
- Estimated LOE: Ex. 4 - CBI
- Materials:
  - EPA draft Class III ISR permit (coordinate with Jim Walker/Cadmus for the final

draft permit)

- ○ Draft Record of Decision (ROD) for the Aquifer Exemption (Excelsior – draft AE ROD 06142017(002).docx).
- ○ Public Notice: Class III UIC area permit for Florence Copper (FCI Public Notice.pdf) – to be used as an example.

○ Calls: As needed.

Notes:

- No travel expected.
- Nancy Rumrill is the EPA project tech lead.
- Please see https://www.epa.gov/uic/dewey-burdock-class-iii-draft-area-permit-documents for additional detailed example of a Draft Class III Permit Fact Sheet with an Aquifer Exemption.

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Kate Rao
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