HUDBAY

September 30, 2022

Via Electronic Mail

Scott McWhorter
U.S. Environmental protection Agency, Region 9
Enforcement Compliance and Assurance Division ENF 3-2
75 Hawthorne Street
San Francisco, California 94105-3901
Mcwhorter.Scott@epa.gov

RE: Rosemont Copper Company; Request for Information under CWA Section 308(a)
EPA Docket No. CWA-308-9-22-032

Dear Mr. McWhorter:

By letter signed on August 3, 2022, James Marincola requested information about "the work . . . planned or performed since at least April 22, 2022 at a project site known as Rosemont Copper World in Pima County, Arizona," which Mr. Marincola asserted may have involved the placement of materials into waters of the U.S. ("the Request for Information"). The Request for Information asked us to provide a response to the questions in that document by August 31, 2022. We requested and were granted an additional 30 days to respond, extending the deadline to September 30, 2022.

Mr. Marincola's letter indicated that the response to the Request for Information should be provided to you by email. Accordingly, we are responding to you by email.

Rosemont's response consists of the attached document entitled Response to Request for Information, dated September 30, 2022, which contains responses to each question in the Request for Information and background information to assist you in understanding Rosemont's mining activities. Documents that are responsive to the Request for Information are provided with this letter by means of a Box site. The link is:

https://fclaw.box.com/s/k22p8fc71cku5y5ohjda23cpg52urc37

Additional documents are provided in a remote site maintained by WestLand Resources. That site contains maps and photographs previously submitted to the U.S. Army Corps of Engineers in support of an approved jurisdictional determination in 2019. The link to WestLand Resources' remote site are:

Rosemont Copper Company
5255 East Williams Circle, Suite 1065
Tucson, Arizona 85711
United States
tel 520 495-3500
hudbayminerals.com

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https://rosemontgeohub.maps.arcgis.com/apps/webappviewer/index.html?id=eef05d5100db4c14b8e719f495441514
user name: EPA_Rosemont
password: Rosemont 2022

If you experience any difficulties accessing the documents at these remote sites, please let us know and we will work with you to address the problem.

Mr. Marincola also requested that we provide a certification of the responses to the Request for Information. This certification is provided below. We note, however, that the Request for Information is problematic in certain respects, and, as a result, our responses include legal objections. These objections were provided by our legal counsel and are not being certified. In addition, while our responses are believed to be true and accurate, the vague nature of some of your agency's requests and the erroneous assumptions that they contain make responding to many of the requests problematic. These problems are discussed in more detail in the attached Response to Request for Information.

Please contact me if you have any questions or would like to discuss this response in greater detail. You may also contact our in-house attorney Matt Bingham at 520-495-3523 or at matt.bingham@hudbayminerals.com.

Rosemont has retained the Fennemore law firm to assist the company on this matter. They are available to discuss the objections in our responses to the Request for Information and any legal issues that are raised in the responses. Please direct all communications to the following attorneys:

Norman D. James
Fennemore Craig
2394 E. Camelback Road, Suite 600
Phoenix, AZ 85016
(602) 916-5346
njames@fennemorelaw.com

George O. Krauja
Fennemore Craig
One South Church Avenue, Suite 1010
Tucson, AZ 85701
(520) 879-6817
gkrauja@fennemorelaw.com

Finally, we are enclosing for your information a copy of a FOIA request that Rosemont has submitted to EPA for records, including documents and communications, received by the agency from January 1, 2022 to the present that concern the Copper World Project. We wanted to alert you to this request as these records are likely in your possession or control.

Thank you for your cooperation.

Sincerely,

Javier Del Rio
VP, Peru and USA

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction and the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Javier Del Rio
Vice President

cc. Rich Campbell, via electronic mail (campbell.rich@epa.gov) (w/enc.)