

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Petition No. IX-2025-26

In the Matter of

Bonanza Explorations, Inc., Copperstone Gold Mine

Permit No. 99365

Issued by the Arizona Department of Environmental Quality

ORDER DENYING A PETITION FOR OBJECTION TO A TITLE V OPERATING PERMIT

I. INTRODUCTION

The U.S. Environmental Protection Agency (EPA or the “Agency”) received a petition dated June 6, 2025, (the “Petition”) from the Center for Biological Diversity (the “Petitioner”), pursuant to Clean Air Act (CAA) section 505(b)(2).¹ The Petition requests that the EPA Administrator object to operating permit No. 99365 (the “Permit”) issued by the Arizona Department of Environmental Quality (ADEQ) to the Bonanza Explorations, Inc. Copperstone Gold Mine (the “Copperstone Mine”) in La Paz County, Arizona. The Permit was issued pursuant to title V of the CAA and ADEQ’s EPA-approved operating permit program rules.² This type of operating permit is also known as a title V permit or part 70 permit.

Based on a review of the Petition and other relevant materials, including the Permit, the permit record, and relevant statutory and regulatory authorities, and as explained in Section IV of this Order, the EPA denies the Petition requesting that the EPA Administrator object to the Permit.

II. STATUTORY AND REGULATORY FRAMEWORK

A. Title V Permits

CAA section 502(d)(1) requires each State to develop and submit to the EPA an operating permit program to meet the requirements of title V of the CAA and the

¹ 42 U.S.C. § 7661d(b)(2).

² 42 U.S.C. §§ 7661–7661f; Title 18, Chapter 2, Article 3 of the A.A.C.; *see also* 40 C.F.R. part 70 (title V implementing regulations).

Agency's implementing regulations at 40 C.F.R. part 70.³ The State of Arizona submitted a title V program governing the issuance of operating permits in 1993. The EPA granted full approval of Arizona's title V operating permit program in 2001.⁴

All major stationary sources of air pollution and certain other sources are required to apply for and operate in accordance with title V operating permits that include emission limitations and other conditions as necessary to assure compliance with applicable requirements of the CAA, including the requirements of the applicable implementation plan.⁵ One purpose of the title V operating permit program is to "enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements."⁶ Title V operating permits compile and clarify, in a single document, the substantive air quality control requirements derived from numerous provisions of the CAA. By clarifying which requirements apply to emission units at the source, title V operating permits enhance compliance with those applicable requirements of the CAA. The title V operating permit program generally does not impose new substantive air quality control requirements, but does require that permits contain adequate monitoring, recordkeeping, and reporting requirements to assure the source's compliance with the underlying substantive applicable requirements.⁷ Thus, the title V operating permit program is a vehicle for compiling the air quality control requirements as they apply to the source's emission units and for providing adequate monitoring, recordkeeping, and reporting to assure compliance with such requirements.

B. Review of Issues in a Petition

State and local permitting authorities issue title V permits pursuant to their EPA-approved title V operating permit programs. Under CAA section 505(a) and the relevant implementing regulations found at 40 C.F.R. § 70.8(a), States are required to submit each proposed title V operating permit to the EPA for review.⁸ Upon receipt of a proposed permit, the EPA has 45 days to object to final issuance of the proposed permit if the Agency determines that the proposed permit is not in compliance with applicable requirements under the CAA.⁹ If the EPA does not object to a permit on the Agency's own initiative, any person may, within 60 days of the expiration of the EPA's 45-day review period, petition the Administrator to object to the permit.¹⁰

³ 42 U.S.C. § 7661a(d)(1).

⁴ 66 Fed. Reg. 63175 (Dec. 5, 2001) (final approval). This program is codified in Title 18, Chapter 2, Article 3 of the A.A.C.

⁵ 42 U.S.C. §§ 7661a(a), 7661b, 7661c(a).

⁶ 57 Fed. Reg. 32250, 32251 (July 21, 1992).

⁷ 40 C.F.R. § 70.1(b); *see* 42 U.S.C. § 7661c(c); 40 C.F.R. § 70.6(c)(1).

⁸ 42 U.S.C. § 7661d(a).

⁹ 42 U.S.C. § 7661d(b)(1); 40 C.F.R. § 70.8(c).

¹⁰ 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d).

Each petition must identify the proposed permit on which the petition is based and identify the petition claims.¹¹ Any issue raised in the petition as grounds for an objection must be based on a claim that the permit, permit record, or permit process is not in compliance with applicable requirements or requirements under 40 C.F.R. part 70.¹² Any arguments or claims the petitioner wishes the EPA to consider in support of each issue raised must generally be contained within the body of the petition.¹³

The petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the permitting authority (unless the petitioner demonstrates in the petition to the Administrator that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period).¹⁴

In response to such a petition, the CAA requires the Administrator to issue an objection to the permit if a petitioner demonstrates that the permit is not in compliance with the requirements of the CAA.¹⁵ Under CAA section 505(b)(2), the burden is on the petitioner to make the required demonstration to the EPA.¹⁶ As courts have recognized, CAA section 505(b)(2) contains both a “discretionary component,” under which the Administrator determines whether a petition demonstrates that a permit is not in compliance with the requirements of the CAA, and a nondiscretionary duty on the Administrator’s part to object if such a demonstration is made.¹⁷ Courts have also made clear that the Administrator is only obligated to grant a petition to object under CAA section 505(b)(2) if the Administrator determines that the petitioner has demonstrated that the permit is not in compliance with requirements of the CAA.¹⁸ When courts have reviewed the EPA’s interpretation of the ambiguous term “demonstrates” and the

¹¹ 40 C.F.R. § 70.12(a).

¹² 40 C.F.R. § 70.12(a)(2).

¹³ If reference is made to an attached document, the body of the petition must provide a specific citation to the referenced information, along with a description of how that information supports the claim. In determining whether to object, the Administrator will not consider arguments, assertions, claims, or other information incorporated into the petition by reference. *Id.*

¹⁴ 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d); *see* 40 C.F.R. § 70.12(a)(2)(v).

¹⁵ 42 U.S.C. § 7661d(b)(2); *see also* *New York Public Interest Research Group, Inc. v. Whitman*, 321 F.3d 316, 333 n.11 (2d Cir. 2003) (*NYPIRG*).

¹⁶ 42 U.S.C. § 7661d(b)(2); *see WildEarth Guardians v. EPA*, 728 F.3d 1075, 1081–82 (10th Cir. 2013); *MacClarence v. EPA*, 596 F.3d 1123, 1130–33 (9th Cir. 2010); *Sierra Club v. EPA*, 557 F.3d 401, 405–07 (6th Cir. 2009); *Sierra Club v. Johnson*, 541 F.3d 1257, 1266–67 (11th Cir. 2008); *Citizens Against Ruining the Environment v. EPA*, 535 F.3d 670, 677–78 (7th Cir. 2008); *cf. NYPIRG*, 321 F.3d at 333 n.11.

¹⁷ *Sierra Club v. Johnson*, 541 F.3d at 1265–66 (“[I]t is undeniable [that CAA section 505(b)(2)] also contains a discretionary component: it requires the Administrator to make a judgment of whether a petition demonstrates a permit does not comply with clean air requirements.”); *NYPIRG*, 321 F.3d at 333.

¹⁸ *Citizens Against Ruining the Environment*, 535 F.3d at 677 (stating that CAA section 505(b)(2) “clearly obligates the Administrator to (1) determine whether the petition demonstrates noncompliance and (2) object if such a demonstration is made” (emphasis added)); *see also Sierra Club v. Johnson*, 541 F.3d at 1265 (“Congress’s use of the word ‘shall’ . . . plainly mandates an objection whenever a petitioner demonstrates noncompliance.” (emphasis added)).

Agency's determination as to whether the demonstration has been made, they have applied a deferential standard of review.¹⁹ Certain aspects of the petitioner's demonstration burden are discussed in the following paragraphs. A more detailed discussion can be found in the preamble to the EPA's proposed petitions rule.²⁰

The EPA considers a number of factors in determining whether a petitioner has demonstrated noncompliance with the CAA.²¹ For each claim, the petitioner must identify (1) the specific grounds for an objection, citing to a specific permit term or condition where applicable; (2) the applicable requirement as defined in 40 C.F.R. § 70.2, or requirement under 40 C.F.R. part 70, that is not met; and (3) an explanation of how the term or condition in the permit, or relevant portion of the permit record or permit process, is not adequate to comply with the corresponding applicable requirement or requirement under 40 C.F.R. part 70.²²

If a petitioner does not satisfy these requirements and provide sufficient citations and analysis, the EPA is left to work out the basis for the petitioner's objection, which is contrary to Congress's express allocation of the burden of demonstration to the petitioner in CAA section 505(b)(2).²³ Relatedly, the EPA has pointed out in numerous previous orders that generalized assertions or allegations did not meet the demonstration standard.²⁴ Also, the failure to address a key element of a particular issue presents further grounds for the EPA to determine that a petitioner has not demonstrated a flaw in the permit.²⁵

¹⁹ See, e.g., *Voigt v. EPA*, 46 F.4th 895, 902 (8th Cir. 2022), *WildEarth Guardians*, 728 F.3d at 1081–82; *MacClarence*, 596 F.3d at 1130–31.

²⁰ When the EPA finalized this rulemaking in 2020, the Agency referred back to (but did not repeat) the proposed rule's extensive background discussion regarding the petitioner's demonstration burden. See 85 Fed. Reg. 6431, 6433, 6439 (Feb. 5, 2020) (final rule); 81 Fed. Reg. 57822, 57829–31 (Aug. 24, 2016) (proposed rule); see also *In the Matter of Consolidated Environmental Management, Inc., Nucor Steel Louisiana*, Order on Petition Nos. VI-2011-06 and VI-2012-07 at 4–7 (June 19, 2013) (*Nucor II Order*).

²¹ See generally *Nucor II Order* at 7.

²² 40 C.F.R. § 70.12(a)(2)(i)–(iii).

²³ See *MacClarence*, 596 F.3d at 1131 (“[T]he Administrator’s requirement that [a title V petitioner] support his allegations with legal reasoning, evidence, and references is reasonable and persuasive.”); see also *In the Matter of Murphy Oil USA, Inc.*, Order on Petition No. VI-2011-02 at 12 (Sept. 21, 2011) (denying a title V petition claim in which petitioners did not cite any specific applicable requirement that lacked required monitoring); *In the Matter of Portland Generating Station*, Order on Petition at 7 (June 20, 2007) (*Portland Generating Station Order*).

²⁴ See, e.g., *In the Matter of Luminant Generation Co., Sandow 5 Generating Plant*, Order on Petition No. VI-2011-05 at 9 (Jan. 15, 2013); see also *Portland Generating Station Order* at 7 (“[C]onclusory statements alone are insufficient to establish the applicability of [an applicable requirement].”); *In the Matter of BP Exploration (Alaska) Inc., Gathering Center #1*, Order on Petition Number VII-2004-02 at 8 (Apr. 20, 2007); *In the Matter of Georgia Power Company*, Order on Petitions at 9–13 (Jan. 8, 2007) (*Georgia Power Plants Order*); *In the Matter of Chevron Products Co., Richmond, Calif. Facility*, Order on Petition No. IX-2004–10 at 12, 24 (Mar. 15, 2005).

²⁵ See, e.g., *In the Matter of EME Homer City Generation LP and First Energy Generation Corp.*, Order on Petition Nos. III-2012-06, III-2012-07, and III-2013-02 at 48 (July 30, 2014); see also *In the Matter of Hu*

Another factor the EPA examines is whether the petitioner has addressed the State or local permitting authority's decision and reasoning contained in the permit record.²⁶ This includes a requirement that petitioners address the permitting authority's final decision and final reasoning (including the State's response to comments) if these documents were available during the timeframe for filing the petition. Specifically, the petition must identify if the permitting authority responded to the public comment and explain how the permitting authority's response is inadequate to address (or does not address) the issue raised in the public comment.²⁷

The information that the EPA considers in determining whether to grant or deny a petition submitted under 40 C.F.R. § 70.8(d) generally includes, but is not limited to, the administrative record for the proposed permit and the petition, including attachments to the petition. The administrative record for a particular proposed permit includes the draft and proposed permits, any permit applications that relate to the draft or proposed permits, the statement required by § 70.7(a)(5) (sometimes referred to as the "statement of basis"), any comments the permitting authority received during the public participation process on the draft permit, the permitting authority's written responses to comments, including responses to all significant comments raised during the public participation process on the draft permit, and all materials available to the permitting authority that are relevant to the permitting decision and that the permitting authority made available to the public according to § 70.7(h)(2). If a final permit and a statement of basis for the final permit are available during the EPA's review of a petition on a proposed permit, those documents may also be considered when determining whether to grant or deny the petition.²⁸

Honua Bioenergy, Order on Petition No. IX-2011-1 at 19–20 (Feb. 7, 2014); *Georgia Power Plants Order* at 10.

²⁶ 81 Fed. Reg. at 57832; see *Voigt*, 46 F.4th at 901–02; *MacClarence*, 596 F.3d at 1132–33; see also, e.g., *Finger Lakes Zero Waste Coalition v. EPA*, 734 Fed. App'x *11, *15 (2d Cir. 2018) (summary order); *In the Matter of Noranda Alumina, LLC*, Order on Petition No. VI-2011-04 at 20–21 (Dec. 14, 2012) (denying a title V petition issue in which petitioners did not respond to the State's explanation in response to comments or explain why the State erred or why the permit was deficient); *In the Matter of Kentucky Syngas, LLC*, Order on Petition No. IV-2010-9 at 41 (June 22, 2012) (denying a title V petition issue in which petitioners did not acknowledge or reply to the State's response to comments or provide a particularized rationale for why the State erred or the permit was deficient); *Georgia Power Plants Order* at 9–13 (denying a title V petition issue in which petitioners did not address a potential defense that the State had pointed out in the response to comments).

²⁷ 40 C.F.R. § 70.12(a)(2)(vi).

²⁸ 40 C.F.R. § 70.13.

III. BACKGROUND

A. The Copperstone Mine Facility

The Copperstone Mine, owned by Bonanza Explorations, Inc., is an underground mining operation located in La Paz County, Arizona that uses drilling, blasting, mucking, and backfill to extract gold ore. Emission units at the Copperstone Mine include crushing, screening, and material handling operations, emergency generators, gold processing equipment, and various other operations. The Copperstone Mine is subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) under 40 C.F.R. part 63 subpart EEEEEEE.

B. Permitting History

Bonanza Explorations, Inc. first obtained a title V permit for the Copperstone Mine in 2018. On June 16, 2023, Bonanza Explorations, Inc. applied for a title V permit renewal. On February 14, 2024, ADEQ published notice of a draft permit, subject to a public comment period that ended on March 15, 2024. On February 21, 2025, ADEQ submitted a proposed permit, along with its responses to public comments (RTC), to the EPA for the Agency's 45-day review. The EPA's 45-day review period ended on April 7, 2025, during which time the Agency did not object to the proposed permit. On June 3, 2025, ADEQ issued the final Permit for the Copperstone Mine.

C. Timeliness of Petition

Pursuant to the CAA, if the EPA does not object to a proposed permit during the Agency's 45-day review period, any person may petition the Administrator within 60 days after the expiration of the 45-day review period to object.²⁹ The EPA's 45-day review period ended on April 7, 2025. Thus, any petition seeking the EPA's objection to the Permit was due on or before June 6, 2025. The Petition was submitted by email on June 6, 2025. Therefore, the EPA finds that the Petitioner timely filed the Petition.

IV. EPA DETERMINATION ON PETITION CLAIM

Claim: The Petitioner Claims That "ADEQ Did Not Make its Response to Comments Available to the Public Prior to Issuing the Title V Permit."

Petition Claim: The Petitioner claims that while ADEQ responded to the Petitioner's significant comments on the draft permit for the Copperstone Mine, ADEQ "did not make the final response to comments available to the public as required prior to issuing the proposed and final Title V Permit."³⁰

²⁹ 42 U.S.C. § 7661d(b)(2).

³⁰ Petition at 4.

The Petitioner states that upon submittal of a proposed permit package to the EPA, permitting authorities must provide both a written response to all significant comments as well as “an explanation of how those public comments and the permitting authority’s responses are available to the public.”³¹ According to the Petitioner, “a final Title V Permit may only be issued by a permitting authority if the EPA has received a copy of the proposed permit and the information required under 40 C.F.R. § 70.8(a) and if the final response to comments has been made available to the public.”³²

The Petitioner states that on June 3, 2025, it received electronic copies of the final Permit, accompanying technical support document (TSD), and RTC via email transmittal from ADEQ.³³ The Petitioner subsequently inquired as to when ADEQ submitted the proposed permit to the EPA for the Agency’s 45-day review, to which ADEQ replied that the proposed permit package, including the proposed permit, TSD, and RTC, was submitted to the EPA on February 21, 2025.³⁴ The Petitioner notes that ADEQ acknowledged that it did not send the RTC to the commenters on February 21, 2025.³⁵

The Petitioner contends that while the RTC was submitted to the EPA on February 21, 2025, the RTC “was not provided to the Center or otherwise made available to the public by ADEQ” on this date and that the Petitioner only received the RTC “after the final Title V Permit was issued and only three days before the 60-day Title V petition deadline.”³⁶ The Petitioner acknowledges that the RTC “appears to have been posted at some point to the EPA’s Permit Hub website,” but contends that this does not absolve ADEQ of its “independent duty” to make the RTC available to the Petitioner or the public prior to submitting the proposed permit to the EPA for review.³⁷ As a result, the Petitioner asserts that ADEQ failed to comply with the requirements of 40 C.F.R. §§ 70.7 and 70.8 in issuing the proposed permit and final Permit for the Copperstone Mine.³⁸

The Petitioner asserts that the EPA “has definitively held that the failure to make a response to comments available to the public prior to the issuance of a Title V permit is contrary to Title V regulations and grounds for an objection.”³⁹ The Petitioner contends that in a previous title V order, the EPA “objected to the issuance of a Title V permit on the basis that the permitting authority failed to make its response to comments

³¹ *Id.* (quoting 40 C.F.R. § 70.8(a)(1); citing 40 C.F.R. § 70.8(c)(1)).

³² *Id.* (citing 40 C.F.R. § 70.7(a)(1)(v)).

³³ *Id.* (citing Petition Ex. 4, “Issuance of Permit No. 99365 – Copperstone Gold Mine” e-mail from ADEQ to the Petitioner dated June 3, 2025, at 1).

³⁴ *Id.* (citing Petition Ex. 6, “Issuance of Permit No. 99365 – Copperstone Gold Mine” e-mail thread from ADEQ to the Petitioner dated June 4, 2025, at 1).

³⁵ *Id.*

³⁶ *Id.* at 4–5.

³⁷ *Id.* at 5.

³⁸ *Id.*

³⁹ *Id.* (citing *In the Matter of Kinder Morgan Altamont, LLC*, Order on Petition No. VIII-2024-23 (*Kinder Morgan Altamont Order*) (May 30, 2025)).

available to the public when issuing a proposed Title V permit, contrary to 40 C.F.R. § 70.7(h)(5) and 70.8(a)(1)."⁴⁰

The Petitioner claims that ADEQ's alleged failure to make its RTC available prior to the issuance of the proposed permit and final Permit "deprived both the EPA and the public, including the Center, of the ability of [sic] effectively review the Title V Permit and ensure it complies with the Clean Air Act."⁴¹ Specifically, the Petitioner claims that because it received the RTC three days before the 60-day petition deadline, this prevented the Petitioner "from scrutinizing the response to comments and fulfilling its right to raise substantive issues in a petition requesting the EPA object to the issuance of the Title V permit pursuant to 42 U.S.C. § 7661d(b)(2)."⁴² Furthermore, the Petitioner alleges that ADEQ submitted a draft version of the RTC to the EPA "that could not allow the agency to effectively review the proposed Title V Permit to assure compliance under the Clean Air Act," whereas the Petitioner received the final version of the RTC in June 2025.⁴³ The Petitioner concludes that because ADEQ failed "to make its written response to comments available to the public when submitting the proposed Title V Permit to EPA for review and prior to issuance of the final Title V Permit," the EPA must object to the issuance of the Permit.⁴⁴

EPA Response: For the following reasons, the EPA denies the Petitioner's request for an objection on this claim.

The EPA's regulations expressly require permitting agencies to respond in writing to all significant comments and to make these responses "available to the public." 40 C.F.R. § 70.7(h)(5) requires:

The permitting authority shall keep a record of the commenters and of the issues raised during the public participation process, as well as records of the written comments submitted during that process, so that the Administrator may fulfill his obligation under section 505(b)(2) of the Act to determine whether a citizen petition may be granted, and such records shall be available to the public.⁴⁵

40 C.F.R. § 70.8(a)(1) requires:

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.* at 6.

⁴³ *Id.* at 5–6.

⁴⁴ *Id.* at 6 (citing 40 C.F.R. §§ 70.7(h)(5) and 70.8(a)(1)).

⁴⁵ 40 C.F.R. § 70.7(h)(5); *see also* 40 C.F.R. § 70.7(h)(6) ("The permitting authority must respond in writing to all significant comments raised during the public participation process, including any such written comments submitted during the public comment period and any such comments raised during any public hearing on the permit.").

The permit program must require that the permitting authority provide to the Administrator . . . each proposed permit, each final permit, and, if significant comment is received during the public participation process, the written response to comments (which must include a written response to all significant comments raised during the public participation process on the draft permit and recorded under § 70.7(h)(5) of this part), and an explanation of how those public comments and the permitting authority's responses are available to the public.

Notably, these regulations do not explicitly prescribe the specific manner by which an RTC must be made available to the public. Furthermore, in the EPA's final 2020 rulemaking revising provisions of the title V permitting program, the Agency explicitly stated that the Agency was not requiring permitting authorities to provide notification that the proposed permit and the RTC are available to the public within 30 days of sending the proposed permit to the Agency.⁴⁶ The EPA has previously stated that a State may make an RTC available to the public in various ways, including, but not limited to, posting it to a publicly accessible electronic database or by retaining it in a permitting authority's public files and providing it to members of the public upon request.⁴⁷

The Petitioner is incorrect to suggest that the EPA's analysis in the *Kinder Morgan Altamont Order* presents the same basis for the Agency to object to the Copperstone Mine Permit. The facts of *Kinder Morgan Altamont* differ from those before the EPA in this Petition. In *Kinder Morgan Altamont*, the EPA concluded that the State failed to make the RTC available to the public in accordance with Agency's regulations because the State took no proactive steps to publicly post or distribute the RTC and it had expressly denied the petitioner's request for a copy of the RTC. Here, the Petitioner incorrectly alleges that ADEQ stated in an email that the RTC was not made available to the public at the time it was submitted to the EPA on February 21, 2025. While ADEQ's email acknowledged the RTC was not proactively sent to the Petitioner on this date, ADEQ's email did not state that the RTC was not otherwise publicly available at that time.⁴⁸ In contrast to the fact pattern in *Kinder Morgan Altamont*, the Petitioner did not request a copy of the RTC and accordingly was not expressly denied a copy of the RTC. Therefore, the Petitioner fails to demonstrate that ADEQ did not make the RTC available to the public on February 21, 2025. In addition, by the Petitioner's own admission, the

⁴⁶ See Revisions to the Petition Provisions of the Title V Permitting Program, 85 Fed. Reg. 6431, 6441 (Feb. 5, 2020).

⁴⁷ *Kinder Morgan Altamont Order* at 8.

⁴⁸ See Petition at 4; Petition Ex. 6 at 1. The Petitioner also alleges that the RTC submitted by ADEQ to the EPA on February 21, 2025, and posted to EPA's Permit Hub was a "draft" version and not the final version of the RTC. See Petition at 5. However, the Petitioner does not explain why such a distinction might have hindered the Petitioner's or the EPA's ability to raise substantive claims criticizing the proposed permit, or any other potential relevance of this distinction. The Petitioner does not identify any substantive differences between the "draft" version of the RTC submitted to EPA and the "final" version that ADEQ shared with the Petitioner via email transmittal. See Petition Ex. 5 "Responsiveness Summary (Final)" (June 3, 2025).

RTC document was made available to the public when ADEQ submitted it through the EPA's Permit Hub website.⁴⁹

The Petitioner has not demonstrated that the RTC was not available to the public, and the EPA therefore denies the Petitioner's request for an objection on this claim.

V. CONCLUSION

For the reasons set forth in this Order and pursuant to CAA section 505(b)(2) and 40 C.F.R. § 70.8(d), I hereby deny the Petition as described in this Order.

Dated: June 23, 2026



Lee Zeldin
Administrator

⁴⁹ See the EPA's Permit Hub Website at <https://permitsearch.epa.gov/oms-permit-hub/permit/6ad1067c-e140-f011-b4cb001dd808d1c9>. Due to system updates between the EPA's Electronic Permit System and the Permit Hub, the Agency cannot determine the precise date that the proposed Copperstone Mine permit and accompanying materials, including the RTC, were posted to the Permit Hub. However, the EPA does not have any information indicating that this was not done in mid-March 2025, well before the 60-day petition period under CAA § 505(b)(2) began in early April 2025. The Petitioner does not assert facts to the contrary. See Petition at 5, fn. 3.