Title V/Clean Air Act: Center for Biological Diversity Petition to Object Filed Addressing La Paz County, Arizona Gold Mine



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Center for Biological Diversity ("CBD") filed a June 6th Petition to Object addressing the Bonanza Explorations', Inc. Clean Air Act Title V Permit renewal.'

The Petition objects to the renewal of a Title V Operating Permit ("Permit") issued by the Arizona Department of Environmental Quality ("ADEQ") authorizing Bonanza to operate the Coppertone Gold Mine in La Paz County, Arizona.

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Operating Permits. States that administer Title V do so through adopted implementation plans. These plans are submitted to and approved by EPA.

The intent of a Title V Permit it to organize into a single document all of the requirements that apply to the permit holder. 42 U.S.C. § 7661 requires that states submit each proposed Title V Permit to EPA for review. Section 505(b)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V Permit in writing within 45 days of the receipt of the proposed Permit (and all necessary supporting information) if the agency determines that it is not in compliance with the applicable requirements of the Clean Air Act.

If EPA does not object to a Permit, Section 505(b)(2) provides that any person may petition the EPA Administrator within 60 days of the expiration of the 45-day review period to object to the Permit.

The Copperstone Gold Mine is described as an underground mine that uses drilling, blasting, mucking, and backfill to extract gold ore. Cyanide leaching is stated to be used to recover gold and is subject to Clean Air Act National Emission Standards for Hazardous Air Pollutants due to emissions of mercury and other pollutants.

Sources of air pollution at the mine are stated to include:

- Crushers
- Gold processing equipment
- Generators
- Additional sources

The mine is stated to be subject to 40 C.F.R. Part 63, , Subpart EEEEEEE, besides the Title V permitting requirements.

CBD states as grounds for objection to a Title V Permit renewal:

- ADEQ Did Not Make its Response to Comments Available to the Public Prior to Issuing the Title V Permit, asserting:
- ADEQ responded to CBD's significant comments on the draft Title V Permit.
- 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.
- ADEQ is alleged to have indicated it did not send a responsiveness summary to the commenters since this was a Permit renewal as opposed to a new Permit.
- ADEQ failed to comply with the requirements of 40 C.F.R. §§ 70.7 and 70.8.

A copy of the Petition can be downloaded here.