PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

APPLICATION FOR PERMIT
Mission Complex Stormwater Controls

Public Notice/Application No.: SPL-2010-01216-MB
Project: Mission Complex Stormwater Controls
Comment Period: January 15, 2014 through February 16, 2014
Project Manager: Michael Langley; 602-230-6953; Michael.W.Langley@usace.army.mil

Applicant
Thomas Phillips
ASARCO, LLC - Mission Complex
4201 West Pima Mine Road
Sahuarita, Arizona 85629

Contact
Brian Lindenlaub
WestLand Resources, Inc.
4001 E. Paradise Falls Drive
Tucson, Arizona 85712

Location

The project site is located in several non-contiguous disturbance areas within portions of Sections 14, 23, and 35, Township 16 South, Range 12 East; portions of Sections 11 and 12, Township 17 South, Range 12 East; and portions of Sections 7–10 and 15, Township 17 South, Range 13 East within/near the Town of Sahuarita, Pima County, Arizona.

Activity

To discharge fill material into waters of the U.S. (WOUS) resulting in a direct permanent impact to approximately 5.12 acres of WOUS, indirect permanent impacts to 0.06 acre of WOUS, and temporary impacts to 5.57 acres of WOUS to construct remedial stormwater controls as required under a 2002 Finding of Violation and Order for Compliance (FVOC) filed by the Environmental Protection Agency (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that support the Corps' decision-making process, All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act.

Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Arizona Regulatory Branch
3636 N. Central Ave, Suite 900
Phoenix, AZ 85012-1939

Alternatively, comments can be sent electronically to: Michael.W.Langley@usace.army.mil

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from both the Arizona Department of Environmental Quality and the Environmental Protection Agency, because a portion of the project is on Tohono O'odham Nation tribal lands. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Cultural Resources- The project site has been surveyed for the presence of cultural resources sites that are on, or eligible for inclusion on, the National Register of Historic Places. No such resources have been found on the project site. The Corps will consult with the State Historic Preservation Officer and interested tribes separately from the public notice regarding cultural resources issues.

Endangered Species- A Biological Assessment for the project site has been drafted and is under review. Two federally listed species, the lesser long-nosed bat (LLNB) and the Pima pineapple cactus (PPC), have the potential or are known to occur within the project site. Consultation with the U.S. Fish and Wildlife Service regarding effects to these two species is required.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Because no fills are proposed within special aquatic sites, identification of the basic project purpose is not necessary. The basic project purpose for the proposed project is stormwater management. The project is not water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose of the project is to

segregate stormwater run-on that originates upstream of the Mission Complex from stormwater runoff that contacts specific mine facilities, in compliance with the requirements of a June 20, 2002 Finding of Violation and Order for Compliance (FVOC) filed by the EPA, and to mitigate potential flood flows to the Rancho Resort residential community immediately east (downstream) of the applicant's property.

Additional Project Information

Baseline information- The Mission Complex is a commercial open pit copper mine and underground copper mine. The mine site is spread out over an area of approximately 19,000 acres (29.7 square miles) and includes an open pit (measuring approximately 2.5 miles long by 1.5 miles across), associated crushing, grinding and flotation facilities, tailings facilities, waste rock dumps, and warehouse, maintenance and administrative areas. The underground mine (not currently in use) is accessed through declines from within the pit. The area of the Mission Complex north of Pima Mine Road is located on Tribal land of the San Xavier district of the Tohono O'Odham Nation while the area south of the Pima Mine Road is primarily owned by ASARCO.

Asarco had filed a Notice of Intent (NOI) for coverage under the Multi-Sector Stormwater General Permit (MSGP) dated January 25, 2001. Discharges of stormwater from the facility were covered under a multi-sector general stormwater permit. Previous NOIs were dated January 26, and February 3, 1993. As the result of an inspection report (dated May 3, 2002 prepared by EPA), Asarco was issued a Finding of Violation and Order for Compliance on June 20, 2002. Due to the potential for exceeding water quality standards and due to non-compliance with components of the MSGP, EPA determined that Asarco Mission Complex was no longer eligible for coverage under the MSGP. As part of the order, EPA required that the Asarco Mission Complex apply for an individual National Pollution Discharge Elimination System (NPDES) permit by August 5, 2002. The remedial stormwater controls described herein were developed to comply with specific requirements contained in the Finding of Violation and Order for Compliance issued by EPA and incorporated into the NPDES permit.

Project description- The design for this project is focused on the containment of stormwater runoff from mine facilities, segregating this runoff from stormwater in water courses originating upstream from the property (run-on), and diverting the unimpacted run-on around mine facilities. As a result of necessary changes to the stormwater controls system, two stilling pools (also referred to as retention basins) would be constructed to prevent high flows from having an adverse impact on the nearby Rancho Resort community located east (downstream) of the mine, and structures for containment of run-on will be constructed.

A brief discussion of the components of the stormwater controls improvements project is provided below, and shown graphically on the attached figures.

South Pima Dump: The proposed control is a berm along the toe of the west and south slopes of the dump to segregate dump runoff from run-on originating upstream of the property, with most of the existing channel undisturbed. At the east end (southeast corner of the dump) there is an additional proposed control berm between the channel and Helmet Peak Road, to prevent channel breakout flows from crossing the roadway. This berm will impact a small break-out channel of the main wash that runs alongside the dump.

At the southeast corner of the dump, South Pima Dump runoff will continue in an existing containment channel that directs runoff flows north into an existing containment pond at the northeast corner of the dump. Unimpacted stormwater run-on will continue east across undeveloped ASARCO-

owned lands in non-engineered channels toward Tailings Storage Facility (TSF) -6, where additional control structures (see below) will be installed to accommodate increased flows resulting from this effort. As a result, after construction, stormwater run-on that currently largely impounds west of the South Pima Dump will be redirected around the South Pima Dump and report downstream.

TSF-6 and TSF-7: The work proposed in this area is largely required due to potential additional stormwater run-on flows that are expected because of the flows that will no longer be contained at South Pima Dump. A stilling pool is proposed at the southwest corner of TSF-6, where a non-engineered basin is currently located. The stilling pool will be larger than the current basin and will be excavated as needed to further increase capacity. Pool inlets will essentially remain the same as the existing inlets. Improvements will also be made immediately downstream from the stilling pool outlet, to contain stormwater run-on flows. The improvements will include excavation of the existing channel as needed, with the banks remaining native soil. Approximately 800 feet downstream from the stilling pool outlet, between TSF-6 and Helmet Peak Road, additional bank protection will be required for approximately 500 feet. This protection will be a Reno mattress on the north bank.

For the next approximately 4,800 feet downstream from the bank protection, only excavation of sediment will be required. A series of improvements are proposed beginning near the east end of TSF-7, comprised of three parts. The stormwater controls proposed in this area are designed to mitigate potential flood flows to the Rancho Resort residential community immediately east (downstream) of the ASARCO property.

The first and primary component is the currently active (northern) stormwater flow channel, which curves north at the end of TSF-7 and turns back east to discharge into the existing Rancho Resort stormwater channel. The main stormwater flows will continue to use the same channel before reaching Rancho Resort. Gabions will be placed at the discharge point into the Rancho Resort channel to control erosion and prevent migration of the channel, and work within the rest of that channel will be limited to sediment excavation as needed.

The second component is proposed to reduce high flow discharge volumes from the above existing channel into the existing Rancho Resort channel. This proposed overflow channel is approximately half the distance between the existing channel and Helmet Peak Road, and will have natural soil banks. Flows from the overflow spillway will discharge into the existing Rancho Resort channel upstream (south) of the northern channel discharge point.

The third and final component consists of a berm on the north side of Helmet Peak Road and a spillway on the north side of the berm. The purpose of the berm is to contain stormwater flows that may overbank the natural flow channel at the eastern edge of TSF-7, as they turn north, reducing the risk of flooding on Helmet Peak Road. The berm will be lined with rip-rap on the north side. The spillway will discharge into the existing Rancho Resort stormwater channel just north of Helmet Peak Road. Immediately upstream of this discharge point is an existing box culvert under Helmet Peak Road.

TSF-8: At the northwest corner of TSF-8, south of Helmet Peak Road across from TSF-7, a stilling pool will be constructed to control flows to an existing channel between TSF-8 and Helmet Peak Road. This channel discharges from ASARCO property near the northeast corner of TSF-8 via an existing box culvert that passes under Helmet Peak Road and discharges into the existing constructed channel at Rancho Resort, described above. This stilling pool will receive stormwater run-on flows from a series of side-by-side existing culverts under a TSF-8 access road. The intent of the stilling pool is mainly to meter flows to prevent overwhelming the Rancho Resort channel. The

channel between the stilling pool and the existing box culvert under Helmet Peak Road will require only maintenance excavation of sediments.

Ike Dump: The proposed controls use rip-rap on the eastern bank of the existing channel at the north end of Ike Dump to direct flows to their natural path to the northeast. This is intended to prevent flows from breaking out of the natural channel and into the runoff channel along the north toe of the dump. Maintenance, consisting of sediment removal as needed, will be implemented on the rest of the channel south to Mission Road, which will not require permit coverage.

San Xavier North Dump: A berm will be re-established near the toe of the west side of the waste rock dump to keep runoff from the dump segregated from stormwater run-on from the west, and a new, natural-banked stormwater run-on channel will be excavated west of the berm. Stormwater runoff from the waste rock dump will be contained between the berm and the dump, where it will infiltrate and/or evaporate. Stormwater run-on will not come into contact with waste rock and will continue to discharge downstream, north and east of the dump, as it currently does.

Proposed Mitigation– The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance/Minimization: Avoidance and minimization of impacts to potential waters of the U.S. have been achieved by the applicant through reconsideration of the original project design, reducing impacts to the extent practicable while still attaining the goals of the project that are mandated in the Arizona Pollutant Discharge Elimination System and National Pollutant Discharge Elimination System permits, and required under the 2002 Finding of Violation and Order for Compliance.

Compensation: A plan for compensatory mitigation is under development.

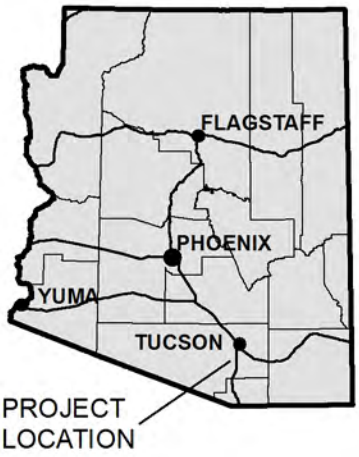
Proposed Special Conditions

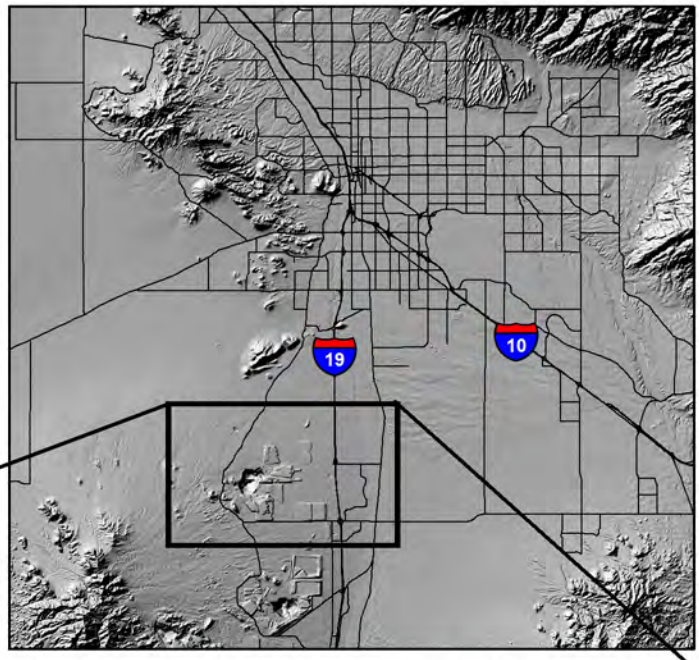
Permit Special Conditions have not yet been developed for this project.

For additional information please call Michael Langley of my staff at 602-230-6953 or via e-mail at Michael.W.Langley@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.





Approximate Scale 1 Inch = 10 Miles

T16S, R12E, Portion of Sections 14, 23 & 35,
T17S, R12E, Portion of Sections 11 & 12,
T17S, R13E, Portion of Sections 7-10 & 15
Pima County, Arizona,
Image Source: © Harris Corp, Earthstar Geographics LLC

WestLand Resources, Inc.
Tucson • Phoenix • Flagstaff
4001 E. Paradise Falls Drive
Tucson, Arizona 85712 (520) 206-9585

N

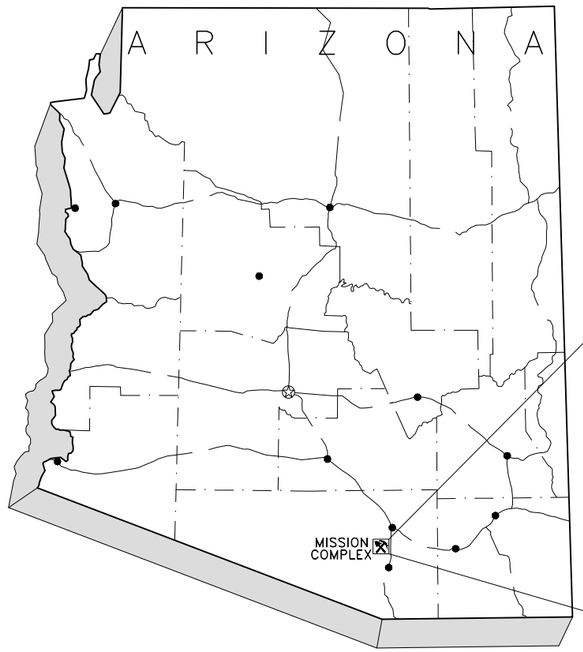
0 4,500 9,000 Feet

ASARCO LLC - MISSION COMPLEX

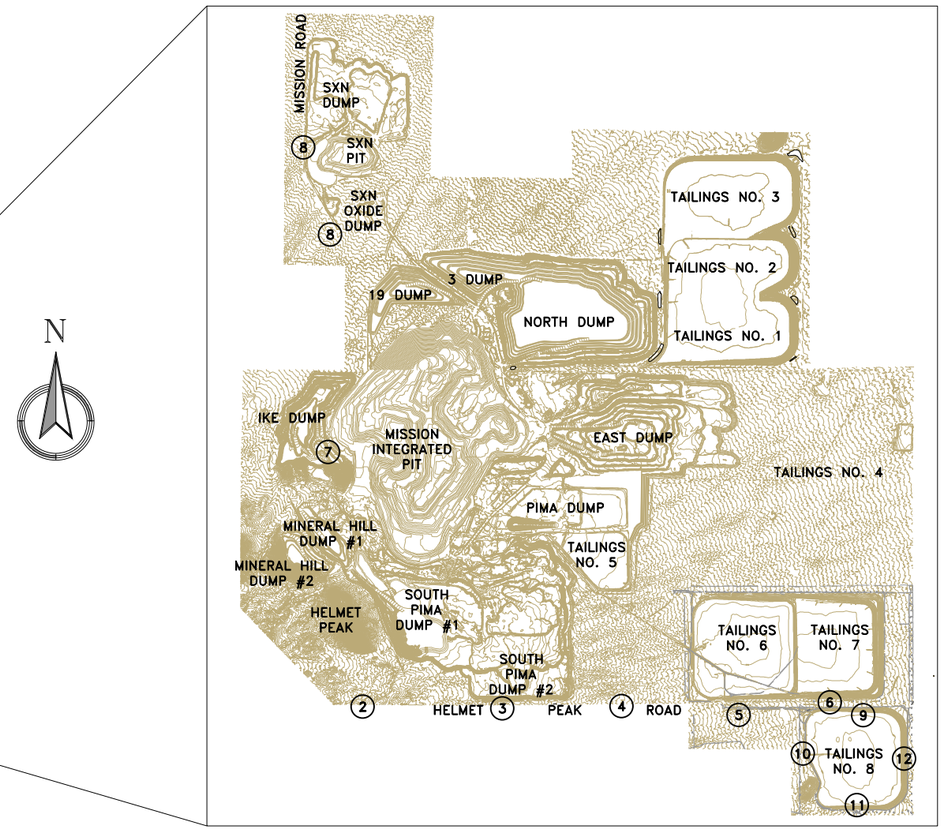
404 Permit Application

VICINITY MAP
Figure 1

ASARCO MISSION COMPLEX
STORMWATER CONTROL
CWA SECTION 404 PERMIT APPLICATION



STATE OF ARIZONA
NTS



PROJECT LOCATION MAP
NTS

LEGEND

- DISTURBANCE LIMITS DUE TO CONSTRUCTION
- UTILITY POLE
- (7) FIGURE NUMBER
- ORDINARY HIGH WATER
- POTENTIAL WATER OF THE UNITED STATES
- SHEET FLOW

ASARCO MISSION COMPLEX

Issued by:

TETRA TECH
3031 West Ina Road
Tucson, Arizona 85741
(520) 297-7723 (520) 297-7724 fax

Title: CWA SECTION 404 PERMIT TITLE SHEET AND INDEX

A REVISION

Project: STORMWATER CONTROL CONCEPTUAL DESIGN

Project no.: 320918

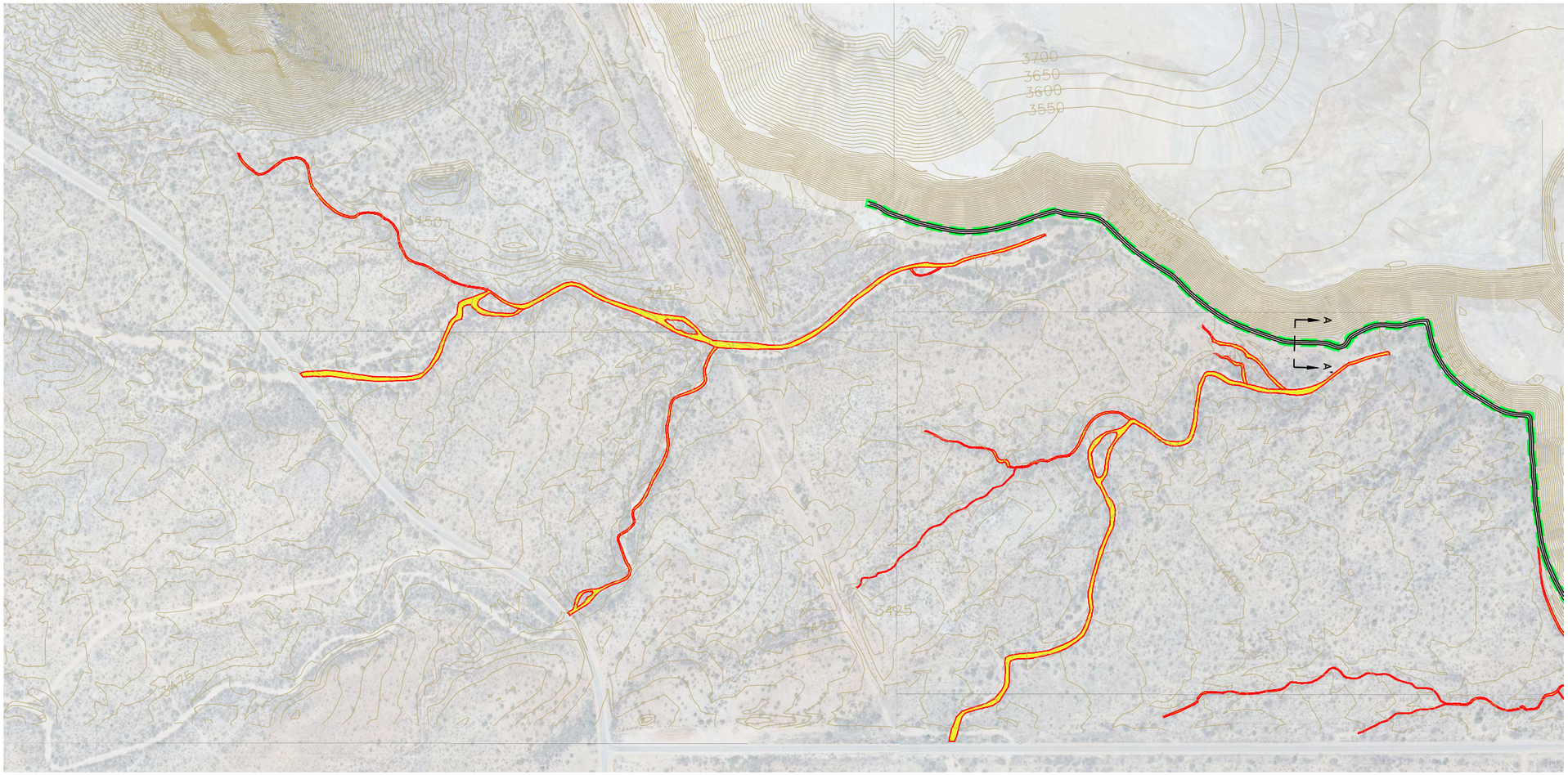
Figure no.: 1

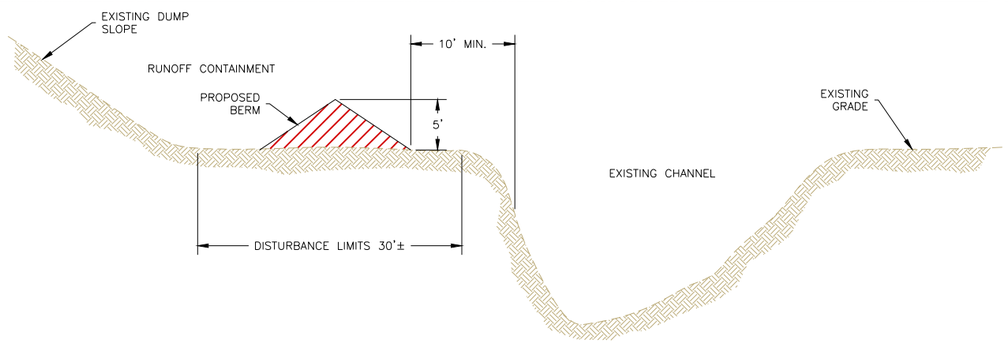
Location: PIMA COUNTY, ARIZONA

Date: 10/12

N

SCALE
250' 0 250' 500'
CONTOUR INTERVAL = 5'





A PROPOSED BERM
NTS

T.16S.,R.12E. Portion of Sections 14, 23, & 35,
T.17S.,R.12E. Portion of Sections 11 & 12,
T.17S.,R.13E. Portion of Sections 7, 8, 9, 10, & 15
Pima County, Arizona,

Image Source: PAG, 2008

ASARCO
MISSION COMPLEX

Issued by:

TETRA TECH
3031 West Ina Road
Tucson, Arizona 85741
(520) 297-7723 (520) 297-7724 fax

Title:
CWA SECTION 404 PERMIT
SOUTH PIMA DUMP #1 AREA
PLAN VIEW

A
REVISION

Project: STORMWATER CONTROL CONCEPTUAL DESIGN
Project no.: 320918
Figure no.: 2
Location: PIMA COUNTY, ARIZONA
Date: 10/12

N

SCALE
250' 0 250' 600'
CONTOUR INTERVAL = 5'

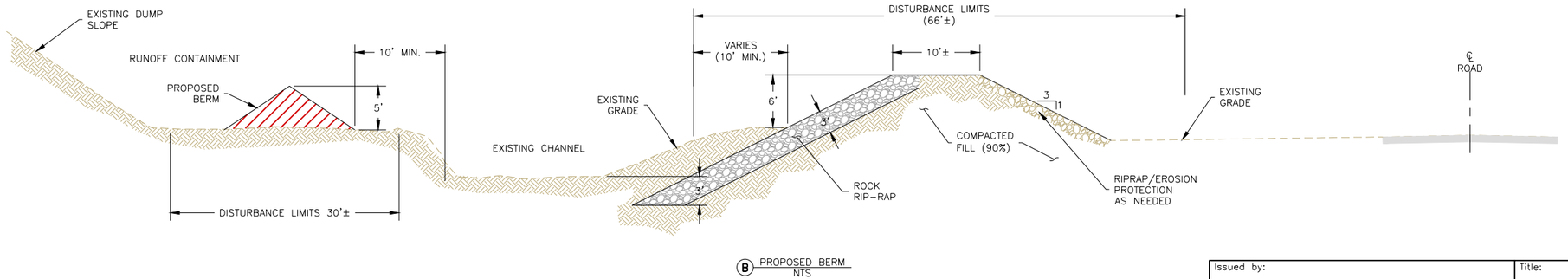
SOUTH PIMA DUMP

BEGIN SECTION B

END SECTION B

PERMANENT IMPACT ±0.11 AC

PERMANENT IMPACT ±0.01 AC



(B) PROPOSED BERM
NTS

T.16S.,R.12E. Portion of Sections 14, 23, & 35,
T.17S.,R.12E. Portion of Sections 11 & 12,
T.17S.,R.13E. Portion of Sections 7, 8, 9, 10, & 15
Pima County, Arizona,

Image Source: PAG, 2008

ASARCO
MISSION COMPLEX

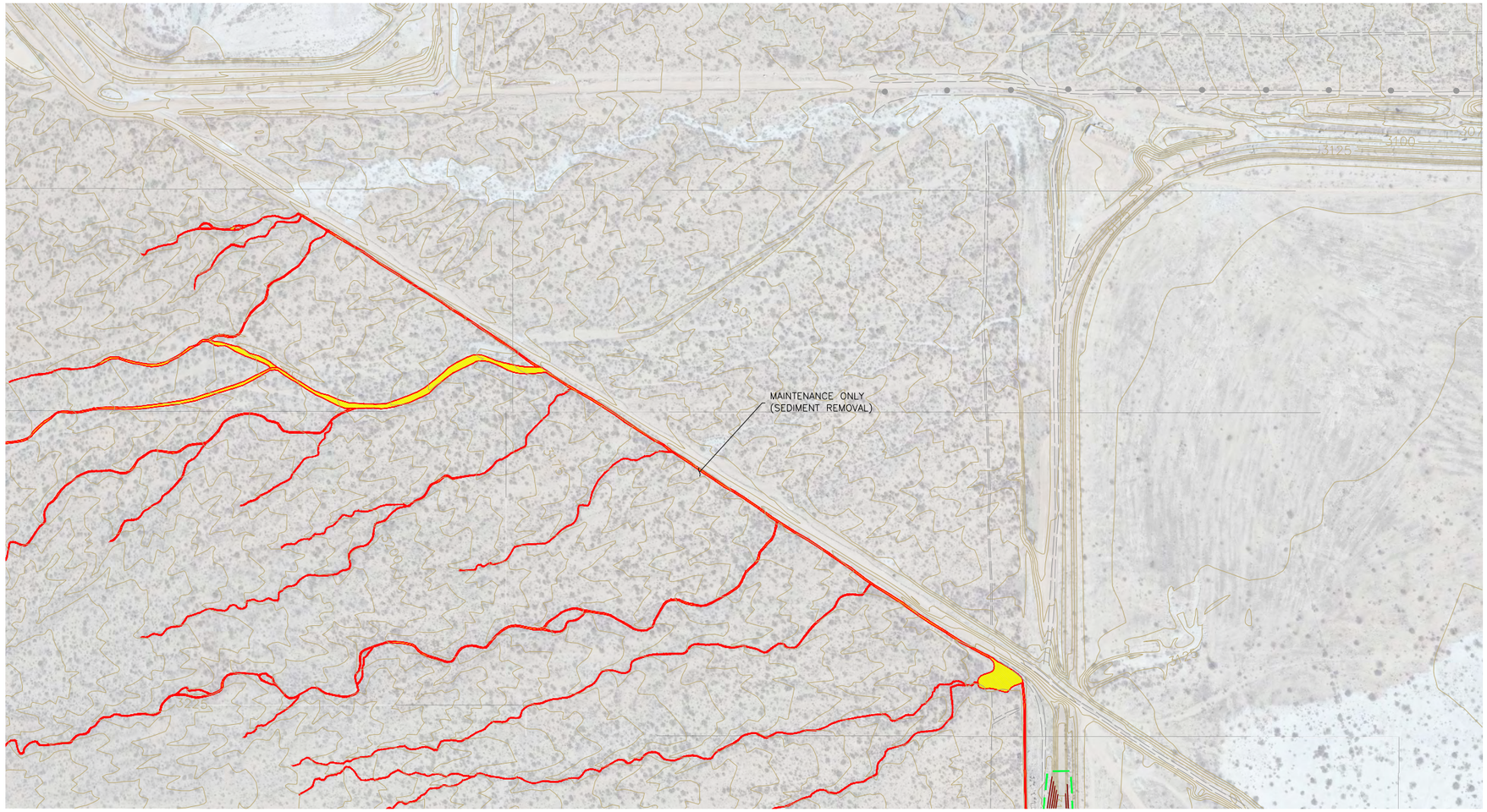
Issued by:

TETRA TECH
3031 West Ina Road
Tucson, Arizona 85741
(520) 297-7723 (520) 297-7724 fax

Title:
CWA SECTION 404 PERMIT
SOUTH PIMA DUMP #2 AREA
PLAN VIEW

A REVISION

Project: STORMWATER CONTROL CONCEPTUAL DESIGN
Project no.: 320918
Figure no.: 3
Location: PIMA COUNTY, ARIZONA
Date: 10/12



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SCALE
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CONTOUR INTERVAL = 5'

T.16S.,R.12E. Portion of Sections 14, 23, & 35,
T.17S.,R.12E. Portion of Sections 11 & 12,
T.17S.,R.13E. Portion of Sections 7, 8, 9, 10, & 15
Pima County, Arizona,

Image Source: PAG, 2008

ASARCO
MISSION COMPLEX

Issued by:

TETRA TECH
3031 West Ina Road
Tucson, Arizona 85741
(520) 297-7723 (520) 297-7724 fax

Title:
CWA SECTION 404 PERMIT
TAILINGS NO. 6 AREA
PLAN VIEW

A
REVISION

Project:
STORMWATER CONTROL
CONCEPTUAL DESIGN

Project no.:
320918

Figure no.:
4

Location:
PIMA COUNTY, ARIZONA

Date:
10/12

N

SCALE
250' 0 250' 500'
CONTOUR INTERVAL = 5'

6 DAM

PERMANENT IMPACT ±0.13 AC

PERMANENT IMPACT ±0.64 AC

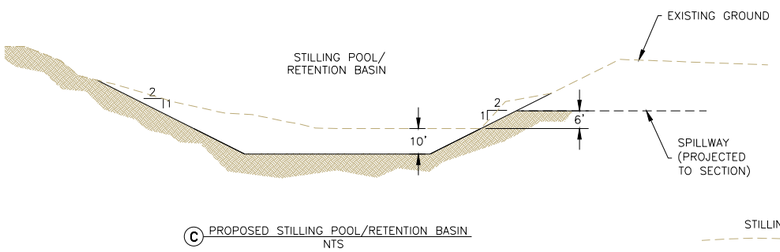
TEMPORARY IMPACT ±4.95 AC

PERMANENT IMPACT ±0.43 AC

PERMANENT IMPACT ±0.14 AC

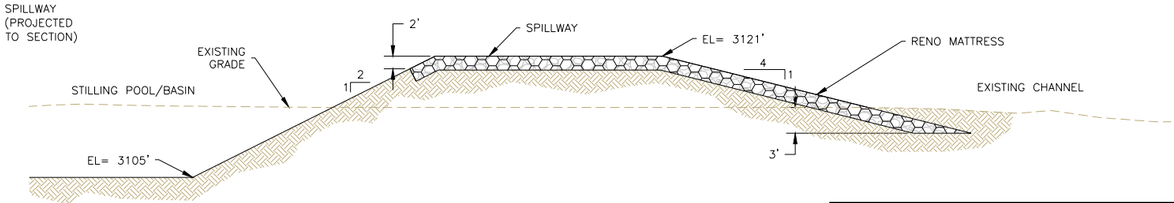
INSTALL ±500' OF BANK PROTECTION

MAINTENANCE ONLY (SEDIMENT REMOVAL)



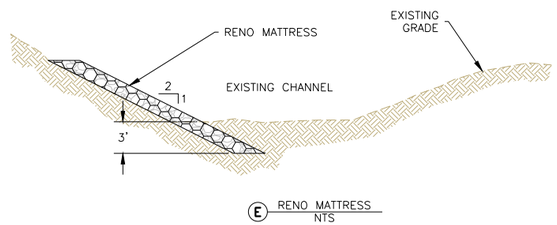
C PROPOSED STILLING POOL/RETENTION BASIN
NTS

(EXCAVATE STILLING POOL BASIN AS NEEDED)



D PROPOSED SPILLWAY (EAST OUTLET)
NTS

(EXCAVATE CHANNEL TRANSITION AS NEEDED)



E RENO MATTRESS
NTS

ASARCO
MISSION COMPLEX

T.16S.,R.12E. Portion of Sections 14, 23, & 35,
T.17S.,R.12E. Portion of Sections 11 & 12,
T.17S.,R.13E. Portion of Sections 7, 8, 9, 10, & 15
Pima County, Arizona,

Image Source: PAG, 2008

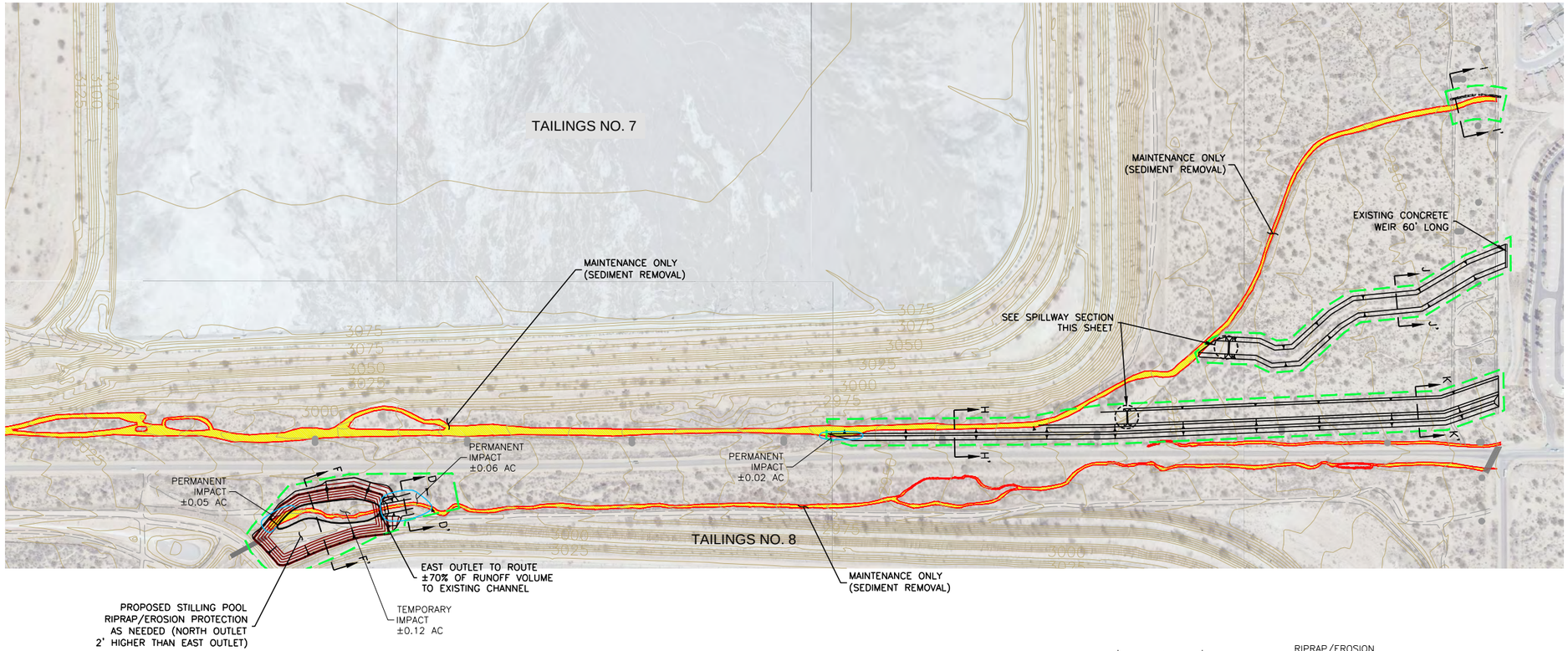
Issued by:

TETRA TECH
3031 West Ina Road
Tucson, Arizona 85741
(520) 297-7723 (520) 297-7724 fax

Title:
CWA SECTION 404 PERMIT
TAILINGS NO. 6 / NO. 7 AREA
PLAN VIEW

A REVISION

Project: STORMWATER CONTROL CONCEPTUAL DESIGN
Project no.: 320918
Figure no.: 5
Location: PIMA COUNTY, ARIZONA
Date: 10/12



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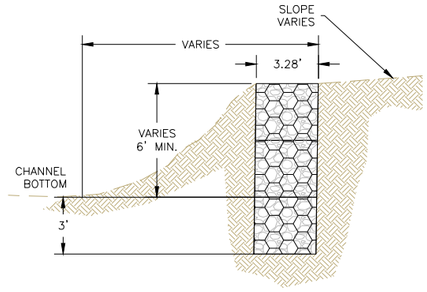
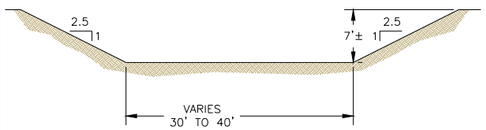
CONTOUR INTERVAL = 5'

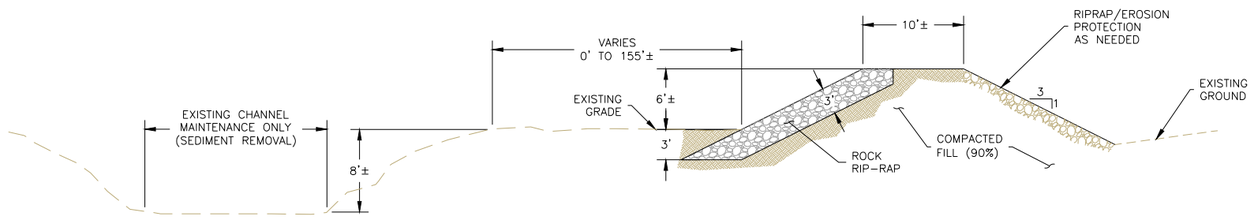


GABION BANK PROTECTION DETAIL
NTS

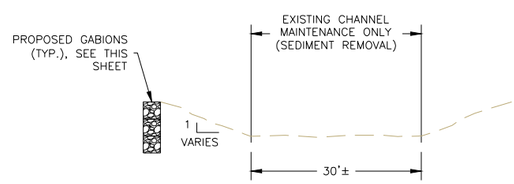


(D) PROPOSED TRANSITION (EAST OUTLET)
NTS

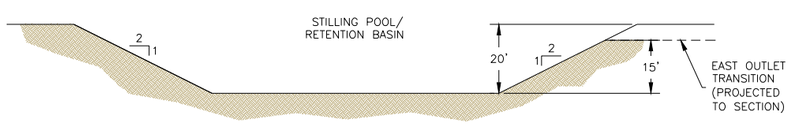
(EXCAVATE CHANNEL TRANSITION AS NEEDED)



(H) EXISTING BERMED CHANNEL
NTS

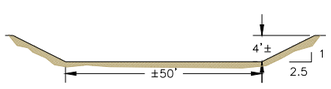


(I) PROPOSED GABION BANK PROTECTION
NTS

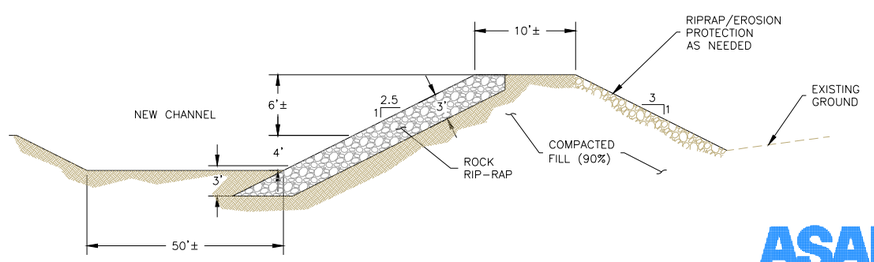


(F) PROPOSED STILLING POOL/RETENTION BASIN
NTS

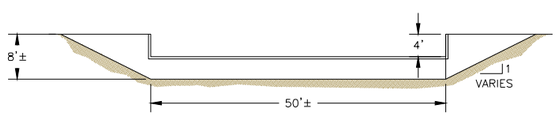
(EXCAVATE STILLING POOL BASIN AS NEEDED)



(J) PROPOSED NEW CHANNEL
NTS



(K) PROPOSED NEW BERM AND CHANNEL
NTS



SPILLWAY SECTION
NTS

T.16S.,R.12E. Portion of Sections 14, 23, & 35,
T.17S.,R.12E. Portion of Sections 11 & 12,
T.17S.,R.13E. Portion of Sections 7, 8, 9, 10, & 15
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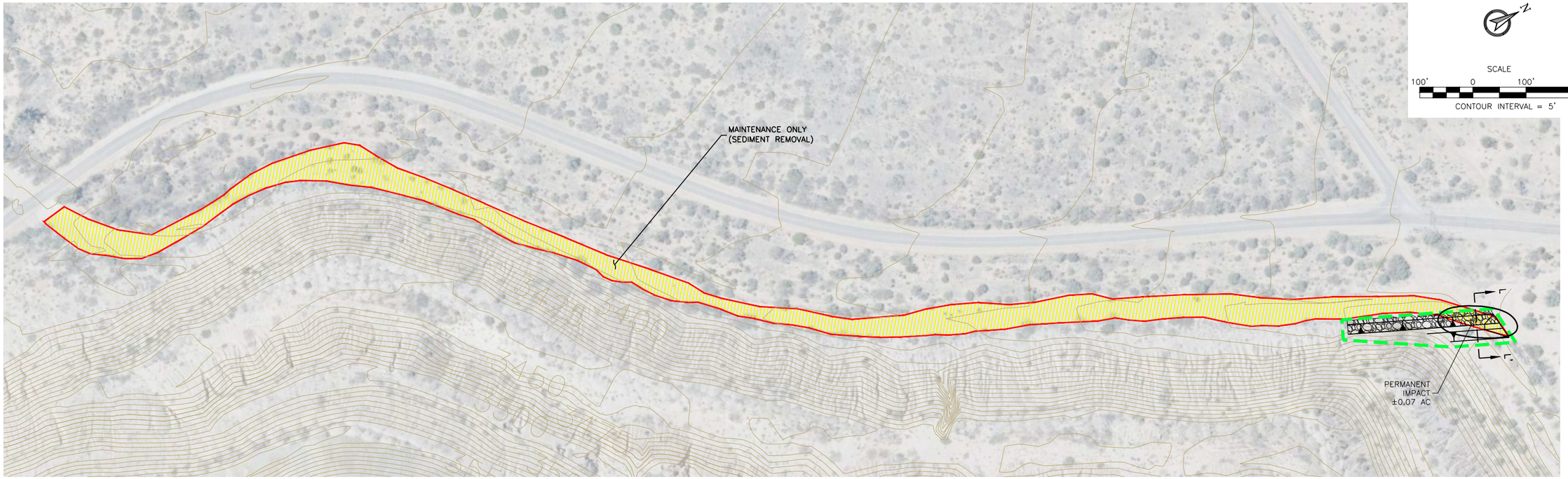
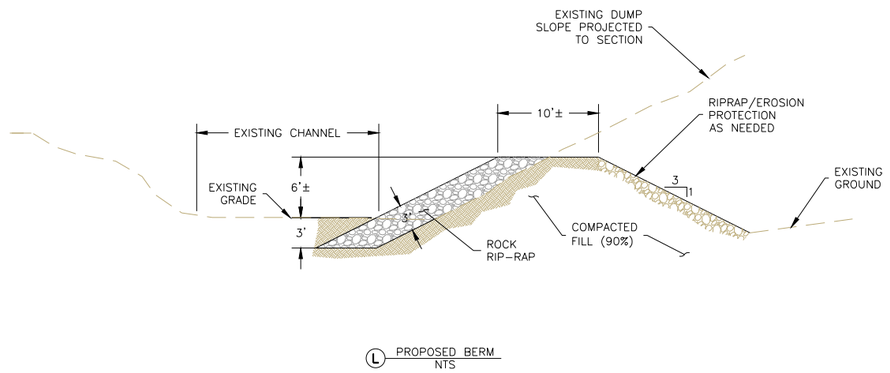
PLAN VIEW

A REVISION

Project: STORMWATER CONTROL CONCEPTUAL DESIGN
Project no.: 320918
Figure no.: 6
Location: PIMA COUNTY, ARIZONA
Date: 10/12





L PROPOSED BERM
NTS

T.16S.,R.12E. Portion of Sections 14, 23, & 35,
T.17S.,R.12E. Portion of Sections 11 & 12,
T.17S.,R.13E. Portion of Sections 7, 8, 9, 10, & 15
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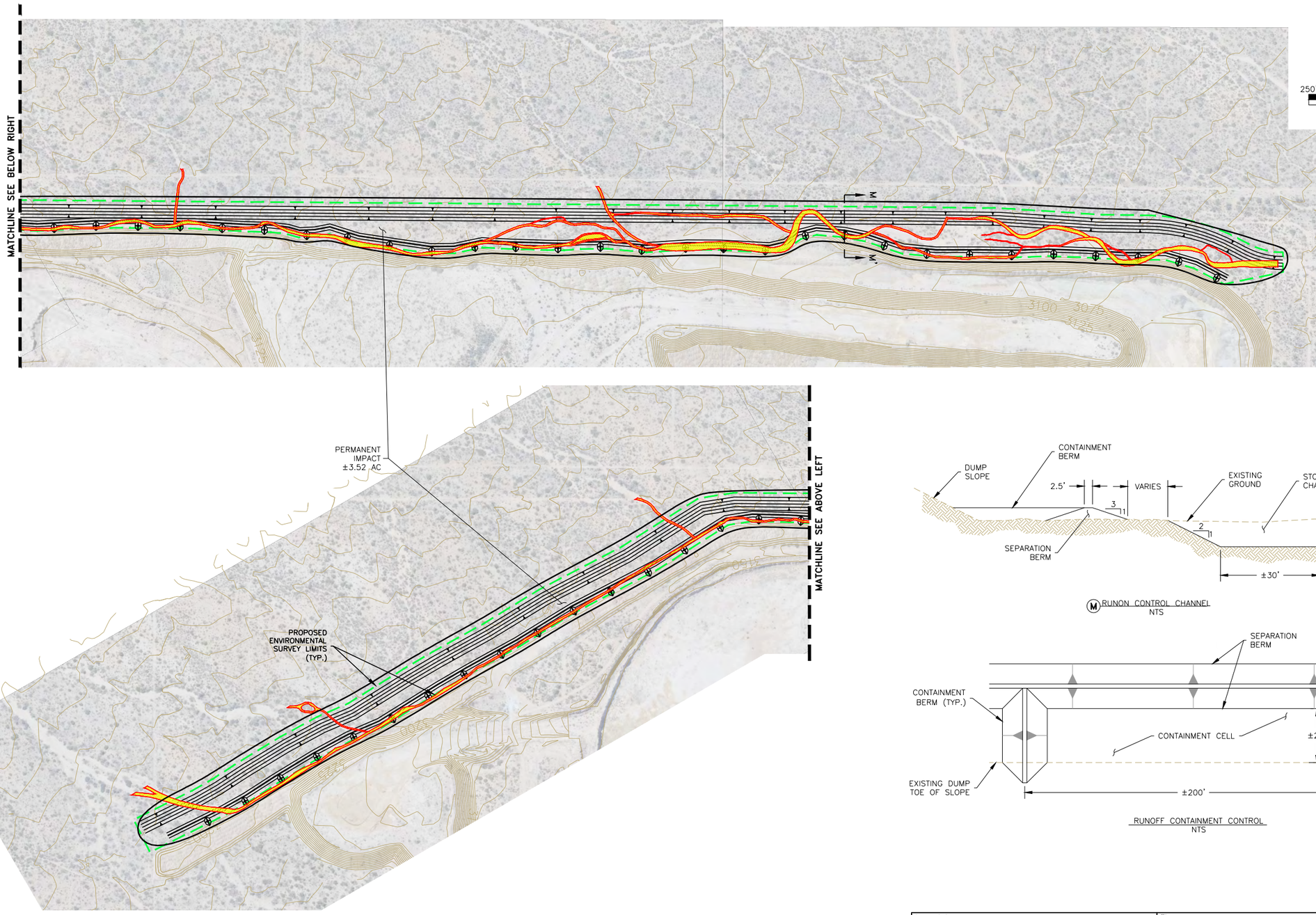
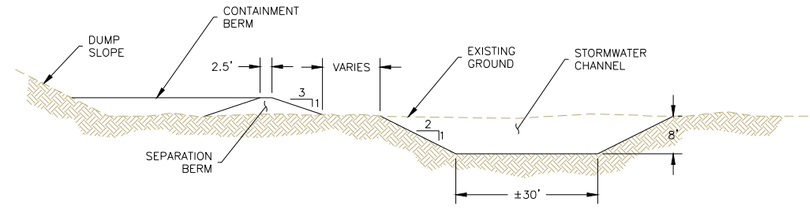
IKE DUMP AREA
PLAN VIEW

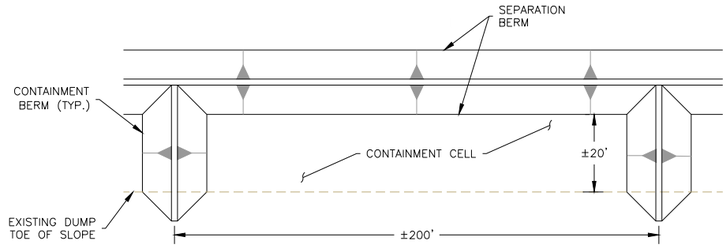
A
REVISION

Project: STORMWATER CONTROL CONCEPTUAL DESIGN
Project no.: 320918
Figure no.: 7
Location: PIMA COUNTY, ARIZONA
Date: 10/12





M RUNON CONTROL CHANNEL
NTS



RUNOFF CONTAINMENT CONTROL
NTS

T.16S.,R.12E. Portion of Sections 14, 23, & 35,
T.17S.,R.12E. Portion of Sections 11 & 12,
T.17S.,R.13E. Portion of Sections 7, 8, 9, 10, & 15
Pima County, Arizona,

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SAN XAVIER NORTH
PLAN VIEW

A REVISION

Project: STORMWATER CONTROL CONCEPTUAL DESIGN
Project no.: 320918
Figure no.: 8
Location: PIMA COUNTY, ARIZONA
Date: 10/12