



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

VIA ELECTRONIC FILING AND U.S. MAIL

August 1, 2018

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Ave, N.W.
Mail Code 1103M
Washington, DC 20460-0001

Stephen Twyerould, Ph.D.
Chief Executive Officer and President
Excelsior Mining Arizona, Inc.
Concord Place, Suite 300
2999 North 44th Street
Phoenix, Arizona 85018

**RE: Stay of Contested Permit for Excelsior Mining Arizona, Inc.
Permit No. R9UIC-AZ3-FY16-1 ("Permit")
EAB Appeal Nos. 18-04**

In accordance with 40 C.F.R. § 124.16, the United States Environmental Protection Agency, Region 9 (EPA) is providing notice of a stay of contested Permit conditions in connection with the Class III In-Situ Production of Copper Permit No. R9UIC-AZ3-FY16-1 for Excelsior Mining Arizona, Inc.'s Gunnison Copper Project ("Project"). The EPA issued the final permit on June 22, 2018 and transmitted the Notice of Final Permit Decision to Excelsior Mining Arizona, Inc., and other interested parties, by email and by standard mail on June 25, 2018.

A Joint Petition for Review (Docket No. UIC 18-04) was timely filed on July 25, 2018 by Jeffrey C. Parsons, Senior Attorney Western Mining Action Project, on behalf of five entities: Dragoon Conservation Alliance, Arizona Mining Reform Coalition, Grand Canyon Chapter of the Sierra Club, Center for Biological Diversity, and Patagonia Area Resource Alliance (the "Petitioners"). Based on a review of the Petition, the EPA concludes that the Petitioners contest the entire Permit for the new Project.

When the EPA is notified that a Petition for Review has been filed, the EPA is required to issue a notification to the EAB, the applicant, and all other interested parties of the uncontested and severable conditions of the final permit. The EPA is notifying you that the effect of the Petition for Review, per 40 C.F.R. § 124.16(a)(1), involving a new facility or injection/recovery wells, is that the applicant shall be without a Permit for the proposed new facility, pending final agency action.

If you have any questions regarding this notice, please contact David Albright at (415) 972-3971 or Rich Campbell in our Office of Regional Counsel at (415) 972-3870.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tomás Torres', written over a horizontal line.

August 1, 2018

Tomás Torres
Director, Water Division

CERTIFICATE OF SERVICE

I, Nancy Rumrill, hereby certify that on August 1 and/or 2, 2018, true and correct copies of EPA's Notice of Stay of Contested Permit Conditions were served:

Via the EPA's E-Filing System and U.S. Mail to:

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Ave, N.W.
Mail Code 1103M
Washington, DC 20460-0001

Via E-Mail and U.S. Mail to:

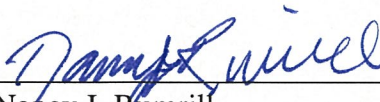
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Western Mining Action Project
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Facsimile: (303) 823-5732
Email: wmap@igc.org
Counsel for Petitioners

Via E-Mail and/or U.S. Mail to:

All other Parties expressing interest in the Excelsior Permit.



Nancy J. Rumrill