



October 17, 2007

Todd A. Plimpton
Registered Agent: Florida Canyon Mining, Inc.
Belanger & Plimpton
1135 Central Avenue
Lovelock, Nevada 89419

Belanger & Plimpton
Registered Agent: Jipangu Exploration, Inc.
1135 Central Avenue
Lovelock, Nevada 89419

Florida Canyon Mining, Inc.
PO Box 330
Imlay, Nevada. 89418

Re: Mercury Emission Reporting Violations

To Whomever It May Concern:

In accordance with the 60-day notice requirement of Section 326 of the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. § 11046 (“EPCRA”), I am writing on behalf of my clients Idaho Conservation League, Great Basin Mine Watch, and Earthworks to give you notice of our intent to bring a civil action for violations of EPCRA with respect to your failure to timely and accurately report the emissions of mercury at the Florida Canyon Mine. *See* 42 U.S.C. § 11023.

Under Section 313 of EPCRA, Florida Canyon is required to file annually reports (aka Standard Form R) to the U.S. Environmental Protection Agency accurately identifying the releases of mercury and other toxic chemicals to the environment from this facility. *See id.* Mercury is a potent neurotoxin, causing significant neurological and developmental problems such as attention and language deficits, impaired memory and impaired vision and motor function.

For the years 1998 through 2005, Florida Canyon has failed to report to the EPA any releases of mercury into the air as required by law.

<u>Year</u>	<u>Fugitive Emissions</u>	<u>Stack Emissions</u>
2005	No Report Filed	No Report Filed
2004	No Report Filed	No Report Filed
2003	No Report Filed	No Report Filed
2002	No Report Filed	No Report Filed
2001	No Report Filed	No Report Filed

2000	No Report Filed	No Report Filed
1999	No Report Filed	No Report Filed
1998	No Report Filed	No Report Filed

Florida Canyon's failure to submit Form R submissions for each of these reporting years are not credible or lawful, as it is well known that Florida Canyon's ore contains mercury. In fact, Florida Canyon has recently even admitted that its actual releases of mercury at this site are substantial. Florida Canyon has recently reported to the Nevada Department of Environmental Protection ("NDEP") that the facility emitted 440.73 pounds of mercury to the air in 2006, yet Florida Canyon failed to file a corrected Form R identifying these emissions.

In response to a 2006 questionnaire from the NDEP, Florida Canyon reported 2004 mercury to air emissions of 5.64 pounds. Of this 2004 emission, Florida Canyon reported that 3.38 pounds of mercury came from facility retorts and 2.24 pounds of mercury came from facility smelting furnaces. This 2004 data reports no emissions from the facilities uncontrolled carbon kiln and uncontrolled electrowinning equipment. In light of Florida Canyon's 2006 emissions, it is clear that Florida Canyon's emissions for years prior to 2006 were substantial.

In addition to mercury emissions to air, Florida Canyon operations also result in mercury being disposed of by off-site sales, disposal to surface impoundments and disposal to other land-based disposal areas. However, Florida Canyon has similarly failed to report any of this mercury to EPA pursuant to EPCRA. While EPCRA does not require stack testing or other monitoring specifically for the purpose of EPCRA compliance, Florida Canyon is required to prepare reasonable estimates of all sources of mercury emissions using the best readily available data and engineering estimates or emission factors. Florida Canyon has failed to do so.

The fact that Florida Canyon has reported substantial mercury emissions to NDEP underscores that fact that Florida Canyon possesses significant information regarding its mercury emissions. However, Florida Canyon has failed to report their emissions to EPA.

Accordingly, Florida Canyon has violated Section 313 of EPCRA and federal regulations promulgated thereunder by failing to submit complete and accurate Form R's in each reporting year from 1998 through 2005, specifying the total amount of mercury air emissions and land disposal at the Florida Canyon facility.

EPCRA authorizes citizen suits against any person for failure to "complete and submit" Form R reports as required by Section 313 of EPCRA. 42 U.S.C. § 11046(a)(1)(A)(iv). In addition to injunctive and other relief such as an award of attorney fees and costs, penalties of up to \$27,500 per day per violation (for violations before March 15, 2004) and \$32,500 per day per violation (for more recent violations)

may be imposed against Florida Canyon for these violations. *See* 69 Fed.Reg. 7121 (Feb.13, 2004). This letter constitutes the required 60-day notice of our intent to file suit.

As the U.S. Supreme Court and other courts have held, one of the principal purposes of the notice requirement under federal environmental statutes is to allow the parties to discuss resolution of claims short of litigation. My clients are sending this notice letter, in part, to encourage settlement negotiations which could avoid the need for litigation. We would be happy to discuss possible settlement arrangements with you, if you wish.

Additionally, should you have any facts, documents or other information which you believe might bear upon the alleged violations set forth in this letter, you should provide those to us now in order to avoid unnecessary litigation.

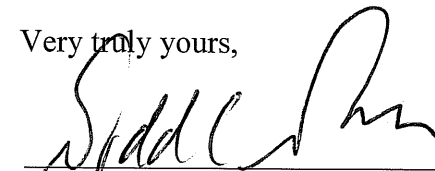
Please do not hesitate to contact me at the address listed on our letterhead, if you wish to discuss these matters further or if I can answer any questions. Alternatively, you may contact my clients at the following addresses:

Justin Hayes
Idaho Conservation League
P.O. Box 844
Boise, ID 83701
ph: (208) 345-6933

John Hadder
Great Basin Mine Watch
85 Keystone Ave., Suite
Reno, NV 89503
ph: (775) 348-1986

Bonnie Gestring
Earthworks
PO Box 8383,
Missoula, MT 59807
ph: 406.549.7361

Very truly yours,



Todd C. Tucci
Advocates for the West

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cc:

Administrator Stephen Johnson
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Wayne Natri
Region 9 Administrator
Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA, 94105

Attorney General
U.S. Dep't of Justice
Tenth and Pennsylvania Avenues, NW
Washington, D.C. 20530

Catherine Cortez Mastro
Nevada Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4717