



October 17, 2007

CSC Services of Nevada, Inc.
Registered Agent: Kennecott Minerals Co.
502 East John Street
Carson City, Nevada 89706

Kennecott Minerals Company
224 North 2200 West
Salt Lake City, Utah 84116

Denton-Rawhide Mine
PO Box 2070
Fallon, Nevada 89407

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 the EPCRA with respect to your failure to timely and accurately report the emissions of mercury at Kennecott Minerals Company’s Denton-Rawhide Mine (“Denton-Rawhide Mine”). *See* 42 U.S.C. § 11023.

Under Section 313 of EPCRA, Kennecott and/or Denton-Rawhide Mine is required to annually file 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 the Denton-Rawhide Mine. *See* 42 U.S.C. § 11023. 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.

The following table summarizes Denton-Rawhide Mine’s reported releases of mercury to the air (in pounds) on its Form R for each year:

<u>Year</u>	<u>Stack Emissions</u>
2005	1
2004	0
2003	0
2002	0

2001	0
2000	0
1999	No Report
1998	No Report

Denton-Rawhide Mine's Form R submissions for each of these reporting years under-report the actual levels of mercury air emissions generated at its facility. Denton-Rawhide Mine's reporting of zero or one pound of emissions from stack sources is not credible or lawful, and actual releases of mercury from the Denton-Rawhide Mine facility are substantially larger than the reported figures. In fact, Denton-Rawhide Mine has recently reported to the Nevada Department of Environmental Protection ("NDEP") that the facility emitted 351.59 pounds of mercury to the air in 2006, yet Denton-Rawhide Mine has failed to file a corrected Form R identifying these emissions.

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

The fact that Denton-Rawhide Mine has reported substantial mercury emissions to NDEP underscores that fact that Denton-Rawhide Mine possesses significant information regarding its mercury emissions. However, Denton-Rawhide Mine has failed to report these emissions to EPA.

Accordingly, Denton-Rawhide Mine 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 at the Denton-Rawhide Mine facility.

EPCRA authorizes citizen suits against any person for failure to "complete and submit" Form R reports as required by Section 313 of EPCRA. *See* 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 violating EPCRA. *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.

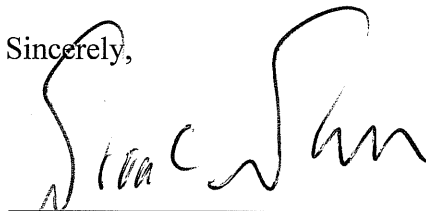
Please do not hesitate to contact me at the address listed on our letterhead, if you wish to discuss these matters further or if I can answer any questions. Alternatively, you may contact my clients at the following addresses:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Tucci". The signature is written in a cursive, flowing style with a large initial "T".

Todd Tucci
Advocates for the West

60-day Notice Letter
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cc:

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

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

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