

BACKGROUND

Last July, the Idaho Department of Environmental Quality, under its Clean Air Act authority, issued the Stibnite Gold Project's first major permit to regulate air pollution emitted during mining operations. Since 2020, Save the South Fork Salmon, Inc., along with the Idaho Conservation League, the Nez Perce Tribe, and EPA, has participated in three rounds of draft permits, where issues were repeatedly raised about the permit's lack of adequate mechanisms to ensure compliance with Idaho's Air Quality Rules and the Clean Air Act. When DEQ failed to address these concerns in the final permit, SSFS petitioned the State to review DEQ's actions. SSFS asserts that DEQ's handling of this permit was driven by politics—and not the best available science—to **value industry profits over serious threats to public health and safety**. The permit allows Perpetua Resources to endanger people near or traveling through the mine site by exposing them to toxic air pollutants. And the permit allows Perpetua Resources itself to decide when it has committed an air quality violation.

WHAT HAS COME TO LIGHT

DEQ engaged in several **novel and “creative” practices** to make this permit appear as if it will comply with state and federal requirements for limiting emissions of harmful and hazardous air pollutants. To do so, DEQ's decision-making operated at the extreme edge of its discretion to carry out the agency's stated mission to protect air and water quality in Idaho. Rather than erring on the side of human health, DEQ incorporated assumptions into its analysis that are disingenuous, unenforceable, and dangerous to human health.

Disingenuous: A big concern throughout the Stibnite Gold Project permitting process has been ensuring safe public access through the mine to access public lands in the Thunder Mountain area and beyond. Indeed, Perpetua Resources has repeatedly committed itself to ensuring public access during mining operations not only to maintain consistency with Forest Service Travel Management Plans but to ensure recreational travel originating from Yellow Pine is not eliminated. However, DEQ approved a plan to allow public access over a road through the mine site even though users would be **exposed to massive amounts of arsenic and other air pollutants** well above established health-based standards. DEQ justified the plan by allowing Perpetua to label public travelers through the mine site as "guests of the mine." Under the current permit, without the "guests of the mine" label, the road would be closed to public access because air pollution would exceed both human health-based standards and criteria for harmful and toxic air pollutants. This disingenuous scheme lets Perpetua avoid stricter air quality regulation and expose public users to air pollutants exceeding human health-based criteria. SSFS believes **a better solution is stricter emissions controls**, not a mislabeling scheme allowing users of public lands to be exposed to toxic air.

Unenforceable: Predicted harmful and hazardous air emissions from the Stibnite Gold Project are very near federal and state-mandated thresholds. Even a slight increase in emissions would require more stringent controls to **avoid violating federal Clean Air Act limits**. To stay within these limits DEQ has taken Perpetua's promise—with scant evidence to back it up—that it can control fugitive dust from mine haul roads to a 93.3% efficiency. Contrary to the Clean Air Act, EPA regulations, and Idaho's Air Quality Rules, DEQ has not required any meaningful enforceable conditions to ensure that Perpetua complies with air quality criteria, and has left it entirely up to Perpetua to develop a plan outside the scrutiny of the public to achieve unrealistic fugitive dust emissions efficiencies.

This means that **there is no guarantee the mine can comply with federal and state air quality limits**. DEQ has left it up to Perpetua Resources to police itself to comply with conditions that can be easily violated. But is it unreasonable to believe that Perpetua will catch these violations and rectify them? Absolutely, yes. DEQ issued a permit that does not require Perpetua to monitor for compliance—even though EPA commented that monitoring would be “highly prudent” because of “the high level of uncertainty in the assumptions and requirement to ensure compliance” with the Clean Air Act.

SSFS has and continues to ask for realistic and enforceable conditions to ensure compliance with state and federal law, which may require limiting the amount of ore processed at the mine site. We believe a precautionary approach is warranted given the high concentrations of both particulate matter and arsenic in fugitive dust that will be generated by the mine's operations. For three years SSFS has witnessed a patchwork approach by DEQ and Perpetua to upgrade an inherently deficient application. This process has eroded the public trust in DEQ to provide health and environmental safeguards for Idaho communities.

Dangerous to Human Health: The most insidious aspect of this permit is that DEQ chose to use questionable calculations to determine whether human arsenic exposure at the mine site would be within acceptable levels. DEQ did so even while recognizing the methodology's novelty and that it was a departure from past practices likely requiring a legal opinion to assess its efficacy under federal and state law. Why did DEQ do this? When it became apparent that Perpetua's proposed mining operations could not meet the strict requirements of a regulatory exception that could allow a 10-fold increase in arsenic emissions even if stricter controls are put in place, DEQ chose to average arsenic emissions over a 70-year human lifespan rather than over the 15 years of mining operations when emissions and exposure would actually occur. **This sleight of hand means that people recreating near or traveling through the mine site will be exposed to arsenic emissions that exceed the already 10-fold increase by an additional 180%.** Idaho's Air Rules place strict limits on arsenic exposure because **arsenic is a carcinogen**. Yet, DEQ's never before used paper exercise to "reduce" arsenic exposure abdicates the agency's responsibility to protect human health and likely violates federal and state environmental laws.

In total, DEQ's permit lacks any meaningful monitoring and enforcement mechanisms; it allows Perpetua Resources to police itself for compliance with federal and state human health-based air quality criteria and to expose the public to carcinogenic air pollution when traveling through or recreating near the mine site