



CITY OF COTTONWOOD

VIOLATION/HAZARD COMPLAINT FORM

DATE: _____ TIME: _____
TAKEN BY: _____

REPORTING PERSON'S NAME Jennifer Richards PHONE: 928-202-9344

REPORTING PERSON'S ADDRESS 5730 E. La Prilada Dr. Cornville

ADDRESS OF VIOLATION: 705 E. Birch Street

DESCRIPTION OF VIOLATION (Be specific-make, model, color of car; type of trash-food waste, furniture; etc.)
see attached. please provide copy to Curtis Lindner
+ Fair Grounds as the owner of the slag pile + owner of
land slag pile sits on.

ASSIGNED TO: _____ DATE: _____

ZONING INSPECTOR'S REPORT

Inspector's Name _____

Inspection Date _____

ZONING INSPECTOR'S COMMENTS:

Names, Addresses, Phone Numbers of person (s) contacted (if any)

EVALUATION: _____ 1ST Degree (major) _____ 2nd Degree (medium) _____ 3rd Degree (minor)

ACTION REQUIRED: _____ ASSIGNED TO: _____

Attachments: _____ Pictures _____ Other _____

Official Complaint and Request.

10/30/2023

By Jennifer Richards

Violations from Minerals Research Inc., slag crushing operation located at 705 E Birch Street, Cottonwood, AZ.

Violation1: Failure to obtain the required and necessary "Air Quality Control Permit" from ADEQ prior to operations beginning in approximately 2014 until present. MRI currently has no air quality control permit and must be shut down immediately. See attachment 1.

Violation 2: Failure to obtain any legal and valid permit from ADEQ that their operations qualified for, or any appropriate permit relating to the crushing of copper ore slag from beginning of operations until present. A legal and valid permit was required by the City of Cottonwood for MRI to operate as line item number 10 on the outlined stipulation for their conditional use permit. As a result of them never having a valid and applicable permit, they are in violation of this stipulation. MRI does not now, nor ever has had any legally valid permits from ADEQ to operate and disperse fugitive dust emissions into the community. Consequently, MRI must be shut down immediately until and unless it can be determined through professional and independent environmental testing the extent and consequences of contamination emitted into the community over the last 9 years and appropriate clean-up is completed by MRI to remediate up every single piece of unlawful and toxic emissions. The fact MRI did not have a lawful permit to operate from ADEQ was easily discoverable by anyone within in the City who ever cared to investigate/substantiate. I am just a mom and yoga teacher, and I was able to figure out relatively quickly that MRI did not have the required permit to operate and had notified the City of this in my initial complaint on August 31, 2023. If such a lay person could easily figure this out, it begs the question why no one within the City of Cottonwood ever substantiated that MRI had a valid and applicable permit, which has resulted in unregulated fugitive emissions of toxic slag dust into our community that has negatively affected our health, an entire generation of children health, our environment, our river and more.

Violation 3. Unlawful emissions of fugitive slag dust into the community. As noted on the website ocschildsafety.com under the slag contamination page, there is a video of substantial fugitive copper slag dust emissions coming from MRI. These emissions have been almost constant for the last 9 years, as evidenced by complaints submitted to the City of Cottonwood and resident testimony. If it is unclear to you what video is showing the egregious and unlawful emissions, please contact Jennifer, she is happy to clarify and to take you to our children's facilities to personally show anyone who cares, the buildup of toxic slag dust. It is unlawful to emit fugitive copper ore slag dust into a community without a valid permit to do so. Since MRI has never had a valid permit from ADEQ as it relates to these emissions, ALL emissions into the air and community have been unlawful.

Violation 4. No safe exposure limit for children to copper ore slag dust has even been established. No type of risk assessment has ever been performed on this known cancer causing material as it relates to continual exposure to children (or even ANY exposure for children). In order to determine the safe level of exposure for children to metals (which is technically what the "Copper Ore Slag" is) very clear EPA guidelines apply. ISSUE PAPER ON THE HUMAN HEALTH EFFECTS OF METALS, attachment 2, please note that just the first five pages are submitted to give you an overview of what this paper covers, to save paper I am only attaching these pages as the entire document is easily available to you via a simple google search. gives clear guidance on how to do this, yet no such risk assessments have ever been performed. As per independent testing and MRI's own materials data safety sheet submitted in my August 31st complaint, this fugitive dust contains high levels of iron, arsenic, aluminum, barium, lead, and more and is stated on MRI's material data safety sheet as being known to cause cancer, birth defects, and other reproductive harm. In a conversation with David Kim, from ADEQ, I asked if a safe level of exposure to children had ever been established for this particular material, and he said no, ADEQ has never considered the safety of this metallic material for children or any age humans. He said that even with the air quality permit MRI is currently applying for, there will be no consideration of a safe exposure level for children. He acknowledged that the air quality permit only considers the national ambient air quality standards for normal, native dust. He acknowledged the copper ore slag dust is different than regular dust and contains high concentrations of toxic materials. He agreed that determining a safe level of exposure through a through a risk assessment is important and necessary, but that ADEQ does not do this. This conversation was recorded but there is no way to submit that recording with this paper complaint. So, when this complaint is being reviewed, it is requested the person reviewing it contact me to listen to the recorded conversation with ADEQ about no safe level of exposure having ever been considered or established. Therefore, to ensure that these known cancer causing materials are not causing further harm, it is requested the City of Cottonwood shut down MRI and legally compel MRI to test the extent of contamination and ensure every spec of contamination is cleaned up out of our City, residences, businesses, parks, facilities and environment. The 9 years of cumulative exposure must be considered in establishing a safe exposure level for children when performing this risk assessment. If all fugitive dust cannot be cleaned up out of all places it has unlawfully deposited, the ongoing cumulative effects of it being in our soil, homes, businesses and facilities must be considered in this risk assessment.

5. Request for the City to hold a hearing to revoke the Conditional Use Permit it issued to MRI for failure to comply with number 10 of the stipulations on their CUP along with all other violations listed below.

Below is my response to the September 29th correspondence from the City of Cottonwood relating to Jennifer Richards Complaint and request to hold revocation hearing for the conditional use permit granted to MRI.

This response is to give clarification on what the complaint was actually asking for and to give correction to the misstatements contained within the City's response.

1. It is stated that the City has determined there are no existing violations that would justify revoking the CUP issued to MRI at this time.
 - a. The complaint did not ask the city to revoke the CUP, the complaint asked for a HEARING to consider the merits of revoking the CUP, to allow for evidence to be submitted, to allow for citizen testimony relating to the ongoing nuisance of the operation and the resulting health and environmental impacts. This complaint was NOT meant to be the only evidence presented at this hearing as many citizens wish to personally testify and doctors wish to testify to the hazards to human health.
 - b. This complaint was asking for the Planning and Zoning Commission to hold a hearing to review the evidence. The denial letter sent to me states that "the city of cottonwood" made the determination that violations of the CUP were not to such an extent to justify revoking the CUP. But who EXACTLY are the people within "the city" who made this determination? Please provide all codes, ordinances, statutes and the like that give these select people who are collectively referred to as "the city" jurisdiction to make this determination and to take that authority away from the entirety of the Planning and Zoning Commission.
 - c. It seems clear that the authority granted in section 302 to determine if such violations exist to modify and or revoke the CUP issued to MRI lie solely with the P&Z Commission. Please send whatever documentation exists that allows select individuals within the city to trump the authority, responsibility, and duties of the Commission as a whole.

2. It is stated in the response received that "staff" (whoever that is) is not able to substantiate that approval was obtained by means of fraud or misrepresentation of a material fact.
 - a. How did "staff" come to this determination exactly? Substantial documented evidence was submitted to show that we were lied to about MRI receiving no citizen complaint, we were directly lied to about MRI having received no citations from PDEQ despite having NINE CITATION and being sued at least twice by PEDQ and labeled as a high priority violator. We were lied to about that the copper slag dust is completely safe and poses no harm to human health. ALL DOCUMENTED and submitted with the complaint. The misrepresentations of these highly material facts is as obvious as a black fly in a bowl of white milk. To deny the citizens the right to present this evidence to the Commission is nothing short of gross negligence.
 - b. It is stated that the burden of proof for misrepresentation of a material fact is high. I am well aware of this, I have personal and successfully pursued claims for fraud in both the Superior Court and Federal Court. I am quite aware of the burden of proof and all the clear and compelling proof is here. With all due respect, that determination is not "staffs" to make, that is the express jurisdiction of the entire Commission as it relates to section 302 and not some arbitrary and clearly uneducated "staff" within the City.
 - c. It is stated in the response that there are statutes of limitations that are not named, but are believed to exist that would somehow prevent the Commission from taking action

on those material misrepresentations. Please note, there are no statute of limitations listed for action to hold a revocation hearing relating violations of section 302 as it relates to misrepresentation and fraud. The only statute of limitation that exists is relating to A.R.S. 13-2704. Unsworn Falsification. Which states that a person commits unsworn falsification by making a statement he believes to be false, in regard to a material issue, to a public servant in connection with an application for any benefit, privilege, or license. This is a class 2 misdemeanor and has a statute of limitation based off A.R.S. 13-107 which states "prosecutions for other offenses must be commenced within the following periods of ACTUAL DISCOVERY by the state or the political subdivision having jurisdiction over the offense." For misdemeanors, which unsworn falsification is, has a limitation of one year AFTER the political subdivision has discovered the offense. In legal terms, this is considered when the cause of action accrues which is when the statute of limitations clock starts running. I had requested every correspondence, document, phone call, everything relating to MRI from the beginning. In reviewing 1004 documents, there was no mention of these violations as the City had not been made aware of the misrepresentation and fraud until I submitted the complaint with Planning and Zoning. The cause of action accrued in this matter upon filing the evidence of the offense with the City on August 31, 2023 and as such legal action can be taken for up to a year from that date against MRI for violating A.R.S. 13-2704. Furthermore, this statute of limitation does not apply to section 302 as it relates to jurisdiction for Planning and Zoning to holding a revocation hearing.

- d. In short, the suggestion that that the burden of proof has not been met to justify holding a hearing has zero legal justification and it not the jurisdiction of "staff" to determine. The insinuation of these matters being beyond the statute of limitation for a revocation hearing as it relates to misrepresentation and fraud is equally absurd and has no standing in fact or law.

3. The City's response to my complaint also states that "staff" (whoever that is) has not been able to determine based off the materials I submitted that to which the permit applies is being conducted detrimental to the health, safety, and general welfare of the public or so as to be considered an ongoing nuisance.

- a. It is again unclear who "staff" is who is granted such unilateral authority and jurisdiction, please provide all names and positions of who "Staff" is who is unable to effectively read and interpret documentation and data.
 - It is stated that the study I submitted appears to reference health effects on plant employees. And ONE of the multiple studies I sent does reference plant workers, but you have abjectly failed to consider the mountain of additional evidence submitted.
 - showing the slag dust is high in iron oxide and the hazardous materials information that was provided relating to the respiratory issues that creates.

- The independent testing on the slag dust that shows it extremely high in arsenic, aluminum, barium, lead and more.
- The information about the toxicity of arsenic to children.
- The materials data safety sheet that states the materials contained within the slag dust have been shown to cause cancer, birth defects, reproductive harm and exacerbated respiratory illnesses.
- Doctor Shaida Sina has submitted documentation to the City showing how toxic the slag dust is and the potential impacts to human health.

So, the burning question I have, is what doctors, environmental experts, and published scientific studies have the "staff" who made this determination reviewed to come to the conclusion that the fugitive slag dust dispersing from the MRI facility into the community is not detrimental to the health and general welfare of the public. Please submit all doctor testimony and all evidence you have to support this critical determination by "staff" and what medical credentials this "staff" poses to be qualified to refute multiple scientific studies, independent scientific testing, doctor Shaida Sinas testimony, and the materials data safety sheet by MRI that ALL implicate the slag dust as highly detrimental to human health.

Please provide what "staff" has determined to be a safe level of exposure to the slag dust. You have been provided with substantial evidence to show that fugitive copper slag dust is blanketing downwind businesses, residences, community children's facilities and more. In order to suggest that the known toxins within this dust does not pose a threat to human health, you must establish a level of exposure you deem to be under the limit in which the slag dust can cause harm. Please advise on what "staff" has determined to be a safe level of slag dust exposure for children on a weekly, monthly, and annual basis. The city is going to need to do some substantial backing up of the claim that you have not been able to substantiate a violation of section 302. If there is in fact, no violation of section 302 relating to slag dust being detrimental to human health, what exact level of exposure has "staff" determined is appropriate and not able to harm human health, specifically in children?

4. It was also noted that the air quality permit that MRI was required to have by the City of Cottonwood, as referenced in many on the record meetings, was never obtained despite city officials assuring complainants that MRI had an air quality permit and were regularly inspected for air quality. The only permit MRI has is a crushing and screening plant permit, which is NOT an air quality permit. Number 10 of the stipulations states that the ADEQ permit be obtained before plant operations begin. The ADEQ permit required was an air quality permit, and it was never obtained and as such is a violation of the stipulations and the clean air act.
5. The Planning and Zoning department was also notified that the required phase 2 environmental testing was never completed. The stipulations listed were not a comprehensive listing of everything needed for MRI to begin operation, just some of the requirements. For example it doesn't state that they need a building permit to begin construction, but of course they did. It doesn't state that they need an agreement with the owner of the slag to process it, but of course they did. This list is not inclusive of Every. Single. Thing. That MRI needed to have in place prior to operations. But it was stated at FIVE separate meetings that they were required to get a phase 2 environmental study before operations could begin. See attachment 3.

- On April 20th, 2009 at a Planning and Zoning meeting that a phase II environmental test would be performed.
- On April 19th, 2010 at a Planning and Zoning hearing that a phase II environmental study would be performed once the equipment is established on site.
- On June 21, 2010 a Planning and Zoning staff memo states that A phase II environmental test would be performed once equipment is established on site.
- April 21st, 2014, Community Development Planner, Scott Ellis, sent a staff memo stating that a phase II environmental will be performed once equipment is established on site.
- During the permitting process with the City, a record was produced by the City stating that MRI will hire a third-party environmental specialist to perform a 2-phase analysis of the perimeter and underlying materials. Date is unknown as it was not provided to me, but the City should be able to advise on this if the date is important.
- In a letter to the city of Cottonwood from MRI authorized representative, Tom Hurkett, he states that MRR shall contract a third party engineering company to conduct phase 1 and phase 2 environmental site assessment. Date is also unknown but the City can be contacted to obtain date of correspondence if necessary.
- A records request was placed with the City of Cottonwood to review the required phase 2 testing, the city responded that no phase 2 testing was ever received by the city for MRI whose conditional use permit is RCU 08-002.

6. It is stated in the City response that there was not enough evidence submitted to determine that the operation is considered an ongoing or habitual nuisance. I am compiling additional information for the City to further demonstrate that this operation is an ongoing and habitual nuisance. It will take me a few weeks to gather all the new complaints submitted in the last few months to the City of Cottonwood and ADEQ, and to circulate my petition. I am attaching the first hour of my petition efforts and will continue to reach out to the community over the next few weeks to give you a greater perspective of how the Citizens of the Verde Valley feel about this operation and its ongoing nuisance to them. This petition received this amount of signatures IN ONE HOUR. I am just submitting you a copy of this petition for now along with a few statements of impact, and once our petition efforts are complete, we will officially submit the originals to the city clerk. But this will give you an idea that those effected by this operation are far beyond just those who have taken to time to actively complaint with the City. See attachment 4.

In closing, it is requested the names and positions of everyone involved with the decisions given in the response to the complaint submitted to Planning and Zoning on August 31, 2023, whom are collectively referred to as "the city" and "staff" be disclosed.

It is requested that a HEARING be held relating to the conditional use permit granted to MRI so that all available evidence and public testimony can be presented to the full Planning and Zoning Commission.

It is requested that all documentation and credentials used to determine the fugitive slag dust does not pose a threat to human health be promptly provided along with what levels of exposure staff has determined to fall within a safe limit (following the risk assessment methods outlined in the issue paper on the human health effects of metals) and therefore not qualify as a violation of section 302.

It is requested that Planning and Zoning immediately shut MRI down and require them to obtain the required air quality permit and phase 2 environmental testing and that the results of the phase 2 study be presented at the revocation hearing.

It is requested a full risk assessment of the potential toxicity of the copper ore slag dust be done to establish the safe level of exposure for children, the elderly, the immune compromised, our pets, and our environment.

It is requested the City compel MRI to clean up all emissions of copper ore slag dust that has unlawfully been released into our community.

Citizens were guaranteed annual (if not, at least periodic) reviews of the conditional use permit granted to MRI. No such reviews have taken place in recent history, as was promised. If Planning and Zoning is averse to calling it a "revocation hearing", I request Planning and Zoning hold a "review" of their CUP, at which time the Commission can do nothing, vote to make changes to the parameters of the CUP, or vote to revoke the CUP.

I understand that my original complaint has been "re-opened" but based off the response given to me by the City as outlined above, it does not appear obvious to me that the City is actually taking any of the components within their express jurisdiction and responsibly very seriously as the initial response is lacking and misguided in so many ways. Since this complaint is now again considered "open" I request a comprehensive review of the complaint and its merits be presenting to the entire planning and zoning commission for a vote to determine if a revocation hearing is in fact justified. I have many many residents who have contacted me over my efforts who are negatively impacted who wish to share their experience and how this project has negatively affected their health, their business, their homes, and how it is an ongoing nuisance for them. Attached is one such example of a single mom who has some very sick children who live in the closest housing units to the MRI facility. See attachment 5.

Thank you for your time and consideration,



Jennifer Richards

10/16/2023.

updated & submitted 10/30/23

Attachment 1



BEFORE THE DIRECTOR OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of:

Minerals Research, Inc. - Cottonwood Plant located at 705 E Birch St., Cottonwood, Yavapai County, Arizona

Place ID 172594

CONSENT ORDER

Docket No. A-12-23

I. RECITALS

- A. Minerals Research, Inc. is the owner and operator of Minerals Research – Cottonwood Plant located at 705 E Birch St., Cottonwood, Yavapai County, Arizona.
B. Michael Vick is the President of Minerals Research, Inc. and certifies that he is fully authorized to execute this Consent Order on behalf of Minerals Research, Inc. and to legally bind Minerals Research, Inc. to this Consent Order.
C. The Director of Arizona Department of Environmental Quality (ADEQ) has jurisdiction of this action's subject matter and is authorized to issue this Consent Order pursuant to the Arizona Revised Statutes (A.R.S.) § 49-461, § 41-1004, and § 41-1092.07(F)(5).
D. Minerals Research, Inc. agrees that ADEQ has jurisdiction of this action's subject matter.
E. This Consent Order contains the full terms of the agreement between Minerals Research, Inc. and ADEQ.
F. Minerals Research, Inc. voluntarily agrees to this Consent Order based only on the terms contained in the Consent Order.
G. Minerals Research, Inc. understands that agreeing to this Consent Order does not resolve any liability that it may have for civil penalties for a violation of any state or federal environmental law.
H. Minerals Research, Inc. understands that agreeing to this Consent Order does not mean it admits to any civil or criminal liability, or waives any right or assertion of any defense available to Minerals Research, Inc. under applicable law.

- I. Minerals Research, Inc. does not admit the validity of any Agency Determinations and Findings contained in this Consent Order.
- J. Minerals Research, Inc. agrees not to dispute the validity or terms of this Consent Order in any future proceeding to enforce the terms of this Consent Order.
- K. Minerals Research, Inc. retains the right to dispute the validity of any Agency Determinations and Findings contained in this Consent Order in any proceeding other than a proceeding to enforce the terms of this Consent Order.

II. AGENCY DETERMINATIONS AND FINDINGS

The Director makes the following Agency Determinations and Findings that Minerals Research, Inc. has violated a requirement of A.R.S., the Arizona Administrative Code (A.A.C.), or an ADEQ issued permit, as described below:

- A. On June 13, 2023, ADEQ performed an on-site inspection at Minerals Research – Cottonwood Plant. Information gathered during the inspection and file reviews following the inspection, revealed that Minerals Research, Inc. does not have the correct air quality permit for its operation.
- B. On June 10, 2022, Minerals Research, Inc. received a Crushing and Screening General Permit (LTF #72319, ATO #122389) through myDEQ for its Cottonwood Plant. However, further source review by ADEQ revealed that the material processed by Minerals Research, Inc. (copper ore slag) does not meet the definition of a nonmetallic mineral as defined in 40 CFR 60.671 and therefore Minerals Research, Inc. does not qualify for a crushing and screening general permit.
- C. On September 11, 2023, ADEQ issued a Notice of Violation (NOV) to Minerals Research, Inc. for failure to obtain the proper air quality permit.
- D. ADEQ has established the operating limitations listed in Section III of this order to assure compliance with applicable Arizona Law pending issuance of an appropriate air quality permit for Minerals Research, Inc.'s Cottonwood Plant.

III. COMPLIANCE SCHEDULE

ADEQ and Minerals Research, Inc. agree on the following compliance requirements and completion deadlines, and Minerals Research, Inc. agrees to comply with the provisions of this Consent Order as follows:

- A.** Minerals Research, Inc.'s Cottonwood Plant includes the process equipment as listed in Attachment 1: Equipment List. Excluding trivial activities and qualifying routine maintenance, repair or replacement, Minerals Research, Inc. shall not modify or install new process equipment not listed in Attachment 1 without prior approval from ADEQ.
- B.** Minerals Research, Inc. shall operate all associated control equipment as listed in Attachment 1 at all times when the process equipment is in operation.
- C.** By October 31, 2023, Minerals Research, Inc. shall submit to ADEQ an administratively complete air quality permit application for a Class II permit.
- D.** By October 31, 2023, Minerals Research, Inc. shall submit to ADEQ a Dust Control Plan. At minimum, the dust control plan shall include operation and maintenance procedures for proper operation of the Primary and Secondary Crushing and Screening Plants along with preventative measures to minimize fugitive dust from process equipment, storage piles, and the blasting operation.
 - a.** Minerals Research, Inc. will update this plan as necessary and will submit to ADEQ a copy of updated plans.
 - b.** ADEQ will notify Minerals Research, Inc. of any deficiencies in the plan as necessary and will work with Minerals Research, Inc. on corrective actions as needed.
- E.** Until ADEQ issues a Class II permit to Minerals Research, Inc., Minerals Research, Inc. shall comply with the following requirements.
 - a.** Minerals Research, Inc. shall be limited to the following throughput limits.
 - i.** The Primary Crushing and Screening Plant shall be limited to 2,000 tons per day of material processed.
 - ii.** The Secondary Crushing and Screening Plant shall be limited to 190 tons per day of material processed.

- iii. Minerals Research, Inc. shall maintain records of daily operating hours and total daily material processed, in tons per day, as measured using a calibrated weigh scale.
- b. During each production shift, Minerals Research, Inc. shall inspect all process equipment and its associated control equipment to ensure proper capture and control and prevent excessive emissions from becoming airborne. If fugitive emissions due to leaks are observed, Minerals Research, Inc. shall pause operations of the affected unit until all leaks are resolved.
- c. Within thirty (30) days of the effective date of this order, and monthly thereafter, Minerals Research, Inc. shall perform fluorescent dye testing on each baghouse (BH-600 and BH-601) to ensure a leak-free baghouse.
 - i. No later than one-hundred and twenty (120) days from the effective date of this order, Minerals Research, Inc. shall conduct initial performance tests of each baghouse (BH-600 and BH-601), to demonstrate compliance with the PM₁₀ emissions limits identified in Condition III.E.d.
 - ii. Method 201A shall be used to determine compliance with the PM₁₀ emissions limit for BH-600. However, for PM₁₀ compliance purposes, in lieu of Method 201A and with prior approval from ADEQ, Method 5 can be used followed by particle size speciation. Alternatively, Minerals Research, Inc. may elect to assume all PM emissions measured by Method 5 are PM₁₀.
 - iii. Method 201A in conjunction with Method 202 shall be used to determine compliance with the PM₁₀ emissions limit for BH-601. However, for PM₁₀ compliance purposes, in lieu of Method 201A and with prior approval from ADEQ, Method 5 can be used followed by particle size speciation. Alternatively, Minerals Research, Inc. may elect to assume all PM emissions measured by Method 5 are PM₁₀.

d. Baghouse PM₁₀ Emissions Limits

Baghouse	PM ₁₀ Emissions Limit (lbs/ton)
BH-600	0.0051
BH-601	0.0146

e. Within thirty (30) days of the effective date of this order, Minerals Research, Inc. shall install and operate a pressure differential monitor to measure the differential pressure (dP) from the inlet and outlet of each baghouse (BH-600 and BH-601) in inches of water.

i. Minerals Research, Inc. shall record the dP on a daily basis, for every production day.

ii. Minerals Research, Inc. shall maintain each dP within the manufacturer's recommended values.

iii. dP values observed outside of the manufacturer's recommended values shall be investigated and resolved in a timely fashion. For any resolutions requiring more than seventy-two (72) hours from the time of discovery, Minerals Research, Inc. shall submit to ADEQ, for approval, within two (2) business days from discovery, a plan for corrective actions.

f. Except as required by paragraph "j" below (40 CFR Part 60, Subpart UUU Requirements), Minerals Research, Inc. shall not cause, allow or permit to be emitted into the atmosphere, any plume or effluent, which exceeds 20% opacity.

g. Minerals Research, Inc. shall not cause opacity of emissions greater than 40% from any fugitive dust non-point sources (open areas, roadways & streets, storage piles, and material handling).

h. Minerals Research, Inc. shall monitor and record daily opacity from all process equipment and fugitive sources for each production day.

i. Minerals Research, Inc. shall have on site a certified EPA Reference Method 9 visible emissions observer.

- ii. Minerals Research, Inc. shall conduct daily instantaneous surveys of visible emissions from both process sources in operation and fugitive dust sources.
 - iii. If any instantaneous survey appears greater than the applicable opacity standard, Minerals Research, Inc. shall immediately conduct a six-minute EPA Reference Method 9 observation of the visible emissions.
 - iv. Minerals Research, Inc. shall record the name of the observer, date of the observation, and results of the observation for all instantaneous and Method 9 observations.
- i. Minerals Research, Inc. shall employ reasonable precautions to prevent excessive emissions from becoming airborne. Reasonable precautions can include, but is not limited to, housekeeping measures, use of dust suppressants, water spray, and temporary enclosures. Records of reasonable precaution activities shall be maintained for each production day.
- j. 40 CFR Part 60, Subpart UUU Requirements for Dryers in Mineral Industries
- i. The Fluid Bed Dryer (BH-601 exhaust) shall not discharge into the atmosphere particulate matter in excess of 0.025 grains per dry standard cubic foot (gr/dscf).
 - ii. The Fluid Bed Dryer (BH-601 exhaust) shall be limited to 10 percent opacity.
 - iii. To demonstrate compliance with subparagraphs “i” and “ii” above, Minerals Research, Inc. shall conduct an initial performance test of the Fluid Bed Dryer (BH-601 exhaust) no later than one-hundred and twenty (120) days from the effective date of this order.
 - 1. Method 5 shall be used to determine compliance with the particulate matter concentration in subparagraph “i” above. The sampling time and volume for each test run shall be at least 2 hours and 1.70 dscm.
 - 2. Method 9 and the procedures in § 60.11 shall be used to determine opacity from the stack emissions.

3. Performance tests shall be conducted during representative operations of the source.
 4. A test plan (protocol) shall be submitted to ADEQ at least 14 working days prior to the test.
 5. Minerals Research, Inc. shall provide safe sampling platforms, sampling ports adequate for the test methods required, and any utilities necessary to complete the performance test.
 6. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic mean of the results of the three runs shall apply.
 7. A written report of the results of performance tests conducted shall be submitted within 4 weeks after the test is performed. All performance testing reports shall be submitted in accordance with the Arizona Testing Manual and A.A.C. R18-2-312.A.
- k.** All excess emissions, including exceedances of any emissions and opacity limits, shall be reported to ADEQ as outlined in A.A.C. R18-2-310.01.A, B, and C.
- l.** Recordkeeping requirements: Minerals Research, Inc. shall retain records of all required monitoring data and support information required by this order for a period of at least five (5) years from the date of monitoring.
- m.** Duty to Provide Information: Minerals Research, Inc. shall furnish to ADEQ, within a reasonable time, any information that ADEQ requests in writing to determine compliance with this order. All records required by this order shall also be made available to ADEQ upon request.

IV. STATUS REPORTS

- A. Minerals Research, Inc. agrees to submit a written status report to ADEQ by the 10th of every month, beginning the first month following the effective date of this Consent Order

and ending with the first status report filed after ADEQ issues the permit referenced in section III.B of this order. Each written status report shall be for the previous calendar month and shall:

1. Describe what measures that have been taken under Section III of this Consent Order;
 2. Certify when compliance with the requirements of Section III of this Order are achieved;
 3. Be accompanied by evidence showing compliance, as appropriate. Evidence showing compliance can include documents, photographs, or copies of any other supporting information that Minerals Research, Inc. deems necessary.
- B. ADEQ will review the status reports and inform Minerals Research, Inc. in writing of any disputes. Minerals Research, Inc. must incorporate all required modifications, changes or other alterations that ADEQ requests to the status report within a reasonable time as specified by ADEQ.

V. COMPLIANCE WITH OTHER LAWS

- A. This Consent Order does not address releases, contamination, sources, operations, facilities or processes not expressly stated by the terms of this Consent Order, and does not interfere with the rights that the State of Arizona or Minerals Research, Inc. have under any federal or Arizona environmental statutes and rules regarding such issues.
- B. This Consent Order is not a permit of any kind, does not modify any permit of any kind, nor is it an agreement to issue a permit of any kind under federal, state or local law.
- C. This Consent Order does not alter, modify or revoke federal, state, or local law.
- D. This Consent Order is not a defense to any action to enforce any such permits or laws.
- E. Minerals Research, Inc. has an obligation to:
 1. Apply for, obtain, and comply with all applicable permits.
 2. Comply with federal, state or local law.
 3. Comply with the terms of this Consent Order.

VI. SITE ACCESS

Upon presenting credentials to authorized personnel on duty, ADEQ may at any time enter the premises at the Facility in order to observe and monitor compliance with the provisions of this Consent Order. This right of entry is in addition to ADEQ's rights under applicable law.

VII. CORRESPONDENCE

- A. Minerals Research, Inc. shall send all correspondence by email, mail, or hand delivery, such as documents, materials, plans, notices, or other items under this Consent Order, to:

Arizona Department of Environmental Quality
Air Quality Compliance Unit
Attention: Jean H. Ziga, Case Manager
1110 West Washington Street
Phoenix, Arizona 85007-2935
Telephone: 602-771-3090
Email: ziga.jean@azdeq.gov

- B. Any submission to ADEQ is treated as submitted when ADEQ receives it.
- C. ADEQ shall send all correspondence by email, mail, or hand delivery under this Consent Order to:

Michael Vick
4620 S. Coach Dr.
Tucson, AZ 85714
(520-271-6129)
mikevick@mineralsresearch.com

VIII. RESERVATION OF RIGHTS

- A. ADEQ agrees to this Consent Order based solely upon currently available information. If additional information is discovered, which indicates that the actions under this Consent Order are or will be inadequate to protect human health, safety, or the environment, or to conform with applicable federal or state laws, ADEQ has the right to require further action.
- B. ADEQ has the right to:
 - 1. Seek civil penalties for any and all violations of A.R.S. Title 49 or the applicable rules, occurring before the effective date of this Consent Order or upon breach of this Consent Order;

2. Disapprove Minerals Research, Inc.'s work that fails to comply with this Consent Order;
 3. Take enforcement action for any and all violations of this Consent Order; and,
 4. Take enforcement action for any and all violations of A.R.S. Title 49 or the applicable rules, occurring after the effective date of this Consent Order.
- C. As to this Consent Order, Minerals Research, Inc. waives all rights to appeal this Order under A.R.S. Title 41, pursuant to the ability to waive this right based on A.R.S. § 41-1004.

IX. VIOLATIONS OF ORDER

If Minerals Research, Inc. fails to comply with this Consent Order, Minerals Research, Inc. can be liable for other administrative or judicial sanctions, including civil penalties under A.R.S. § 49-463, the same as if for a violation of any State or Federal environmental law.

X. SEVERABILITY

If a court of law declares that any provision of this Consent Order is invalid or unenforceable, all other provisions of this Consent Order shall remain in full force and effect.

XI. AMENDMENTS

Any amendments of this Consent Order must be in writing and Minerals Research, Inc. and ADEQ both must approve the amendments.

XII. EFFECTIVE DATE

The effective date of this Consent Order is the date this Consent Order is signed by ADEQ and Minerals Research, Inc.. If ADEQ and Minerals Research, Inc. sign on different dates, the later date is the effective date of this Consent Order.

XIII. PARTIES BOUND

Minerals Research, Inc. is responsible, and will remain responsible, for carrying out all activities required under this Consent Order, regardless of change in ownership, corporate status, or partnership status, or transfer of assets or real or personal property relating to the subject of this Consent Order, unless:

- A. The Party to whom the right, title, or interest has been sold, transferred, or assigned agrees in writing to fulfill the obligations of this Consent Order; and,
- B. ADEQ approves the provisions transferring the obligation.

XIV. TERMINATION

- A. ADEQ will notify Minerals Research, Inc. in writing that this Consent Order is ended when ADEQ determines that Minerals Research, Inc. has demonstrated that all of the terms of this Consent Order have been satisfied.
- B. Minerals Research, Inc. may apply for termination of this order once ADEQ issues the permit referenced in section III.B of this order. If ADEQ denies Minerals Research, Inc.'s request for termination, ADEQ will notify Minerals Research, Inc. in writing and describe which terms of the Consent Order have not been completed to ADEQ's satisfaction.
- C. ADEQ reserves the right to terminate this Consent Order unilaterally at any time for any reason, but will notify Minerals Research, Inc. in writing as to the reason(s) for termination.

Signed this 10/12/2023
DocuSigned by:
Balaji Vaidyanathan
Balaji Vaidyanathan, Section Manager
Facilities Emissions Control Section
Arizona Department of Environmental Quality

CONSENT TO ORDER

Michael Vick, on behalf of Minerals Research, Inc. acknowledges that he has read all of the Consent Order. Minerals Research, Inc. agrees:

- A. With the statements made,
- B. To this Consent Order with the Arizona Department of Environmental Quality, and,
- C. That Minerals Research, Inc. will comply with Consent Order and waive any right to appeal.

Signed this 10/12/2023.

DocuSigned by:

Michael Vick
Minerals Research, Inc.

I HEREBY CERTIFY that on 10/12/2023, the **ORIGINAL** was filed in the facility file located at:

Arizona Department of Environmental Quality
1110 W Washington St
Phoenix, AZ 85007-2935

I HEREBY CERTIFY that on 10/12/2023, a true and correct copy was emailed, if provided, or sent via USPS regular mail to:

Michael Vick
4620 S. Coach Dr.
Tucson, AZ 85714
(520-271-6129)
mikevick@mineralsresearch.com

I HEREBY CERTIFY that on that on 10/12/2023, a true and correct copy was emailed, if provided, or sent via USPS regular mail to:

Arizona Department of Environmental Quality
Office of Administrative Counsel

Curtis Cox, Chief Counsel, Environmental Enforcement Section, Office of the Attorney General
David Kim, Unit Manager, Air Quality Compliance Unit
Jean H. Ziga, Case Manager, Air Quality Compliance Unit

ATTN: Amy Miller
Director, Enforcement and Compliance Assurance
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

DocuSigned by:

Hearing Administrator

Attachment 2

ISSUE PAPER ON THE HUMAN HEALTH EFFECTS OF METALS

Robert Goyer¹

Contributors: Mari Golub,² Harlal Choudhury,³ Michael Hughes,⁴
Elaina Kenyon,⁵ Marc Stifelman⁶

Submitted to:

U.S. Environmental Protection Agency
Risk Assessment Forum
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Contract #68-C-02-060

Submitted by:

ERG
110 Hartwell Avenue
Lexington, MA 02421

August 19, 2004

¹Consultant

²California Environmental Protection Agency, Sacramento, CA

³U.S. EPA, Cincinnati, OH

⁴U.S. EPA, Research Triangle Park, NC

⁵U.S. EPA, Research Triangle Park, NC

⁶U.S. EPA, Seattle, WA

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1. INTRODUCTION

This paper discusses issues important to consider in developing a framework for performing human health assessments for exposure to metals and metal compounds (U.S. EPA, 2002). The Framework is intended to provide guidance to risk assessors within EPA (the "Agency") as they develop program-specific risk assessment methods. It will complement other general Agency guidance on the risk assessment process, and contain metal-specific information that should be considered. This involves the unique and specific characteristics of metals and metal compounds that might be applied in metals risk assessments for human health, in contrast to a more general risk assessment approach applied for assessment of organic compounds. This issue paper provides some of the scientific basis that underlies metal-specific characteristics of human health effects assessment. It is not intended to be comprehensive, but does provide appropriate and sufficient reference material for the interested reader to find additional detail on any of the topics.

There are two types of health hazard: (1) hazards with a threshold for the relationship between exposure and the health effect (most target organ effects) and (2) hazards with non-threshold effects considered to pose some level of risk at any level of exposure (cancer and mutagenic effects). The characteristics of specific metals or groups of metals should be considered in hazard identification or identification of critical effects. Results that include the specific characteristics of metals can help EPA establish guidelines for programs assessing the health risks from exposure to metals.

2. CLASSIFICATION OF METALS

All elements in nature can be classified as metals or non-metals based on various sets of criteria. A number of definitions reflect different properties of metals. A general definition based on physical properties is that metals are a large group of substances that are opaque, form alloys, conduct heat and electricity, and are usually malleable. More than 80 of the 125 known elements fit this definition. There are also a number of low-molecular-weight cations that do not have the physical properties of metals, such as calcium, sodium, potassium, and magnesium. Nevertheless, these cations are important in terms of human health because of their essential role in mammalian metabolism. A characteristic of this group of cations is that they are in themselves, rather than as members of metal-ligand complexes, responsible for a number of biological responses, including enzymatic reactions in vivo as well as nerve conduction and muscle contraction. They are also important (calcium in particular) in terms of risk assessment because of potential interactions with the principal metals. As with other essential metals, concentrations of cations in the body are controlled by homeostatic mechanisms.

The paper on environmental chemistry issues discusses various approaches to classification of metals in detail. The concept of hard and soft acid and base relationships and the applicability of hard and soft properties to the formation of metal complexes, as summarized in the environmental chemistry paper, has relevance to solubility and mobility of metals in the environment. The term "heavy metals" is sometimes used to suggest pollution and toxic effects;

Attachment 3

P&Z 4-19-2010 Hearing

Original Approval

The proposal was initially approved by the Commission on March 17th, 2008, subject to stipulations as outlined in the attached minutes. The initial review, which commenced Jan-March of 2008, produced a considerable turn-out from the community. Special mailings and community meetings were held to receive input on the request. A sound study was also performed by a third party, to the satisfaction of the Commission. Other issues included concern for access and maintenance of the approved truck route along Aspen Street; and for buffering of residential areas nearby from lights, noise and visibility issues.

The applicants estimated the re-processing activity would last 15 years, with an initial set up and construction process that would take about 6 months. Ten to fifteen trucks would visit the site daily. Hours of operation were limited by the Commission to between the hours of 6 a.m. and 10 p.m. As part of the request, alternative surfacing improvements (slag) was approved for use on interior parking and access areas. The applicant has also agreed to pay into a remediation fund for the site, once the slag is removed.

As part of the initial review, the applicants also performed a Phase I Environmental Review (random slag sampling), which revealed no significant findings. It was however disclosed that some tailings may also be located on the south side of the site. A Phase II Environmental test (soil sample at perimeter locations) will also be performed once the equipment is established on-site. This will offer some information on leeching and any tailings which may also be present, provided the property owner to the south approves the testing.

Subsequent Approvals:

On September 28, 2008, the Design Review Board approved landscape and lighting improvements intended to provide some buffering of residential properties to the north and east, in response to the concerns of neighbors.

A month later (10-20-08), the P&Z Commission approved an amendment to the CUP which provided an alternate access directly to Sixth Street via an adjacent lot. As part of the approval, the Commission also stipulated driveway improvements. The easement for this access has recently been recorded.

The CUP was renewed on 4-20-09, subject to the original stipulations. As part of the letter of intent for the renewal, the applicant also advised that the overhead catwalk had been eliminated from the proposal, also reducing the impact of overhead lighting.

The applicants have since worked with the fire department on emergency access / training issues; and continue to move forward with the project engineering, acquisition of ADEQ permits; and have negotiated a remediation fund agreement with the City Council. As mentioned the new access easement has also been secured. Although site improvement plans were submitted, permits have not yet been approved, pending revisions which respond to water access and fire suppression issues, some associated with the new access route to Sixth Street.

The applicant has submitted an (attached) update regarding the proposal, requesting additional time to initiate the use. As yet, no site work has commenced.



Pic 2 6-21-10
APPROVED PLANS

STAFF MEMO

TO: Planning and Zoning Commission
FROM: George Gehlert, Community Development Director
FOR: Hearing of June 21, 2010
SUBJ: Transfer of PCU 08-002: Slag Processing Facility at Fairgrounds

Transfer of a Conditional Use Permit for on-site processing of an existing slag pile. The facility would be located on a portion of a 12.25 acre parcel zoned CF (Community Facilities), just west of the Verde Valley fairgrounds. The site is also north of 89A between 6th and 12th Streets. APN: 406-42-097M. Owner: Verde Valley Fair Association; Agent: Tom Hurkett, Minerals Research & Recovery, Inc.

On April 19, 2010, the Commission approved a renewal of the Conditional Use Permit for a period of one (1) year, subject to the stipulations on the attached Notice of Action. Since that time, Staff has met to resolve highlighted water and fire-flow issues. The CUP was approved initially in March, 2008. As yet, no development has commenced.

Staff was recently advised that the applicant's parent corporation, "The Minerals Company," has decided to form a separate corporation to operate the processing plant in Cottonwood. The current applicant is Minerals Research and Recovery (MRR). The new corporation would be Minerals research, inc. (MRI). The corporation would be under the same structure and same ownership. There are four partners. Tom Hurkett is still the authorized representative. The financial and liability issues are still handled by the parent corporation.

The City Attorney has advised that, in view of the ancillary agreement(s) with the City Council (fund), the issue of transfer should be addressed as part of a hearing action.

RECOMMENDATION

Staff recommends approval of the request, subject to the most recent set of stipulations from 4-19-10, with the following additional stipulation:

1. That any necessary amendments to associated agreements between the former applicant and the City of Cottonwood be subject to review and approval by the City Attorney and by the City Council.

6-21-2010

As part of the initial review, the applicants also performed a Phase I Environmental Review (random slag sampling), which revealed no significant findings. It was however disclosed that some tailings may also be located on the south side of the site. A Phase II Environmental test (soil sample at perimeter locations) will also be performed once the equipment is established on-site. This will offer some information on leaching and any tailings which may also be present, provided the property owner to the south approves the testing.

Subsequent Approvals:

On September 28, 2008, the Design Review Board approved landscape and lighting improvements intended to provide some buffering of residential properties to the north and east, in response to the concerns of neighbors.

A month later (10-20-08), the P&Z Commission approved an amendment to the CUP which provided an alternate access directly to Sixth Street via an adjacent lot. As part of the approval, the Commission also stipulated driveway improvements. The easement for this access has recently been recorded.

The CUP was renewed on 4-20-09, subject to the original stipulations. As part of the letter of intent for the renewal, the applicant also advised that the overhead catwalk had been eliminated from the proposal, also reducing the impact of overhead lighting.

The applicants have since worked with the fire department on emergency access / training issues; and continue to move forward with the project engineering, acquisition of ADEQ permits; and have negotiated a remediation fund agreement with the City Council. As mentioned the new access easement has also been secured. Although site improvement plans were submitted, permits have not yet been approved, pending revisions which respond to water access and fire suppression issues, some associated with the new access route to Sixth Street.

As yet, no site work has commenced.



STAFF MEMO

TO: Planning and Zoning Commission
FROM: Scott Ellis, Community Development Planner
FOR: Hearing of April 21, 2014
SUBJ: RCU 08-002 Review of CUP to Process Slag at the V.V. Fairgrounds

Review of a Conditional Use Permit for on-site processing of an existing slag pile. The facility would be located on a portion of a 12.25 acre parcel zoned CF (Community Facilities), just west of the Verde Valley fairgrounds. The site is also north of 89A between 6th and 12th Streets. APN: 406-42-097M. Owner: Verde Valley Fair Association; Agent: Tom Hurkett, Minerals Research, Inc.

The proposal was initially approved by the Commission on March 17, 2008; and has been subject to annual review every year since.

The proposal would enable the establishment of a rock crushing facility and bagging plant at the site to accommodate processing of slag to be used in the manufacture of asphalt shingles, asphalt paving, concrete and as media for sand blasting. In order to enable some screening of equipment and sound, the rock crusher would be set within a "bowl" excavated into the SW corner of the slag pile. The center of the pile will also be channeled to enable movement of materials north to the bagging facility at the north end of the site, adjacent to the VFW lodge. The bagging facility will be located roughly 1,000 feet west of the residential area, in plain view.

The applicants estimate the re-processing activity would last 15 years, with an initial set up and construction process that would take about 6 months. Ten to fifteen trucks would visit the site daily. In their initial action, the Commission limited hours of operation to between 6 a.m. and 10 p.m. As part of the request, alternative surfacing improvements (slag) was approved for use on interior parking and access areas. The applicant has also agreed to pay into a remediation fund for the site, once the slag is removed.

The applicants also performed a Phase I Environmental Review (random slag sampling), which revealed no significant findings. However, it was also disclosed that some tailings may also be located on the south side of the site. A Phase II Environmental test (soil sample at perimeter locations) will also be performed once the equipment is established on-site. This will offer some information on leeching and any tailings which may also be present. Property owners to the south would have to approve any related off-site testing nearby.

operation may be in the 40 decibel range (FYI: Normal conversation is around 60 decibels). According to the sound study, this proposal meets the code requirements at the property boundary. The applicant has suggested that shrouding options may also be available to reduce sound levels further. He also believes that the biggest noise impact will be from trucks and back up alarms on machinery, which has been minimized by the design of the new facility (less backing up). Staff's field visit to Ajo revealed a surprisingly low level of noise impact associated with this use, from 1,000 feet away. Information regarding the noise generated at the site is attached and can be reviewed by the applicant at the hearing.

- **Dust, Surfacing and Drainage:** The applicants are proposing a complete dust control system. They have stated that it is in their best interest to control the dust because it can be further processed and sold. They have also stated that their dust collection system will be so sophisticated that OSHA will not require employees at the site to wear breathing apparatus. The applicants will provide further information at the hearing.
- **Toxicity:** The applicant asserts that the material is inert and poses no environmental hazard. They will hire a third party environmental specialist to perform a 2-phase analysis of the perimeter and underlying materials.
- **Alternate Surfacing Proposal:** The applicants are requesting that they be allowed to use the processed slag material in lieu of chip seal for access and parking areas, otherwise required by code. The material may also pose an opportunity for addressing some of the other dust issues which prevail elsewhere on the fairgrounds property.
- **Drainage:** Drainage will be contained within retention areas located on site.
- **24 Hour Operation:** The applicant has suggested that the plant would routinely be operated in two shifts during daytime hours, but may occasionally need to operate a third shift at night to keep pace with maintenance and sudden market demands. They have suggested an allowance of 24 nights/year. Noise and lighting impacts could affect the residential area.
- **Emergency Response:** The Fire Department has expressed some concern regarding the height of the structures and the silos and conveyor system, noting that any rescue operations could be complicated by the height of these structures. Emergency personnel would be trained on how to respond to this facility, its special equipment and access points. The Fire Department will be represented at the hearing.
- **Access Route and Street Maintenance:** The applicant is proposing to use Aspen and 6th street as their access to Highway 89A (although alternate access points are also being reviewed. There will be 10 to 20 trucks per shift accessing the site. Aspen is not built to handle the heavy traffic. The applicant has agreed to enter into a maintenance agreement for Aspen and Sixth Streets.
- **Landscape and other Buffering Improvements:** Although the applicants have submitted a proposal for landscaping adjacent to the VFW lodge, the residential area located to the

Date unknown, contact city
for date.

10. Information regarding slag composition / toxicity:

MRR shall provide a copy of typical chemical composition for copper slag along with the results of an EPA Toxicity Characteristic Leaching Procedure (TCLP) hazardous waste test performed on the Cottonwood slag. (Attached with this response)

Additional issues and clarifications:

• **Yearly review of CUP / later changes to stipulations:**

MRR cannot proceed with this project based on a year to year review by the Planning and Zoning Commission reserving the right to terminate or revise the permit at will. Given the capital-intensive nature of the proposed operation, it must be agreed that if MRR maintains compliance with the stipulations in the original CUP, it will maintain its right to continue operating under the CUP. Any future action by the Commission related to MRR's CUP could only be triggered by MRR's clear failure to comply with the conditions in the CUP.

• **Night time operation:**

In an effort to demonstrate that MRR does not intend to operate this process on a continuous 24-hour per day basis MRR is prepared to offer the following schedule as a condition and stipulation to the permit. Upon very careful review and consideration the following is a schedule that MRR considers its minimum acceptable operating schedule:

1. Unrestricted operation of primary crushing and bulldozer work 6am to 6pm.
2. Unrestricted operation of secondary process from 6am to 10pm.
3. Unrestricted 24-hour operation of packaging (inside building) and truck loading.
4. 50 days per year of unrestricted 24-hour operation of secondary process. MRR would like to have the option of requesting additional days from the City of Cottonwood, if required. Requests would in writing stating reason for request and time required.

• **Environmental issues:**

MRR shall contract a third party environmental engineering company to conduct a Phase I and Phase II Environmental Site Assessment. Additionally, as stated in Item number 4, MRR is offering to contribute to a potential reclamation fund.

MRR would like to stress to the Planning and Zoning Commission that we are a small Arizona-based company who fully intends to become an active and productive member of the Cottonwood community. We fully understand to accomplish this we will have to conduct our business in a manner compatible with the community. It should also be noted that MRR is the only company to successfully develop and maintain this type of copper slag crushing operation in the US, which we have demonstrated over the past 23 years.

Thank you for your time and consideration.

Sincerely,


Thomas Hurkett
Minerals Research & Recovery, Inc.

Enc: As stated

Date unknown, contact city
for date.

Attachment 9



View Data

City of Cottonwood records request
for the required Phase II testing
for MRI. none exist.

View Data

Case resolution
Complete with records

Comment to requester

Ms. Richards, the City is not in possession of a Phase II environmental test for conditional use permit RCU 08-002.

Attached please find a document outlining the total revenues received from Minerals Research for each fiscal year. The City does not have a "reclamation fund". This money is included in the General Fund and is used for General Fund expenses.

Best Regards,
Tami Mayes
City Clerk
City of Cottonwood
(928) 340-2725
tmayes@cottonwoodaz.gov

[Minerals Research Funds.pdf](#)

Attachment 4

Greetings,

My name is Jill Schmidgall, since moving to Cottonwood AZ I have developed some health concerns and have tested positive for many toxic heavy metals. The City of Cottonwood or another government agency should do a deep study concerning the slag pile and the area surrounding where the smelter was. I believe that the slag runoff, dust and or other toxic substances are in the area! The neighboring town of Clarkdale has had to do soil reclamation and Cottonwood has not even checked or expressed a concern of our contamination levels.

The health concerns that I have presented with since moving here are fatigue, muscle aches, gut inflammation, cyst and lumps in the breast, right kidney cyst, post nasal drip, tendonitis, hangnails, ridges in my fingernails, bone loss, some memory challenges and initial eye sight decline.

Cottonwood had the largest Smelter in history at one point! I think it is a health concern for all Cottonwood residents!

I have also attached the toxicology reports from Doctors Data. When contamination is found in the area Cottonwood should pay for testing of the residents and chelation services and reimbursement of those who have had to pay for it!

Sincerely,

Jill Schmidgall, LMT
1425 Javelina Hill Rd
Cottonwood, AZ 86326
928-300-4877

To Whom It May Concern:

October 11, 2023

I am writing this letter as a concerned citizen of Cottonwood, Arizona. I relocated my family here in 2004 from Connecticut wanting an overall safe place for my loved ones.

I have been made aware of the Slag pile that is here in town and has been here for many years harming our health and many others. I was shocked to know this existed in the town we have all embraced with love and are proud to call home.

Understanding the risks, the slag dust creates I no longer keep my windows open to enjoy the beautiful weather we have, I have stopped going to the Rec Center and other businesses in this area as I do not want to expose myself to the detrimental toxicity the Slag dust is made of, by breathing this in.

The Slag pile does not belong in our town, and I am voicing my concern which I hope the city will take into consideration and take immediate action on this matter by shutting down the crushing of the slag that is creating fugitive dust and removing this slag pile with proper clean-up for the safety of the citizens.

Thank you,

Peggy Phoenix Dubro

928-274-1181

eeiphoenix@emfworldwide.com

To Whom It May Concern:

October 11, 2023

I am writing this letter to express my concerns as a community member who lives here in Cottonwood, AZ. The Slag pile that is located on Birch Street has affected me greatly.

I support the community by volunteering to coach youth in sports. I can no longer do this due to the impacts the slag dust has on my health. Breathing the slag dust in permanently damages my lungs along with the toxic metals and exposing adults/children to this is completely unethical to me. I also can no longer practice on the field in this area due to the health risks it has on myself and my friends.

I also enjoyed going to the Rec Center on a weekly basis which I no longer can enjoy due to this matter. Unfortunately, I won't even go to the businesses or restaurants in this area as my health is too important and this dust is all through the air and you can even see it coating areas on the businesses and roads.

Having this slag pile in our community has stopped how I love to support the community and endangers the well-being of the citizens. Cottonwood, we can do better than this and I am requesting that the crushing of the slag to stop that is creating the fugitive dust.

Makai Butler-Arnaudo

Makaianthony13@gmail.com

928-274-1354

To Whom It May Concern:

October 11, 2023

I am writing this letter to express my concern about the slag pile as a community member who lives here in Cottonwood, AZ. I am aware of what the slag dust contains and how detrimental it can be to our health. I am outraged that this is part of the beautiful community we have here and continue to worry about the effects it has on my health.

The toxic metals the slag dust contains and the impact it has on our lungs have me making choices to not attend any community events in this area, I will not go to businesses that are located near this slag pile, nor will I attend the local sports events due to my health being affected. The covering of the slag dust, and particles in the air, and knowing I am subjecting myself and my family to illness is enough for me to stay away which is very upsetting because I love our town, and being a part of the community is important to me.

I am bringing my concern in writing to you hoping we can make a change together and one that will support the wellbeing of our community. Please stop the crushing of the slag in Cottonwood so I can enjoy my town and all the businesses I would like to support. The permits should be revoked immediately and the contamination needs to stop.

Thank you,

Krista Arnaudo

Krista.arnaudo@gmail.com



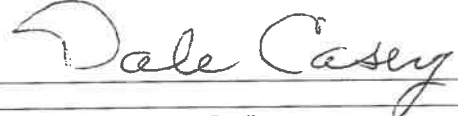
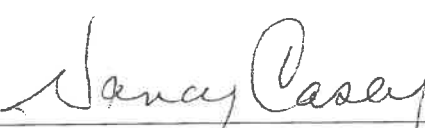


928-202-1276

Official Petition to terminate Minerals Research Inc. Slag Crushing Operations in the center of Cottonwood, AZ.

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We request immediate action from our government, environmental, and health agencies to test the extent of contamination and to initiate clean up of the contamination to protect human and environmental health.

Name	Email	Phone
TERRANCE FORNEY	FORNEY, TERRANCE @ EMAIL.COM	510 566-4960
Address	Comments / Signature PLEASE STOP THE CONTAMINATION OF OUR COMMUNITY	
766 S GOLF VIEW DR CORONA 86325		
Name	Email	Phone
Paul F. DORNES	pfdornes@gmail.com	928-274-0302
Address	Comments / Signature	
443 S. Valle Escondido CORONA, AZ 86325		
Name	Email	Phone
Dale Casey	dke5@hotmail.com	928-282-6260
Address	Comments / Signature	
225 San Patricio Dr Sedona, AZ 86336	Signature 	
Name	Email	Phone
Nancy Casey	MEJANE711@yahoo.com	928-282-6260
Address	Comments / Signature	
225 SAN Patricio Sedona AZ 86336	 Selling 50 rocks @ hotmail.com	
Name	Email	Phone
Evan Richard		928-821-3472
Address	Comments / Signature	
5730 E. La Privada Dr Cornville, AZ 86325		

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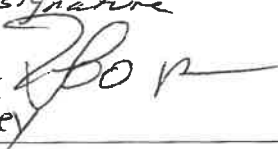
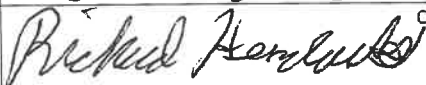


<p align="center">Name</p> <p>Eleanor Kirk</p>	<p align="center">Email</p> <p>eleanorkirk@hotmail.com</p>	<p align="center">Phone</p> <p>(928) 646-3572</p>
<p align="center">Address</p> <p>2161 Liough Dr. Clarkdale, AZ 86324</p>	<p align="center">Comments / Signature</p> <p>My husband developed prostate cancer, asthma and Alzheimers. I also have asthma <i>Eleanor Kirk</i></p>	
<p align="center">Name</p> <p>Christy DiMartino</p>	<p align="center">Email</p>	<p align="center">Phone</p>
<p align="center">Address</p> <p>503 Hudgens Ln Clarkdale Az. 86032</p>	<p align="center">Comments / Signature</p> <p><i>Christy DiMartino</i></p>	
<p align="center">Name</p> <p>ELIZABETH SULLY</p>	<p align="center">Email</p> <p>modh7815@gmail.com</p>	<p align="center">Phone</p> <p>520-302-3971</p>
<p align="center">Address</p> <p>2050 W. St. R. 89a Lot 81 Cottonwood AZ 86326</p>	<p align="center">Comments / Signature</p> <p><i>[Signature]</i></p>	
<p align="center">Name</p> <p>Marlene Kelley</p>	<p align="center">Email</p> <p>majek tinker 8253@</p>	<p align="center">Phone</p> <p>(928) 451-9053</p>
<p align="center">Address</p> <p>1351 Tinkerway Clarkdale, AZ 86324</p>	<p align="center">Comments / Signature</p> <p>I attend 2 meetings per month @ VFW Hall next to slag pile <i>Marlene Kelley</i></p>	
<p align="center">Name</p> <p>Shaida Singh</p>	<p align="center">Email</p> <p>Drshaida@yahoo.com</p>	<p align="center">Phone</p> <p>928-451-5416</p>
<p align="center">Address</p> <p>702 Sman St Cottonwood</p>	<p align="center">Comments</p> <p>health hazard to myself + patients <i>Shaida Singh</i></p>	

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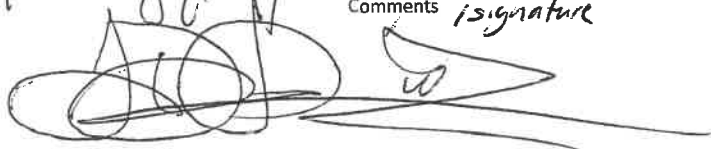
Name	Email	Phone
Gayaura Jean Pritz	pritzgayaurad@gmail.com	928-649-1841
Address 606 N. Organ Pipe St. Cottonwood, AZ 86326	Comments / Signature 	
Name Tom Lopez	Email 1LittleKmaer2@mail.com	Phone 928-300-4434
Address Po 30x470 Cobanville AZ 86325	Comments / Signature ON GOING HEALTH THREAT AND NUISANCE IN GENERAL THE HEALTH THREAT IS VERY WIDE	
Name Rick Hendrickson	Email rjhvegas1@yahoo	Phone
Address 1162 Campbell Ave Clarkdale AZ	Comments / Signature 	
Name Nancy Searangella	Email nancys333@gmail	Phone 347 420 0152
Address 732 S 3rd St Cottonwood AZ 86326	Comments / Signature 	
Name Karen Leff	Email KarenJLeff@cottonwoodhotel.com	Phone
Address 930 N. Main St Cottonwood, AZ 86326	Comments / Signature 	

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Name	Email	Phone
Wendy Olson <small>Work Address</small> 291 S. Willard St #104 Cottonwood AZ 83626	fyingfree45@yahoo.com <small>Comments / Signature</small> 	818-422-1218
Charles Chick <small>Address</small> 727 E. Bowmaker Trl Cottonwood AZ 86326	charles.chick53@gmail.com <small>Comments / Signature</small> who	928-300-8086
Jeff Christensen <small>Address</small> 6701 W Hwy 89A Sedona, AZ 86334	jeffandmaria88@hotmail.com <small>Comments / Signature</small> 	928-292-9073
Forrest Lanchbury <small>Address</small> 708 Cove Pkwy Cottonwood AZ 86326	regewerky@protonmail.com <small>Comments / Signature</small> 	928-440-8442 708
Carmen Orellana <small>Address</small> 1890 Hawk Hollow way Clarkdale AZ 86324	CarmenOrellana1@gmail.com <small>Comments / Signature</small> Carmen Orellana-	928 451 5774

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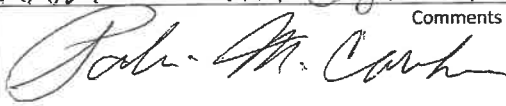
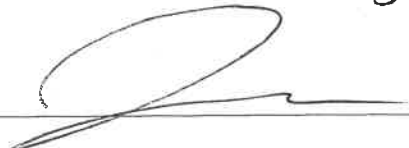
Name Diana Bush	Email health24me@gmail.com	Phone 928-300-3523
Address 298 S Wild Horse Way Cottonwood, AZ 86326	Comments Signature: Diana Bush	
Name Kathy Dufresne	Email kad2070@protonmail.com	Phone 928-274-5856
Address 70 Montazona Trl. Sedona, AZ 86351	Comments Signature: Kathy Dufresne	
Name Jacquie Zorn Mullen	Signature / Email Jacquie Zorn Mullen	Phone 928-649-1845
Address 3080 E. Mingus Ave Cottonwood, AZ 86326	Comments	
Name Barbara L Prats	Email barbara.prats@yahoo.com	Phone 928 274 1687
Address 1545 Chateau Dr Cottonwood, AZ 86326	Comments / Signature Signature Barbara Prats	
Name Debbie Joseph	Email dfjoseph514@gmail.com	Phone 805-630-5511
Address 1767 E. Bow Walker Trl	Comments / Signature Signature Debbie Joseph	

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Name	Email	Phone
TAM Masden	TMasden@gmail.com	910-541-1684
Address 50 Station West	Comments / Signature I Shop often in Cottonwood & care tremendously about the children's health. 	
Name Rae Pellegatti-Lewis	Email raeannlewis73@gmail.com	Phone 623-512-9811
Address 225 Lampighter Clarkdale, AZ	Comments / Signature Causes me respiratory problems 	
Name MICHAEL NISITO	Email mnisito@netzero.net	Phone 805 405 9369
Address 767 E. Bow Maker Trl COTTONWOOD AZ 86324	Comments / Signature 	
Name Pauline M. CARAHER	Email ANNIE OSHA@gmail.com	Phone 602-292-7858
Address 1331 S. Hermits Cir Cottonwood, AZ 86326	Comments / Signature 	
Name Jennifer Richards	Email sedonahotyoga@hotmail.com	Phone 928-202-9341
Address 5730 E. La Privada Dr. Cornville, AZ	Comments / Signature 	

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Name	Email	Phone
Noreen Peter Address 4133 E Pueblo Rd Cottonwood, AZ 86326	nprncamel@yahoo.com Comments / Signature / date - Noreen Peter 10-29-23	928-635-4529
Linnea Johnson Address 1630 E. Coconino lot # 18 Cottonwood, AZ 86326	andzone@a.com Comments / Signature - date Linnea Johnson 10-29-23	(928) 202-1063
Linda Damita Address 750 S. 13th St. Cottonwood 86326	clamitapepino68@aol.com Comments / Signature - date Linda Damita 10/29/23	212 305-4849
Nicole Thompson Address 10640 E. Valley View Dr. Cornville, AZ 86325	nicolethompson@icloud.com Comments / Signature - date Nicole Thompson 10-29-23	773-573-2087
Caitlin Hughes Address 1451 N San Francisco St, #2 Flagstaff, AZ 86001	caitlinmhughes@icloud.com Comments / Signature - date Frequent Cottonwood, though live in Flagstaff. Caitlin Hughes 10/29/23	502-822-9012

Attachment 5

Hello,

My name is Candice Pfister. I am a resident that lives by the slag pile in cottonwood, AZ. Since moving into our apartment right next to the slag pile 3 years ago, we have Encountered Respiratory issues after respiratory infections. My youngest son has also been diagnosed with reactive airway disease at 2! We have never been constantly sick as much as we have been living and breathing in the dust from the slag pile. Even when I have our windows shut, It still comes through. It comes thru our events and air conditioning. it gets in my house all over the walls, clothes, and blankets. It literally covers my window frames on the inside with the black dust from the pile. I have a 4 kids and all of them and myself have never been sicker than we have living next to the slag pile. My two-year-old son has had respiratory issues since we brought him home, literally. We can leave to my sisters for a couple days across town and our breathing gets better, but as soon as we come back home, it's issues all over again. I'm begging you to stop the slag pile operation or make it easier for low income families to live away from it. I'm a signal parent, so I live in low income housing and the only one available for people like me is right next to it. I am at home 24/7 due to my daughter with epilepsy and my son who has constant respiratory issues. I can't even keep my apartment clean from the black dust that makes it into our home. I am begging for someone to hear us out.

Sincerely,
Candice Pfister
928-632-6725
ttlthompson12@gmail.com