



PATAGONIA AREA RESOURCE ALLIANCE
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Revised Hermosa Mine Air Pollution Permit Reopened for Public Comment Until Sept. 25

Analysis and talking points prepared by the Center for Biological Diversity, in partnership by Patagonia Area Resource Alliance.

Open Comment Period & Instructions

- Public comment period closes September 25, 2025
- Comments submitted by email to airpermits@azdeq.gov
- Find a sample comment letter **highlighted** below

Public Hearing

- September 25, 2025 at 6 p.m.
- Patagonia Elementary and High School, 200 Naugle Avenue, Patagonia, AZ

Official documents are available at azdeq.gov/aqd/hermosa-south32

Sample Public Comment

- Arizona Department of Environmental Quality
Air Quality Division
Attn: Jeff Christensen
airpermits@azdeq.gov

Dear Jeff Christensen,

I am asking ADEQ to deny the air permit for the South32 Hermosa mine because it does not do enough to protect our health or keep our air clean.

The permit does not set clear, enforceable limits for dust and air pollution from many sources at the mine, and it doesn't require enough monitoring to make sure those limits are followed. If we can't measure pollution, we can't stop it — and our community will be the ones breathing it in.

Dust and fine particles can trigger asthma, harm children's lungs, and put seniors and people with health problems in danger. We deserve a permit that guarantees clean air and protects everyone, especially the most vulnerable.

Please deny this permit until it includes clear limits, transparent data, and strong monitoring to keep our air safe.

Sincerely,
[Your Name]

BACKGROUND

In response to a legal petition filed by the Patagonia Area Resource Alliance and other organizations fighting to protect the Patagonia Mountains, the U.S. Environmental Protection Agency (EPA) in May 2025 [objected](#) to the issuance of an air pollution permit to South32 for its Hermosa heavy metals mine. The EPA held that the permit issued by the Arizona Department of Environmental Quality (ADEQ) failed to fully comply with the Clean Air Act.

Responding to the EPA's objection, ADEQ has now issued [a draft revised permit](#) that it claims fixes the permit and assures compliance with the Clean Air Act. The draft is now out for public review and comment.

The EPA's objection held the permit for the Hermosa mine failed to assure adequate monitoring

of harmful emissions and to set forth enforceable pollution limits meant to protect people and the environment. Where an EPA objects to an air pollution permit, states have a duty to fix the permit and bring it into compliance. If states fail to fix permits in response to an objection, the EPA is required to take over a permit and could deny it outright.

The EPA's Objection to the Hermosa Permit

The EPA rejected the air pollution permit for the Hermosa mine, finding it was contrary to the Clean Air Act on five key grounds:

1. The permit failed to ensure adequate monitoring of ore production to assure compliance with production limits meant to ensure that particulate matter and other pollutants are kept in check.
2. The permit failed to establish enforceable particulate matter pollution limits and to require adequate particulate matter monitoring for dozens of activities and pieces of equipment at the mine.
3. The permit failed to set forth monitoring to assure the effectiveness of certain particulate matter control practices, mainly “wet suppression” and the use of partial enclosures.
4. The permit failed to require the use of wet scrubbers to control particulate matter pollution as required by federal regulations and to require monitoring to assure any scrubbers operate effectively.
5. ADEQ improperly incorporated by reference numerous federal regulations without explaining which regulations actually apply and what specific requirements South32 must meet under federal regs.

The Revised Pollution Permit

On August 25, 2025, ADEQ released [a draft revised air pollution permit](#) claiming to fix the flaws identified by the EPA. The permit revision only addresses the issues raised by EPA. The permit continues to suffer from serious deficiencies. Notably, it still fails to set forth enforceable particulate matter pollution limits and to require adequate particulate matter monitoring. It does not fully address the EPA's objection.

While the revised permit claims to establish enforceable particulate matter emission limits for nearly 100 different activities and pieces of equipment, the permit does not set forth information necessary to understand what the limits are or require any monitoring to assure compliance. South32 and ADEQ assumed that meeting specific particulate matter limits in the permit is necessary to assure compliance with the Clean Air Act and protection of public health and the environment. The revised permit doesn't assure compliance with specific particulate limits, failing to protect clean air.

Talking Points

The air pollution permit continues to fail to set forth enforceable particulate matter limits for nearly 100 sources of air pollution at the Hermosa mine. The draft permit sets forth equations for establishing limits, but it does not clearly explain what data is used to complete these equations and establish clear limits.

Although particulate matter emissions are limited by a "process weight," many activities and pieces of equipment only process by volume, meaning the limits are meaningless. The draft permit does not require monitoring of actual "process weight" to ensure accurate accounting of potential particulate matter emissions and compliance with limits. South32 and ADEQ assert that compliance with all the particulate matter limits in the permit is necessary to assure compliance with the Clean Air Act and protection of public health and the environment.

By law, an air pollution permit that cannot assure compliance cannot be approved. As written, the draft permit for the Hermosa mine still fails to assure compliance and must be denied.

Easily share this document by copying this link >> bit.ly/s32-aqp

Tell your community to raise their voices before it's too late!!

Public comment period closes September 25, 2025

For more information, contact Anna Darian, Executive Director, Patagonia Area Resource Alliance: anna@patagoniaalliance.org, or by phone at 520.477.2308 (leave a voicemail).

Learn more and stay up to date on the latest developments by signing up for our newsletter at patagoniaalliance.org