



REGION 9

SAN FRANCISCO, CA 94105

NOTICE OF FINAL PERMIT DECISION

**Issuance of the Modification to the Class III In-Situ Production of Borate
Permit No. R9UIC-CA3-FY19-1
For the 5E Boron Americas Project**

June 28, 2024

In accordance with 40 CFR § 124.15, the United States Environmental Protection Agency, Region 9 (EPA) is issuing a modification to the Class III Underground Injection Control (UIC) Area Permit No. R9UIC-CA3-FY19-1 to 5E Boron Americas, LLC for the 5E Boron Americas Project. EPA is also issuing the Response to Comments document, pursuant to 40 CFR § 124.17. The Response to Comments responds to all significant comments received by EPA during the public comment period. The final UIC permit modification, EPA's Response to Comments document, and a copy of this notice are available on EPA's web page at <https://www.epa.gov/uic/uic-permits-pacific-southwest-region-9>.

EPA provided public notice of the comment period on the draft UIC permit modification on May 6, 2024. The public comment period ended on June 5, 2024. In accordance with 40 CFR § 124.15(b)(3), the final permit modification decision is effective immediately upon issuance.

Any person who filed comments on the draft permit modification may petition the Environmental Appeals Board (EAB) to review any condition of the permit modification decision under 40 CFR § 124.19(a) within 30 days after service of this notice of EPA's final permit modification decision. See 40 CFR § 124.19 for the procedures for appealing the final permit decision.

Information and instructions on how to file your documents with the EAB are available in the "Electronic Filing" section on the EAB Website. Please see instructions on the EAB website at www.epa.gov/eab.¹

¹ The EAB Quick Guide to electronic filing is found at:

[https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/8f612ee7fc725edd852570760071cb8e/b691e81ee96c332585257bc5003faba3/\\$FILE/eFiling%20Quick%20Reference%20Guide%20June%202014.pdf](https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/8f612ee7fc725edd852570760071cb8e/b691e81ee96c332585257bc5003faba3/$FILE/eFiling%20Quick%20Reference%20Guide%20June%202014.pdf)

If you wish to submit documents in hard copy form through mail or hand delivery to the EAB, please send the documents to the appropriate address below and notify the Clerk of the Board by email at [Clerk EAB@epa.gov](mailto:Clerk_EAB@epa.gov), specifying the name of the filings or correspondence you sent through the mail or by hand delivery and the date it was sent.

Filings that are hand-delivered or sent via courier:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
WJC East Building
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3332
Washington, DC 20004

Documents that are sent by U.S. Mail:

Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington, DC 20460-0001

Please send a copy of any electronically submitted documents to the following email address:

Attn: Kimberly Wells
U.S. EPA Region 9, Office of Regional Counsel
Wells.Kimberly@epa.gov

As noted above, this final permit decision is effective immediately upon issuance.