



DIRECTUM-31014-1729191



To: Beatriz Balbin
Chief
Special Procedures Branch
OHCHR

№ 1906 от 27.08.2018

на № 5/к от 26.06.2018

About providing data

Referring to your letter AL OTH 40/2018 we hereby provide you with the additional data and commentary:

“Tominsk Ore Mining and Processing Integrated Plant (Tominsk GOK) is a project of the Russian Copper Company (RMK) to be constructed 30 km from the city centre of Chelyabinsk. RMK is reportedly owned by Mr. Igor Altushkin and all of the shareholders are located offshore through the Russian Copper Company Limited (British Virgin Islands).”

Tominsk GOK is situated within Sosnovsky district of Chelyabinsk region. Mining and processing of porphyry copper ore are to be carried out according to the license given by Ministry of Natural Resources and Environment of the Russian Federation.

The project of Tominsk GOK's construction is included in the Strategy of Development of Non-ferrous Metal Industry for 2014-2020 plus perspective up to the year 2030 incorporated by the Order №839 of Ministry of Industry and Trade of the Russian Federation dated the 5th of May 2014.

JSC “Tominsky GOK” is registered and located for tax purposes in Chelyabinsk region.

“The Tominsk GOK complex will include two open-pit mines with the depth of up to 540 meters and an area of almost 4000 hectares, a mill with a tailing pond (open waste storage) of 800 hectares and a dam nearly 100 meters high. The construction of Tominsk GOK commenced in October 2017.

АО «Томинский горно-обогатительный комбинат»,

Юридический адрес: 456537, Россия, Челябинская область, Сосновский район, п. Томинский, ул. Школьная, д. 3

Почтовый адрес: 454087, Россия, г. Челябинск, ул. Ярославская, д. 1

тел.: +7 351 200 45 10, факс: +7 351 200 45 11, e-mail: togok@rcc-group.ru, www.rmkgroup.ru

р/с 40702810900261004653 в Ф-ле Банка ГПБ (АО) в г. Екатеринбурге,

к/с 30101810365770000411 в Уральском ГУ Банка России, БИК 046577411,

ИНН 7403005526, КПП 746001001

Numerous protests and 21 rallies have been held in Chelyabinsk region, in opposition to Tominsk GOK. A petition against the project with more than 163,000 signatures was reportedly sent to the Office of the President of the Russian Federation. Opponents of the project have pointed to the potential risks of grave environmental harm and contamination of water, soil and air."

The necessary project documentation has been developed for the objects of the Tominsk GOK complex and has received positive conclusion from the city-planning and the state ecological appraisal.

With a view to evaluating the acceptability of constructing the Tominsk GOK complex, by the order of the Governor of Chelyabinsk region, Ministry of Ecology of Chelyabinsk region has concluded a state treaty with Ural State Mining University (Ekaterinburg) for holding ecological audit.

The report on the ecological audit is posted on the official website of Ministry of Ecology of Chelyabinsk region: <http://mineco174.ru/Publications/event/Show?id=130>.

According to the conclusion of the ecological audit:

1. **The projected activities meet the requirements** of the regulatory acts and documents in terms of completeness and reliability of the provided data, and the assessment of impact on the environment from all the objects of the Tominsk GOK complex.
2. **Implementation of the projected activities is possible** considering the recommendations in environmental protection and reducing the social risks.

Pursuant to the recommendations of the ecological audit JSC Tominsky GOK has refused from processing the oxidized ore using the technology of heap leaching, and realizes the project of using the stowage material of the Tominsk GOK concentrating factory for reclamation of the Korkinsky coal mine. The tailing pond is not included in the list of the objects under construction.

According to the Enactment of the Government of the Russian Federation of 16.02.2008 no. 87 the section "List of actions in the field of environmental protection" is included into all the project documentation. This section includes:

- The results of the assessment of Tominsk GOK impact on the environment;
- The list of actions in the field of prevention and/or reduction of the probable environmental impact caused by the projected activities; the list of actions in the field of rational use of natural resources for the period of constructing and running of the capital construction project.

During expert reviews experts carry out integral assessments of the correspondence of the project documentation to the ecological requirements specified by the technical regulations and laws of the environmental protection. These assessments aim at preventing the environment from the detrimental effects of the projected activities.

Specialists who have scientific and practical knowledge in certain fields of science, methods and technology are brought for maintaining the expert reviews.

A thorough, full, objective and comprehensive analysis is carried out during an expert review of the project documentation. It takes into account the achievements of the domestic and foreign science and technology, determinates correspondence of the projected activities to the federal and local regulations, as well as to the technical standards.

All the experts are personally responsible in accordance with the laws of the Russian Federation. The implementation acceptability of the projected solutions of Tominsk GOK is confirmed by positive conclusion of the state ecological and the state city-planning appraisal.

“Shershnevsky reservoir is the sole available water lake that reportedly holds water of the grade 3 quality (“heavily polluted”). As Tominsk GOK will be located 10 km from the reservoir, the toxic dust of hazardous substances of class 1 and 2 (arsenic, molybdenum, mercury, cadmium, etc.) will be carried by wind from the open-pit mining to the catchment area of the reservoir. Owing to such toxic contamination of the reservoir, the residents of Chelyabinsk will face challenges to access safe and drinking water in future.”

With a view to assessing the hydrogeological conditions of the construction site of the Tominsk GOK complex, the specialized organizations that have access of self-regulatory organization to activities in the field of engineer survey, have carried out engineering-geological and engineering-hydrogeological investigations.

Moreover, the research organizations have carried out additional hydrogeological survey, based on its results the objects of the Tominsk GOK complex will not have a detrimental effect on the Shershnevsky Reservoir and underground sources of drinking water.

The impact assessment on the surface and subterranean waters has been carried out as a part of the impact assessment on the environment during mining and processing of ore of the Tominsk deposit.

In 2016 the specialists of Ural State Mining University carried out the impact assessment on the surface and subterranean waters during the ecological audit of the documentation connected to the construction of Tominsk Ore Mining and Processing Integrated Plant. According to the report on the audit, there will be no impact on the Shershnevsky Reservoir, the surface and underground water storage will remain suitable for supply.

“Despite the shortage of safe and drinking water in the Southern Urals, RMK appeared to have requested permission from the Federal Water Resources Agency to irrevocably use 40 million cubic meters of drinking water per year for technological needs of Tominsk GOK. This is contrast to the initial 8 million cubic meters per year, which had been declared as the expected needs of the plant.”

The possibility of water withdrawal for the purposes of the Tominsk GOK circulation water supply system has been agreed upon with Department of Water Resources of Chelyabinsk region (according to basin water management board of Down Ob).

“Air pollution in Chelyabinsk is already posing challenges to public health. Smog is reported to be causing the increase in allergy case, as well as pulmonary, respiratory and oncological diseases in the city during the operation of the project, pollutants will be released into the atmosphere affecting large areas surrounding Tominsk GOK. Given the nature of open-pit mining, the project will involve explosions of rock in the quarry, resulting in large dust clouds. The dust formed from explosions will also contain heavy metals (zinc, cadmium, lead, etc.) that may pollute the air, soil and Shershnevsky reservoir.

Furthermore, since copper deposits contain, among other materials, pyrite that releases sulphur oxide when exploded in reaction with water, it will form silphuric acid that can later fall from atmosphere in the form of acid rain.”

The impact of the plant on the air is limited to the size of the sanitary protection zone.

The project on the calculated sanitary protection zone has been developed for JSC Tominsky GOK, which has received the necessary expert conclusions of the competent authorities.

Air quality standards will be followed beyond the sanitary protection zone of the Tominsk GOK complex.

The only settlement within the sanitary protection zone is Tomino village. In coordination with the villagers and the village head of Tomino the resettlement plan is being realized.

Regular laboratory air testing has been organized at Tominsk GOK for the purpose of compliance to necessary requirements.

The list of the pollutants to be released into the atmosphere during the explosions in the open-pits of Tominsk GOK is included into the mining-and-transport part of the project documentation that has received the necessary expert conclusions and approvals.

According to the project, the main pollutants to be released into the atmosphere during the explosions are different kinds of inorganic dust: 70-20% of silicon dioxide, carbon monoxide, nitrogen dioxide, nitrogen oxide. Sulphuric acid will not be released during the explosions.

Moreover, a number of activities has been planned to abate emissions of dust: application of high-performance dust separation equipment, irrigation and strengthening of road surface, landscaping of spoil heaps.

According to the information and technical reference book 23-2017 "Mining and processing of nonferrous metal ores", the projected activities of Tominsk GOK cater for the best available technologies.

Correctness of the list of the emitted substances and the adequacy of the activities that reduce rising of dust are confirmed by positive conclusion of the state ecological and the state city-planning appraisal, by the sanitary and epidemiological inspection report of Federal Service for Surveillance on Consumer

Rights Protection and Human Wellbeing of Chelyabinsk region, and by the independent ecological audit held by Ural State Mining University in accordance with the order of the Governor of Chelyabinsk region.

"At the same time, sulphuric acid is used to extract copper from the rock, after which the acid is dumped in the tailing pond, polluting the soil and contributing to the formation of aerosol particles, which play an important role in the formation of clouds. Acid rain could lead to the degradation of forests, crops and vegetation in the region."

Processing of ore of the Tominsk deposit will be realized in accordance with the project documentation of the concentrating factory that has received the necessary expert conclusions and approvals.

The project documentation does not allow the usage of sulphuric acid in the copper-extract process.

"It is reported that 27.5 million tonnes per year of toxic waste from Tominsk GOK, will be discarded 14 km from the plant in one of the deepest coal mines in Europe, Korkinsky coal mine, as part of its declared reclamation. Some independent experts have reportedly objected to such plans because of the potentially irreversible harm due to the reaction of the toxic waste from Tominsk GOK and remaining substances of the Korkinsky coal mine in conditions of high temperature and humidity."

Usage of tailings of the Tominsk GOK concentrating factory for producing the stowage material for reclamation of the Korkinsky coal mine is allowed in accordance with the recommendations of the independent ecological audit held by Ural State Mining University by the order of the Governor of Chelyabinsk region.

Saint-Petersburg Mining University has carried out the analysis of the technical capability and ecological safety of Korkinsky coal mine reclamation with the use of the stowage material based on the tailings of the Tominsk GOK concentrating factory.

Development and approximation of the project documentation on the reclamation of the Korkinsky coal mine are being realized under the scientific supervision of Saint-Petersburg Mining University. Technical conditions "The Stowage Material Based on the Tailings of the Tominsk GOK Concentrating Factory" has also been worked out.

The specialists of the Ural branch of All-Russian Research Institute of Mining Geomechanics and Survey (VNIMI) have analyzed the condition of the edges and the surrounding area of the Korkinsky coal mine. Efficiency of use of the tailings for increasing the rigidity of the mine edges has been confirmed according to the results of the VNIMI research.

In 2018 the specialists of Saint-Petersburg Mining University carried out an independent examination of ecological and industrial safety of Tominsk GOK project documentation that takes into account the Korkinsky coal mine reclamation.

More than 20 highly qualified specialists including professors, experts of international standing, members of the Russian Academy of Natural Sciences and International Academy of Ecology, Man and Nature Protection Sciences, as well as Doctors and Candidates of Science in the fields of engineering, economics, geology and mineralogy were engaged for documentation assessment.

The projects and reports on the environmental impact assessment of different objects of the Tominsk GOK complex were analyzed in the course of the expert review. The review includes the following objects: mining-and-transport department, concentrating factory, tailing pond, industrial site of the factory with infrastructure facilities, stowage material plant transportation of the stowage material department, and the project of Korkinsky coal mine reclamation.

In the course of the review of the documents the experts analyzed the technology solutions, the environmental impact assessment and the engineering solutions that ensure compliance with the ecological and industrial standards. The experts came to the conclusion that the realization of the projected activities is possible in the context of the environmental impact. The standards of the industrial safety will be followed in accordance with the laws of the Russian Federation. The projected activities generally correspond to the best available technologies, and can be realized.

The edges of the Korkinsky coal mine and the implementation of the productive activities will be monitored under the scientific supervision of Saint-Petersburg Mining University.

The Korkinsky coal mine reclamation will save 28 billion rubles of public money, relieve environmental pressure on the region, stifle endogenous fires and increase the rigidity of the edges of the mine.

Limited liability company "Promreclivatsiya" has been incorporated to reclaim the Korkinsky coal mine. The company is currently bringing endogenous fires under control, and it has worked out the project documentation and has carried out the necessary research.

The citizens of Chelyabinsk region are being involved into the discussion about the construction of Tominsk GOK. The citizens' participation is governed by the applicable laws of the Russian Federation.

"Throughout 2016 and 2017, public hearings on the construction of the plant were conducted in what was alleged to be a hostile atmosphere on the part of RMK. Local residents were prevented from entering the hearings by employees of the private security company, which was reportedly corroborated by supporting photo and video documentation."

In addition to the environmental impact assessment, Russian legislation requires that a public environmental assessment be conducted, and RMK is required to make public such

documentation related to Tominsk GOK. However, local residents have raised concerns about their lack of information about the social and environmental impact of the project. Furthermore, critical scientific experts fear expressing their professional opinions against the plant under the threat of dismissal. Employees of media outlets face censorship in reporting about RMK and Tominsk GOK in a negative light, under threat of dismissal."

In accordance with the federal law dated 06.10.2003 no. 131-FZ on "General principles of organization of local authorities in Russian Federation", Urban Development Code of the Russian Federation dated 29.12.2004 no. 190-FZ, in 2012 Tominsk GOK held the public hearings with the purpose of consideration public opinion on the construction of the plant.

Furthermore, the federal law dated 23.11.1995 no. 174-FZ on "Ecological expertise" prescribes organization of public discussion of the environmental assessment impact of the projected activities and on the project documentation that is subject to the state environmental appraisal.

In accordance with para 7.2 article 11 of the federal law dated 23.11.1995 no. 174-FZ, the project documentation of the objects to be used for disposal and deactivation of waste of hazardous classes I to V is subject to the state environmental appraisal. Such objects are as follows:

- Tominsk GOK mining-and-transport department (with a productivity rate of 28 million tonnes of ore material per year) provides for constructing objects to be used for disposal of waste of hazardous class V (rock waste dumps);
- Tominsk GOK tail facilities circulating water supply provides for constructing the object to be used for disposal of waste of hazardous V (tailing pond). Currently, the realization of this project is not planned.

Tominsk GOK has also additionally provided the project documentation of Tominsk GOK concentrating plant (with a productivity rate of 28 million tonnes of ore material per year) for public discussion.

The Enactment of Environmental Impact Assessment dated 16.05.2000 no. 372 determines the order of public hearings on the environmental impact assessment and the project documentation of the plant.

The public discussion was conducted in three stages:

1. Stage 1. Discussion of the environmental impact assessment technical assignment;
2. Stage 2. Discussion of the preliminary version of the environmental impact assessment documentation;
3. Stage 3. Discussion of the final version of the environmental impact assessment and project documentation.

In accordance with the requirements of article 4.3 of the Enactment of Environmental Impact Assessment of 16.05.2000 no. 372, information on conducting each of above stages of the public discussion, places where each interested person could get acquainted with the materials for the discussion, time and the time limits of the accessibility of the materials was published in the following media:

- "Rossiyskaya Gazeta" — the official Russian government daily newspaper;
- "Yuzhnouralskaya panorama" — the official newspaper of Chelyabinsk region government;
- "Sosnovskaya niva" and "Gornoyackaya pravda" — the official newspapers of the local authorities.

Places where every interested person could get acquainted with the materials for the discussion were determined by Sosnovsky and Korkinsky Municipal District Councils

During the public discussion every interested person had an opportunity to get acquainted with the environmental impact assessment and project documentation in accordance with the regulations.

Public hearings were held during stage 3 of the public discussion. The place and time of the hearings were determined by Sosnovskij Municipal District Council enactment.

Tominsk GOK organized the bus transportation of the representatives of the public from Chelyabinsk and Korkino to the place of the public hearings.

Online broadcasting was organized for all people who could not participate at the hearings in person.

During the hearings everyone interested had an opportunity to communicate their opinion on the realization of the project.

Besides the activities set forth by Russian legislation constant public awareness campaign on the matters of Tominsk GOK construction and operation is being held. The campaign includes:

- meetings of Tominsk GOK and RMK management with the public of the villages of Shumaki, Pervomajskij, Tominskij, Tomino, the cities of Korkino and Chelyabinsk;
- round tables on "technological characteristics and social and economic importance of the project" and "environmental safety of Tominsk GOK". Specialists of Tominsk GOK, experts, representatives of the public and non-governmental organizations take part in the round-table meetings;
- answers to the questions received during the public discussions are published in mass media (newspapers "Sosnovskaya niva", "Gornyackaya pravda", "Gazeta.ru", "Argumenty I Fakty", "Vechernij Chelyabinsk", "Izvestiya" and others). Information on the project is published in "Tominskie Vesti" newspaper;
- meeting with the representatives of the small and medium business that has been held on the ecological risks of Tominsk GOK construction and operation;
- meetings with the students of Magnitogorsk State University and the participants of the youth forum "Utro-2017";
- RMK organizes trips of the representatives of non-governmental organizations deputies, journalists, citizens of Korkinsky and Sosnovsky districts to Mikheev Ore Mining and Processing Plant — the prototype of Tominsk GOK. The trips aim to increase awareness of modern mining and processing technologies;
- every interested person can leave a comment on the project, ask a question and have it answered in the internet office of the head of Tominsk GOK;
- the official site www.tomgok.ru with the trustworthy information and the news about the project is in operation;
- a series of brochures on the ecological safety of Tominsk GOK, its social and economic role in the economic development of Chelyabinsk region, the project of Korkinsky coal mine reclamation, and the international experience of existence of mining plants near towns, villages and natural parks has been published and in Sosnovsky and Korkinsky districts;
- the specialists of Tominsk GOK are ready to answer all the questions and familiarize everyone interested with the report on the environmental impact assessment in the office of Tominsk GOK in Chelyabinsk on the weekdays and at the weekend. For this purpose there is a separate room with all the necessary materials;
- the specialists of Tominsk GOK and RMK take part in TV (Chelovek I Zakon on Channel One, V Tsentre Vnimaniya on State TV and Radio Broadcasting Company South Urals, Expert-club on 74.ru, Krupnym Planom on Vmeste-RF — Russian government TV

channel, Lichnoe Mnenie on Channel 31) and radio (radio station Komsomolskaya Pravda) programs;

- constant tip-line is in operation. By telephone everyone interested can ask any questions related to the project and have them competently answered.

“In June 2017, there was a clash between residents, who protested at the plant’s future site, and the RCC private security company. The guards allegedly attacked the protesters and inflicted bodily injuries on them. Despite the existence of photos and video documenting the incident, no investigation was reportedly opened into the case.”

Law enforcement authorities received and analyzed the claim regarding the incident happened on June 2017 at the territory of Tominsk GOK. It was recognized that security service of RMK did not committed any crime, there is no corpus delicti in their actions.

“On 8 and 9 March 2018, leaflets were posted on the streets of Chelyabinsk, which portrayed the environmental human rights defender, Mr. Sergey Belogorokhov, as a pedophile. The leaflets, found also near government and law-enforcement buildings, called for assassination on the spot, “without reporting to police” for the alleged rape of a schoolgirl “during the last two years”.

Mr. Belogorokhov filed a complaint with the local police office immediately after the discovery of the leaflets. Together with a police officer, they tore down and discarded the leaflets on 9 March. However, at the time of this communication, he has not received further response from the police regarding the investigation of who was responsible for creation and distribution of the leaflets, which have caused reputational damage to his personality, exposed him to the risk of violence from local vigilantes and served as a deterrent factor for other environmental human rights defenders.”

RMK and Tominsk GOK work in the strict accordance with the legislation of the Russian Federation. As far as we know, the employees of the company have nothing to do with distribution of any kind of information about Mr. Belogorokhov. At the same time we cannot comment on the activities of the law-enforcement authorities because we are not a side of this process and have no information about this case.

“Please indicate whether social and environmental impact assessments were carried out in connection to the Tominsk GOK, and if so kindly provide details of the results.”

Social and environmental impact assessments of Tominsk GOK during its lifespan were carried out during stage 1 of the project realization in accordance with the requirements of the international financial institutions (IFC and EBRD). The company “Branan Environment” was the ecological consultant

Social and environmental impact assessments were carried out in accordance with the regional, national and international requirements in the sphere of environmental protection and social aspects.

The report on this matter indicates that the project will have positive long-term influence on the economy of Sosnovsky district and Chelyabinsk region due to tax payments.

The tax payments are to enable the authorities to develop the local infrastructure.

In recruitment process the priority will be given to the citizens of Sosnovsky, Korkinsky and other districts of Chelyabinsk region, as well as to the citizens of Chelyabinsk. Consequently, the project will have the positive influence on the employment of Sosnovsky and Korkinsky districts by virtue of creating new workplaces.

The local businesses can supply their products and provide their services to the project; it will indirectly increase the employment.

RMK and Tominsk GOK realize various social and charity programs that also aim to the citizens of Sosnovsky and Korkinsky districts.

In accordance with the agreement for social partnership with Sosnovsky Municipal District Council, the company is to support children's and adult sports financially, build and repair the buildings of educational, health care, cultural and other socially important institutions.

RMK has also concluded an agreement with secondary technical schools of Chelyabinsk region: Korkino Mining and Building secondary technical school and Pervomaisky secondary technical school of building materials. The cooperation will include reeducation of applicants with the purpose of hiring them to RMK plants, and programs of additional education for senior students of the secondary technical schools with the purpose of hiring them to the mining plants of RMK, in particular, to Tominsk GOK.

“Please also provide information on any human rights due diligence that may have been undertaken by your company to prevent, identify and remedy the adverse human rights impacts of your current and projected activities, in accordance with the UN Guiding Principles on Business and Human Rights.”

The applicable laws of the Russian Federation do not contain any method of human rights due diligence to be undertaken by plants. That is why such diligence have not been undertaken. At the same time there are special organizations that protect human rights. One of them is the Presidential Human Rights Council.

On 26-28 June 2017 the Presidential Human Rights Council carried out a catering meeting in Chelyabinsk region.

According to the results of the meeting, a number of recommendations was sent to the authorities and RMK plants. The management of RMK studied and partly fulfilled the recommendations; some of the recommendations were provided with clarifications that were sent to the Council. Having studied the clarifications, the Council carried out a meeting with the management of RMK. During the meeting the members of the Council not only received answers to the questions they were interested in (including those that dealt with human rights impacts), but also supported the ecological initiatives of RMK.

“Please provide information on any steps taken to prevent, mitigate and remedy adverse human rights impacts caused by your company and to provide for, or cooperate, in their remediation through legitimate processes, including adverse impacts relating to environmental and human rights defenders.”

With the purpose of human rights fulfillment, the company buys out the property from the inhabitants of Tomino village as a part of resettlement project.

“Please provide information on steps taken by your company to establish any company-level grievance mechanisms to address adverse human rights impacts caused by your company and to deal with the concerns of affected communities.”

The official website of Tominsk GOK has a topic “Ask a question” which works as a feedback mechanism.

The company also receives formal requests sent by mail or e-mail.

Furthermore, constant tip-line is in operation. By telephone everyone interested can ask any questions related to the project and have them competently answered.

“Please provide information on the nature and extent of consultations or dialogues conducted with potentially affected communities members and other relevant stakeholders. If no consultations or dialogues were initiated, please explain why.”

By the order of the Governor of Chelyabinsk region, the Public Chamber of Chelyabinsk region is a place where sessions on Tominsk GOK construction are held.

The following representatives take part in the sessions:

- the management and specialists of Federal Service for Supervision of Natural Resource Usage, Federal Service on Surveillance for Consumer rights protection and human well-being, Federal Service for Environmental, Technological and Nuclear Oversight of Russia, local ministries and departments (Legislative Assembly, Environmental Prosecutor's Office, Ministry of Ecology, Principal Directorate of Forests); representatives of the local authorities;
- members of the Presidential Human Rights Council;
- representatives of public environmental movements;
- citizens of Sosnovsky and Korkinsky districts, as well as citizens of Chelyabinsk;
- representatives of RMK (Tominsk GOK and limited liability company “Promrecultivatsiya”).

All the sessions are broadcasted online.

Information about the sessions is posted on the official site of Public Chamber of Chelyabinsk region.

Thank you for your letter and an opportunity to share objective data on Tominsk GOK construction and the project documentation assessment in the field of environmental and industrial safety with the UN. We hope that the answers and the commentary with the help of Special Procedures will contribute to distribution of the reliable information about the modern mining and processing technologies that will be used at Tominsk GOK. We also hope that the answers and the commentary will contribute to the constructive dialog between all the interested parties.

Yours sincerely,

Valeriy Ulanovskiy
Chief Executive Officer
Tominsk GOK

