

Arizona Department of Environmental Quality -

I am submitting my objection to the proposal from the Arizona Department of Environmental Quality (ADEQ) to renew the Arizona Pollutant Discharge Elimination Permit (AZPDES) No. AZ0026387 for South32's Hermosa Project mine. Of grave concern is the contamination of our surface waters in Harshaw Creek, Alum Gulch, and Sonoita Creek. These surface waters are an integral part of the Sky Islands and the entire ecosystem in Santa Cruz County. These surface waters are far-reaching in the health of the biodiversity, the ecosystem, and those who reside in Santa Cruz County, human and wildlife.

According to the ADEQ's website, "Water quality standards play a central role in the successful implementation of Arizona's surface water quality management programs as required by federal Clean Water Act (CWA) and Arizona's Surface Water Protection Program (SWPP) as described in the Arizona Administrative Code Title 18, Chapter 11."

"Water quality standards include:

- Define water quality goals for surface waters in Arizona
- Designate uses to be protected in Arizona's surface waters
- Prescribe criteria to maintain and protect surface water quality for the designated uses
- Provide the measure by which to assesses the water quality of Arizona's rivers, streams and lakes
- Provide the regulatory basis for establishing load allocations in total maximum daily load (TMDL) analyzes
- Provide the regulatory basis for establishing water quality-based discharge permits on point sources
- Inform efforts to mitigate or eliminate non-point source pollution and measure effectiveness."

The Federal Clean Water Act and Arizona Revised Statutes provide governance to protect the surface waters noted above in Santa Cruz County, Arizona. The ADEQ is required to abide by these federal and state laws which mandate ADEQ's responsibility to maintain the health of these surface waters.

As reported by the Arizona Department of Water resources at the January 10, 2024, Santa Cruz County Active Management Meeting, Santa Cruz County has been designated as being in an extreme drought. This emphasizes the need to ensure our surface waters are healthy and protected. With South32 discharging over 6.2 million gallons per day, this places this "extreme drought" region in dire jeopardy.

Arizona Governor Hobbs, just this week made statements and the need to protect Arizona's waters and update Arizona's water laws. [TRANSCRIPT: Governor Hobbs 2024 State of the State Address | Office of the Arizona Governor \(azgovernor.gov\)](#) Moreover, in 2023 she commissioned the Governor's Water Policy Council. This Council recently published recommendations regarding Arizona's waters on November 29, 2023. [SDirector_P23112914380 \(azgovernor.gov\)](#). These recommendations emphasize the need for you to pause this permit for South32, or at the very least, modify the permit.

I urge you to revise the draft permit to require monitoring for manganese and that you articulate what standards you are using for manganese mining to ensure the protection of the health of humans and the watersheds in Santa Cruz County, Arizona. I urge you to revise the draft permit to include regular contaminant monitoring monthly rather than quarterly. I urge ADEQ to complete new, and in some cases, updated Total Maximum Daily Load Total (TMDL) studies for upper and lower Harshaw Creek, Alum Gulch, and Sonoita Creek to ensure the health and safety of these surface waters. I urge you to acknowledge and state that South32 is not just doing continuation of historical mining. New mining activity is happening on a historic site which requires the ADEQ to treat this as a new source of

discharge. As a new source, this mine is required to abide by modern performance and standards and requirements of the Clean Water Act. South32 cannot use their described and practiced “next-generation mining technology” in a historic mine, but rather, it is new mining and new drilling. Their practices are not currently in use in any other mining in the United States. South32 itself purports this is a new type of mining, and since it is a new form of mining, it is subject to utmost scrutiny.

I am including in my objection the Patagonia Area Resource Alliance (PARA) objection to the proposal from the Arizona Department of Environmental Quality (ADEQ) to renew the Arizona Pollutant Discharge Elimination Permit (AZPDES) No. AZ0026387 for South32’s Hermosa Project mine. I support the objection and comments contained therein.

I urge you to abide by the Federal Clean Water Act and the Arizona Revised Statutes which govern the ADEQ requirements.

Thank you for your time and consideration in this most crucial matter. The current and future health of Santa Cruz County, Arizona residents and watersheds is at stake.

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