Dear ADEQ,

I write to you to ask that you refrain from issuing any and all permits to the Australian mine company, South32 and its Hermosa Project. In particular, I object to the renewal of the Arizona Pollutant Discharge Elimination Permit No AZ0026387. I do so for the reasons enumerated below, which are all based in fact, not conjecture. I also want to wholeheartedly endorse and incorporate the well-articulated and clearly defined legal points that PARA’s (Patagonia Area Resource Alliance) attorneys have submitted.

Before I get to the itemized list of facts, I must ask you about ADEQ’s position that since there are no health standards for manganese (which is highly toxic in uncontrolled settings), the department can and legally must proceed with the permitting process without that information. This is according to Bilaji Vaidyanthan, your Facilities Emissions Control Section Manager. As a lifelong researcher and scholar, I believe that ADEQ would be remiss to move forward without that critical manganese information. That is, how can ADEQ legally and morally move forward with the permitting process while a central element of the application is lacking? It seems to me that ADEQ would be required to have all essential pieces of information about manganese in place before it considers a permit application for a **manganese mine.** If ADEQ’s mission is to “protect and enhance public health and the environment in Arizona . . . through consistent, science-based environmental regulation . . . with integrity, respect, and the highest standards of effectiveness and efficiency,” (see ADEQ’s website), then ADEQ simply must wait until science-based manganese standards are available. Proceeding through the permit process without that data is contrary to ADEQ’s mission to utilize the aforementioned “science-based environmental regulation.” Any scientist or academician would also note that without that information, the “integrity” is gone. In short, ADEQ has the process and research backwards. I urge you to hit the pause button until the permitting evaluation can be done correctly.

Proceeding with the facts . . .

**Fact 1.**

Santa Cruz County has officially been designated as an Extreme Drought region. (Arizona Water Resource Board.)

**Fact 2.**

South32 operations will use (dare I say **MIS**use) and discharge 6.5 million gallons of water per day, right in the heart of this drought area.

**Fact 3.**

It is illogical to waste 6.5 million gallons of water a day anywhere, but especially in an extreme drought area. How would ADEQ be protecting the people and the environment by granting the permit to South32?

**Fact 4.**

The automotive industry is moving away from electric vehicles, as the demand for them is falling. For example, the car rental company Hertz is selling 20,000 electric vehicles to buy gasoline cars instead. Numerous other examples of this movement away from electric vehicles are in the public media and records. Again, it would be illogical and irresponsible to endanger the good residents of Santa Cruz County for the sake of doubtful and speculative mining operations for ores that are falling out of demand.

**Fact 5.**

On Friday, April 23, 2023, President Biden announced his new environmental justice interagency council. Biden clearly stated that, “Under this order, environmental justice will become the responsibility of every single federal agency – I mean, every single federal agency.” (<https://www.cnn.com/2023/04/21/politics/environmental-justice-biden/index.html>) While this is a federal initiative, and ADEQ is a state department, actions that ADEQ will take will resound loudly in this context, good or bad. Biden has also stated that, “We’ve put environmental justice at the center of what we do, addressing the disproportionate health, environmental, and economic impacts that have been borne primarily by communities of color — places too often left behind.” (<https://www.whitehouse.gov/environmentaljustice/>) Those demands alone should lay the foundation for the work that ADEQ must do for the people of Santa Cruz County. However, should ADEQ be focusing only on Arizona laws and guidelines, then we can look to Governor Hobbs.

**Fact 6**

Governor Hobbs has declared water management to be a top issue for her administration. As an Arizona state agency, how would ADEQ’s approval of the water permit for South32 square with the governor’s position on water preservation?

**Fact 7**

ADEQ is a government agency and as such has a responsibility to follow the law and to protect the people. Government agencies are not charged with supporting a foreign industry especially when the operations of said foreign industry, in this case South32, will be detrimental at best and possibly lethal at worst, to the citizens of the state.

**Fact 8**

South32 is a \*new\* mine, not one that is continuing to build on a pre-existing foundation. As such, modern day protocols would have to pertain to Sout32, and clearly there are abundant legal, environmental, and health issues that would require ADEQ to reject South32 permit applications.

**Fact 9**

ADEQ has not completed or updated numerous TMDL’s for Lower and Upper Harshaw Creek, Alum Gulch, and Sonoita Creek. The permitting process cannot proceed without this completed for updated information.

**Fact 10**

South32’s global track record has been troubling to say the least. While ADEQ can only respond to the application at hand, it stands to reason that self-policing practices would not be reliable or trustworthy in this instance. Therefore, more stringent and frequent monitoring practices must play a role in the permitting process in order for ADEQ to achieve its mission to “protect and enhance public health.”

Thank you for your kind attention to this submission. I trust that ADEQ authorities will consider these points with scholarly and scientific integrity as the permit process proceeds.

Sincerely,


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