

Andrew Gould

My wife and I have lived in Lake Patagonia Ranch Estates for over 10 years. The town of Patagonia and Sonoita Creek have been the foci of our lives. We have been active members of the Friends of Sonoita Creek for 10 years and have been very involved in stream assessments on Sonoita Creek, both in The Nature Conservancy and in the State Park. The threat of pollution of our stream and Patagonia Lake are of great concern to us. We are counting on ADEQ to protect our water.

The first and most important thing for us to agree on is that the Hermosa project is not an expansion of an existing mine; it is a new and vastly larger mining operation and its impact on the environment will be vastly larger than anything that was there before.

ADEQ is not fulfilling its obligations under the Clean Water Act and A.R.S. § 49-204(A)(1), (7), (9) and (10). The proposed Permit would allow for dangerous discharges of mine water to Harshaw Creek, Alum Gulch, and Sonoita Creek. ADEQ takes the position that it need not prepare a TMDL analysis to regulate South32's discharges into these impaired surface waters so that water quality standards can be achieved. This violates the Clean Water Act.

South 32 is already in violation of the law by discharging wastewater without a current permit. A complete analysis of toxic contamination over proposed discharged water must be completed before a new permit is issued. In addition, testing and analysis more frequent than anything proposed must be completed right and independent agency. In view of its past record of pollution in its mining operations around the world South 32 cannot be trusted to regulate itself. ADEQ must revise the Draft Permit to require this important monitoring be done at least monthly.