

January 12, 2024

ADEQ  
Rachel Heinz  
Water Quality Division  
1110 W. Washington Street  
Phoenix, AZ 85007

Re: Public comments – Proposal to issue Arizona Pollutant Discharge Elimination System (AZPDES) renewal permit number AZ0026387 to Arizona Minerals Inc. for the January Mine Hermosa Project Water Treatment Plant located in Patagonia, Arizona

Dear ADEQ and Ms. Heinz,

I am writing to express my strong opposition to the proposal referenced above to issue renewal permit number AZ0026387. I request that you consider the following facts as to why this discharge permit should not be issued.

- 1) The Arizona Water Resource Board has designated Santa Cruz County, AZ (the county in which Patagonia is located) as an Extreme Drought area. This is reported on the State of Arizona Drought Status report at:

<https://www.azwater.gov/drought/drought-status#:~:text=Extreme%20%28D3%29%20long-term%20drought%20advanced%20in%20Maricopa%20and,pa%20counties%20expanded%20Severe%20%28D2%29%20long-term%20drought.>

Allowing South32 to pump out and discharge up to 6.5 million gallons of groundwater per day in an arid state like Arizona is absurd in and of itself, but allowing them to do so when we are experiencing an extreme drought is simply beyond comprehension.

- 2) The AZPDES permit would allow the pumping and discharge of up to 6.5 million gallons of mine water per day into Upper Harshaw Creek from deep and destructive mine dewatering wells. This water will include seepage

from the mine's tailing piles, core cuttings and potentially acid-generating rock from the mine shaft development. The waters of Upper Harshaw Creek are already impaired with elevated levels of copper and low pH that can result in heavy metal contamination. ADEQ has not prepared a TMDL analysis of South32's discharges into these impaired waters. ADEQ is not only obligated to perform such an analysis as part of its mission and responsibility to protect our groundwater, but it is also clearly a violation of the Clean Water Act to not do so.

3) Any representations or assertions that the Hermosa project is not a brand new mine cannot be supported by the facts. The mining activity that took place in that area occurred many decades ago by a different company and were vastly different than those being done by South32. The old mine that was located on a small portion of the Hermosa project was abandoned long ago, and everything that South32 is now doing is brand new, including the deep mine shafts, two wastewater treatment plants, and the associated infrastructure at the Hermosa Project site. That has all been built within the last 10 years or is currently being constructed. Saying that the Hermosa Project is just a continuation of the small historic mine that was once there is like saying that a factory currently building electric automobiles is just a continuation of building horse and buggies on the basis that both of them happen to be located in the same area. This project clearly does not qualify for a renewal permit. It should and needs to be subject to all modern performance and legal requirements of the Clean Water Act which were enacted in order to protect the quality of our water and the health of the residents of Santa Cruz County and southwestern Arizona.

4) The mission and vision of the ADEQ, as stated on its webpage is:

*To protect and enhance public health and the environment in Arizona.*

- *Through consistent, science-based environmental regulation; and clear, equitable engagement and communication;*
- *With integrity, respect, and the highest standards of effectiveness and efficiency;*
- *Because Arizonans treasure the unique environment of our state and its essential role in sustaining well-being and economic vitality, today and for future generations.*

ADEQ will be acting contrary to its mission of protecting the water and health of our people by issuing a renewal permit and not treating this as a new mine subject to the latest mining performance requirements as well as all of the provisions of the Clean Water Act.

Issuing this renewal permit will also be in direct contradiction to all of those other statements above with respect to ADEQ's mission and vision.

- 5) In her State of the State address this past week, Governor Hobbs declared water to be a top issue for her administration, committed to protecting the state of Arizona's groundwater supplies, and to update the state's water laws. She made clear that this is such an important issue to our state that she would act on her own initiative if necessary and that we cannot allow corporations to "rob us of our water future". That is precisely what this South32 permit renewal proposal will do if approved. ADEQ has sufficient factual information available to legally not allow this to happen.
- 6) I also wish to reference and incorporate into my comments all of the comments submitted to ADEQ by PARA (Patagonia Area Regional Alliance) regarding this proposal.

Thank you for your consideration.

Respectfully yours,

Gary Levine

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