

Nancy McCoy

I've attached the comments suggested by the Patagonia Area Resource Alliance. They are also my comments. I couldn't express them any better.

COMMENT: ADEQ claims without basis that the discharge location (Outfall 002) is in Lower Harshaw Creek. However, PARA has provided ADEQ with extensive evidence and documentation showing that Outfall 002 is actually constructed in Upper Harshaw Creek which is listed as impaired for various pollutants under Arizona's Clean Water Act 303(d) list. Accordingly, ADEQ must revise its grossly outdated TMDL for Upper Harshaw Creek before issuing this renewed Permit.

COMMENT: ADEQ must acknowledge the impairments in Lower Harshaw Creek and prepare a TMDL for Lower Harshaw before it can issue the proposed AZPDES permit.

COMMENT: ADEQ must acknowledge the true extent of the ongoing discharge to Harshaw and revise this Permit accordingly to include this discharge data in calculating permit limits – before issuing this renewed permit.

COMMENT: The outdated TMDL must be updated and a new TMDL study must be completed on the new lead impairment in Alum Gulch before ADEQ issues the renewed Permit.

COMMENT: ADEQ's workaround proposal to only allow discharge from "historic tailings" into Alum Gulch is absurd. It ignores documented facts about how South32 has operated this mine site for years. It also disregards the well-known fact documented by both South32 and ADEQ that the tailings pile and mine seepage from this pile includes dangerous new sources of pollutants. Indeed, the tailings pile has, for years, been used by South32 to hold many tons of new waste rock, exploration rock, treatment plant waste, and potentially acid-generating material. ADEQ's analysis and conclusion that the only mine seepage that will be discharged to Alum Gulch from the tailings pile will come from historic tailings is wildly inaccurate and misleading to the public. ADEQ must revise this provision before issuing this renewed Permit.

COMMENT: ADEQ must complete a TMDL for the zinc impairment in Sonoita Creek before issuing this renewed Permit.

COMMENT: ADEQ must perform a waste load allocation for the discharges to Sonoita Creek. This is required by the Clean Water Act so that South32's discharges will not further contaminate or degrade these downstream surface waters but rather can support the future restoration of water quality in the Creek.

COMMENT: ADEQ must determine South 32's new facilities to be legal "new sources" of discharge – before issuing this renewed Permit.

COMMENT: ADEQ must revise the Permit to acknowledge that this mine is expected to go into production during the life of this Permit.

COMMENT: As a new source, the mine is must be subject to all modern performance standards and requirements of the Clean Water Act.

COMMENT: ADEQ must revise the Draft Permit to require that monitoring for Assessment Levels, Whole Effluent Toxicity, and Discharge Characterization Testing be done at least monthly.

COMMENT: ADEQ must revise the Draft Permit to require monitoring for manganese and sulfate in order to protect human health and the drinking water