

Nathan Shumway

Comment in regards to AZPDES DISCHARGE PERMIT NO. AZ0026387 to South32, Inc.

As you are aware your agency is allowing South32 to discharge mine water since about August 2023 into Harshaw Creek under an EXPIRED AZPDES surface water permit.

I strongly object to a renewal of this old permit to S32 unless your agency addresses and includes all of the following issues in a new permit.

1. The S32 water discharge location (outfall 002) is located in the impaired segment of Upper Harshaw Creek not Lower Harshaw Creek. Under the Az Clean Water Act 303 (d) you must revise the outdated TMDL for Upper Harshaw Creek.
2. Acknowledge the impairments in Lower Harshaw Creek and prepare an update on the outdated 20-year old TMDL for Lower Harshaw Creek.
3. Revise the permit to include the true extent of discharge data in calculating permit limits.

Your agency and S32 will be partners responsible for the threats to human health and the health of the environment if you do not issue a revised AZPDES permit using all of the points listed above. Please do the right thing and follow your statutory duties which require that ADEQ "act to protect the environment" promote the "protection and enhancement of the quality of water resources" provide for the "prevention and abatement of all water and air pollution" and "ensure the preservation and enhancement of natural beauty " in our state. A.R.S. 49-204 (A), (1), (7), (9), (10).