

**BEFORE THE WATER QUALITY APPEALS BOARD  
DEPARTMENT OF ADMINISTRATION  
IN AND FOR THE STATE OF ARIZONA**

SAN CARLOS APACHE TRIBE,  
ARIZONA MINING REFORM  
COALITION,

CASE NO. 25-002-WQAB

Appellants,

v.

DEPARTMENT OF ENVIRONMENTAL  
QUALITY and RESOLUTION COPPER  
MINING, LLC,

**NOTICE OF HEARING**

Respondents.

TO ALL PARTIES:

1. **Notice of Hearing.** In accordance with the authority and jurisdiction conferred by A.R.S. §§ 49-323 through 49-324, and Arizona Administrative Code section R2-17-101 *et seq.*, the Water Quality Appeals Board hereby orders a hearing on the Appellant’s October 22, 2024 Notice of Appeal and Request for Hearing from the Arizona Department of Environmental Quality’s decision to grant renewal of the Resolution Copper Mining AZPDES Permit No. AZ0020389 (LTF No. 90471). The hearing has been set by the Office of Administrative Hearings to occur in front of Administrative Law Judge Sam Fox on **January 30, 2025** at 9:00 a.m. to 5:00 p.m. at the Arizona Office of Administrative Hearings, 1740 West Adams St., Lower Level, Phoenix, Arizona 85007. The hearing will determine matters consistent with the Board’s legal authorities in A.R.S. §§ 49-323 through 49-324, and Arizona Administrative Code section R2-17-101 *et seq.* and consistent rules of the Office of Administrative Hearings.

The Office of Administrative Hearings will exercise its discretion in managing the hearing, scheduling recesses, and apportioning time to the parties. The parties should

also refer to procedural statutes and rules that may be applicable to this appeal, to the extent such statutes and rules do not conflict with the Board's statutes or rules, including A.R.S. §§ 41-1092.03 through 41-1092.12 and R2-19-101 through R2-19-122.

The hearing will be a full evidentiary hearing for the purpose of reviewing the grant, denial, modification or revocation of an individual permit issued under A.R.S. Title 49, Chapter 2, Article 3.1 and implementing rules.

Pursuant to A.R.S. § 49-324 and Ariz. Admin. Code R7-17-119, the administrative law judge shall use the standard of review prescribed in A.R.S. § 49-324(C) to decide the appeal. A.R.S. § 49-324(C) provides: "Decisions by the director shall be affirmed by the appeals board unless, considering the entire record before the board, it concludes that the director's decision is arbitrary, unreasonable, unlawful or based upon a technical judgment that is clearly invalid."

All parties may be represented by counsel, may introduce evidence through witnesses and documents, and may cross-examine witnesses of other parties. The Office of Administrative Hearings may issue subpoenas on behalf of any party.

Persons with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. Request for accommodation should be made as early as possible to allow time to arrange the accommodation. To request accommodations, please contact the Office of Administrative Hearings at (602) 542-9826.

WATER QUALITY APPEALS BOARD



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Michele Van Quathem, Chair

A copy of the foregoing was sent by electronic mail  
This 11<sup>th</sup> day of December 2024

WATER QUALITY APPEALS BOARD:

Michele Van Quathem  
Fred E. Brinker, P.E.  
Keith Bowers

A copy was sent by electronic and U.S. mail this 11<sup>th</sup> day of December 2024 to:

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*Connie Castillo*

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By: Connie Castillo  
Clerk, Water Quality Appeals Board