



**Douglas
A. Ducey
Governor**

**Andy
Tobin
Director**

**ARIZONA DEPARTMENT OF
ADMINISTRATION**

WATER QUALITY APPEALS BOARD

1400 W WASHINGTON ST, STE
B200

PHOENIX, ARIZONA 85007
TELEPHONE: (602) 542-1723

**NOTICE AND AGENDA OF THE REGULAR
MEETING OF THE ARIZONA WATER QUALITY
APPEALS BOARD**

Pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.02, notice is hereby given to the members of the Water Quality Appeals Board and general public that the Arizona Water Quality Appeals Board (WQAB) will hold a **regular meeting** open to the public commencing on **October 6, 2021 at 10:00 a.m.** This meeting will be held virtually.

The following options will be available for public attendance. Details on available options and associated instructions are included below:

Google Meet - Join by phone

+1 920-944-3052 PIN: 603 468 065#

Google Meet - Video link

<http://meet.google.com/anq-ktrn-idp>

****NOTE: Members of the public do not need to have a Google account to participate in this meeting. ****

****Please note that members of the public that choose to utilize Google Meet must keep their microphone muted for the duration of the meeting. If a member of the public wishes to speak, they may unmute their microphone by pressing *6.***

The agenda for this meeting follows. Any amendments or additions to the agenda will be available at least 24 hours prior to the meeting. The Board officer presiding at the meeting reserves the right to change the order of items on the agenda, except for public hearings set for a specific time. Pursuant to A.R.S. § 38-431.03(A)(3), the Board may vote to go into Executive Session to obtain legal advice from its attorney on any matter listed on the agenda. Executive sessions are not open to the public.

Pursuant to Title II of the Americans with Disabilities Act (ADA), the WQAB will not discriminate on the basis of disability in admission to and observation of its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Board's Office at (602) 542-1723. Requests should be made as early as possible to allow time to arrange the accommodation.

1. **Call to order and roll call**
2. **Meeting and Prehearing Conference pursuant to Arizona Administrative Code R2-17-119.**

A. Appeal

1) Significant Amendment to the Aquifer Protection Permit (“APP”) No. 512235, LTF 83040 granted by the Arizona Department of Environmental Quality (“ADEQ”) to Arizona Minerals, Inc. (“AMI”) for the Hermosa Property Facilities in Patagonia, Arizona.

a) Appellants

- 1) **21-004, Chris Werkhoven.**
- 2) **21-005, Robert Misorowski.**
- 3) **21-006, Patagonia Area Resource Alliance, Defenders of Wildlife, Arizona Mining Reform Coalition, the Borderlands Restoration Network, the Center for Biological Diversity, Earthworks, Friends of the Santa Cruz River, Friends of Sonoita Creek, Save the Scenic Santa Ritas, the Sky Island Alliance, and Tucson Audubon Society.**

b) The Board may discuss, consider and possibly vote on the following issues:

- 1) **Motions to Dismiss appeals filed by:**
 - **Chris Werkhoven.**
 - **Robert Misorowski**
 - **Patagonia Area Resource Alliance, et. al**
- 2) **Motion to Intervene filed by AMI.**
- 3) **Whether to hear this appeal directly or refer the hearing to the Office of Administrative Hearings.**
- 4) **Any other procedural matters, including consolidation of the appeals (upon motion of a party), setting deadlines, prehearing dates and a hearing date.**

3. Adjourn

DATED AND POSTED this 28th day of September 2021 at **4:00 p.m.**

ARIZONA WATER QUALITY APPEALS BOARD

By: Connie Castillo
Connie Castillo, Clerk of the Board

This 28th day of **September, 2021**

ARIZONA WATER QUALITY APPEALS BOARD:

Michele Van Quathem, Chair

Fred E. Brinker, P.E.

Keith Bowers

Dena R. Benjamin

James H. Rolstead

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