

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

SWVP-GTIS MR, LLC, a Delaware  
limited liability company,

Appellant,

v.

Arizona Department of  
Environmental Quality, Florence Copper,  
Inc.,

Respondents.

CASE NO. 21-001

**WATER QUALITY APPEALS  
BOARD ORDER RE: PREHEARING  
CONFERENCE**

On March 8, 2021, the Water Quality Appeals Board met to consider the Respondents' Joint Motion to Dismiss and Alternative Motion to Hear Appeal and to hear oral argument. At the meeting, it was determined that this appeal involves only a single allegation. Accordingly, the purpose of this Order is to clarify and define the remaining issue in this matter. Therefore, good cause appearing,

**IT IS ORDERED:**

1. Within 30 calendar days of the issuance of this Order, Appellant shall file and serve a supplement to the Appellant's January 15, 2021 Notice of Appeal of the Significant Amendment to Aquifer Protection Permit P-101704 (the "Permit") issued to the Florence Copper Project on December 8, 2020 ("Appellant's Supplement"). Appellant's Supplement shall:

- a. Address only the issue of incorporation of the Pilot Test Facility (“PTF”) operational data in the Permit;
- b. Identify each Specific Condition of the Permit that Appellant contends is arbitrary, unreasonable, unlawful, or based on a technical judgement that is clearly invalid due to the failure to incorporate the PTF operational data;
- c. Provide a concise summary statement as to why each Specific Condition cited by Appellant is arbitrary, unreasonable, unlawful, or based on a technical judgement that is clearly invalid due to the failure to incorporate the PTF operational data; and
- d. Not include supporting documents.

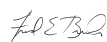
2. Respondents shall file a joint Response to the Appellant's Supplement within 15 calendar days of service of Appellant's Supplement. The Response shall:

- a. Focus solely on any alleged deficiencies in Appellant's Supplement; and
- b. Not include supporting documents, except that the Respondents shall provide the Board with an electronic copy (PDF) of the Permit.

In order to expedite the resolution of this matter, the parties are encouraged to submit their additional filings earlier than the deadlines set forth above if possible. The Board intends to convene a meeting to review the filings related to Appellant's Supplement and to consider the Joint Motion to Dismiss within 15 calendar days after receipt of all filings.

DATED this 12 day of March, 2021.

WATER QUALITY APPEALS BOARD



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Fred E. Brinker, P.E.

A copy of the foregoing was sent by electronic mail this 12th day of March, 2021

WATER QUALITY APPEALS BOARD:

Fred E. Brinker, P.E.

Keith Bowers

A copy was sent by electronic and U.S. mail this 12<sup>th</sup> day of March, 2021, to:

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*Connie Castillo*

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By: Connie Castillo  
Clerk, Water Quality Appeals Board