



**Douglas A.
Ducey
Governor**

**Andy
Tobin
Director**

ARIZONA DEPARTMENT OF ADMINISTRATION

WATER QUALITY APPEALS BOARD

1400 W WASHINGTON ST,
SUITE B200

PHOENIX, ARIZONA 85007
TELEPHONE: (602) 542-1796

**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 **May 13, 2021 at 10:00 a.m.** 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

+1 985-807-1786 PIN:238 706 437#

Google Meet - Video link

<http://meet.google.com/uyu-ajub-xwf>

****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) 542-1553. Requests should be made as early as possible to allow time to arrange the accommodation.

1. **Call to order and roll call**
2. **21-002 Center for Biological Diversity & Dr. Kevin L. Gibson v. ADEQ, WQAB Appeal No. 21-002.**
 - I. The Board will discuss, consider, and possibly vote on the Arizona Department of Environmental Quality's Motion to Dismiss Due to Lack of Standing.
 - II. The Board will discuss, consider, and possibly vote on the Center for Biological Diversity's Motion to Strike Appellee's Motion to Dismiss or to Extend Deadlines.
 - III. The Board will discuss, consider, and possibly vote on the Arizona Department of Environmental Quality's Motion for Clarification.
 - IV. The Board will discuss, consider, and possibly vote on new dates for:
 - a. filing written direct testimony of all the parties' witnesses regarding the appealed issues, and
 - b. filing written testimony of the same or additional witnesses in response to the opposing parties' direct testimony as set forth in the Board's previous Orders.
 - V. The Board will discuss, consider, and possibly vote on resetting the hearing date currently scheduled on May 25, 2021.
 - VI. The Board will consider any other procedural issues to be resolved in this matter.
3. **21-001 SWVP-GTIS MR, LLC v. ADEQ and Florence Copper, Inc., WQAB Appeal No. 21-001.**
 - I. The Board¹ will discuss, consider, and possibly vote on the Joint Request for Dismissal with Prejudice filed by the Arizona Department of Environmental Quality and Florence Copper, Inc
 - VII. The Board will consider any other issues to be resolved in this matter.

DATED AND POSTED this 7th the day of May 2021 at 4:00 p.m.

ARIZONA WATER QUALITY APPEALS BOARD

By: Connie Castillo
Connie Castillo, Clerk of the Board

¹ Chair Van Quathem is recused from this matter due to previously disclosed conflict.

A copy of the foregoing was emailed

This 7th day of **May, 2021**

ARIZONA WATER QUALITY APPEALS BOARD:

Michelle Van Quathem, Esq.

Fred E. Brinker, P.E.

Keith Bowers

Dena R. Benjamin, Assistant Attorney General

James H. Rolstead, Assistant Attorney General

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Attorneys for the Water Quality Appeals Board