

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

ROBERT MISIOROWSKI,

**WQAB Case No. 21-005**

vs.

Appellants,

STATE OF ARIZONA, DEPARTMENT  
OF ENVIRONMENTAL QUALITY

Respondent,

---

CHRIS WEKHOVEN

**WQAB Case No. 21-004**

**WQAB Case No. 21-006**

AND

PATAGONIA AREA RESOURCE  
ALLIANCE, DEFENDERS OF  
WILDLIFE, ARIZONA MINING  
REFORM COALITION,  
BORDERLANDS RESTORATION  
NETWORK, CENTER FOR  
BIOLOGICAL DIVERSITY,  
EARTHWORKS, FRIENDS OF THE  
SANTA CRUZ RIVER, FRIENDS OF  
SONOITA CREEK, SKY ISLAND  
ALLIANCE, AND TUCSON  
AUDUBON SOCIETY,

**ORDERS FROM OCTOBER 6, 2021  
WQAB MEETING**

**Re: Aquifer Protection Permit No.  
512235/LTF No. 83040 Significant  
Amendment**

Appellants,

vs.

STATE OF ARIZONA, DEPARTMENT  
OF ENVIRONMENTAL QUALITY

Respondent,

ARIZONA MINERALS INC.

Intervenor

---

**TO ALL PARTIES:**

1. At the Board's October 6, 2021 regular meeting, the Board voted to refer the hearing to the Office of Administrative Hearings for a hearing. Therefore, it is ordered that the hearing will be conducted by the Office of Administrative Hearings in the appeal of the Aquifer Protection Permit No. 512235/LTF No. 83040 Significant Amendment.
2. Per an extension of time granted by the Water Quality Appeals Board ("WQAB") at the Board's October 6, 2021 regular meeting, Appellant Chris Werkhoven shall submit to the Board's Clerk on or before Monday, October 11, 2021, a written response, if any, to the Arizona Department of Environmental Quality's ("ADEQ's") Motion to Dismiss docketed with the Board on September 7, 2021. The Board Clerk shall forward any response received from Mr. Werkhoven to the Motion to the Office of Administrative Hearings for resolution.
3. On September 27, 2021, ADEQ docketed a Motion to Dismiss the Patagonia Area Resource Alliance, Et Al., Due to Lack of Standing Required in A.R.S. § 49-323(A). As of the Board's October 6, 2021 regular meeting, parties were still able to submit additional responses or replies within the time allowed by the Board's rules. The Board Clerk shall promptly forward all responses and replies received after October 6 and relating to the Motion to the Office of Administrative Hearings for resolution.
4. At the Board's October 6, 2021 regular meeting, the Board granted the Motion to Dismiss Due to Lack of Standing for Appellant Robert Misiorowski required in A.R.S. § 49-323(A), Case No. 21-005.
5. At the Board's October 6, 2021 regular meeting, the Board approved a motion to consolidate the two cases regarding the same permit action as are titled in the heading above, Case Nos. 21-004 and 21-006.
6. At the Board's October 6, 2021 regular meeting, the Board granted the September 23, 2021 Motion to Intervene of Arizona Minerals, Inc., the permit applicant, per A.R.S. § 49-323(A).

DATED this 8<sup>th</sup> day of October 2021.

WATER QUALITY APPEALS BOARD



---

Michele Van Quathem, Chairman

A copy of the foregoing was e-mailed and mailed via U.S.  
Mail this 8th day of October 2021.

WATER QUALITY APPEALS BOARD:

Michele Van Quathem  
Fred E. Brinker  
Keith Bowers

Chris Werkhoven  
58 Apache Trail  
P.O. Box 590  
Sonoita, AZ 85637

Robert Misiorowski  
53 Patagonia Hills Dr.  
Patagonia, AZ 85624

Patagonia Area Resource Alliance, Inc.  
Billy Peard, Member, Board of Directors  
(Nonprofit, incorporated under Arizona law)  
P.O. Box 1044  
Patagonia, AZ 85624  
Ph: (520) 477-2308  
Email: [parawatchdogs@gmail.com](mailto:parawatchdogs@gmail.com)

Arizona Mining Reform Coalition  
Roger Featherstone, Director  
P.O. Box 43565  
Tucson, AZ 85733  
Ph: (520) 777-9500  
Email: [roger@AZminingreform.org](mailto:roger@AZminingreform.org)

Center for Biological Diversity  
Randy Serraglio  
P.O. Box 710  
Tucson, AZ 85702  
Ph: (520) 623-5252 x 321  
Email: [rserraglio@biologicaldiversity.org](mailto:rserraglio@biologicaldiversity.org)

Friends of the Santa Cruz River  
Ben Lomeli, President  
P.O. Box 4275  
Tubac, AZ 85646  
Email: [riverfriends@foscrz.com](mailto:riverfriends@foscrz.com)

Jothi Beljan, Assistant Attorney General  
Office of the Attorney General  
Environmental Enforcement Section  
2005 N. Central Ave.  
Phoenix, AZ 85004  
[environmental@azag.gov](mailto:environmental@azag.gov)

Defenders of Wildlife  
Rob Peters, Ph.D., Senior Representative,  
Southwest Office, Tucson, AZ  
210 Montezuma Ave., Suite 210  
Santa Fe, NM 87501  
Ph: (520) 623-0447  
Email: [rpeters@defenders.org](mailto:rpeters@defenders.org)

Borderlands Restoration Network  
Kurt Vaughn, Ph.D., Executive Director  
P.O. Box 121  
Patagonia, AZ 85624  
Email: [kvaughn@borderlandsrestoration.org](mailto:kvaughn@borderlandsrestoration.org)

Earthworks  
Aaron Mintzes, Senior Policy Counsel  
1612 K St. NW #904  
Washington, DC 20006  
Email: [amintzes@earthworksaction.org](mailto:amintzes@earthworksaction.org)

Friends of Sonoita Creek  
Robert Proctor, President  
P.O. Box 4508  
Rio Rico, AZ 85648  
Email: [sonoitacreek@gmail.com](mailto:sonoitacreek@gmail.com)

Save the Scenic Santa Ritas  
Gayle Hartmann, President  
8987 E. Tanque Verde #309-157  
Tucson, AZ 85749  
Ph: (520) 445-6615

Tucson Audubon Society  
Patti Caldwell, Interim Executive Director  
300 E. University Blvd., Suite 120  
Tucson, AZ 85705  
Ph: (520) 237-1406  
Email: [pcaldwell@tucsonaudubon.org](mailto:pcaldwell@tucsonaudubon.org)

Sky Island Alliance  
Louise Misztal, Executive Director  
P.O. Box 41165  
Tucson, AZ 85717  
Ph: (520) 624-7080  
Email: [louise@skyislandalliance.org](mailto:louise@skyislandalliance.org)

Arizona Department of Environmental Quality  
Water Quality Division  
1110 W. Washington Street  
Phoenix, AZ 85007

Christopher D. Thomas  
Andrea J. Driggs  
Perkins Coie LLP  
2901 N. Central Ave., Suite 2000  
Phoenix, AZ 85012-2788  
[cthomas@perkinscoie.com](mailto:cthomas@perkinscoie.com)  
[adriggs@perkinscoie.com](mailto:adriggs@perkinscoie.com)  
[docketphx@perkinscoie.com](mailto:docketphx@perkinscoie.com)

A copy of the foregoing was mailed via inter-agency mail  
this 8th day of October 2021

James Rolstead , Assistant Attorney General  
Attorney General's Office  
1275 West Washington  
Phoenix, Arizona 85007  
*Attorney for the Water Quality Appeals Board*

*Connie Castillo*  
\_\_\_\_\_  
By: Connie Castillo  
Clerk, Water Quality Appeals Board