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

ROBERT MISIOROWSKI,

vs.

Appellants,

STATE OF ARIZONA, DEPARTMENT
OF ENVIRONMENTAL QUALITY

Respondent,

WQAB Case No. 21-005

CHRIS WEKHOVEN

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,

Appellants,

vs.

STATE OF ARIZONA, DEPARTMENT
OF ENVIRONMENTAL QUALITY

Respondent,

WQAB Case No. 21-004
WQAB Case No. 21-006

ORDERS FROM OCTOBER 6, 2021
WQAB MEETING

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

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 8th 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.

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

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Connie Castillo
By: Connie Castillo
Clerk, Water Quality Appeals Board