STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

March 28, 2017

Mr. Scott Pruitt, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, Suite 1101A
Washington, DC 20460

Dear Administrator Pruitt:

Congratulations on your confirmation. I am optimistic about your plans for improving the EPA and especially supportive of your commitment to working with the states on important environmental issues.

Consistent with your March 2, 2017 memorandum to your agency's Regional Administrators, I am writing to bring to your attention a position being taken by Region IX with respect to the Rosemont Copper Project (the "Rosemont Project") that undermines the authority and responsibility of the State of Arizona under the Clean Water Act to determine whether its own state water quality standards will be violated by federally-permitted discharges into waters of the United States located in Arizona.

The Rosemont Project will be the third largest copper mine in the United States and will create hundreds of good jobs in southern Arizona. I believe the Rosemont Project will serve the best interests of the State of Arizona, and I have twice written to the Corps expressing this view. Rosemont has been pursuing the necessary permits for its mine for over ten years now, and the final EIS and draft ROD approving the Project have been issued by the Forest Service. One of the last remaining hurdles is obtaining a 404 Permit from the Army Corps of Engineers (the "Corps") to discharge fill material into certain ephemeral washes on the mine site.

Under section 401 the Clean Water Act, prior to issuing a 404 permit, the Corps must receive from the State where the discharges will be made a certification that the discharges will not violate the State's water quality standards.

On February 3, 2015, the Arizona Department of Environmental Quality ("ADEQ") certified, "the activities proposed for the Rosemont Copper Project will not violate

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applicable surface water quality standards." On April 14, 2015, however, Region IX sent a letter to the Corps claiming that ADEQ's certification "lacks sufficient, specific preventative actions to avoid these adverse impacts to water quality, creating a substantial risk to designated beneficial use standards set by the state" for the impacted waters. On June 12, 2015, ADEQ sent a letter to Region IX refuting its claims. Region IX has not responded to ADEQ's letter.

The Corps has informed Rosemont that it will not issue a 404 permit until EPA's concerns with the State's certification are resolved. I would appreciate your review of this matter and your direction to Region IX to get this matter resolved in an expeditious fashion with proper deference to the State's conclusions about whether its own water quality standards will be violated by any of the Rosemont Project's discharges of fill material.

Sincerely

Douglas A. Ducey
Governor
State of Arizona

cc: The Honorable John McCain, US Senate
The Honorable Jeff Flake, US Senate
The Honorable Martha McSally, US House of Representatives
Colonel D. Peter Helmlinger, Division Commander U.S. Army Corps of Engineers