COUNTY ADMINISTRATOR'S OFFICE
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C.H. HUCKELBERRY
County Administrator

May 5, 2017

Colonel D. Peter Helmlinger
Commander, South Pacific Division
US Army Corps of Engineers
1455 Market Street
San Francisco, California 94103-1398

Ms. Alexis Strauss
Acting Regional Administrator, Region 9
US Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Re: **Arizona Department of Environmental Quality's issuance of a Clean Water Act Section 401 Water Quality Certification to Rosemont Copper**

Dear Colonel Helmlinger and Ms. Strauss:

As you may be aware, Pima County and the Pima County Regional Flood Control District (collectively, Pima County) are currently challenging the Arizona Department of Environmental Quality's (ADEQ) issuance of a Clean Water Act Section 401 Water Quality Certification to Rosemont Copper for its proposed mine in the Santa Rita Mountains. This effort has been ongoing for the past two years. Specifically, Pima County asserts ADEQ violated Arizona law because conditions included in the Section 401 Water Quality Certification are derived from information (Rosemont's Surface Water Mitigation Plan) submitted to ADEQ after the close of the public comment period.

Over the past two years, ADEQ and Rosemont have vigorously opposed Pima County's efforts to raise the statutory violation issue in any forum by raising various jurisdictional arguments. That battle continues.

Pima County asserts the Section 401 Water Quality Certification is fatally flawed due to the statutory violation. In addition, the underlying, improperly referenced Surface Water Mitigation Plan has a number of technical issues in that it represents an unrealistic view of mine impacts on the area watersheds and, in particular, the Cienega Creek and Davidson Canyon Outstanding Arizona Waters located on Pima County land. It is not clear that

Rosemont's proposed mine runoff mitigation measures will protect those waters and thereby comply with Clean Water Act requirements. As a consequence, the Section 401 Water Quality Certification issued to Rosemont is both legally and technically questionable.

Pima County and the Pima County Regional Flood Control District ask that your agency fully consider ADEQ's failure to comply with public notice requirements when it issued the Rosemont Section 401 Water Quality Certification, as well as consider Pima County's concerns regarding the technical basis for the Rosemont Surface Water Mitigation Plan. A Section 404 permit issued based on a legally and technically flawed Section 401 Water Quality Certification is suspect.

Further, Pima County and the Pima County Regional Flood Control District commented extensively on the water quality issues offered for public comment by ADEQ. ADEQ largely ignored those comments when issuing the Rosemont Section 401 Water Quality Certification.

We ask that you reconsider those comments while deciding whether a Section 404 permit is justified for the proposed mine.

Sincerely,

C.H. Huckelberry
County Administrator

CHH/mjk

c: Colonel Kirk Gibbs, Commander and District Engineer, Los Angeles District, US Army Corps of Engineers