UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

TOWN OF FLORENCE, a political subdivision of the State of Arizona; SWVP-GTIS MR, LLC, a Delaware Limited Liability Company, Petitioners, vs. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, SCOTT PRUITT, Administrator, United States Environmental Protection Agency, ALEXIS STRAUSS, Acting Regional Administrator, United States Environmental Protection Agency Region 9, Respondents.	Docket No. _____

PETITION FOR REVIEW

Pursuant to 42 U.S.C. § 300j-7(a) and Rule 15 of the Federal Rules of Appellate Procedure, Petitioners, the Town of Florence and SWVP-GTIS MR, LLC (collectively "Petitioners") hereby petition the Court for review of an Underground Injection Control Aquifer Exemption (the "Aquifer Exemption") issued on May 1, 1997 by EPA Region 9 for EPA Permit No. AZ396000001, a copy of which is attached as Exhibit 1, based upon grounds arising after the expiration of the 45-day period. (Section 300j-7.)

DATED: November 22, 2017

s/ Jessica L. Beckwith

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s/ Barbara U. Rodriguez-Pashkowski

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Florence

CERTIFICATE OF SERVICE

On November 22, 2017, pursuant to Rules 3(d) and 15(c)(1) of the Federal Rules of Appellate Procedure, a copy of the foregoing was mailed by First Class Mail, postage prepaid to the following persons who were admitted to participate in the agency proceedings:

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Pursuant to Rule 15(c) of the Federal Rules of Appellate Procedure, the Circuit Clerk will cause, on November 22, 2017 a copy of the Petition for Review to be served on each of the following:

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s/ Jessica L. Beckwith
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EXHIBIT 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

ORIG PERMIT COPY Aquifer Permit

UNDERGROUND INJECTION CONTROL AQUIFER EXEMPTION

FOR

EPA PERMIT #AZ396000001

In compliance with provisions of the Safe Drinking Water Act, as amended, (42 USC 300f-300j-9, commonly known as the SDWA) and attendant regulations incorporated by the U.S. Environmental Protection Agency under Title 40 of the Code of Federal Regulations (CFR), the zone located:

(1) in the subsurface interval of approximately 400 feet to 1600 feet below ground surface (bgs); and

(2) below the upper aquifer exemption boundary which is 200 feet above the oxide zone, or the base of the Middle Fine-Grained Unit (MFGU), whichever is further below ground surface; and

(3) above the lower aquifer exemption boundary which is the base of the reactive interval amenable to copper leach solutions, encompassing the oxide zone, which contains an economical amount of copper, and copper in the sulfide zone that is leachable; and

(4) laterally within 500 feet of the mine zone boundary delineated in Appendix A of EPA Permit #AZ396000001, and within the line connecting the following coordinate system points:

From a point (point 1) in the southwest of the northwest of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 748028.6 and easting 646937.7

To a point (point 2) in the southeast of the northwest of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 748042.1 and easting 648619.5

To a point (point 3) in the southeast of the northwest of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona

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Coordinate system Northing 747656.9 and easting 648617.4

To a point (point 4) in the southeast of the northeast of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 747675.3 and easting 650811.6

To a point (point 5) in the southeast of the northeast of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 747216.3 easting 650662.8

To a point (point 6) in the southeast of the northeast of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 747230.7 and easting 651548.8

To a point (point 7) in the southeast of the southeast of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 745379.4 and easting 651309.7

To a point (point 8) in the southeast of the southeast of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 745369.4 and easting 651019.1

To a point (point 9) in the northeast of the northeast of Section 33, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 743926.7 and easting 650758.8

To a point (point 10) in the northwest of the northeast of Section 33, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 743922.9 and easting 649898.8

To a point (point 11) in the northwest of the northeast of Section 33, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 743543.9 and easting 649897.6

To a point (point 12) in the northwest of the northwest of Section 33, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 743520.7 and easting 647281.7

To a point (point 13) in the southwest of the southwest of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 744512.8 and easting 649939.6

To a point (point 14) in the southwest of the southwest of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 745392.3 and easting 646862.4

To a point (point 15) in the southwest of the southwest of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 745391.8 and easting 646552.4

To a point (point 16) in the southwest of the northwest of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 747466.7 and easting 646824.3

To a point (point 17) in the southwest of the northwest of Section 28, Range 9 East, Township 4 North of the GS & R meridian at Arizona Coordinate system Northing 747468.8 and easting 646938.8

is exempted as an underground source of drinking water (USDW).

This aquifer exemption is granted in conjunction with the Class III Underground Injection Control permit issued to BHP Copper, for the injection of an acidic solution for the purpose of copper production at the Florence In-Situ Project, Pinal County, Arizona.

This aquifer exemption has no expiration date.

Signed this 1st day of May, 1997.

Alexis Strauss

Alexis Strauss, Acting Director
Water Division, EPA Region 9