EARTHWORKS

Martha Guzman
Region 9 Administrator
Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Re: Request for Queen Creek Anti-Degradation Hearing in Arizona

Dear Ms. Guzman,

Earthworks requests the United States EPA hold an anti-degradation hearing regarding the impacts to Queen Creek in Arizona that would result from the proposed Arizona Pollutant Discharge Elimination System ("AZPDES) renewal permit (No. AZ0020389, the "Permit").

The headwaters of Queen Creek are in Pinal County Arizona and is part of the Middle Gila Watershed.The Arizona Department of Environmental Quality (ADEQ) has been aware of copper exceeding surface water quality standards for two decades. According to the ADEQ via Arizona's 2018 303(d) List of Impaired Waters, Queen Creek has been designated as impared since 2002. Exceedances affect uses including livestock grazing, partial body contact (swimming), irrigation, and wildlife habitat.

Section 303(d) of the Clean Water Act requires states to develop Total Maximum Daily Loads (TMDLs) for all the waters identified on their Section 303(d) List of Impaired Waters. To date, ADEQ has conducted TMDL studies on Queen Creek, yet has not established TMDL.

Despite this long standing knowledge, the EPA has not set a schedule of compliance for TMDL. The failure of the EPA to put ADEQ on a schedule to address TMDL in Queen Creek puts the agency in jeopardy of being found in violation of the Clean Water Act. Earthworks urges the EPA to conduct an anti-degradation hearing to protect current water users from excesses in copper that would likely be made worse through the issuance of the permit.

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Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.

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