



Katie Hobbs
Governor

Elizabeth
Alvarado-Thorson
Director

ARIZONA DEPARTMENT OF ADMINISTRATION

WATER QUALITY APPEALS BOARD

1400 W WASHINGTON ST, STE B200

PHOENIX, ARIZONA 85007

TELEPHONE: (602) 542-1796

NOTICE AND AGENDA OF THE REGULAR MEETING OF THE ARIZONA WATER QUALITY APPEALS BOARD

Pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.02, notice is hereby given to the members of the Arizona Water Quality Appeals Board ("WQAB") and general public that the WQAB will hold a **regular meeting** open to the public commencing on **August 07, 2023 at 11:00 a.m.** Meeting will be held virtually.

The following options will be available for public attendance. Details on available options and associated instructions are included below:

Google Meet - Join by phone

+1 [1 401-594-2271](tel:14015942271) PIN: 173 711 218#

Google Meet - Video link

<http://meet.google.com/qzp-kixm-zxg>

****NOTE: Members of the public do not need to have a Google account to participate in this meeting. ****

**Please note that members of the public that choose to utilize Google Meet must keep their microphone muted for the duration of the meeting. If a member of the public wishes to speak, they may unmute their microphone by pressing *6.*

The agenda for this meeting follows. Any amendments or additions to the agenda will be available at least 24 hours prior to the meeting. The Board officer presiding at the meeting reserves the right to change the order of items on the agenda, except for public hearings set for a specific time. Pursuant to A.R.S. § 38-431.03(A)(3), the Board may vote to go into Executive Session to obtain legal advice from its attorney on any matter listed on the agenda. Executive sessions are not open to the public.

Pursuant to Title II of the Americans with Disabilities Act (ADA), the WQAB will not discriminate on the basis of disability in admission to and observation of its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Board's Office at (602) 542-1796. Requests should be made as early as possible to allow time to arrange the accommodation.

1. **Call to order and roll call**
2. **WQAB Docket No. 23-001: Appeal by Patagonia Area Resource Alliance (“PARA”) RE: AZPDES Permit No. AZ0026387, LTF 95353 (Permittee AMI/South32 Hermosa Inc.).**
 - A. **Discussion and potential vote on disposition of appeal based upon the Arizona Office of Administrative Hearings (“OAH”) Order Vacating Hearing dated June 20, 2023 and remanding matter to the WQAB.**
 1. **Each side will be allowed five minutes to present oral arguments to the Board regarding the OAH order and the appropriate disposition of this appeal. The Board will not hear or receive new evidence at this proceeding.**
 - B. **The Board may discuss and take action on setting deadlines, hearing dates and other procedural matters.**
3. **RE: Notice of Appeal dated June 28, 2023 filed by PARA.**
 - A. **Discussion and potential vote on WQAB jurisdiction and procedural status, including discussion and potential action on Arizona Department of Environmental Quality’s Motion to Vacate dated July 6, 2023.**
 1. **Each side will be allowed five minutes to present oral arguments to the Board regarding the Motion to Vacate and appropriate disposition of this appeal. The Board will not hear or receive new evidence at this proceeding.**
 - B. **The Board may discuss and take action on setting deadlines, hearing dates and other procedural matters.**
4. **Adjourn**

DATED AND POSTED this 25th day of July 2023 at 4:00 p.m.

ARIZONA WATER QUALITY APPEALS BOARD

By: Connie Castillo
Connie Castillo, Clerk of the Board

A copy of the foregoing was emailed

This 25th day of **July, 2023**

ARIZONA WATER QUALITY APPEALS BOARD:

Michele Van Quathem, Chair
Fred E. Brinker, P.E.
Keith Bowers

Dena R. Benjamin, Assistant Attorney General
James H. Rolstead, Assistant Attorney General
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