



Katie Hobbs
Governor

Arizona Department of Environmental Quality



Karen Peters
Deputy Director

February 06, 2025

Subject: Hermosa Project
Aquifer Protection Program (APP) Permit No.: 512235, LTF No.: 101257
Individual Aquifer Protection Permit (APP), Significant Amendment

The Arizona Department of Environmental Quality (ADEQ) appreciates your involvement in the public comment period regarding a significant amendment to the Hermosa Project, APP permit No. 512235, for expansion of the tailings storage facility (TSF) from approximately 28 acres to approximately 55 acres and increase in the height of the TSF from 5,175 feet to 5,275. In accordance with Arizona Administrative Code (A.A.C.) R18-9-109(C)&(D), you are receiving this letter because ADEQ has made a final decision on this APP permit. Enclosed with this letter are copies of the final permit and the executive summary.

ADEQ made the following change to proposed permit and executive summary.

Permit Change:

At the request of South32, ADEQ made a change to the due date for the compliance schedule item (CSI) #4 in the permit; extending the due date from March 30, 2025 to March 30, 2026. CSI #4 in the draft permit is presented below, followed by the rationale for the extension.

CSI #4 in the draft permit: The permittee shall submit data and a plan demonstrating that the mine rock samples analyzed using x-ray fluorescence (XRF) accurately determine non-potentially generating (NPAG) and potentially acid generating (PAG) characteristics of the waste rock. The demonstration should verify the decisions for segregating NPAG from PAG material. Thereafter, the permittee shall submit information in an annual report (per CSI No. 5) that documents the tonnage of NPAG and PAG produced annually and other relevant information.

The rationale for the change is as follows:

South32 indicated that shaft excavations began later than anticipated and all excess waste rock generated to date has been placed in TSF1. As a result, sufficient samples will not be available to make the demonstration required under CSI #4 by March 30, 2025. The extension requested to March 30, 2026 will allow South32 to obtain representative waste rock samples to demonstrate the accuracy of the method they use to segregate PAG material from NPAG.

Executive Summary Change:

Section VI Summary of Changes to the APP was added to the executive summary with the above information presented under "Permit Change".

Phoenix Office

1110 W. Washington St. | Phoenix, AZ 85007
602-771-2300

Southern Regional Office

400 W. Congress St. | Suite 433 | Tucson, AZ 85701
520-628-6733

azdeq.gov


You have a right to request a hearing and file an appeal under Arizona Revised Statutes (A.R.S.) § 41-1092.03(B). You must file a written Request for Hearing or Notice of Appeal within 30 days of your receipt of this Notice. A Request for Hearing or Notice of Appeal is filed when it is received by ADEQ's Hearing Administrator as follows:

Hearing Administrator
Office of Administrative Counsel
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

The Request for Hearing or Notice of Appeal shall identify the party, the party's address, the agency and the action being appealed and shall contain a concise statement of the reasons for the appeal. Upon proper filing of a Request for Hearing or Notice of Appeal, ADEQ will serve a Notice of Hearing on all parties to the appeal. If you file a timely Request for Hearing or Notice of Appeal you have a right to request an informal settlement conference with ADEQ under A.R.S. § 41-1092.06. This request must be made in writing no later than **20 days** before a scheduled hearing and must be filed with the Hearing Administrator at the above address.

If there are any questions, please contact Tim Pippenger, APP Permits Unit Manager, at (602) 370-7358 or David Kim at kim.david@azdeq.gov.

Sincerely,

DocuSigned by:


Q543D2D42F5F418...
David Kim, Manager
Groundwater Protection and Reuse Section (GPRS)
Water Quality Division (WQD)

Enclosures (3): APP Permit
 Executive Summary
 Responsiveness Summary