



Notice of Proposed Rulemaking

*Remediation of Abandoned Hardrock Mines Impacting
Rivers, Streams, and Lakes*

December 2025

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AGENDA

- Rule Framework
- AML Remediation Process
- Rule Breakdown (Section by Section)
- Schedule & Milestones
- Additional Resources



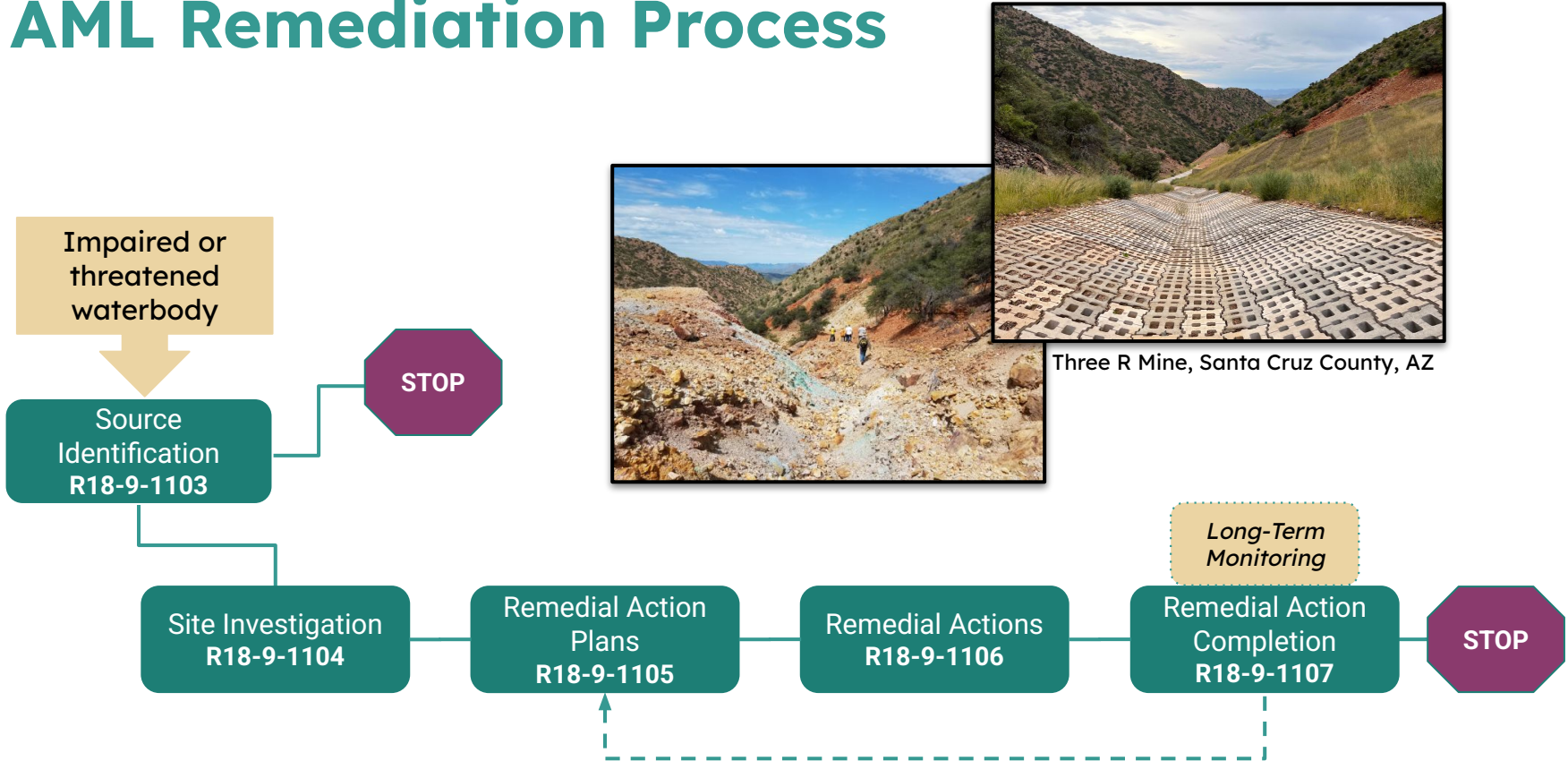
Rule Framework

AML Remediation Process

- ❖ Preamble
- ❖ R18-9-1101 → Definitions
- ❖ R18-9-1102 → Applicability
- ❖ R18-9-1103 → Source Identification
- ❖ R18-9-1104 → Site Investigation
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- ❖ R18-9-1106 → Remedial Actions
- ❖ R18-9-1107 → Remedial Action Completion
- ❖ R18-9-1108 → Access
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AML Remediation Process



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**AML
Remediation
Process**



Preamble

Agency's justification and reason why the rules should be made, including an explanation about the rulemaking



NOTICE OF PROPOSED RULEMAKING	
TITLE 18. ENVIRONMENTAL QUALITY	
CHAPTER 9. WATER POLLUTION CONTROL	
ARTICLE 11. REMEDIATION OF NONPOINT DISCHARGES FROM ABANDONED MINES	
<u>PREAMBLE</u>	
1. <u>Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:</u> Permission to conduct this rulemaking was granted by the Governor under A.R.S. § 41-1039 on July 1, 2025.	
2. <u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 11	New Section
R18-9-1101	New Section
R18-9-1102	New Section
R18-9-1103	New Section
R18-9-1104	New Section

This Section:

Explains the purpose, background, and guiding principles of the proposed rules.

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A.A.C. R18-9-1101 - Definitions

New!

“Site” means the areal extent of contamination suspected or known to be discharging into a WOTUS or WOTUS protected surface water.

Existing

“Abandoned Mine” means a mine where mining operations have been permanently terminated or for which no owner, operator, or other claimant of record can be located for a deserted mine site.

This Section:

Includes definitions of terms used throughout Article 11.

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A.A.C. R18-9-1102 - Applicability

The rules apply to	The rules do <u>not</u> apply to
<ul style="list-style-type: none">✓ Any person who accepts and utilizes state and/or federal funds administered by ADEQ✓ Remediation of NPS pollution✓ Abandoned hardrock mines	<ul style="list-style-type: none">Any other type of nonpoint sourcePoint sourcesSources currently managed under a state or federal permit or any other Title 49 program

**MUST MEET ALL
FOR RULES TO APPLY**

This Section:

Describes who and what types of activities the rules do and do not apply to.

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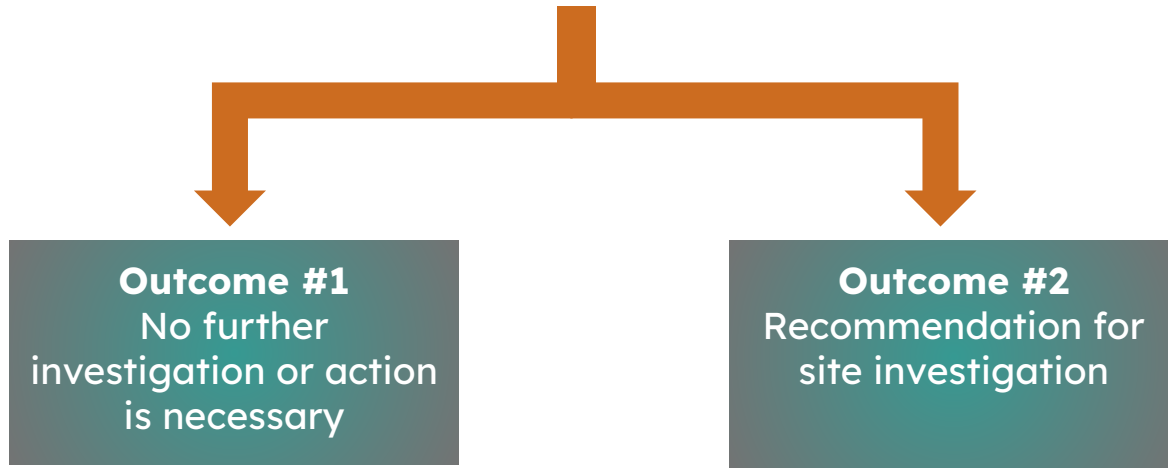
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A.A.C. R18-9-1103 - Source Identification

A screening level investigation based primarily on existing information

Based on the results of the investigation



This Section:

Establishes a process for identifying AML sites for additional investigation and possible remediation.

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A.A.C. R18-9-1104 - Site Investigations

Evaluation of

Extent and Characteristics of Discharge

Current and foreseeable impacts to biota

Extent, characteristics, and degree of the source of the discharge

Physical Characteristics

Current and foreseeable impacts



Site Investigation Report

This Section:

Establishes a process for identifying and quantifying potential physical hazards, environmental risks, or other site conditions that could impact the scope of remediation activities.

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A.A.C. R18-9-1105 - Remedial Action Plans

Key Elements of a RAP

Description of selected remedial measures & how they will achieve objectives

Specific remediation objectives

Schedule and cost

Summary of site conditions and contamination



Poland Walker Tunnel, Yavapai County, AZ

This Section:

Specifies what a RAP must include and establishes criteria for approval of the plan.

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A.A.C. R18-9-1106 - Remedial Actions

- Remedial actions should:
 - Ensure the protection of public health and welfare and the environment
 - Provide for the cleanup of pollutants/hazardous substances to allow for the restoration and maintenance of WOTUS and WOTUS protected surface waters
- Prior to implementing a remedial action, the property owner's written consent must be obtained
- Allows for innovative technology (e.g., pilot studies)

This Section:

Covers the implementation phase of the remedial action by outlining the requirements or standards to be followed during remediation.

Planning



Results

Rule Framework

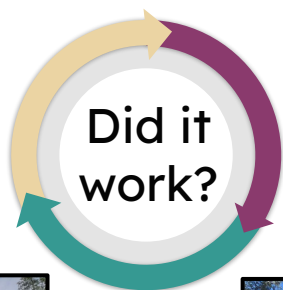
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A.A.C. R18-9-1107 - Remedial Action Completion

Identification, investigation, and remediation are complete!



Cash Mine, Yavapai County, AZ (Before)



Cash Mine, Yavapai County, AZ (After)

This Section:

Requires post-action monitoring of remedial action sites to ensure project goals have been met and are well documented.

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A.A.C. R18-9-1108 - Access

- 1) Right-of-Way Entry
- 2) License
- 3) Easement
- 4) Inter-Agency Agreements



This Section:

Requires the person performing source ID, site investigation, and remedial action activities to obtain a proper access agreement for the site prior to the start of such work.

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**AML
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A.A.C. R18-9-1109 - Contracting



Three R Mine, Santa Cruz County, AZ

- Develop work plans and reports
- Perform technical work
- Collect and analyze samples for various media
- Perform maintenance and enhancements at completed sites

This Section:

Allows ADEQ to contract with an outside consultant when ADEQ is conducting the identification, investigation, or remediation activities.

SCHEDULE & KEY MILESTONES

Submit NFRM to GRRC

GRRC Study Session and Meeting

File NFRM

Summer 2026

Fall 2026

Rules become effective

Stakeholder Meeting

Tribal Consultation

File NPRM

Winter 2025

Spring 2026

30-Day Public Comment Period for NPRM

Public Hearing

Opportunity to provide formal input!

Additional Resources

This rulemaking:

<https://azdeq.gov/rulemaking/aml>

Subscribe to email notifications:

https://adeq.gov1.qualtrics.com/jfe/form/SV_8v8pWzix2iTb29E

EPA NPS Success Stories:

<https://ordspub.epa.gov/ords/grts/f?p=109:9940:::9940::>

— ACTIVE RULEMAKING

Nonpoint Source Discharges: Remediation of Abandoned Hardrock Mines Impacting Streams, Rivers, and Lakes

Revised On: Oct. 27th, 2025 - 01:27 pm

Summary:

ADEQ is codifying a standardized process for remediating nonpoint source (NPS) discharges from abandoned hardrock mines impacting or threatening to impact streams throughout Arizona. The purpose of the proposed rules is twofold:

- First, ADEQ wishes to adopt these rules as a first step in coming into compliance with A.R.S. § 49-203(A)(4), which requires ADEQ to establish a state program to control NPS discharges of pollutants into Waters of the United States (WOTUS). To date, ADEQ has not promulgated rules to establish such a program.
- Second, ADEQ is pursuing this rulemaking to control surface water pollution caused by abandoned mine lands (AMLs). At both the federal and state levels, Nonpoint Source pollution remains the leading cause of surface water impairment, with metals (collectively) representing the primary source in Arizona according to Arizona's 2024 Clean Water Act Assessment.

The proposed rules will serve an initial step in developing a state program, provide clarity and consistency for remediating AMLs that impact or threaten to impact Arizona's surface waters, and function as the foundation for a future AML program, should ADEQ seek to create one. ADEQ anticipates this rulemaking will not impose any additional burden on the regulated community because remedial actions are primarily funded by § 319 of the federal Clean Water Act (CWA).

Documents:

[Notice of Docket Opening](#) | [View NDO](#) >

Additional Information:

- [Proposed Rulemaking Fact Sheet](#) | [View FS](#) >
- [Stakeholder Meeting, Oct. 15, 2025](#) | [View Recording](#) >

CONTACT INFORMATION

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Boulder Creek (near Hillside Mine),
Yavapai County, AZ