



PRESS RELEASE

For Immediate Release May 13, 2020

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Florence Strives to Protect Your Drinking Water Aquifer

While disappointed with the Arizona Court of Appeal's ruling on the temporary Aquifer Protection Permit issued to Florence Copper, Inc., the Town of Florence remains resolute in its commitment to ensuring Florence residents have access to a safe supply of drinking water.

Last week, the Town took another decisive step in its continuing effort and legal mandate to protect Florence's drinking water aquifer. The Town petitioned the United States Environmental Protection Agency (EPA) to revoke or, at a minimum, reduce the scope of a 23-year-old aquifer exemption permit (the "Permit") which currently allows a large portion of the aquifer to be excluded from the protections of the federal Safe Drinking Water Act.

The Permit allows fluid that might otherwise endanger a drinking water source to be placed into that portion of the aquifer which is exempt by the Permit. Under the Permit, that exempt aquifer cannot thereafter be used as a source of drinking water.

The Permit was originally issued to BHP Copper in 1997, prior to the surrounding residential development of Anthem at Merrill Ranch, and is one of the permits under which Florence Copper is currently operating its Project Test Facility. In 1998, BHP Copper conducted a 90-day pilot test, and, thereafter, abandoned all mining activities. From 1998 until December 2018, when Florence Copper began construction and operation of its Project Test Facility, no mining was conducted in the area covered by the Permit. There was no evidence that the aquifer was impaired by BHP's original 90-day pilot test from 1998.

The Project Test Facility is only 2.2 acres, but if full scale commercial mining is conducted, the area available to mine is approximately 212 acres. The Permit, however, covers an area of approximately 400 acres, almost twice the size necessary for commercial mining. The Permit unnecessarily excludes a large area of your drinking water from the federal protections mandated by the Safe Drinking Water Act.

In addition to the federal permits, Florence Copper is operating under a state temporary APP which is set to expire in December 2020. ADEQ and EPA are reviewing Florence Copper's applications for permits for a *full-scale* mining operation. The public has the opportunity to learn the issues, attend public meetings, and comment on the proposed permits. During this upcoming process, the Town is hopeful that both Florence Copper and the regulatory agencies will consider and address issues that the Town has raised in the litigation before presenting the proposed permits to the public for comment.

As it relates to another legal path to protection, the Town has prepared itself to defend its statutory authority of zoning, a case which will go to oral arguments before the Arizona Court of Appeals on June 16th, 2020. If successful in this appeal, the Town would no longer be responsible for the \$1.7 million of legal fees that were previously awarded to Florence Copper.

To help Town residents and other interested parties understand the various legal mechanisms the Town has pursued to protect its drinking water source, the Town has created a website with case documents from each of the three paths (i.e., the Aquifer Exemption Permit, the Aquifer Protection Permit, and the Zoning). The website address is www.FlorenceAZ.gov/FlorenceCopper.

A [copy of the Petition](#) filed with the EPA last week can be found on the Town's website, under the AEP section.