




**RICHARD ELÍAS**  
 PIMA COUNTY SUPERVISOR  
 DISTRICT 5

**PIMA COUNTY BOARD OF SUPERVISORS**

130 W. CONGRESS STREET, 11<sup>TH</sup> FLOOR  
 TUCSON, ARIZONA 85701-1317

TELEPHONE (520) 740-8126  
 FAX (520) 884-1152  
 E-MAIL: district5@pima.gov  
 WEBSITE: www.district5.pima.gov

**MEMORANDUM**

**DATE:** March 31, 2010  
**TO:** Lori Godoshian, Clerk of the Board  
**FROM:** Richard Elías, District Five Supervisor   
**REGARDING:** Item for the April 6, 2010 agenda addendum


Please add the following to the April 6, 2010 agenda addendum:

**Resolution**

RESOLUTION NO. 2010 - \_\_\_\_\_

A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS OPPOSING HOUSE BILL 2617 OF THE ARIZONA LEGISLATURE'S 2010 REGULAR SESSION BECAUSE IT GRANTS UNWARRANTED PRIVILIGES TO MINING OPERATIONS TO THE POSSIBLE DETRIMENT OF THE PUBLIC INTEREST AND A CLEAN ENVIRONMENT (District Five)

Thank you

MAR 31 10PM 02:53 PC CLK OF BD  


**RESOLUTION NO. 2010 - \_\_\_\_**

**A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS  
OPPOSING HOUSE BILL 2617 OF THE ARIZONA LEGISLATURE'S 2010  
REGULAR SESSION BECAUSE IT GRANTS UNWARRANTED PRIVILIGES  
TO MINING OPERATIONS TO THE POSSIBLE DETRIMENT OF THE  
PUBLIC INTEREST AND A CLEAN ENVIRONMENT**

WHEREAS, a healthful and safe Pima County environment is, under Arizona Revised Statutes, a fundamental concern of Pima County government, and

WHEREAS, House Bill 2617 exempts mining facilities that discharge potentially contaminated liquids into watercourses from Arizona Department of Environmental Quality permitting and oversight, and

WHEREAS, House Bill 2617 restricts the ability of the Arizona Department of Environmental Quality to take enforcement action against mines that allow storm-water to carry contaminants into the environment beyond a mine site, and

WHEREAS, House Bill 2617 bars state agencies from adopting rules, standards, permits, variances, and orders that are more stringent from those allowed under federal law, despite the possibility that local situations and conditions require more stringent actions and measures, and

WHEREAS, House Bill 2617 allows mining operations to avert Arizona Department of Water Resources rules and oversight as they apply to new water-well construction and to the withdrawal, treatment and reinjection of ground water when they are engaged in a required pollution cleanup program, and

WHEREAS, House Bill 2617 creates a new seven-member Mining Advisory Council, with six members active in the mining industry and with powers that go beyond just advice to have an undue influence on state government with regard to the regulation of mining, but without public transparency and without public involvement, and

WHEREAS, House Bill 2617 creates a precedent of allowing a site-specific inter-basin groundwater transfer otherwise not allowed under Arizona law, and

WHEREAS, House Bill 2617 allows private consulting companies that routinely do business with the mining industry to process mining-industry applications for state licenses, permits and "other authorizations," and

WHEREAS, House Bill 2617 grants mining officials a special "early review" position with regard to state rulemaking that affects them, and

WHEREAS, House Bill 2617 forces state agencies to meet deadlines for issuing permits to mining-industry applicants under the threat of penalties when in some cases the complexity of the permits requires more time in order to assure the public and the environment are protected, and

WHEREAS, House Bill 2617 allows the Arizona Mine Inspector, who, although an elected official, must have at least four years experience in mining or a mining-related industry, to intervene in federal court cases against Arizona mining operations without the consent or cooperation of the Attorney General, the Governor or the Legislature,

NOW, THEREFORE, BE IT RESOLVED that the Pima County Board of Supervisors hereby stands in opposition to House Bill 2617, already approved by the Arizona House of Representatives, and calls for the Arizona Senate and Governor Jan Brewer to reject this very dangerous legislation.

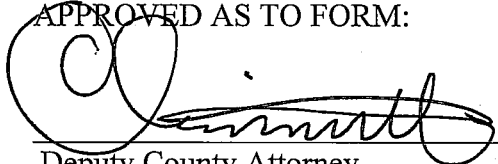
Passed by the Board of Supervisors of Pima County, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairman, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney