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Lawsuit Launched Seeking EPA Pollution Limits for Arizona Creek Threatened by Copper Mine

SUPERIOR, *Ariz.*— Conservation groups filed a formal [notice of intent](#) to sue the U.S. Environmental Protection Agency today in response to the Arizona Department of Environmental Quality’s decades-long failure to limit pollution in Queen Creek.

Resolution Copper’s proposed mine would discharge copper and other pollutants into the creek. The mining operation would also destroy the [Oak Flat](#) area, an Indigenous sacred site east of Phoenix.

“Instead of doing its job to protect Queen Creek, the Arizona Department of Environmental Quality is allowing Resolution Copper Company to add more pollutants to an already polluted stream,” said Roger Featherstone, director of the Arizona Mining Reform Coalition. “It is time for EPA to step in to protect a creek that is valued by so many Arizonans.”

Pollution limits are an important Clean Water Act tool to improve water quality. In 2002 the Arizona Department of Environmental Quality said Queen Creek failed to meet federal water-quality standards because of dissolved copper; later it added lead and selenium to the list. But despite the creek’s formal listing as impaired, there are no pollution limits because the state has failed to finalize [these standards](#).

The Clean Water Act requires states to identify polluted waters and limit pollution dumped into those waters. Impairment designation triggers a state agency’s duty to measure pollutants and identify potential reductions to ensure the water is safe for

people, plants and animals. The EPA is required to step in if states fail to implement pollution standards for impaired waters.

“Arizona officials have dragged their feet for 20 years while Queen Creek and the wildlife that depend on it have suffered,” said Allison Melton, an attorney at the Center for Biological Diversity. “The EPA has to step up to the plate and protect the creek as the Clean Water Act requires. This beautiful high-desert creek has been a dumping ground for copper mines for far too long.”

Queen Creek runs north and west of Oak Flat through rugged, spire-filled Queen Creek Canyon toward Superior, Arizona. The creek provides wetland and riparian habitat within the [Boyce Thompson Arboretum](#), a designated “important birding area” where at least 275 species of bird have been recorded.

“Queen Creek is an invaluable asset to the community. The agencies should stop stalling and make the health of our waters a priority,” said Henry Munoz, a longtime Superior resident with Concerned Citizens and Retired Miners Coalition.

Despite the state not having a plan to improve water quality in Queen Creek, the Department of Environmental Quality renewed Resolution Copper’s pollution discharge permit in 2016 and has proposed another renewal this year. The San Carlos Apache Tribe is challenging the 2016 renewal in state appeals court.

Oak Flat is listed on the National Register of Historic Places in recognition of its irreplaceable cultural, historic and religious importance for the Western Apache and other tribes. It is part of the ancestral homelands of the Apache, Yavapai, Hopi, Zuni and other tribes in the Southwest.

“The Arizona Department of Environmental Quality has for far too long ignored the very real and harmful water-quality problems in Queen Creek,” said Sandy Bahr, director of Sierra Club’s Grand Canyon Arizona Chapter. “We need EPA to act now to protect this important stream and ensure that the Clean Water Act requirements to restore the water quality are satisfied.”

A 2021 Arizona Auditor General’s [report](#) cited a number of problems at the state Department of Environmental Quality, including the agency’s failure to reduce the number of polluted waters by implementing water-quality standards.

The audit said the department “has not developed all required aquifer water quality standards, conducted key ongoing groundwater monitoring of the State’s aquifers, monitored for agricultural pesticides in groundwater and surrounding soil, or reduced the number of impaired surface waters in the State, limiting its ability to keep these waters safe from pollution.”

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places.

The Sierra Club is one of the largest and most influential grassroots environmental organizations in the U.S., with more than 3.5 million members and supporters. In addition to protecting every person's right to get outdoors and access the healing power of nature, the Sierra Club works to promote clean energy, safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and legal action. The Grand Canyon Chapter of the Sierra Club, representing 15,000 members, has a long history of public education and advocacy to protect Arizona waters.

Arizona Mining Reform Coalition works in Arizona to improve state and federal laws, rules, and regulations governing hard rock mining to protect communities and the environment. AMRC works to hold mining operations to the highest environmental and social standards to provide for the long term environmental, cultural, and economic health of Arizona. Members of the Coalition include: the Center for Biological Diversity, Concerned Citizens and Retired Miners Coalition, Concerned Climbers of Arizona, Courtland Ghost Town, Dragoon Conservation Alliance, Earthworks, Environment Arizona, Groundwater Awareness League, Maricopa Audubon Society, Save the Scenic Santa Ritas, Grand Canyon Chapter of the Sierra Club, Sky Island Alliance, Tucson Audubon Society, Arizona Trail Association, and the Valley Unitarian Universalist Congregation.

The Concerned Citizens and Retired Miners Coalition is a group of citizens who: 1) reside in Superior, Arizona, or do not reside in Superior, Arizona, but are affiliated with relatives who are residents; 2) are retired hard-rock miners who previously worked in the now non-operational mine in Superior, Arizona, and were displaced due to mine closure or personal disability; or 3) are individuals who are concerned that important U.S. public recreational land will be conveyed to a foreign mining company for private use.

Earthworks is a nonprofit organization dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions. Earthworks stands for clean air, water and land, healthy communities, and corporate accountability. We work for solutions that protect both the Earth's resources and our communities.