

● Sierra Club - Grand Canyon Chapter ● Center for Biological Diversity ● Patagonia Area Resource Alliance ● Friends of the Sonoran Desert ● Sky Island Alliance ● Maricopa Audubon Society ● Arizona Mining Reform Coalition Tucson Audubon Society ● Save the Scenic Santa Ritas ● Friends of the San Pedro River ● Community Water Coalition of Southern Arizona ● Arizona Riparian Council ● Coalition for Sonoran Desert Protection ●

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**Conservation Groups Applaud Clean Water Act Decision
*State Suspends Effort to Assume Key Provision of Federal Law***

PHOENIX — Conservation groups applauded the Arizona Department of Environmental Quality (ADEQ) decision to not pursue authority over a key provision of the federal Clean Water Act. The groups had submitted comments in November and throughout the stakeholder process, raising concerns about the ADEQ effectively enforcing this important provision in the law, which protects U.S. waterways from pollution, degradation, and disturbance by industrial and development projects.

Fifteen conservation groups, tribal nations, cities, and counties had raised objections to ADEQ assuming the dredge and fill permit program (Section 404 of the Clean Water Act), questioning the state's ability to ensure continued compliance with the Endangered Species Act and the National Historic Preservation Act, a robust public review process such as is required with the National Environmental Policy Act or any public interest review, funding, and expertise.

“Arizona’s waters, including those—and perhaps especially those—with limited water should be afforded the highest levels of protection. Plants, animals, cultural resources, and the public interest must be top priorities in considering permits to alter our waters,” said **Sandy Bahr, chapter director for Sierra Club's Grand Canyon (Arizona) Chapter**. “We are pleased that the Arizona Department of Environmental Quality is not moving forward with the program without the necessary strong public review and involvement process and better and stronger cultural and natural resource protections.”

“Arizonans can breathe a big sigh of relief that the state has decided not to pursue authority over implementation of Section 404 of the Clean Water Act,” said **Randy Serraglio, conservation advocate with the Center for Biological Diversity**. “Far too many times in our state’s history, the protection of public health and the environment have taken a back seat to industry profits, and it was clear to us that this proposal would

have been resulted in a similar situation. This process has been flawed from the start and gave us no confidence that the state would be able to handle this authority.”

Background

For decades, the Clean Water Act has protected and improved the health of U.S. waters, turning rivers that once caught fire and were major threats to public health into vibrant, functioning waterways. Section 404 of the Clean Water Act is administered by the U.S. Army Corps of Engineers, which conducts detailed and complex analyses of proposals that might harm U.S. waters, as well as reviews them to determine if the proposals are in the public interest.

In 2018, Governor Doug Ducey signed a bill passed by the Legislature that gives ADEQ the option of attempting to assume control of Section 404 implementation. After review and a significant stakeholder process, the agency decided not to pursue the program at this time, although it could choose to do so in the future. Other states that have attempted to assume this authority have found that the costs and complexity have made it impossible, and the vast majority of states that expressed interest have not followed through.

Founded in 1892, the Sierra Club is a national nonprofit environmental organization with approximately 3.5 million members and supporters, including in Arizona. Sierra Club’s mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth’s ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environment.

Founded in 1949, Tucson Audubon is southeast Arizona’s leading non-profit engaging people in the conservation of birds and their habitats. Tucson Audubon inspires people to enjoy and protect birds through recreation, education, conservation, and restoration of the environment upon which we all depend.

Patagonia Area Resource Alliance (“PARA”) is a grassroots organization of volunteer community members committed to protecting and preserving the Patagonia, Arizona area. As a watchdog organization, PARA monitors the activities of industrial developers, such as mining corporations, as well as government agencies, to make sure their actions have long-term, sustainable benefits to our public lands, our watershed, and our community.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.6 million members and online activists dedicated to the protection of endangered species and wild places.

Save the Scenic Santa Ritas is a non-profit organization that is working to protect the Santa Rita Mountains from environmental degradation caused by mining and mineral exploration activities.