



Maria Coffee <mariacoffee99@gmail.com>

Request for Aquifer Protection Permit and Current Permit Status – EValution Energy Project

Wendy Eikenberry <eikenberry.wendy@azdeq.gov>

Tue, Aug 18, 2026 at 8:56 AM

To: Maria Coffee <mariacoffee99@gmail.com>

Cc: Javier.Barraza@yumacountyaz.gov, David Kim <kim.david@azdeq.gov>, Sam To <to.samantha@azdeq.gov>

Hello Maria,

As ADEQ has extremely limited information about the potential EValution Energy project, I have done my best to answer your questions below:

1. Is the EValution project currently required to submit either a General Aquifer Protection Permit (APP) or an Individual Aquifer Protection Permit (APP)?

- No. To ADEQ's knowledge, no activity is occurring that would warrant the submission of a permit application, either general or individual.

2. If it cannot yet be determined, is the EValution project required to submit a Determination of Applicability (DOA) so that ADEQ can determine whether a General APP, an Individual APP, or an exemption applies?

- No. Based on the limited information available, it appears the project is not active and is/was conducting a pre-feasibility study. ADEQ does not have the authority to compel anyone to submit a Determination of Applicability to carry out a pre-feasibility study.

3. If the answer to Questions 1 or 2 is "Cannot be determined at this time," what specific information or project milestone is required before ADEQ can make that determination?

- For these types of facilities, an Air Quality Permit is required before any construction of a facility takes place. Generally, an Air permit will indicate that groundwater permits may be required. If you have specific information regarding construction activities at the site, please let us know so that we can investigate further.

4. Is it possible that the EValution project could qualify for an exemption from submitting a DOA or an APP?

- Cannot be determined at this time. ADEQ requires significantly more information about the project to evaluate whether any exemptions may be applicable.

5. If yes, which exemption(s) could potentially apply to this project?

- Potential exemptions that may apply to the facility include those listed in A.R.S. 49-250(B). Under A.A.C. R18-9-B301, certain situations are considered "permit by rule" and do not require submission of an application to be covered under the Type 1 General Permits.

In rare cases, a facility may seek an exemption of an Aquifer Protection Permit under A.R.S. 49-241(B). This process is treated similar to a Determination of Applicability and requires a demonstration that no migration of pollutants is expected to occur. This decision requires a comprehensive review, Director approval, and a public notice and comment period before final approval.

Best Regards,



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Manager of Groundwater Mining and Industrial Permits
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