

ENVIRONMENTAL BEST MANAGEMENT PRACTICE

BMP No. 201

Discharge of Dredge or Fill Material to "Waters of the United States"

WHAT IS A "WATERS OF THE UNITED STATES"?

The US Army of Corps of Engineers defines waters of the United States as all lakes, rivers, streams (including intermittent streams and ephemeral drainages), mudflats, wetlands, playa lakes and natural ponds. Determination of actual Water of the United States is a complex process that is most often performed by outside experts that have extensive training on determining waterways that meet the definition of Waters of the United States.

WHAT IS A DISCHARGE OF DREDGE OR FILL MATERIAL?

Placement of fill that is necessary for the construction of any structure or infrastructure in a water of the United States; the building of any structure, infrastructure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; beach nourishment; levees; fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and subaqueous utility lines; placement of fill material for construction or maintenance of any liner, berm, or other infrastructure associated with solid waste landfills; placement of overburden, slurry, or tailings or similar mining-related materials; and artificial reefs.

WHAT ARE MORENCI'S REQUIREMENTS FOR DISCHARGES OF DREDGE OR FILL MATERIAL TO WATERS OF THE UNITED STATES?

Section 404 of the Clean Water Act (CWA) requires a permit from the Army Corps of Engineers for the discharge of dredge or fill materials into "waters of the United States." Section 401 of the CWA requires dredge or fill activities to obtain water quality certification from the Arizona Department of Environmental Quality (AZDEQ).

All projects at Freeport-McMoRan Morenci Inc. (Morenci), no matter how small, that have the potential to place dredge or fill material in "waters of the United States" are to be reviewed by Environmental Services for §404 and §401 permit/certification applicability. This includes but is not limited to:

- stockpile expansions,
- new stockpile construction,
- mine pits,
- road construction and maintenance
- power line corridors
- dam construction or maintenance

If the project is determined to fall under these regulations, no construction or maintenance activities can commence prior to the Environmental Services Department obtaining the

