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## **Environment Department's Position on Protection of Grant County Water Resources Upheld by State Commission**

(Santa Fe, NM) — In an appeal hearing held April 13 and 14 in Santa Fe, the state Water Quality Control Commission (WQCC) has upheld the New Mexico Environment Department's (NMED) closure permit for the Phelps Dodge Tyrone Mine located in Grant County. This permit, issued by NMED in April 2003, had been appealed to the commission by Phelps Dodge and Citizens for Economic Growth and Environmental Protection (CEGEP). The Gila Resources Information Project (GRIP) supported the Department's permit.

This closure permit will ensure that polluted groundwater at the mine site is cleaned and further threats to natural resources reduced when the Tyrone mine ceases mining operations and is closed at some point in the future. It also requires Tyrone to immediately begin setting aside financial assurance funds to cover these closure costs and to begin a series of studies designed to refine the closure plan.

"I am very pleased that the commission has supported NMED on this vital water quality issue," said NMED Secretary Ron Curry. "Most of the state's drinking water comes from groundwater--it is our most precious resource--and we need to do everything we can to protect it for future generations."

In arguments made to the commission during the hearing, Phelps Dodge and CEGEP had asserted that water at and beneath the mine has "no present or reasonably foreseeable future use" and therefore the mine should not be required to clean up and protect water at the mine site from future degradation.

Records indicate that the number of domestic wells in a two-mile radius of the Tyrone mine has grown over the last several decades, from 16 in 1972 to 50 in 2000. Future growth in Grant County is likely to increase demands on all water resources including those sitting beneath the Tyrone mine.

Arguments were also made at the hearing in an effort to limit NMED's ability to include conditions in permits to control pollution and limit harm to the environment. If approved, these arguments would have seriously impeded NMED's groundwater protection program.

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“If the commission were to approve this approach here at the Tyrone mine, we will be sure to get similar proposals from other mines, and other facilities such as industrial facilities, dairies and national weapons research laboratories, as well,” said Charlie de Saillan of NMED’s Office of General Counsel in oral argument before the commission. “With such precedent in place, it would be very difficult for the Department or the commission to hold the line. Little by little, our scarce groundwater resources would become contaminated.”

“The state simply does not have any water to waste right now,” said Secretary Curry. “This decision will allow us to continue to protect water quality throughout the state. Doing this work ensures that there is clean, healthy drinking water in New Mexico’s homes and sufficient resources for future economic growth.”

Both the alluvial (shallow) and regional (deep) groundwater aquifers beneath and surrounding the Tyrone mine have shown extensive contamination. This pollution is the result of acid and heavy metals leaching from waste rock piles, ore stockpiles and other sources at the mine. Current estimates indicate that, if left unaddressed, these piles would continue to pollute the environment for 300 years or more.

For further information contact Jon Goldstein, Communications Director, NMED at (505) 827-0314.

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