

**SUSANA MARTINEZ, GOVERNOR**Ryan Flynn, *Cabinet Secretary-Designate*Butch Tongate, *Deputy Secretary***NEWS RELEASE****September 10, 2013**

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New Mexico Water Quality Control Commission Approves The Most Environmentally Protective Rules For Copper Mining In The Country

Santa Fe – The New Mexico Water Quality Control Commission (WQCC) tonight approved modifications to the New Mexico Environment Department’s Copper Rules that will allow in-state mining activities to continue while protecting groundwater. The final vote was 9-1.

“When compared with the mining regulations of other copper producing states, the rules approved tonight by the commission will be the most comprehensive and environmentally protective regulatory requirements for protecting ground water from the impacts of copper mining of any copper mining state in the country,” said NMED Secretary Ryan Flynn. “These rules also offer clear and consistent expectations for the mining industry, which is something that has never existed before in New Mexico.”

The newly-approved Copper Rules accomplish the following:

- Provides stringent design features for new mining facilities and for expansions of existing mining facilities.
- Provides new criteria for closing a mine, including re-grading land and installing ground cover to minimize infiltration of precipitation into and through mined materials that might otherwise reach ground water
- Imposes new engineering design requirements for waste rock and leach stockpiles, and impoundments; and requires specific design technology for impoundments, tanks and pipelines.
- Provides continued protection to drinking water supplies. (Copper mining in the Silver City area has not had any adverse impacts on the area’s water quality.)
- Provides clear, transparent, and consistent rules that will allow for regulatory certainty, which allows mining companies to invest in future operations in New Mexico. (The copper industry contributes approximately \$330 million per year to the New Mexico economy and employs over 1,500 full time workers and over 300 contractors in southwestern New Mexico.)

The approved Copper Rules were developed by the Environment Department after a comprehensive stakeholder outreach process. The rules have the support of a group of bipartisan state lawmakers, as well as several mayors and county commission members from communities located near New Mexico's existing copper mines. Additional groups that also support the approved rules include the New Mexico Mining Association, the New Mexico Institute of Mining and Technology, Western New Mexico University, the New Mexico Oil and Gas Association, New Mexico Cattle Growers, and the Gila Economic Development Alliance.

Modifications to the New Mexico Copper Rules were required by state law. The previous mining permitting system employed by the Environment Department provoked years of protracted litigation with the mining industry. Ultimately, the New Mexico Court of Appeals characterized the previous permitting system used by the Environment Department as "unrealistic" and "broad and impractical." ("... it is also unrealistic to require all water at the Tyrone mine site to meet drinkable water standards. ... we reject such a broad and impractical interpretation of the Act; so interpreted, it would not reflect a balance between the competing policies of protecting water and yet imposing reasonable requirements on industry", *Phelps Dodge Tyrone, Inc. v. New Mexico Water Quality Control Com'n*, 140 N.M. 464, 143 P.3d 502, 2006-NMCA-115 (N.M.App. Jul 19, 2006)). After the Court of Appeals ruling, the New Mexico State Legislature passed SB 206 during the 2009 Regular Session. The law amended the Water Quality Act and required the state to develop regulations that clearly set forth the appropriate controls to prevent or abate ground water pollution.

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