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Mining Company Seeks to Sidestep State Oversight

By BEN NEARY | The New Mexican

02/12/2003

P helps Dodge Mining Co. is pushing legislation that would exempt its huge open-pit mines in Grant County from much state environmental oversight.

Senate Bill 473, sponsored by Sen. Ben Altamirano, D-Silver City, would designate "mining districts" in New Mexico in areas where mining has traditionally occur-red.

The bill proposes that areas within such mining districts be exempt from some state environmental protection and reclamation requirements. It would not require remediation of surface and ground water contamination within the districts.

New Mexico Environment Secretary Ron Curry objected to the proposal Tuesday, saying, "It's a bill that would essentially destroy this department's authority to regulate water quality in and around mines."

Altamirano said Tuesday that he's not actively pushing his bill, but also has no plans to withdraw it. He said he understands lobbyists for Phelps Dodge are meeting with state agencies about the bill.

"The industry is talking with the different agencies of state government," Altamirano said. "I'm going to hold that bill up until there is some resolution."

Altamirano said his main interest is to help the company preserve jobs in Grant County.

Phelps Dodge has laid off hundreds of workers in recent years as copper prices have fallen in the face of international competition.

The New Mexico Environment Department for the past several years has been working to develop ground-water discharge permits for three huge open-pit copper mines that Phelps Dodge operates in Grant County.

The state and the company have clashed over state proposals to require the company to post enormous reclamation bonds to ensure ultimate cleanup of its mining sites.

In addition to seeking to create the mining districts, Altamirano's bill seeks to allow mining companies to pledge their own corporate guarantee to cover cleanup costs.

The New Mexico Environmental Law Center in Santa Fe represents the Gila Resources Information Project, a Silver City environmental group, in pressing the state to require larger reclamation bonds from Phelps Dodge.

Roderick Ventura, staff attorney with the environmental law center, said Tuesday that Altamirano's bill would effectively gut the state's existing hard-rock mining act.

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"I think the fact that they're excluding the state environmental laws from these areas is pretty outrageous," Ventura said of the proposal to create mining districts. "They seem to think that they can excuse themselves from these laws."

Richard Peterson, spokes-man for Phelps Dodge, said Tuesday that the state should accept assurances from his company - the second-largest copper producer in the world - that it will not seek to walk away from its reclamation responsibilities in Grant County.

Under Altamirano's bill, the state would recognize that mining is the highest and best use of the land in areas that have already been mined, Peterson said.

"Our argument here is that a mine is best suited to be a mine, and let's not presume that it could become something else someday," Peterson said.



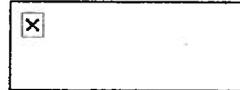
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