

**20.6.7.33**

**CLOSURE REQUIREMENTS FOR COPPER MINE FACILITIES:**

~~D. — Open pits. The applicant or permittee shall provide detailed information and a closure plan for open pits that demonstrates how the following criteria will be addressed through water management and/or other activities at these facilities to minimize the potential to cause an exceedance of applicable water quality standards:~~

~~(1) Open pits in which the evaporation from the surface of an open pit water body is predicted to exceed the water inflow shall be considered to be a hydrologic evaporative sink. If an open pit is determined to be a hydrologic evaporative sink, the standards of 20.6.2.3103 NMAC do not apply within the area of open pit hydrologic containment.~~

~~(2) After closure, if water within an open pit is predicted to flow from the open pit into ground water and the discharge from an open pit may cause an exceedance of applicable standards at monitoring well locations specified by 20.6.7.28 NMAC, then the open pit shall be considered a flow-through pit and the open pit water quality must meet ground water standards of 20.6.2.3103 NMAC or the open pit must be pumped in order to maintain an area of open pit hydrologic containment.~~

~~D. — Ground Water Quality. The applicant or permittee shall provide detailed information and a closure plan that demonstrates how ground water quality will meet applicable standards within the copper mine facility upon closure with the following exceptions:~~

~~(1) Open pits in which the evaporation from the surface of an open pit water body is predicted to exceed the water inflow shall be considered to be a hydrologic evaporative sink. If an open pit is determined to be a hydrologic evaporative sink, the standards of 20.6.2.3103 NMAC do not apply to the pit lake within the open pit.~~

~~(2) If the permittee can demonstrate that the area of ground water pollution is not at a place of withdrawal of water for present or reasonably foreseeable future use, applicable standards need not be met. Determination of whether the ground water is a place of withdrawal of water for present or reasonably foreseeable future use shall be based upon an evaluation of the following criteria:~~

~~(a) Site hydrology and geology;~~

~~(b) The quality of ground water prior to any discharge from the facility;~~

~~(c) Past and current land use in the vicinity;~~

~~(d) Potential future land use in the vicinity;~~

~~(e) Past and current water use in the vicinity;~~

~~(f) Potential future water use in the vicinity; and~~

~~(g) Population trends in the vicinity.~~