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April 30, 2013

Members of the Water Quality Control Commission
c/o Felicia Orth, Hearing Officer
Harold Runnels Building, Room N-2150
1190 St. Francis Drive
Santa Fe NM 87505

RE: WQCC hearing on Copper Mining Rule WQCC 12-01 (R)

Dear Members of the Water Quality Control Commission:

I strongly oppose adoption of NMED's proposed copper mining rules.

The draft Copper Rule will allow the mining industry to pollute increasingly valuable drinking and irrigation water resources. This is a clear violation of the New Mexico Water Quality Act and will encourage other industries to seek "permission to pollute" rather than prevent their pollution in the first place.

The NMED draft Copper Rule goes against the compromise proposals presented to NMED management. These compromise rules were the result of a stakeholder process that NMED itself set up and involved eight months of intense meetings among the various stakeholder representatives from the industry, environmental and community organizations, and NMED's technical staff.

NMED senior management chose to disregard the good faith recommendations of its own stakeholder Copper Rule Advisory Committee and of their own technical staff and instead chose to do the bidding of Freeport-McMoRan, the largest publicly traded copper mining company in the world.

NMED's "Pollution by Regulation" not only violates the best efforts of a variety of committed stakeholders, it also threatens all of New Mexico's drinking water and the health of all New Mexican's. The blatant disregard for protection provided by the Water Quality Act since the 1970s means polluters across the state will see this as a green light to petition for their own permission to pollute.

The New Mexico Attorney General opposes NMED's proposed Copper Rule because it is in direct conflict with the state Water Quality Act and does not adequately protect the state's ground water.

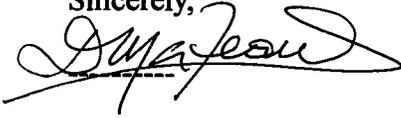
Adopting the NMED's proposed Copper Rule will give the copper mining industry the right to pollute hundreds of millions of gallons of groundwater underneath copper mining sites and would risk contamination of public water supplies surrounding mining sites for decades and even centuries to come.

I urge the WQCC to oppose this gift to the copper mining industry and uphold the Water Quality Act's

mandate that all groundwater in the state be protected.

Thank you for your consideration.

Sincerely,



Key Points

- More than 90% of New Mexicans rely on groundwater for their drinking water and much of New Mexico's agriculture also depends on groundwater for all or some of their irrigation
- Cleaning up polluted groundwater is much more expensive than preventing the pollution in the first place; the difference being that the high cost of cleaning up polluted groundwater will almost surely be the burden of the state's taxpayers
- According to the Office of Natural Resources Trustee, Freeport-McMoRan's mines in Grants County already have contamination plumes that extend more than 20,000 acres
- The NMED proposed Copper Rule allows copper mining facilities to pollute groundwater **above** water quality standards without being required to seek a variance for the activities causing the pollution
- The proposed Copper Rule would set up a vague and unreliable system of monitoring wells that would allow known contamination to continue as long as it wasn't detected by the wells; there are so many examples of poorly designed and installed monitoring well systems in the state that this proposal is essentially a guarantee that contamination will spread far beyond the "containment" area
- The proposed Copper Rule also weakens or eliminates requirements for lining mine tailings impoundments and waste rock piles, public notice requirements and opportunities for public participation, monitoring and reporting requirements, and compliance schedules (the timelines that mine operations must meet when dealing with their contamination)

Dear Ms. Castañeda:

I am adamantly opposed to the proposed rules as currently written as they are contrary to the State Water Quality Act. The protections have been in place in New Mexico for over thirty years.

The proposed rules will allow the mining industry to pollute our valuable groundwater where nine of ten New Mexicans are dependent for their drinking water.

The New Mexico Environment Department upper level managers ignored the recommendations of their technical staff and many stakeholders after an eight month process.

Allowing mining companies to pollute groundwater under mine sites violate both state and federal water quality standards rather than preventing pollution.

Freeport-McMohan's record of water pollution is notorious resulting in significant and serious health problems for people surrounding their mines worldwide.

Please ~~reword~~ these rules back to the New Mexico Environment Department and their Copper Rules Advisory Committee for revision.

Sincerely,
David M Rose DAVID M ROSE
1309 N. WEST ST
SILVER CITY, NM 88061-4637

Castaneda, Pam, NMENV

From: Paul Leetmae <paul.leetmae@lawleycars.com>
Sent: Tuesday, April 30, 2013 1:43 PM
To: Castaneda, Pam, NMENV
Cc: 'Trujillo, A.P. (Tony)'; 'Vicki Huff'
Subject: NM Environment Department's Copper Rules

April 30, 2013

New Mexico Environmental Department

Attn: Pam Castaneda, Administrator

New Mexico's Water Quality Control Commission has an opportunity to provide our state with improved regulations that define how ground water should be monitored and protected at all New Mexico copper mining operations.

After months of discussions among advisory committees and working groups that included government, academics, environmental interest groups and industry, the New Mexico Environment Department has submitted to the WQCC its "Proposed Copper Rules." The NMED recommends these rules replace our current bureaucratic, inconsistent system with a strict, consistent, clear and reliable framework to protect ground water today and for years after operations cease.

This is the kind of common sense reform we should expect from our government officials – ensuring the environment protected while also giving an industry critical to our economy the kind of clarity it needs to make additional investments and create jobs – jobs our southwestern communities depend on.

For the sake of our groundwater and New Mexico's economy, myself and my 29 employees encourage approval of the proposed copper rules.

The employees of Lawley Toyota, Ford, Dodge, Chrysler, & Jeep who are serving the Grant County communities, would encourage all community partners and customers to become familiar with the future proposed regulations and how it truly impacts our economy, as well as our communities.

Respectfully,

Mr. Paul Leetmae

Owner/Operator

Lawley Automotive Group – Lawley Toyota, Ford, Dodge, Chrysler, Jeep

Silver City, NM

Castaneda, Pam, NMENV

From: Jan McCreary <cascabel@gilanet.com>
Sent: Tuesday, April 30, 2013 12:28 PM
To: Castaneda, Pam, NMENV
Subject: We OPPOSE NMED's Proposed Copper Mining Rules!

RE: WQCC hearing on Copper Mining Rule WQCC 12-01 (R)

Dear Members of the Water Quality Control Commission:

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NMED senior management chose to disregard the good faith recommendations of its own stakeholder Copper Rule Advisory Committee and of their own technical staff and instead chose to do the bidding of Freeport-McMoRan, the largest publicly traded copper mining company in the world.

NMED's "Pollution by Regulation" not only violates the best efforts of a variety of committed stakeholders, it also threatens all of New Mexico's drinking water and the health of all New Mexican's. The blatant disregard for protection provided by the Water Quality Act since the 1970s means polluters across the state will see this as a green light to petition for their own permission to pollute.

The New Mexico Attorney General opposes NMED's proposed Copper Rule because it is in direct conflict with the state Water Quality Act and does not adequately protect the state's ground water.

Adopting the NMED's proposed Copper Rule will give the copper mining industry the right to pollute hundreds of millions of gallons of groundwater underneath copper mining sites and would risk contamination of public water supplies surrounding mining sites for decades and even centuries to come.

I urge the WQCC to oppose this gift to the copper mining industry and uphold the Water Quality Act's mandate that all groundwater in the state be protected.

Thank you for your consideration.

Sincerely,
Jan & Pat McCreary
Silver City, NM

Castaneda, Pam, NMENV

From: Dave Wheelock <davewheelock@yahoo.com>
Sent: Tuesday, April 30, 2013 9:51 AM
To: Castaneda, Pam, NMENV
Subject: No! to proposed copper rules

As a resident of New Mexico I strongly object to and oppose the weak water protection regulations now being considered for copper mining.

Dave Wheelock
Socorro

Castaneda, Pam, NMENV

From: Lana Green <ecollage@taosnet.com>
Sent: Tuesday, April 30, 2013 12:50 PM
To: Castaneda, Pam, NMENV
Subject: Copper Mining Rule WQCC 12-01 (R)

Pam Castaneda
WQCC Administrator

Dear Ms. Castaneda:

I submit the following letter courtesy of Amigos Bravos: Friends of the Wild Rivers. Please pass it along the proper authorities for their consideration. I understand that the period of public comment has almost concluded; however I trust I still have a few days to send this along.

I am a former environmental education instructor and consultant. I am also a grandmother to 5 beautiful grandchildren. I am concerned about present and future water issues globally and locally. That is why I've taken the time to at least submit the well-crafted enclosed letter.

Thank you for your help concerning this matter.

Sincerely,

Lana K. Green

"Members of the Water Quality Control Commission c/o Felicia Orth, Hearing Officer Harold Runnels
Building, Room N-2150
1190 St. Francis Drive
Santa Fe NM 87502

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Lana K. Green