

Castaneda, Pam, NMENV

From: florence nightingale <nsghx@hotmail.com>
Sent: Wednesday, May 01, 2013 9:41 PM
To: Castaneda, Pam, NMENV
Subject: public comment

Dear Ms Casteneda:

NO to NMED's proposed rules to the WQCC. As you know, they are in direct conflict with the Water Qual Act, and do not adequately protect the state's ground water.

Dr G Campbell
Silver City

Castaneda, Pam, NMENV

From: kristina.gray.fisher@gmail.com on behalf of Kristina G. Fisher
<kristinagrayerfisher@gmail.com>
Sent: Wednesday, May 01, 2013 3:08 PM
To: Castaneda, Pam, NMENV
Subject: WQCC hearing on Copper Mining Rule WQCC 12-01 (R)

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

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

Dear Members of the Water Quality Control Commission:

I am writing to express my opposition to the proposed copper mining water quality rules. I oppose the proposed rule for several reasons.

To begin with, the proposed rule fails to incorporate the thoughtful compromise proposals that were developed through the stakeholder process that NMED itself established. This process involved eight months of intense meetings among the various stakeholder representatives from the industry, environmental and community organizations, and NMED's technical staff.

It is troubling that NMED's leadership chose to disregard the good faith recommendations of its own stakeholder Copper Rule Advisory Committee, as well as the recommendations of NMED's technical staff. Instead, the draft copper mining rule appears to reflect the preferences of copper mining companies like Freeport-McMoRan.

These companies exist to earn a profit for their shareholders, not to protect the environment or the health of New Mexicans. It is NMED's job to ensure that those important interests are protected.

As proposed, the draft copper rule would give the copper mining industry the right to pollute hundreds of millions of gallons of groundwater beneath copper mining sites and would risk contamination of public water supplies surrounding mining sites for generations to come. The rule would allow copper mining facilities to pollute groundwater above water quality standards without being required to seek a variance for the activities causing the pollution. This is a clear violation of the New Mexico Water Quality Act and it will serve as a troubling precedent for other industries that would like "permission to pollute" rather than rules that require them to prevent such pollution.

New Mexico's groundwater is a scarce and precious resource. More than 90% of New Mexicans rely on groundwater for their drinking water, as does much of New Mexico's irrigated agriculture. According to the Office of Natural Resources Trustee, Freeport-McMoRan's mines in Grants County have already contaminated groundwater with plumes that extend more than 20,000 acres. Cleaning up groundwater after it has been polluted is much more expensive than preventing the pollution in the first place.

The proposed copper rule would establish 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. Given the many examples of poor

designed and installed monitoring well systems in the state, this proposal is essentially a guarantee that contamination will spread far beyond the containment area.

It is also troubling that the proposed copper rule would weaken or eliminate 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 New Mexico Attorney General opposes the proposed copper rule because it is in direct conflict with the state Water Quality Act and it would not adequately protect the state's ground water.

I urge the WQCC to uphold the Water Quality Act's mandate that all groundwater in the state be protected and reject the proposed copper rule.

Thank you for your consideration of my comments.

Sincerely,

Kristina G. Fisher
1608 Camino la Canada
Santa Fe, NM 87501