

Castaneda, Pam, NMENV

From: Ross Ulibarri <rossulibbarri@gmail.com>
Sent: Thursday, May 02, 2013 9:32 AM
To: Castaneda, Pam, NMENV
Subject: Fwd: WQCC 12-01 (R)

Dear Ms. Castaneda,

After eight months of meetings, NMED technical staff and many of the stakeholder representatives the Copper Rule Advisory Committee managed to agree on a set of recommendations. Why not adopt these recommendations. Instead the proposed Rule will reduce water quality protections that have been in place in New Mexico for over 35 years.

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

This is in direct conflict with the state Water Quality Act, which requires polluters to prevent groundwater contamination under their sites during operations.

For the sake of my health, the health of my family and our environment, do not give the mining industry the right to pollute future drinking water supplies. I urge you to stand up for New Mexico's groundwater by opposing the Copper Rule WQCC 12-01 (R) as currently written.

Thank you,
Ross Ulibarri
El Prado

Castaneda, Pam, NMENV

From: jmcoulton <jmcoulton@windstream.net>
Sent: Thursday, May 02, 2013 10:00 AM
To: Castaneda, Pam, NMENV
Subject: Public Comments re copper mining rule

I am appalled that the NMED is considering weakening rules that protect the groundwater for the citizens of New Mexico. Our water supply continues to diminish because of the long-term drought. We need to do everything to protect our water supply. Please do not permit adoption of a rule that allows a corporation to pollute and will open up the possibility for other corporations to do the same.

Jean Coulton
A very concerned citizen of New Mexico

Castaneda, Pam, NMENV

From: Kristin Ulibarri <kristinulibbarri@gmail.com>
Sent: Thursday, May 02, 2013 8:38 AM
To: Castaneda, Pam, NMENV
Subject: WQCC 12-01 (R)

Dear Ms. Castaneda,

After eight months of meetings, NMED technical staff and many of the stakeholder representatives the Copper Rule Advisory Committee managed to agree on a set of recommendations. Why not adopt these recommendations. Instead the proposed Rule will reduce water quality protections that have been in place in New Mexico for over 35 years.

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For the sake of my health, the health of my family and our environment, do not give the mining industry the right to pollute future drinking water supplies. I urge you to stand up for New Mexico's groundwater by opposing the Copper Rule WQCC 12-01 (R) as currently written.

Thank you,
Kristin Ulibarri
El Prado

SAMPLE LETTER TO WQCC ON THE COPPER RULES

This letter is meant as a guide. Please feel free to personalize your letter and provide your own words for why you think the copper rules are a bad deal for your community and New Mexico.

Pam Castañeda, Commission Administrator
New Mexico Water Quality Control Commission
Harold Rannels Building
1190 St. Francis Dr. N-2150
Santa Fe, NM 87502



RE: Public Comment on Water Quality Rules for Copper Mining WQCC 12-01 (R)

Dear Ms. Castañeda:

I am writing to provide public comment on the proposed water quality rules for copper mining currently before the Water Quality Control Commission.

I do not support the proposed rules as currently written because they are contrary to the State Water Quality Act.

Nine out of ten New Mexicans are dependent upon groundwater for their drinking water and the rules before you will allow mining companies to pollute groundwater under mine sites above state and federal water quality standards rather than to prevent pollution. This is in violation of the State Water Quality Act.

Water quality safeguards have been in place for 35 years and this rule represents a significant step back for protection of New Mexico's groundwater resources.

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

Sincerely,

Name *Alfredo Miki HURTADO*
Address *44 N. Hurley RD. 85043*
Hurley
P.O. Box 456
85043

~~SAMPLE~~ LETTER TO WQCC ON THE COPPER RULES

This letter is meant as a guide. Please feel free to personalize your letter and provide your own words for why you think the copper rules are a bad deal for your community and New Mexico.

Pam Castañeda, Commission Administrator
New Mexico Water Quality Control Commission
Harold Runnels Building
1190 St. Francis Dr. N-2150
Santa Fe, NM 87502



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Water quality safeguards have been in place for 35 years and this rule represents a significant step back for protection of New Mexico's groundwater resources.

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

Sincerely, *David H. Rios*

Name

Address

*POB 608
Bayard, NM 88023*



2 May 2013

Ms. Felicia Orth, Hearing Officer
C/o Pam Castaneda, Administrator
Harold Runnels Building, Rm. N2150
NM Water Quality Control Commission
1190 St. Francis Dr.
Santa Fe, NM 87502

RE: Doc. No. WQCC12-01(R) Copper Rule

Dear Madam Hearing Officer,

New Mexico Copper Corporation (NMCC), a wholly owned subsidiary of THEMAC Resources Group, Ltd. (THEMAC) and owner of the Copper Flat Mine Project, appreciates this opportunity to offer comments on the referenced proposed copper rule.

NMCC was involved throughout the copper rule development process last year, participating in both the technical and policy advisory committees. In the course of those many meetings we provided comments on the different drafts and sponsored several consultant presentations to the committees on such matters as dry stack tailing technology, considerations for operation, remediation, and closure cost standardization, and lessons learned in mine closures.

NMCC is in general support of the proposed copper rule. We also agree that proper regulation of copper mines in New Mexico is necessary and facilitates the protection of groundwater resources now and into the future. NMCC is committed to designing, building, and operating a profitable copper mine that meets or exceeds all environmental standards. To that end, NMCC has employed both long- and short-term environmentally protective strategies in its current mine permitting and engineering activities. Our specific comments are as follows:

1. Section 20.6.7.10.F. NMCC suggests that 60 days is appropriate for the NMED to determine and provide written notification that a Discharge Permit application is administratively complete, as opposed to 90 days. Sixty days would be consistent with the time allowed for the applicant to respond to a request for more information by the NMED.

2. Several sections of the proposed rules require submittal of design plans and specifications sealed by a Professional Engineer (PE) licensed in the State of New Mexico. We agree with the requirement when it relates to construction and CQA/CQC reports. However, we believe that the requirement at the permit application stage is premature and would cause undue delays and expense in developing plans that will be subject to review and revisions before final plans are approved. We specifically refer to Sections: 20.6.7.17.A and D(6), 20.6.7.21.B(1)(d), and 20.6.7.22.A(2) and (4)(d). Considering that the typical mine engineering and design process progresses through prefeasibility, feasibility, and detailed level designs, NMCC suggests as an alternative that flexibility be incorporated into the copper rule to allow the use of prefeasibility and/or feasibility level design plans and specifications to be used in the permit application. This will allow the discharge permit application to advance through the administrative and technical review process while detailed engineering continues.
3. Section 20.6.7.17.D specifies 2.0 feet of freeboard in all impoundment design requirements. This is inconsistent with the New Mexico Mining and Minerals Division (MMD) impoundment design requirements of 1.0 foot of freeboard in Section 19.10.6.603(6). For consistency between agency regulations, NMCC suggests that 1.0 foot of freeboard be adopted for impoundments regulated by the copper rule.
4. Section 20.6.7.17.D(5) specifies that non-impacted storm water that comes into contact with contaminated areas be designed and installed in accordance with subsection D(4) of the same section. We would argue that non-impacted storm water that comes into contact with contaminated areas would by definition become impacted water, rendering D(5) unnecessary.
5. Section 20.6.7.28.N indicates that process water, tailings slurry, impacted storm water, and seep and spring sampling should be included in the sampling and analysis plan, and sampled on a quarterly basis. NMCC is of the opinion that because process water and tailings slurry are products of a consistent processing operation and are subject to secondary containment, adequate information can be obtained through semi-annual sampling with no added risk to groundwater quality. On the other hand, impacted storm water, seeps and springs could be subject to more unpredictable circumstances. NMCC suggests that impacted storm water, seeps, and springs are more appropriately sampled quarterly. We note that the text of this section does not actually mention seeps or springs; only process water, tailings slurry, and impacted storm water.
6. Section 20.6.7.33 is an example of the potential for inconsistency and conflict between MMD and NMED closure requirements. Section 20.6.7.33.C(1) of the proposed copper rule specifies the minimum reclaimed top slope for a tailings storage facility (TSF) to be 0.5%, yet MMD comments on the NMCC Mine Operations and Reclamation Plan

(MORP) submitted in July 2012, suggested NMCC use a 1% minimum for the reclaimed TSF top slope. While we support the proposed copper rule minimum standard of 0.5%, we offer this as an example of the conflicts that can arise from multiple agencies regulating the same components of a facility.

To conclude, NMCC is committed to compliance with all applicable regulatory requirements, but regulations must be consistent between regulatory agencies, they should avoid duplicative requirements to the extent possible, and should be practicably achievable. For new mining operations to establish in New Mexico, there must be a reasonable expectation that the permitting process can be successfully negotiated and complied with in a timely and cost effective manner.

Thank you for your consideration of these requests.

Sincerely,

THEMAC Resources Group, Ltd.

A handwritten signature in black ink, appearing to read 'Jens Deichmann', written in a cursive style.

Jens Deichmann
Project Manager

Castaneda, Pam, NMENV

From: EW 2011 <dotell2010@yahoo.com>
Sent: Thursday, May 02, 2013 1:50 PM
To: Castaneda, Pam, NMENV; Ellen Wedum
Subject: Water is more important than copper

Please reject the water wasting, polluting processes favored by the copper industry. In New Mexico especially we need every precious drop of water-- for our farmers and ranchers, and for our children.

Ellen Wedum
POB 1086
Cloudcroft, NM 88317

Robin S. Short
P.O. Box 337
Tyrone, NM 88065
Phone: (575) 313-3091
Email: robin_short@fmi.com

May 2, 2013

Via E-mail: pam.castaneda@state.nm.us

Ms. Pam Castaneda
Administrator to Boards & Commissions
Environmental Improvement Board
Water Quality Control Commission
1190 St. Francis Drive, Room S2102/P.O. Box 5469
Santa Fe, NM 87502

Dear Ms. Castaneda:

My name is Robin Short and I've worked for the mining industry in Grant County for 34 years. I'm also a third generation copper miner in my family. I hope to retire one day from the mine here in Grant County. I've listened to the web cast of the copper rules hearing in Santa Fe, and I support the copper rules as written.

The company that the opposing groups describe in their comments is not the company I work for. The company I work for cares about the communities in which they operate. They care about the environment. They do their part to ensure the environment is protected now and into the future. In addition to a large environmental staff at the mines, the company hires outside environmental consultants, scientists and others to ensure we meet, if not, exceed environmental standards. With these clear and consistent rules, Grant County's ground water will be very well protected and the mining companies will have the clarity necessary for future investment in their operations.

Very truly yours,



Robin S. Short

Mary Dykton
1824 Arroyo Chamiso Road
Santa Fe, New Mexico 87505

THURS. - 5/2/13

Ms Pam Castaneda, ADM.
WQCC
NM Water Quality Control Com.

DEAR MS CASTANEDA,

WHEN THE CR MINERALS PUMPLE PLANT BEGAN ILLEGAL OPERATIONS
in April, 1997, I WARNED MORE THAN I COULD I WOULD FROM
VERY TALENTED AIR QUALITY SPECIALISTS @ NMED AND NUMEROUS
LOCAL DOCTORS - AND THE N.M. ENV. LAW CTR.

FINALLY IN JAN. 2000 A PUBLIC HEARING WAS HOLD. SEVERAL LEGAL
OPINIONS CALLED IT A SHAM! (AND IT WAS.) A PERMIT WAS ISSUED
BY THE NMED.

THE NAME OF THE SHAM THEN (UNDER FORMER GOV. GARY
JOHNSON) WAS SLOW THE CITIZENS + CATER TO THE INDUSTRY.
THANKFULLY THE CONSTANT SPOWING OF PUMPLE INTO THE
AIR WE ALL BREATHE IS GONE

IS THIS NOW AN ENCORE WITH THE COPPER INDUSTRY
CONTAMINATING OUR DRINKING WATER AN ENCORE? COULD
THIS BE CALLED CORRUPTION? IS THIS (AGAIN) CATERING TO
INDUSTRY? IS THIS (AGAIN) "SLOW THE CITIZENS"?

WE ALL NEED STRONGER COPPER RULES IN PLACE THAT
PROTECT OUR DRINKING WATER.

Mary R. Dykton

Castaneda, Pam, NMENV

From: Rebecca M Summer <becsummer@gmail.com>
Sent: Thursday, May 02, 2013 5:06 PM
To: Castaneda, Pam, NMENV
Subject: Copper Ruling: Reference WQCC

Copper Ruling Public Comment

DATE: 5-02-13

TO: Commission Administrator, Pam Castaneda, Pam.Castaneda@state.nm.us
FROM: Rebecca M Summer, PhD Hydrology/Geomorphology
RE: reference: WQCC 12-01. Public comment on the proposed water quality rules for copper mining currently before the NM Water Quality Control Commission

My name is Rebecca Summer, PhD, Hydrology/Geomorphology. I live in the Silver City area and volunteer for the Gila Resources Information Project. I have worked with the US Geological Survey and Sandia Labs. The issue that I will address is the ongoing mining contamination of the regional ground water aquifer in Grant County.

Key aspects of ground water

Three important aspects of ground water relating to the hydrologic balance are the storage capacity of rocks for groundwater, rate of movement of groundwater, and

chemical quality. Rock units that have relatively high storage capacities and that allow relatively rapid movement of groundwater are termed aquifers. Those with

polluted water are termed contaminated aquifers. Chemical quality is the crucial entity under consideration for the Grant County regional aquifer.

Direct and indirect groundwater pollution from mining

It is important to remember that groundwater pollution can occur both directly and indirectly from mining. Direct degradation and pollution can occur to groundwater

downhill or down gradient from the mine due to the flow of contaminated drainage. Mine drainage can come from ponds, pits, or pollution from toxic overburden.

Indirect degradation can result from blasting, which causes temporary fractures and movement of the rock and may result in new fractures near the mining area.

Preexisting rock fractures can become reactivated by loosening mineral debris or cement in the fractures.

History on the mining activity

The mining company, FreeportMcMoRan Copper & Gold Inc. (FMI), has three mines: Chino, Cobre and Tyrone Mines. Minerals have been extracted from Chino Mine

since 1910, from Cobre Mine since 1858 and from Tyrone Mine since the 1870s. Groundwater contamination plumes in and around the mines contain hazardous

substances. The NM Office of Natural Resources Trustee's report, 2012, on mining pollution at FMI facilities sited this as "groundwater resources that were injured by

releases of hazardous substances."

Regional groundwater system

To understand the regional groundwater system, I will describe structural properties of one mine - Tyrone Mine - and its relationship to the regional aquifer. The other

two mine are similar, but have individual properties that are discussed in the literature and in NM Office of Natural Resources Trustee (2012).

Tyrone Mine is on the continental divide between the Mimbres River Basin and the Colorado River Basin (surface boundaries relating to the surficial flow of water).

The mine is bounded by faults and crisscrossed with fractures. It reflects the overlapping of two structural or physiographic provinces. (A physiographic province is a

geographic region with a specific geomorphology and specific subsurface rock type or structural elements. The province reflects specific characters, relief, and environment

which contributes to its uniqueness.) The two structural provinces are the Basin and Range Province and the Transition Province. The Transition Province, as the name

suggests, exhibits the characteristics of both the Basin and Range and the Colorado Plateau Provinces. Characteristics include faulting, folding, volcanism and magmatic

intrusions over time. Overall the area is structurally complex and diverse, e.g. rocks ranging in age from the Quaternary to the PreCambrian (several billion years ago).

Hydrogeologically, this mine lies within the dominant northwest-trending structural feature described as the Mangas Trench (Trauger, 1972). About twenty million years ago the structure developed and extended from the San Francisco

River (tributary to the Gila River), crossed through the Gila River Basin, and merged into the Mimbres River Basin. Ballou Groundwater, Inc. (2006) and Hansen et al. (1994)

documented that underflow of groundwater occurs from the Gila Basin into the Mimbres Basin.

Hazardous substances

The following hazardous and related substances from the three mines were detected at elevated concentrations and were, in most cases, above relevant human-health-based water quality standards (Federal and State of New Mexico groundwater standards for human health and domestic water supply). The dates of the analyses

ranged from 1980 - 2006 according to NM Office of Natural Resource (2012).

Antimony

Arsenic

Beryllium

Cadmium

Chromium

Cobalt

Copper

Ferrous and ferric sulfate

Lead

Manganese

Nickel

Selenium

Sulfate (300X the national water quality standards)

Sulfuric acid

Thallium

Toluene

Zinc.

It is important to note that high density monitoring well data near the FMI mining facilities with related chemical and physical analyses do not exist or have not been

made available to the public. For comparison, I worked as a member of the Expert Review Team at Sandia Labs for the Waste Isolation Pilot Project, WIPP. Radioactive

material was the issue/trigger point. The investigation included reviews of high density monitoring well fields, geologic and hydrologic data, and sophisticated chemical and

physical analyses.

Conclusion

The following six characteristics or unknowns are related to the regional groundwater aquifer where Grant County communities get their drinking water every day of the year :

- 1) Complexity of the geology and hydrology creating high uncertainty of water and waste movement
- 2) Mining extraction for ~150 years with little documentation on waste water movement
- 3) Occurrence of faults and fractures plus the impact from mine blasting causing unknown pathways for liquid movement
- 4) Unknown groundwater flow rates and water quality parameters from the Gila Basin to the Mimbres Basin
- 5) Unknown growth of contaminated groundwater plumes from mine wastes that continue to occur today in the Gila River Basin and Mimbres River Basin (latest contamination analyses were done sometime between 1980-2006, Office of Natural Resource Trustee, 2006)
- 6) Unknown effect of contaminated water on the groundwater wells serving Silver City, Bayard and surrounding towns

Given these considerations as well as the knowledge that the people of Grant County depend on clean drinking water from this aquifer, we strongly request:

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

References Cited

Balleau Groundwater, Inc., 2009, Groundwater Recharge Analysis and Estimate of Recharge Option Costs. To Town of Silver City, NM., 10-15-2009, Balleau Groundwater Inc., Albuquerque, NM., 55 p.

Hanson, R.T., J.S. McLean, and R.S. Miller, 1994, Hydro-geologic framework and preliminary simulation of groundwater flow in the Mimbres Basin, southwestern New Mexico: U.S. Geological Survey, Water Resources Investigations Report 94-4011, 118 p.

NM Office of Natural Resources Trustee, 2012, Final Groundwater Restoration Plan for the Chino, Cobre, and Tyrone Mine Facilities. Santa Fe, NM

Trauger, F.D., 1972, Water Resources and General Geology of Grant County, New Mexico.

New Mexico State Bureau of Mines and Mineral Resources Hydrologic Report 2.

May 2, 2013

Pam Castañeda, Commission Administrator
New Mexico Water Quality Control Commission
Harold Runnels Building
1190 St. Francis Dr. N-2150
Santa Fe, NM 87502

RE: Public Comment on Water Quality Rules for Copper Mining WQCC 12-01 (R)

Dear Ms. Castañeda:

Please be advised that I oppose the proposed rules, as currently written, because they are contrary to the State Water Quality Act. I am also opposed to the proposed rules because they are a backward step for the State of New Mexico and for the protection of our precious groundwater supply. We have been fortunate to have water quality protections in place for over 35 years and these proposed rules are contradictory to the existing water quality protections which are vital to protecting our limited water resources.

I am disappointed that upper-level management of NMED has proposed rules which will reduce water quality protections for the residents of New Mexico which have been in place for over 35 years. This is totally unacceptable and not in the best interest of anyone. Water is a very precious commodity, especially our groundwater as it is the water supply for more that 90% of the drinking water in this state. Water is necessary for everything in New Mexico to survive and with the drought that we have been in and appears to be continuing no state agency should take any action which may have any potential of causing detrimental impact to our groundwater. This proposed rule will have a detrimental impact on our groundwater as it will allow mining companies to pollute groundwater under mine sites above the state and federal water quality standards. This rule should be formulated to prevent pollution of groundwater, not allow it to occur as the proposed rule provides. The proposed rules would not only allow contamination of groundwater with mine waste but it would also require expensive water treatment before it could be used for irrigation or drinking. This cost would go to the taxpayer who is not responsible for the pollution but needs the water to be able to survive, irrigate crops and/or water livestock.

It is unacceptable that the proposed rules are not the recommendations of the technical staff and the "Copper Rule Advisory Committee" but rather a rewrite of proposed rules that are in large part the same as the last round of comments from Freeport-McMoran.

I respectfully request that these proposed rules be remanded back to the NM Environment Department and their Copper Rules Advisory Committee for revision.

Thank you for your consideration of my comments.

Sincerely,

Linda Zatopek
126 Axle Canyon Rd.
Silver City, NM 88061