



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

May 3, 2013

New Mexico Water Quality Control Commission  
P.O. Box 5469, 1190 Saint Francis Drive  
Santa Fe, New Mexico 87502  
Attn: Felicia Orth, Hearing Officer



Dear Commissioners:

I would like to take this opportunity to provide comment to the New Mexico Water Quality Control Commission (WQCC) on the Proposed Amendment to 20.6.2 NMAC (the Copper Regulation, aka the Copper Rule), currently under consideration for adoption by the WQCC. I am not opposed to the concept of a consistent rule regulating impacts to groundwater resulting from the operation of copper mines. However, I believe the regulation, as currently proposed, does not meet the intent of the New Mexico State Legislature and Governor Bill Richardson in their support and enactment of Senate Bill 206 in 2009. As you are aware, that statute required the State of New Mexico to develop regulations providing for the protection of ground water with specific regard to the contamination originating from copper mining operations. This intent is clearly not reflected in the proposed regulation currently before the Commission. In its submittal of the proposed Copper Rule for consideration by the WQCC, the New Mexico Environment Department (NMED) has not given due consideration to the recommendations of its own technical staff, a NMED created advisory committee, and the intent of Senate Bill 206. Rather, the proposed rule, as written, creates a regulatory approach that poses real threats to the State's ground water reserves, public health and the environment. The proposed regulation favors the interests of the copper mining industry and creates disincentives for meaningful pollution control through the use of both widely-accepted and new State-of-the Art pollution control practices and technologies. The proposed rule would give the mining industry the right to pollute future drinking water supplies, putting our environment and health at severe risk. The regulations, as currently proposed, will also represent new precedence in the manner in which New Mexico has historically protected its groundwater resources, especially with regards to the implementation and enforcement of the New Mexico Water Quality Act and the "Regulations for the Protection of Ground Water", inclusive of the water quality standards for groundwater at 20.6.6.3103 NMAC. The Rule represents a step backward for a state that has been previously recognized as a leader in the protection of its groundwater.

The proposed Copper Rule reverses over thirty-five (35) years of legal protections for ground water in New Mexico, as achieved through implementation and enforcement of the State's current ground water regulations. This action serves to benefit one industry and is in violation of the New Mexico Water Quality Act, according to the New Mexico Office of the Attorney General. As previously stated, it also has the potential to set precedent for other operations and industries currently regulated under the ground water regulations such as defense facilities, the National Laboratories, agriculture, mineral resource (other than copper) extraction and processing operations, and even municipal discharges to seek similar treatment under the law. This precedence has serious and long-term implications for the protection of New Mexico's precious ground water resources, including those in use by the City of Santa Fe (City), as part of its drinking water supply, and

could dramatically affect our ability to provide safe and reliable drinking water to our citizens. It could have even more damaging implications for those municipalities and individuals which are totally reliant on the State's ground water reserves as their only source of drinking water, as well as the water utilized for other purposes such as agriculture, industry, and ranching.

In the interest of public health, our environment and the future well-being of New Mexico and its citizens I urge you not to adopt the proposed Copper Rule, as currently written and submitted by NMED for your consideration, and for your continued efforts in protecting New Mexico's groundwater for both present and future use.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David Coss". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Coss, Mayor

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May 3, 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:

On behalf of the following organizations, we are writing to voice our opposition to the proposed water quality rules for copper mining currently before the Water Quality Control Commission.

The New Mexico Environment Department proposed copper rule will make polluting water standard practice at all copper mines in New Mexico, contrary to the express purpose of the Water Quality Act, which is to prevent water pollution.

Nine out of ten New Mexicans are dependent upon groundwater for their drinking water and allowing mining companies to pollute our water supplies directly threatens public health for current and future generations.

We are also very concerned that if the proposed rules are approved they will set a dangerous precedent for how New Mexico safeguards its water supplies. The proposed rules would pave the way for other polluters to demand similar rollbacks in water quality safeguards and allow the federal labs, dairies, wastewater treatment plants, and other industries to pollute under their sites and further risk groundwater pollution of public water supplies. This would lower the cost of doing business for the polluter while transferring the costs of clean up and any other public health outcomes directly to the New Mexico taxpayer.

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.

We therefore do not support the proposed rules as currently written and urge the Water Quality Control Commission to remand the proposed rule back to the NMED and its Copper Rules Advisory Committee.

Sincerely,

Sanders Moore, Director  
Environment New Mexico/Environment New Mexico Research & Policy Center  
Albuquerque, NM



Eleanor Bravo  
Food & Water Watch  
Albuquerque, NM

M.H. "Dutch" Salmon, Chairman  
Gila Conservation Coalition  
Silver City, NM

Allyson Siwik, Executive Director  
Gila Resources Information Project  
Silver City, NM 88061

Joan Brown  
New Mexico Interfaith Power and Light  
Albuquerque, NM

Oscar Simpson, President  
New Mexico Sportsmen  
Albuquerque, NM

Dr. Kim McCreery  
New Mexico Wilderness Alliance  
Albuquerque, NM

Andrea J. Serrano  
OLÉ - Organizers in the Land of Enchantment  
Albuquerque, NM 87102

Steve Harris, Director  
Rio Grande Restoration  
Embudo, NM

Kevin Bixby, Director  
Southwest Environmental Center  
Las Cruces, NM

Donna Stevens, Director  
Upper Gila Watershed Alliance  
Gila, NM

## **Castaneda, Pam, NMENV**

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**From:** Toner Mitchell <tonermitchell@msn.com>  
**Sent:** Friday, May 03, 2013 3:18 PM  
**To:** Castaneda, Pam, NMENV  
**Subject:** Trout Unlimited Opposes New Copper Rules

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:

On behalf of Trout Unlimited, I am writing to voice my organization's opposition to the proposed water quality rules for copper mining currently before the Water Quality Control Commission. The New Mexico Environment Department proposed copper rule effectively contradicts the Water Quality Act, which is in place to maintain the quality of water resources.

Trout Unlimited urges the Water Quality Control Commission to remand the proposed rule back to the NMED and its Copper Rules Advisory Committee in order that the Department proposes an alternative that endangers neither ground nor surface water supplies.

Sincerely,  
Toner Mitchell  
Trout Unlimited

## **Castañeda, Pam, NMENV**

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**From:** Terry Timme <recycleterry@yahoo.com>  
**Sent:** Friday, May 03, 2013 8:28 AM  
**To:** Castañeda, Pam, NMENV  
**Subject:** WCQQ 12-01 (R)

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:

I am a resident of Silver City and am writing to provide my comments on the proposed water quality rules for copper mining currently before the Water Quality Control Commission.

Silver City is dependent on groundwater for our future. I believe we need to make sure it is safe for future generations therefore the State Water Quality Act must be followed. The current version of the water quality rules violates the Water Quality Act in allowing mining companies to pollute groundwater under mine sites above state and federal water quality standards. We have to prevent pollution of our groundwater or we won't be able to have a healthy community.

Therefore, I do not support the proposed rules as currently written.

As I understand a previous version of the rules was written and agreed to by both environmental groups and the mining companies that protected groundwater. Please ask the New Mexico Environment Department to revise the current version to be more in line with the previous version.

Please protect our water resources.

Sincerely,

Terry Timme

811 Oak St.

Silver City, NM 88061

## Castaneda, Pam, NMENV

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**From:** PETER ROSE <prose7@sympatico.ca>  
**Sent:** Friday, May 03, 2013 5:29 AM  
**To:** Castaneda, Pam, NMENV  
**Subject:** WCQQ 12-01 (R)

**Importance:** High

To Whom It May Concern:

As a landowner in Valencia County, NM, I must say that I consider water quality to be a Right and NOT a privilege as some corporations think. We must stop putting corporate business wants ahead of the health of the people, not just in New Mexico, but throughout the World.

Regards,

Peter J. Rose, C.E.T., F.P.T.  
Rio Del Oro  
Valencia County, New Mexico

Email: [prose7@sympatico.ca](mailto:prose7@sympatico.ca)

**Castaneda, Pam, NMENV**

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**From:** Steve <seaweedsteve@yahoo.com>  
**Sent:** Friday, May 03, 2013 9:43 AM  
**To:** Castaneda, Pam, NMENV  
**Subject:** PROTECT our Water!

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:

I wish to make a public comment on the proposed water quality rules for copper mining before the Water Quality Control Commission today.

I am strongly opposed to the proposed rules as written. They go against the State Water Quality Act and will allow even greater pollution and damage to our water sources. This is an important resource and I'm shocked that you would allow such damage to be done by special interests in order to simply generate more money.

We New Mexicans depend on this water source for drinking water and these rules as currently written will allow mining companies to further pollute our precious groundwater under mine sites.

Above all, this proposal is in violation of the State Water Quality Act. These legal safeguards have been in place for 35 years and this represents a big step backwards in the protection of our state's groundwater resources.

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

Sincerely,  
Steve Lewis  
401 S. Pinos Altos st.  
Silver City, NM 88061

## **Castaneda, Pam, NMENV**

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**From:** Rob Cassell <robassell@comcast.net>  
**Sent:** Friday, May 03, 2013 9:48 AM  
**To:** Castaneda, Pam, NMENV  
**Subject:** New water quality rules

I am concerned as a resident of Grant County that the proposed rules will harm our future water quality. While many advocate helping the mines for a quick buck I feel that you as a public servant should protect what we have for both ourselves and future generations. I urge you to at a minimum maintain our current level of water protection.

G. Robert Cassell  
32 Copper Ridge Dr  
Silver City, NM 88061

## **Castaneda, Pam, NMENV**

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**From:** Lori Zitzmann <loriznm@gmail.com>  
**Sent:** Friday, May 03, 2013 10:27 AM  
**To:** Castaneda, Pam, NMENV  
**Cc:** Thomas Zitzmann  
**Subject:** Public Comment on Water Quality Rules for Copper Mining WQCC 12-011 (R)

Dear Ms. Castaneda:

I am writing to let you know that we are strongly opposed to the proposed changes in Water Quality Rules for copper mining currently before the Water Quality Control Commission. As you are aware, these proposed rules are in conflict with, and contrary to, our State Water Quality Act.

The vast majority of New Mexicans depend upon groundwater for their drinking water. Clean, uncontaminated water is essential to good health.

The proposed rules will allow mining companies to pollute groundwater under mine sites, ignoring both State and Federal Water Quality Standards.

Allowing mining companies to pollute our groundwater for perpetuity represents not only a significant step backwards in environmental health awareness, but also an irresponsible and potentially dangerous legacy for our children and all future New Mexicans.

Sincerely,

Lori & Thomas Zitzmann  
Silver City, New Mexico

**Castaneda, Pam, NMENV**

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**From:** Monica Rude <desertwoman@gilanet.com>  
**Sent:** Friday, May 03, 2013 4:46 PM  
**To:** Castaneda, Pam, NMENV  
**Subject:** Copper Mining Rules

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

Dear Ms. Castañeda:

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

I do not support the proposed rules as currently written because they are in violation of the State Water Quality Act already in place. The idea of this Act is to prevent contamination of ground water supplies, not allow it.

The rules before

you will allow mining companies to pollute groundwater, something the WQCC should be guarding against.

Water quality safeguards have been in place for 35 years and this new ruling 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.

Thank you

Sincerely,

Monica Rude

PO Box 263 Gila NM 88038

## **Castaneda, Pam, NMENV**

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**From:** TER2VERD12@aol.com  
**Sent:** Friday, May 03, 2013 7:49 PM  
**To:** Castaneda, Pam, NMENV  
**Subject:** WQCC Copper Rules

Hello Ms Castaneda

I attended and spoke at the meeting in Silver City today and want to thank the commission members that came to hear the public comments on this critical matter. I wanted to make a couple additional comments to reiterate.

the county commission acted without public comment or support in their action regarding the Copper Rule

any water that runs off of tailing or waste piles or any other aspect of the mine operations must be captured and purified before allowing it to return to the groundwater aquifer.

water is our most precious asset - without which we cannot live - it is unreasonable to have the environmental cost of purification of mine used water to be borne by any entity except the mine/dairy/or other industry that degrades the water below potable standards.

if this rule does not increase the purity of the water before entering the ground water then it must be rejected and sent back for revision to accomplish that goal.

if you could pass this comment to the commissioners in their deliberations that would be appreciated.

thank you for your kindness

John P. Pollack  
Pollack Construction Management Co.  
613 N. D St.  
Silver City, NM 88062  
575 590 5551  
801 720 3851 fax  
[ter2verd12@aol.com](mailto:ter2verd12@aol.com)

## Castaneda, Pam, NMENV

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**From:** James W Newton <jnewton@sfsu.edu>  
**Sent:** Friday, May 03, 2013 9:44 PM  
**To:** Castaneda, Pam, NMENV  
**Subject:** Proposed groundwater quality rules for copper mining

**Importance:** High

**To:**

Pam Castañeda, Commission Administrator  
New Mexico Environment Department  
1190 S. St. Francis Drive N2168  
P.O. Box 5469  
Santa Fe, New Mexico 87502

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**From:**  
James W. Newton and Marion B. Newton  
HC 71 Box 815  
San Lorenzo, NM 88041

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Dear Pam Castañeda:

Our family lives only a few miles east of the vast Santa Rita copper mine in Grant County. In this season of frequent high winds, with so much dust in the air that often we cannot see nearby hills clearly, we are concerned about potential health impacts of airborne contaminants on ourselves, our daughter and her husband, and our grandchildren. The dust that billows from the mountains of tailings is a visible reminder of the toxic by-products of copper mining.

With that background, you will understand that we are also deeply concerned about preserving the quality of the precious water resources that are crucial to the wellbeing of everyone who lives in this region, now and in the future. For more than three decades, New Mexico's Water Quality Act has provided a measure of protection against mining pollution for the groundwater we all rely on. As you know, public interest groups and state officials worked diligently some eight months to draft strong regulations that would maintain protection of groundwater while taking into account the operational requirements of the copper mining companies. Hastily made changes to those carefully prepared proposals threaten to put the public at risk, now and for generations in the future, disregarding accepted technologies for isolating contaminants from the groundwater in what Attorney General Gary King argues convincingly is a violation of the State Water Quality Act.

The New Mexico Environment Department should take a long view in its role as guardian of the quality of the state's natural resources. Short-term corporate profits must not trump public health as determinants of State policies.

We ask you to return these proposed rules to the New Mexico Environment Department for revision. We hope for an opportunity to restore the consensus proposals that emerged from months of careful deliberation.

Thank you for your attention and, in advance, thank you for your responsiveness to our concerns.

Sincerely,

James W. Newton and Marion B. Newton

**Castaneda, Pam, NMENV**

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**From:** J.Edward Arguello <eduardo88023@gmail.com>  
**Sent:** Friday, May 03, 2013 3:27 PM  
**To:** Castaneda, Pam, NMENV  
**Subject:** NMCopperRules

Dear Ms. Pam Castanada,  
in the mines for almost 40 years.

mining industries. BUT, only when it is done in a responsible manner. By Taking care of our Environment, and our precious God given Groundwater. So that after the mines shut down ,close shop and leave,we will hopefully have good drinking water for future generations to come. And that includes our most precious human resources, our children and grandchildren. Our future leaders.Hopefully, we all do right by them.

our Communities,our Children , DO not live here or close by.Only one question ,I have for them..." Would you have your Children Or Grandchildren drink the water that has been contaminated with millions of gallon of Poison, (Sulfuric Acid ),being pumped into the leach dumps, surrounding our Communities?

and underground mining is interconnected.

underground mines that intersect with the Chino Open Pit mine. The Groundhog Mine (Formerly ASARCO)- that Phelps Dodge acquired has about 30 miles of underground rail track in it's tunnels/drifts, plus countless mined out caverns/voids. One tunnel goes East underneath ,into Chino Mines property, where ASARO was then mining and giving royalties to Kennecott back then. Many springs and streams flow underneath, at the same levels of the open pit. Some of this same streams/ springs come out at different levels in the pit,where I personally worked at helping to maintain and keep the pit pumps running ,so the shovels and equipment, wouldn't be flooded.

Oswaldo # 2,just a few yards East from the Chino Mines lookout . Same thing there,many, many miles of underground tunnels/ drifts, and enormous mined out caverns/voids, that had lots of clean fresh water streams that run alongside the tracks on the tunnels.

underground mines are connected together by tunnels . One being the Empire Zinc Mine in Hanover. ALL this mines are flooded now,probably forcing more water into the bottom of the Chino open pit.

The Obvious Problem is ; if the pit is backfilled without using liners,the Acid leach solutions will be forced into all this springs and streams. Polluting not only surrounding communities Groundwater , but most likely most of Grant County's Groundwater.

ft wide Fault that ASARCO tapped into at the 1600 foot level , by the Vanadium post Office and again at the 2250 ft . level East of the Groundhog Mine shaft, puts it most likely under the Chino Mine's South dumps.This compounds the Groundwater problem. Because this fault can take the polluted water across many States's lines and aquifers.

I also worked for the Chino Mines, for 32 plus years , most of the time as a Journeyman Electrician. The last 14 years at the SXEW-Plant. Working around Acid Water Solutions, (Sulfuric Acid, a human proven carcinogen) ,instilled in me the human hazards of working around this solutions and possibilities of contamination.

protect our Groundwater,is not only inhumane, but illadvised,irresponsible,irrational and illegal.

and spend a few dollars and do what is Morally and ethically expected from them and everyone involved.

Friend,the Priest said, "Don' Let The Hand that Feeds You , Kill You"

Access to good Groundwater .

Please Don't Put Profits ahead of our God Given rights, to have

Respectfully

J. Edward Arguello

I have made my livelihood by working

I fully support the

Wherever we like it or not, Surface mining

I worked at two

I also worked at the

Oswaldo #2 and four other

The 40

My Good



## NMCopperRules

J.Edward Arguello <eduardo88023@gmail.com>  
To: Pam.Castaneda@state.nm.us

Fri, May 3, 2013 at 3:26 PM

Dear Ms. Pam Castaneda

I have made my livelihood by working in the mines for almost 40 years.

I have

I fully support the mining industries. BUT, only when it is done in a responsible manner. By Taking care of our Environment, and our precious God given Groundwater. So that after the mines shut down ,close shop and leave,we will hopefully have good drinking water for future generations to come. And that includes our most precious human resources, our children and grandchildren. Our future leaders.Hopefully, we all do right by them.

Many making this very important decision,that will affect our Communities,our Children , DO not live here or close by.Only one question ,I have for them..." Would you have your Children Or Grandchildren drink the water that has been contaminated with millions of gallon of Poison, (Sulfuric Acid ),being pumped into the leach dumps, surrounding our Communities?

Wherever we like it or not, Surface mining and underground mining is interconnected.

I worked at two underground mines that intersect with the Chino Open Pit mine. The Groundhog Mine (Formerly ASARCO)- that Phelps Dodge acquired has about 30 miles of underground rail track in it's tunnels/drifts, plus countless mined out caverns/voids. One tunnel goes East underneath ,into Chino Mines property, where ASARO was then mining and giving royalties to Kennecott back then.

Many springs and streams flow underneath, at the same levels of the open pit. Some of this same streams/ springs come out at different levels in the pit,where I personally worked at helping to maintain and keep the pit pumps running ,so the shovels and equipment, wouldn't be flooded.

I also worked at the Oswaldo # 2,just a few yards East from the Chino Mines lookout . Same thing there,many, many miles of underground tunnels/ drifts, and enormous mined out caverns/voids, that had lots of clean fresh water streams that run alongside the tracks on the tunnels.

Oswaldo #2 and four other underground mines are connected together by tunnels . One being the Empire Zinc Mine in Hanover. ALL this mines are flooded now,probably forcing more water into the bottom of the Chino open

pit.

The Obvious Problem is ; if the pit is backfilled without using liners, the Acid leach solutions will be forced into all this springs and streams. Polluting not only surrounding communities Groundwater , but most likely most of Grant County's Groundwater.

The 40 ft wide Fault that ASARCO tapped into at the 1600 foot level , by the Vanadium post Office and again at the 2250 ft . level East of the Groundhog Mine shaft, puts it most likely under the Chino Mine's South dumps. This compounds the Groundwater problem. Because this fault can take the polluted water across many States's lines and aquifers.

I also worked for the Chino Mines, for 32 plus years , most of the time as a Journeyman Electrician. The last 14 years at the SXEW-Plant. Working around Acid Water Solutions, (Sulfuric Acid, a human proven carcinogen) , instilled in me the human hazards of working around this solutions and possibilities of contamination.

The proposal to do away with rubber liners, that protect our Groundwater, is not only inhumane, but illadvised, irresponsible, irrational and illegal.

Surely, multi-billion Corporations can be run more humanely and spend a few dollars and do what is Morally and ethically expected from them and everyone involved.

Jobs and Profits are good , But let Justice Prevail.

My Good Friend, the Priest said, "Don' Let The Hand that Feeds You , Kill You"

Please Don't Put Profits ahead of our God Given rights, to have Access to good Groundwater .

Respectfully ,

J. Edward Argüello

John Edward  
Argüello

Remand The NMI Copper Rules back to the whole Input of All original Parties Involved.

The NMI Copper Rules ARE illegal, because they were crafted Behind closed doors by only a selected group.

John E Argüello