

20.6.7.20 REQUIREMENTS FOR LEACH STOCKPILE AND SX/EW FACILITIES:

B. Construction.

(2) **Existing leach stockpiles.** A leach stockpile system, including its associated solution collection or containment system, at a copper mine facility in existence on the effective date of the copper mine rule is not required to meet the design and construction requirements of Subsection A of 20.6.7.20 NMAC and may continue to operate as previously permitted under a discharge permit ~~if the permittee: subject to compliance with the contingency requirements of 20.6.30 NMAC. A permit issued for such an existing leach stockpile system after the effective date of the copper mine rule may include the conditions of the existing discharge permit, which shall not be considered to be additional conditions.~~

~~(a) abates any water pollution above applicable standards caused by the facility such that it will meet applicable standards following closure consistent with the requirements and provisions of Sections 20.6.2.4101, 20.6.2.4103, 20.6.2.4106, 20.6.2.4107, 20.6.2.4108 and 20.6.2.4112 NMAC;~~

~~(b) implements measures to control the sources and extent of any water pollution to the maximum extent practicable;~~

~~(c) fully contains any water pollution from the facility; and~~

~~(d) does not expand the authorized footprint of the facility as contained in the existing discharge permit.~~

20.6.7.21 REQUIREMENTS FOR COPPER MINE WASTE ROCK STOCKPILES

C. Construction.

(2) **Existing waste rock stockpiles.** A waste rock stockpile in existence on the effective date of the copper mine rule is not required to meet the design and construction requirements of Subsection B of 20.6.7.21 NMAC and may continue to operate as previously permitted under a discharge permit ~~if the permittee: unless ground water monitoring of the stockpile pursuant to 20.6.7.28 NMAC requires implementation of corrective action under Subsection A of 20.6.7.30 NMAC.~~

~~(a) abates any water pollution above applicable standards caused by the facility such that it will meet applicable standards following closure consistent with the requirements and provisions of Sections 20.6.2.4101, 20.6.2.4103, 20.6.2.4106, 20.6.2.4107, 20.6.2.4108 and 20.6.2.4112 NMAC;~~

~~(b) implements measures to control the sources and extent of any water pollution to the maximum extent practicable;~~

~~(c) fully contains any water pollution from the facility; and~~

~~(d) does not expand the authorized footprint of the facility as contained in the existing discharge permit.~~

20.6.7.22 REQUIREMENTS FOR COPPER CRUSHING, MILLING, CONCENTRATOR, SMELTING AND TAILINGS IMPOUNDMENT FACILITIES

B. Construction.

(2) **Existing crushing, milling, concentrating, smelting or tailings impoundments.** Crushing, milling, concentrating, smelting and tailings impoundments at an existing copper mine facility in existence on the effective date of the copper mine rule are not required to meet the liner, design, and construction requirements of Subsection A of 20.6.7.22 NMAC and may continue to operate as previously permitted under a discharge permit ~~if the permittee: subject to compliance with the contingency requirements of 20.6.7.30 NMAC so long as they are maintained within the existing footprint. Permit conditions contained in an existing discharge permit may be included in a discharge permit issued under the copper mine rule, and such conditions shall not be considered to be "additional conditions" under Subsection I of 20.6.7.10 NMAC.~~

~~(a) abates any water pollution above applicable standards caused by the facility such that it will meet applicable standards following closure consistent with the requirements and provisions of Sections 20.6.2.4101, 20.6.2.4103, 20.6.2.4106, 20.6.2.4107, 20.6.2.4108 and 20.6.2.4112 NMAC;~~

~~(b) implements measures to control the sources and extent of any water pollution to the maximum extent practicable;~~

~~(c) fully contains any water pollution from the facility; and~~

~~(d) does not expand the authorized footprint of the facility as contained in the existing discharge permit.~~

**WCO SUR-REBUTTAL
EXHIBIT 2**