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2009 N Juniper Ave  
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JANET WALLER-ORTIZ

5/3/13

Thank you for having this public hearing and I certainly hope you take all comments in opposition to the revised copper mining rule very seriously by agreeing to revert back to the initial proposal that was hammered out over eight months of give and take by all the stakeholders, including Freeport.

Welcome back to the same place and the same theme from New Mexico taxpayers and those of us who like our water without sulfuric acid and other toxins, thank you very much.

More than 90% of the NM population relies on grd water for their drinking water—permitting this copper Goliath and possible other extractive industries to contaminate grd water first and clean up later directly and negatively affects public health and our precious environment.

Here is a short list of pipeline failures and other accidental releases in the history of our local copper mine:

Attached

You have a huge operation such as this, and you will have spills—but once you tally all these up—and in light of the newly revised toxic copper mining rules—New Mexicans would, at any given time, be facing another slew of poisons that would never have to be stopped at the source but could keep on flowing, causing in many cases, problems that will never be able to be cleaned up no matter who foots the bill.

Freeport officials, well aware that they are steering an \$18 billion vehicle, are hustling for a free ride to continue to exploit our natural resources for more profit. Like the federal Halliburton Loophole in fracking business, Freeport seeks exemption from the state Water Quality Act that stands as the only protection we taxpayers and water-drinkers have from reckless corporate actions.

IN a recent article in The New Mexican, our very own Attorney General spoke out clearly and distinctly about the newly revised copper mining rule when he wrote:

“At stake is whether copper mining companies will be allowed by rule to pollute grdwater underneath their sites—which are often thousands of acres—or whter the must use the best control technologies to prevent grdwater contamination under their sites. He goes on to say that Freeport has, for ten years fought the Water Quality Act before the State En Dept, the Water Quality commission, the state courts and the state legislature—and has been turned aside—until—enter Governor Martinez. Finally, Attorney King insists, “It is not a matter of whether the company will be able to continue to mine in New Mexico

(in other words, no one is here to shut down Freeport, for God’s sake) --it is a matter of whether Freeport will pay more to install state-of-the-art technology to protect our state’s

groundwater. He ended his article by saying, "The environment is not Democratic or Republican. The environment is for us all."

Finally, many of us faculty who care deeply about the citizens of the Southwest simply because we have invested decades of time and effort educating the children and grandchildren and even many of the miners---and we live here, too---many of us are profoundly ashamed and disturbed at the blatant sales pitch from President Shepard who has come out publicly for these revised rules. He unabashedly claims he drinks from our streams---I would like to see him raise a cup of water from Whitewater Creek and see if it tastes a bit acidic. Yes? It is unconscionable the president of any university would pretend that <sup>for them</sup> deregulation of the copper mining industry is a plus for New Mexicans. <sub>↑ Controversy</sub>

Freeport is not well liked abroad in Indonesia, where they admit to being very free with their millions in wheeling and dealing with the military there to suppress those who try to hold Freeport accountable for worker's rights and environmental dumping. But, of course, they would call their bribery merely the cost of doing business in the Third World.

I would heartily agree with the Community Environmental Law Center lawyer in Mora County New Mexico who recently stated that these kinds of concerns people have with extractive industries are about the rights of the people to a clean environment vs. the rights of corporations to exploit and destroy with impunity from a laizze-faire government.

Do not allow Freeport or any other mining operations to dictate to the NM taxpayers how their companies are going to allow toxic waste to run rampant by neglecting to put in place the latest technology at the mine site to prevent additional groundwater contamination of public water supplies.

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Attachment for JANET WALLET-ORTIZ'S  
testimony

<b>CHINO MINE, NM (Freeport McMoRan)</b>	
<p>The Chino Mine is located approximately 12 miles southeast of Silver City, New Mexico. The site is east of the Continental divide and drains into ephemeral drainages in the Mimbres watershed.</p>	
<b>Reports of pipeline failures and other accidental releases*</b>	<p>2007: A spill involving one million gallons of acidic mine waters overflowed a containment sump into a storm water diversion channel and traveled more than two and a half miles down a surface water tributary near the mine. The spill resulted in groundwater contamination and a settlement of \$276,000 was reached with the State of New Mexico.<sup>97</sup></p> <p>Multiple other tailings spills have occurred, which are listed below:<sup>98</sup></p> <p>2000: Report of 480,000 gallons of tailings slurry discharged, with 93,000 gallons entering Whitewater creek.</p> <p>1999: Report of 3.25 million gallons of tailings spilled into Whitewater Creek.</p> <p>1997: Report of 100,000 gallons of tailings spilled into Whitewater Creek.</p> <p>1996: Report of 152,000 gallons of liquid tailings spilled into Whitewater Creek.</p> <p>1993: Report of 208 tons and 91,500 gallons of tailings accidentally released to Whitewater Creek in six separate incidents resulting from the rupture of degraded pipes.</p> <p>1992: Report of 120,000 gallons of tailings spilled into a basin.</p> <p>1991: Report of 3,200 gallons of tailings released into Whitewater Creek when a tailings pipeline ruptured.</p> <p>1988: Heavy rains led to the release of 180 million gallons of acidic wastewater into Whitewater Creek over a 35-day period. Analysis of the wastewater indicated that it had 30 times the allowed levels of the hazardous substance cadmium, as well as more than 30 times the allowed levels of sulfates.<sup>99</sup></p> <p>1986: Report of 16,200 gallons of acidic water spilled.</p>
<b>Water collection and treatment failures</b>	<p>In 2011, the U.S. Department of Justice and State of New Mexico issued a consent decree for damages to natural resources from hazardous substances from the Chino, Tyrone and Cobre mines.<sup>100</sup> The settlement followed an investigation of natural resource injuries related to the release of hazardous substances into the environment from acid mine drainage and process solution, among other sources.</p> <p>It found that, "surface water and associated sediments are exposed to hazardous substances released from the Chino Mine through a variety of pathways, including leaks and spills of process water, tailings spills; runoff, and infiltration or percolation from tailings and waste stockpiles."<sup>101</sup></p> <p>It also found that hazardous substances have been released into groundwater at the Chino mine from multiple source areas.<sup>102</sup> Concentrations of hazardous substances in groundwater in exceedance of water quality standards confirm release to groundwater throughout the Chino Mine. Groundwater flow modeling for the North Mine area indicates that contaminated groundwater in four of these areas is not captured by dewatering in the main pit.</p> <p>In the South Mine area, groundwater has exceeded standards for manganese and cadmium at Middle Whitewater Creek, Hurley and Lake One, and has exceeded standards for copper at Lake One.<sup>103</sup></p> <p>A 2012 assessment of groundwater impacts concluded that contaminated seepage from the mine will require water treatment in perpetuity.<sup>104</sup></p>
<b>Tailings spills</b>	<p>Tailings spills (see above).</p>