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FOR IMMEDIATE RELEASE

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THE MARTINEZ ADMINISTRATION DECIDES COPPER MINING IS MORE IMPORTANT THAN CLEAN DRINKING WATER

Community and Environmental Groups to Appeal

SANTA FE, N.M.— The New Mexico Water Quality Control Commission (WQCC) voted today to adopt copper mining groundwater regulations that expressly allow water pollution rather than prevent it. The rules, proposed by the New Mexico Environment Department and the global copper mining company, Freeport-McMoRan, marks the first time in 36 years that the Commission has set aside its mandate to protect the quality of the state's scarce groundwater resources.

Gila Resources Information Project (GRIP) and Turner Enterprises represented by New Mexico Environmental Law Center (NMELC), and Amigos Bravos represented by High Desert Energy + Environment Law Partners, oppose this rulemaking on grounds that the rules violate the protections afforded under the Water Quality Act. For this reason, the parties will appeal today's decision to the New Mexico Court of Appeals.

"For years, Freeport has fought to have here in New Mexico the same unchecked power it enjoys in undeveloped countries," says Bruce Frederick, Staff Attorney at the New Mexico Environmental Law Center (NMELC). "The company wants to pollute groundwater with no limits, and now they have convinced this Administration to let it do just that."

"We strongly oppose these copper rules as they will allow the mining industry to pollute our valuable groundwater resources rather than prevent pollution at mining operations as required under the State Water Quality Act," says Allyson Siwik, Executive Director of GRIP. "These rules would allow mining giant Freeport-McMoRan to evade its responsibility for pollution prevention and use the public's groundwater as its dumping ground, shifting the cost of cleanup to us – the taxpayer – while endangering our public health."

"This pollution allowing Rule sets a dangerous precedent," says Rachel Conn, Amigos Bravos' Project Director. "Soon other industries in the state will be wanting the same ability to pollute groundwater. We are already seeing signs of this from the Dairy Industry's most recent rulemaking proposal."

BACKGROUND

- In 2009, the New Mexico Legislature mandated the Water Quality Control Commission to specify water discharge regulations for the dairy and copper mining industries that would prevent water pollution and protect water quality.
- In 2012, the Environment Department (NMED) put together an advisory committee that included members from the copper mining company Freeport-McMoRan, environmental groups and technical experts to craft the new copper rule to present to the WQCC. The advisory committee met for eight months and in mid-August a draft rule was sent to NMED.
- At Freeport's request, the NMED's upper management overruled the recommendations of the advisory committee, including those recommendations of its own technical staff, and incorporated language that would allow Freeport (and other copper mine operators) to routinely pollute groundwater with acid rock drainage, metals and other contaminants in the course of its mining operations.
- In April 2013, the NMED presented its draft water quality rules for copper mines before the WQCC. The NMELC and its clients opposed the rules on grounds that they are illegal under the Water Quality Act. NMED's own technical staff involved in the copper rules development process did not attend the hearing to support the draft rules.

INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST

Contacts:

Bruce Frederick,
Staff Attorney
New Mexico Environmental Law Center
bfrederick@nmelc.org
www.nmelc.org

Allyson Siwik
Gila Resources Information Project
grip@gilaresources.info
www.gilaresources.info

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