



Gila Resources Information Project
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FOR IMMEDIATE RELEASE

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CONSERVATION GROUPS APPEAL MARTINEZ ADMINISTRATION COPPER RULE

SANTA FE, N.M. — Today an appeal of the New Mexico Water Quality Control Commission's (WQCC) adoption of copper mining groundwater regulations was filed by Gila Resources Information Project (GRIP) and Turner Ranch Properties, L.P., represented by New Mexico Environmental Law Center (NMELC), and Amigos Bravos represented by High Desert Energy + Environment Law Partners. The groups are challenging the adopted copper mining rules because they expressly allow water pollution rather than prevent it. Proposed by the New Mexico Environment Department and the global copper mining company, Freeport-McMoRan Copper and Gold, the rules mark the first time in 36 years that the WQCC has set aside its mandate to protect the quality of the state's scarce groundwater resources.

"At the request of Freeport McMoRan, the Commission adopted a regulation that allows extensive and permanent groundwater pollution at all copper mines," says Bruce Frederick, NMELC Staff Attorney. "We are appealing the rule because we think it's unconstitutional and diametrically opposed to the Commission's express statutory mandate, which is to prevent water pollution."

The WQCC adopted the rules in September with little deliberation. New Mexico Tech geologist Doug Bland, who cast the only dissenting vote, resigned from the WQCC and Mining Commission on Monday.

"We need to reverse this illegal rule before other industries request the same ability to pollute at will," says Rachel Conn, Amigos Bravos Projects Director. "It is a shame that Doug Bland, who as the former Mining and Minerals State Director was the commissioner that had most knowledge about mining in New Mexico and was the lone dissenting vote against the copper rule, is now gone from the WQCC. Decision-making bodies under this administration are now stacked almost 100% with political ideologues who disregard science and law in the decision making process."

"These copper rules are a violation of the State Water Quality Act and give international mining giant Freeport-McMoRan a free ride at the expense of the public's groundwater quality and environmental health," says Allyson Siwik, GRIP Executive Director. "As communities throughout the state discuss ways to deal with future water needs against the specter of long-term drought, it is irresponsible to allow mining companies to pollute thousands of acre-feet of groundwater that could be used in the future by municipalities, industry or agriculture."

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.
- The WQCC voted 9 – 1 in September 2013 to approve the draft copper rules with little deliberation. In making its decision, the commission adopted, with one small non-substantive change, the Proposed Statement of Reasons submitted by NMED with substantial help from Freeport-McMoRan.

INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST

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The Gila Resources Information Project promotes community health by protecting the environment and natural resources in southwestern New Mexico.

***Amigos Bravos'** mission is to return New Mexico's rivers and the Río Grande watershed to drinkable quality wherever possible and to contact quality everywhere else; to see that natural flows are maintained and where those flows have been disrupted by human intervention to see that they are regulated to protect and reclaim the river ecosystem by approximating natural flows; to preserve and restore the native riparian and riverine biodiversity; to support the environmentally sound and sustainable traditional ways of life of indigenous cultures; and to ensure that environmental justice and social justice go hand-in-hand.*

*The mission of the **New Mexico Environmental Law Center** is to protect New Mexico's natural environment and achieve environmental justice for New Mexico's communities through legal representation, policy advocacy and public education.*

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