



Gila Resources Information Project
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FREEMPORT-MCMORAN ALLOWED TO WRITE COPPER MINING REGULATIONS THROWS OUT PROTECTIONS FOR NEW MEXICO GROUNDWATER

SANTA FE, NM— Today, the New Mexico Environmental Law Center (NMELC) submitted comments with the New Mexico Environment Department on the proposed water quality rules for copper mines. The comments were filed on behalf of clients, Amigos Bravos, Turner Ranch Properties, L.P., and the Gila Resources Information Project (GRIP). The comments challenge the Environment Department's wholesale acceptance of regulations proposed by Freeport-McMoRan, Inc., the company that operates the large open pit copper mines near Silver City, New Mexico. The Environment Department's upper management adopted Freeport's proposal in order to accommodate Freeport's need to routinely pollute groundwater with acid rock drainage, metals and other contaminants in the course of its mining operations.

"At Freeport's request, the Environment Department's upper management overruled the recommendations of its technical staff and would now allow Freeport, and other operators, to construct and operate leach, waste rock and tailings stockpiles without a liner," says Bruce Frederick, attorney with NMELC. "When exposed to precipitation, these stockpiles produce a highly acidic solution that can leach into groundwater and pollute it above water quality standards unless they have an impervious liner."

"For years," Frederick continues, "Freeport's lawyers from the Modrall Spering Law Firm have argued unsuccessfully that Freeport should be allowed to pollute

groundwater and now they have finally succeeded – at least with the Environment Department’s upper management.” The Environment Department’s general counsel worked for the Modrall Spering Law Firm before being appointed as general counsel. “There is an obvious appearance of a conflict of interest on the part of Mr. Ryan,” says Frederick, “and we are requesting that he remove himself from the process.”

“The state invited us in as advisors and then not only discounted our expertise but did an end run around the collaborative process that was mandated by the legislature,” says Rachel Conn of Amigos Bravos. “We will oppose the 'pollution by rule' proposal the state has released, and we will fight for the right to clean water for all New Mexicans.”

“These proposed rules are in flagrant conflict with the legislature's mandate to put forth regulations for copper mines to prevent water pollution and monitor water quality,” says Sally Smith, GRIP President and Director of Responsible Mining. “To the contrary, these rules will allow copper mines to pollute New Mexico's scarce water resources and will relieve mines from adequately monitoring water pollution from their activities. This process and the proposed rules demonstrate Freeport-McMoRan's undue influence over the Environment Department, an agency created to protect our state's water, not allow companies to pollute it.”

“Fortunately, the Environment Department does not have final authority to adopt the regulation,” says Frederick. “It must petition the Water Quality Control Commission or ‘WQCC’ to adopt the regulation, and the WQCC must conduct a public hearing at which all interested parties must be allowed to participate and present their views.” The hearing is currently scheduled to begin on January 8. “If the petition to the WQCC is the same as its September 13th draft, we will point out its obvious inconsistency with the Water Quality Act—which requires WQCC to prevent pollution rather than facilitate it,” says Frederick.

The Environment Department will make a final draft of the regulations which they will bring to the Water Quality Control Commission for adoption. The Commission is scheduled to begin the proceeding on January 8th.

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