



Gila Resources Information Project

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Mission Statement

Recognizing that human and environmental systems are inseparable and interdependent, Gila Resources Information Project pursues two goals: to protect and nurture human communities by safeguarding the natural resources that sustain us all; and to safeguard natural resources by facilitating informed public participation in resource use decisions.

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To become a member and receive a copy of *Get A GRIP*, a minimum annual donation of \$20.00 is appreciated. (\$10 for students and low-income residents.) GRIP is a 501(c)(3), tax-exempt organization; your contribution is tax-deductible.

Other Sites:
www.vivaverdenm.com
www.gilaconservation.org



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adoption of the rule.

"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 the 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."

In filing their motion to stay the implementation of the copper rule until appeal of the rule is decided by New Mexico courts, GRIP and its colleagues argued that the copper rule would likely be set aside on appeal, that citizens and the public will suffer irreparable harm if the copper rule is implemented while the appeal is decided, that no substantial harm would result to other interested parties (i.e., Freeport-McMoRan) in granting the stay, and that no harm would result to the public if the stay is granted.

The copper rule appeal could take two to three years to resolve.

COPPER RULE TIMELINE

- **2009** - The New Mexico Legislature mandates 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.
- **January 2012** - The New Mexico Environment Department (NMED) puts together an advisory committee that includes members from the copper mining company Freeport-McMoRan, environmental groups, and technical experts to craft a new copper rule to present to the WQCC. The advisory committee meets for eight months and in mid-August a draft rule is sent to NMED.
- **September 2012** - At Freeport's request, the NMED's upper management overrules the recommendations of the advisory committee, including recommendations of its own technical staff, and incorporates 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 mining operations.
- **April 2013** - The NMED presents its draft water quality rules for copper mines before the WQCC. The NMED and its clients oppose 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 does not testify at the hearing to support the draft rules.
- **September 2013** - Following little deliberation, members of the WQCC vote 9-1 to approve the draft copper rules. In making its decision, the commission adopts, with one small non-substantive change, the Proposed Statement of Reasons submitted by NMED with substantial help from Freeport-McMoRan.
- **October 2013** - Conservation groups file appeal of WQCC-approved copper rule with the New Mexico Court of Appeals.
- **October 2013** - Conservation groups file a motion to stay the copper rule until the appeal process is completed in New Mexico courts.
- **December 2013** - WQCC vacates hearing for copper ruling stay, as the state attorney general refuses to represent the commission in such a hearing.