

Talking Points on the Copper Flat Mine Permits

There are *two permit processes* for the New Mexico Copper Corporation (NMCC) Copper Flat Mine. The NM Environment Department (NMED) issues a discharge permit to protect groundwater and the Mining and Mineral Division (MMD) issues a mine operation permit to protect the land and require reclamation after the mine closes. For the MMD mine permit, NMED provides a determination that the mine *as proposed* will meet all applicable air and water quality requirements.

NM Environment Department Groundwater Discharge Permit DP-1840

The draft discharge permit as a whole is inadequate. It should be denied, but *at a minimum the permit needs to be re-written with conditions* for the following reasons.

- **Incomplete Characterization** – There is inadequate characterization of the bedrock, leaving the potential for contamination to move through the ground. Pollutants from the mine could leak into groundwater contaminating the area’s water supply, and could also reach the Rio Grande. *The permit must require that the bedrock be fully characterized to determine the possibility of contaminants leaching into groundwater.*
- **State Water Quality Standards Must Apply** – NMCC is claiming that the pit lake is not part of the Waters of the State of New Mexico and therefore not subject to surface water quality standards. However, the pit lake will combine with clean groundwater – there will be flow-through during at least part of its operation – and the lake is likely to extend onto public land. *The permit must acknowledge that these are Waters of the State and that all relevant water quality standards must apply.*
- **Groundwater Monitoring Is Inadequate** – Even though NMED has added 2 additional groundwater monitoring wells, the total number of wells and their location is still inadequate. *The permit must require sufficient monitoring wells to reliably detect contamination leaking from the mine’s waste rock piles and the tailings storage facility.*
- **Hazard to Public Health and Undue Risk to Property and Public Safety**
 - The discharge permit authorizes the discharge of up to 25.3 million gallons per day of tailings, mining-impacted wastewater, and domestic wastewater.
 - The mine will dump upwards of 100 billion gallons of polluted liquid waste during its planned operation into a 560-acre pond just 11 miles west of Caballo Reservoir. A collapse or breach at the tailings pond could devastate landowners to the east, Caballo Reservoir, and the Rio Grande.
- **Streams Important for Wildlife, Including Endangered Species** – Two arroyos run through the mine site and others in the area could also be impacted by surface and groundwater contamination. *The permit must ensure that the mine does not damage vital habitat and forage for wildlife, including several threatened and endangered species.*
- **Financial Assurance** – The proposed financial assurance in the mine permit is insufficient to cover the costs of long-term monitoring and maintenance of post-mining site reclamation.

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Mining & Minerals Division Mine Operating Permit

[NOTE: These may be updated after the NMED Discharge Permit hearing]

The Mining Commission Should DENY the Mine Operating Permit

- **The Mine's Water Use Would Seriously Damage Sierra County and Beyond** – In the draft Environmental Impact Statement, NMCC says it could require up to 6,100 acre feet per year (afy) of fresh water for mining operations, which is troubling for several reasons:
 - NMCC has water rights for only 900 afy and therefore cannot conduct mining operations at this time.
 - Pumping up to 6,100 afy would seriously drain and damage local streams; Hillsboro, Arrey and other residential supplies; and farming water supplies.
 - Pumping up to 6,100 afy would reduce inflow to the Rio Grande; the State of Texas is suing New Mexico in the US Supreme Court over mismanagement of the Rio Grande, and the Mine will make Texas's case that much stronger.
- **NMCC Is Not a Good Steward of the Environment** – NMCC was cited for numerous violations of reclamation procedures by both NMED and the Bureau of Land Management (BLM) after its last operational phase; some of these issues remain unresolved to this day.
- **There Is No "Self-Sustaining Ecosystem"** – The mine permit will not lead to a "self-sustaining ecosystem" after the mine closes. The pit lake has no provision to reduce toxicity sufficient to allow use by wildlife, which will result in death or harm to wildlife using the lake. The waste rock piles have no liners, which could mean constant acid drainage from that site. As written, the permit will likely result in the need for perpetual maintenance and treatment, which is not allowed under the Mining Act.
- **Financial Assurance** – The proposed financial assurance in the mine permit is insufficient to cover the costs of long-term monitoring and maintenance of post-mining site reclamation.
- **NM Environment Department Determination is Inadequate** – NMED provides a determination that the mine *as proposed* will meet Water Quality Act requirements. NMED's draft discharge permit as a whole is inadequate. Unless NMED revises it, it is not a responsible determination that the mine will meet the requirements of the Water Quality Act.
- **Transport Trucks Would Severely Damage Highway 152** – Hwy 152 does not have the substructure required for the weight of ore trucks involved in mining operations that would create a daily stream of such heavy loads on its surface. The NM Highway Department does not have the funds to make up for the difference between actual cost for repairs and the NMCC contribution to costs.
- **The Promise of Jobs For the Unemployed of Sierra County is Fake** – NMCC's jobs claims are misleading. A provisional water contract commits NMCC to hire outside Sierra County first, and some jobs require skills and training that mean they will likely go to non-locals. When the Mine operated in 1982, the median income for the County didn't change and mining was 5th out of seven sectors of the Sierra County economy in producing revenue – after tourism, retail, farming/ranching and government.

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