

STATE OF NEW MEXICO
COUNTY OF GRANT

RESOLUTION NO. R-19-21

**A RESOLUTION OPPOSING LEGISLATION THAT AMENDS THE WATER
QUALITY ACT TO PROVIDE WHERE THE EFFECT OF A DISCHARGE ON
GROUND WATER IS TO BE DETERMINED**

WHEREAS, the Board of County Commissioners met in regular session on Thursday, February 21, 2019 at 9:00 a.m. in the Grant County Veterans Conference Center, 3031 Highway 180 East, Silver City, New Mexico; and

WHEREAS, during the 2019 New Mexico Legislative session, New Mexico state lawmakers will consider legislation that would change the law governing where compliance with ground water quality standards are measured; and

WHEREAS, ground water quality standards are set by the Water Quality Control Commission which are generally equivalent to drinking water standards; and

WHEREAS, groundwater within the County should be protected so that it meets drinking water standards in areas where the citizens of this county withdraw groundwater for their use; and

WHEREAS, since the early 1980's ground water discharge permits under the Water Quality Act have been issued for the existing copper mines, including numerous expansions where mining occurs in deep open pits which extend below the water table and where groundwater within the mines did not meet drinking water quality when those permits were issued; and

WHEREAS, the Copper Rule contains strict and specific requirements to ensure that discharge permits for copper mines protect ground water resources during mining operations by containing groundwater impacted by mining operations within those operations and ensuring that groundwater outside the mining operations meet drinking water standards; and

WHEREAS, under the current law, including the Copper Rule, compliance with ground water quality standards is measured at a "place of withdrawal of water for present or reasonably foreseeable future use"; and

WHEREAS, ground water quality is measured in a monitoring well placed close to the edge of the mine unit, an approach used by other states and federal regulations; and

WHEREAS, the Copper Rule specifies the engineering and hydrologic controls and monitoring used to ensure that groundwater is contained within and not allowed to migrate from the mine site; and

WHEREAS, the New Mexico Supreme Court, the Court of Appeals and the Water Quality Control Commission have acknowledged that it is not possible for copper mines to meet drinking water standards within open pit mines; and

WHEREAS, ground water flows into an open pit copper mine and naturally occurring minerals liberated by mining activities cause the ground water collected in the open pit mine to exceed drinking water standards; and

WHEREAS, the Discharge Permit rules adopted by the Water Quality Control Commission, including the Copper Rule, require copper mines to comply with the Water Quality Act by obtaining a discharge permit to operate an open pit copper mine in compliance with the Commission's regulations, including the Copper Rule; and

WHEREAS, under this proposed legislation compliance with ground water quality standards would be determined at the point where a discharge of water exceeding standards contacts ground water, essentially making compliance with the Water Quality Act impossible resulting in possible denial of future discharge permits to existing and possible future copper mines and potentially other types of facilities that require discharge permits; and

WHEREAS, mining of the open pit at the Chino mine began in 1910 and mining of the open pits at the Tyrone mine began in 1967, and both could continue for decades into the future under the current legal and regulatory requirements; and

WHEREAS, as a result of the production of Freeport McMoRan's copper production in Grant County, New Mexico is the number two producer of copper in the United States; and

WHEREAS, copper is a vital resource for electric transmission, generation and wiring, automobiles, plumbing and renewable energy production, which demand increased production of copper; and

WHEREAS, Freeport-McMoRan is the largest employer in Grant County providing over 1400 jobs directly and indirectly supports over 4000 New Mexico jobs, primarily in Grant County; and

WHEREAS, Freeport-McMoRan provided a direct economic impact on Grant County in 2017, of \$123 million which is comprised of compensation, business taxes and vendor purchases; and

WHEREAS, Grant County receives an average of \$2.5 million annually from Copper Ad Valorem Taxes as a source of revenue to its general operating fund budget; and

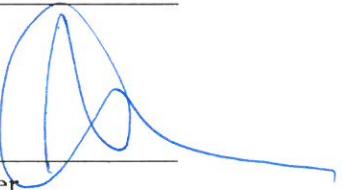
NOW, THEREFORE, BE IT RESOLVED, that this Board recognizes the significant economic impact of Freeport-McMoRan's operations and supports the copper mining industry in Grant County.

BE IT FURTHER RESOLVED that this Board does not support any legislation that harms or detrimentally effects the economy of Grant County as well as the welfare of its citizens who will be negatively impacted with the possible loss of the copper industry in Grant County.

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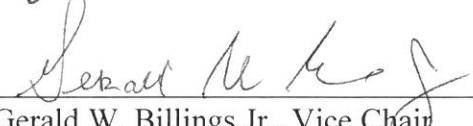
Approved and adopted in a Regular Meeting of the Board of Grant County Commissioners on this 21st day of February 2019.

 *Abstained*
Chris Ponce, Chairman

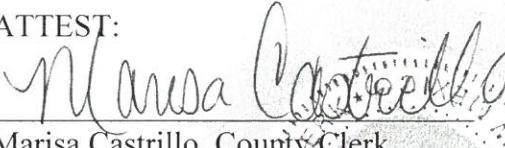
 Alicia Edwards, Member

Voted nay
Harry Browne, Member


Javier Salas, Member


Gerald W. Billings Jr., Vice Chair

ATTEST:


Marisa Castrillo, County Clerk

