

# Get A GRIP

PROMOTING HEALTHY  
COMMUNITIES  
BY PROTECTING OUR  
ENVIRONMENT

►Responsible Mining   ►Healthy Rivers   ►Community Planning   ►Aquifer Protection

## A Clean Legacy?

### Legal battles continue over closure plans for Chino and Tyrone Mines

By Allyson Siwik, GRIP Executive Director

More than three years after the New Mexico Environment Department (NMED)'s approval of closure plans for the Chino and Tyrone mines in Grant County, parties continue to appeal decisions on how Phelps Dodge (PD) will protect groundwater after the mines close. Some of the legal issues relate to the interpretation of the New Mexico Water Quality Act (WQA) and are expected to be the subject of industry attempts to change the law in the 2007 legislative session.

#### Tyrone Closure Plan

Approved by the NMED in April 2003, the Tyrone closure plan requires Phelps Dodge to reclaim over

1,100 acres of stockpiles surrounding the open pit. The company had originally proposed the "open pit capture zone" concept, arguing that they could leave the sides of the stockpiles within and around the pit uncovered, since they would be capturing, pumping and treating any contaminated water that flowed into the pit.

Phelps Dodge appealed NMED's permit to the State's Water Quality Control Commission (WQCC). As a party to the case, the New Mexico Environmental Law Center argued on behalf of GRIP that the open pit capture zone approach does not adequately prevent further contamination of groundwater and

fails to fulfill the purpose of the Water Quality Act, which is to prevent contamination at the source. NMED's permit was upheld by the WQCC after which PD appealed again-- this time to the New Mexico Court of Appeals -- to try to reverse the open pit capture zone decision on the Tyrone closure permit.

#### It's not over yet

In its opinion filed in June 2006, the Court of Appeals ruled that the WQCC failed to use a "proper analysis" in determining whether the closure permit conditions are "reasonable". At issue is the practicality of meeting water quality standards at the entire mine site versus a specific

see Closure Plans, p5

## Creative, Sustainable Architecture & Design in the Home

### a GRIP Exhibit and Home Tour, Weekend at the Galleries, Oct. 7, 8, & 9

By Joshua Baldwin, GRIP Volunteer

After years of tackling the mining, water and growth issues of the Gila region, GRIP is branching out into the equally crucial area of sustainability. Like many in communities worldwide, we at GRIP recognize that planning and long-term sustainability are vital to health and quality of life.

Thanks to generous member support, an influx of volunteer help, and a committed list of exhibit sponsors, GRIP is excited to announce our participation in the upcoming Weekend at the Galleries event in Silver City Oct. 7-9. Our exhibit "Creative, Sustainable Architecture & Design in the Home" will showcase photographs by GRIP staff member Marya Gendron, highlighting many innovative strategies locals have used to build "green" homes, including site and building design, energy efficiency and green and recycled materials.

Most people share concern for the looming environmental problems

associated with fossil fuel consumption, and yet many may not realize that a single conventionally-built US home will cause over its lifetime a staggering 4.5 tons of the greenhouse gas carbon dioxide to be released into the atmosphere.

We've all seen new homes here in Grant County go up with no consideration for site & sun orientation or sustainability, and GRIP is hoping that this exhibit and home tour will be one of the lightning rods for a local alternative building boom. Imagine a community of sustainable dwellings that are kind to the planet, cost-effective and make sense for our local ecosystems.

We at GRIP look forward to continuing to engage this sustainability topic in the coming years, and if we can generate enough interest at the upcoming Weekend at the Galleries exhibit and home tour, we hope to offer a Sustainability film series in the spring of '07.



*Imagine a community of sustainable dwellings that are kind to the planet, cost-effective and make sense for our local ecosystems.*

see insert on page 3  
for detailed tour & exhibit info