

ACTION ALERT:

Despite record profits, Phelps Dodge continues to lobby for regulatory leniency

Tell your elected official you are concerned about public health & safety at Grant County mines!

by Allyson Siwik, GRIP Executive Director

With metals prices at record highs and net income in the billions, Phelps Dodge seems to be directing its efforts into reducing regulation rather than development of good environmental stewardship practices. Although it voluntarily disclosed 20 violations of the Clean Water Act and Resource Conservation and Recovery Act at its Tyrone and Chino mines, the company has argued for leniency from civil and criminal penalties from the federal government. Similarly, the New Mexico Mining Association, including Phelps Dodge, disclosed to the Radioactive and Hazardous Materials Committee at its meeting in Silver City on July 11 that it may pursue changes to the NM Water Quality Act during the 2007 legislative session. Changes cover narrowing the definition of "waters of the state", limiting jurisdiction and therefore protection of surface waters in closed basins throughout New Mexico including the Mimbres Basin in Grant and Luna counties (see article on page 1). If industry lobbyists are successful, PD would not need to comply with federal surface water quality regulations and could discharge mine effluent directly to surface waters without meeting any permit requirements, directly impacting our public health and the area's ecosystems.

Rather than listen to big business, our state legislators need to listen to the community and ensure that public health and safety and our scarce surface and groundwater resources are protected from mining activities. Contact Manny Herrera (District 39 - Grant and Hidalgo counties) and tell him about your concerns. Rep. Herrera serves on the Radioactive and Hazardous Materials Committee that oversees air and water quality, solid waste, mining, and pipeline safety issues throughout the state.

POINTS YOU COULD MAKE INCLUDE:

- ♦ State legislators should protect all waters of New Mexico and reject industry proposals to limit state jurisdiction and gut water quality protections.
- ♦ State legislators should approve increased funding for the New Mexico Environment Department so that the agency can hire more staff to conduct routine inspections of mining and other industrial facilities, ensuring compliance with environmental laws and protection of public health and safety.

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development, for instance. According to the proposed ordinance, the decision to approve or reject a developer's water rights request is within the purview of the town council after members consider such factors as the town's available water supply and water rights; existing demand and encumbered demand; location and size of development; compliance with town and county land use ordinances, proposed conservation measures; and cost to and fiscal impact upon the town..

GRIP'S VIEW

The proposed ordinance as currently worded is a positive first step, but doesn't go far enough to ensure a sustainable water supply for Silver City.

Development of a policy with objective criteria for approval or rejection of water main extension requests is a positive step forward in ensuring a sustainable water supply for our area. The town council will have the framework within which to evaluate requests for water service on a case-by-case basis. This way, City planners can make sure a) that new developments are consistent with the town's 40-year water plan and b) that new developments meet other planning requirements. The ordinance can also be a useful tool to

guarantee that any developer pays the full cost of infrastructure extension.

The town should create water efficiency guidelines for new residential, recreational and commercial water users that must be met in order to receive town water.

The ordinance should more strongly mandate that applicants do the best they possibly can to conserve water if they want to access the town's water supply. After all, water conservation is the cheapest way to extend the life of our scarce groundwater resources, and the water supply belongs to all residents. For example, Denver's water utility recently unveiled its 10-year water conservation plan. It establishes a water-efficiency rating system for new construction. If minimum standards aren't met, the utility could deny hookup of a home or development to its system. Although the Silver City's draft ordinance provides an economic incentive for an applicant to conserve water (in the form of a reduction in water rights fee), the policy does not require water conservation.

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