

ARIZONA MINING REFORM COALITION

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Ms. Carrolette Winstead
Arizona Department of Environmental Quality
APP & Drywell Unit Manager, Groundwater Section
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**Re: Comments on the Notice of Intent to Issue an Aquifer Protection Permit
(P-105823) to Resolution Copper Mining, LLC**

Thank you for the opportunity to comment on the draft Aquifer Protection Permit (APP) P-105823 for the proposed Resolution Copper Mining-Superior Operations facility (RCM). On behalf of the Coalition itself and the members of the Arizona Mining Reform Coalition individually, we submit in a timely fashion the following comments and objections to these draft permits. These comments also incorporate the comments of the San Carlos Apache Tribe and the Inter Tribal Council of Arizona by reference as if fully set forth herein.

The **Arizona Mining Reform Coalition** works in Arizona to improve state and federal laws, rules, and regulations governing hard rock mining to protect communities and the environment. We work to hold mining operations to the highest environmental and social standards to provide for the long term environmental, cultural, and economic health of Arizona. Members of the Coalition include: The Grand Canyon Chapter of the Sierra Club, Earthworks, Save the Scenic Santa Ritas, the Dragoon Conservation Alliance, the Groundwater Awareness League, Concerned Citizens and Retired Miners Association, the Center for Biological Diversity, and the Sky Island Alliance.

Arizona's Aquifer Protection Permit program was a landmark program when passed in 1986 as part of the Environmental Quality Act. Rather than focus on remediation – trying to clean up a mess after the fact – and enforcement, it focuses on prevention. The program is aimed at keeping pollutants out of our precious aquifers. This is both more environmentally responsible and cheaper in the long run. It is especially important as it is often the public (the taxpayers) that has to pick up the tab for clean up. Arizona also decided at that time that all of its aquifers are important and should be designated as drinking water aquifers to protect ground water quality for future generations. [See §49-224 (B)].

The West Plant Site and East Plant Site are two separate operations

Not only are there several miles of separation between the two locations, but their purpose and therefore the pollution coming from the two sites are substantially different. The West plant site activities (other than the new water treatment plant) are clean-up and closure activities from the old mining operations and should be part of a

closure plan, while activities at the East plant site are to prepare for a new mine. The East Plant operations have a significant potential to pollute the aquifer and violate water quality standards at the point of compliance and therefore should be considered under a separate APP.

Adequate monitoring of the Pollution Management Area (PMA) is not required

The fact sheet for the APP for Outfall 002 allows for the possibility of a monitoring well (POC1) at the Point of Compliance within 750 feet downgradient of the PMA. However, this well is not required before the permit is granted, and the whole intent of an APP is to prevent contamination of the aquifer. It is unclear from the narrative or the permit exactly how the decision would be made to require this well, how the public would take part in the decision to require this well, or how it would be permitted or managed. This well should be required as a condition of the permit in order to meet the requirements of the APP program. Presumably the decision to drill POC1 would be made after pollution was detected emanating from the PMA boundary. At this point it would be impossible to obtain any baseline data on conditions before pollution migrated to this point. This is not acceptable and would allow the company to pollute the water table.

The bond is insufficient to cover the potential harm and is unreasonably low

ADEQ is requiring RCM, basically Rio Tinto and BHP, two of the largest mining companies in the world, to provide only \$15,928 in financial assurance to maintain financial capability throughout the life of the facility. In addition, the APP fact sheet states that this amount was set by the company itself. That amount of money is totally inadequate and would barely address the cost of even one week's worth of remediation, should this facility pollute the groundwater. Treating and releasing more than two billion gallons of polluted mine water warrants a much higher bond.

The permit applications cannot be considered (and certainly not granted) until an adequate financial assurance is submitted for public and agency review. At a minimum, the financial assurance must account for all direct and indirect costs for operation and maintenance of the facilities for their entire lives, plus construction costs for new/updated facilities in the future (due to the long life of the projects), as well as sufficient overhead, inflation, and agency contracting costs.

Thank you for the opportunity to submit these comments.

Sincerely,



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