

**List of Changes from Advisory Committee 8/17/12 Draft
to NMED's 10/30/12 Petition**

- The “Area of Hydrologic Containment” concept added (where water quality standards don’t apply). This is the introduction of the “sacrifice zone”
- Narrows definition of what is included in definition of “copper mine facility”
- Introduces the concept of “Open Pit Surface Drainage Area” (more of the “sacrifice zone” concept where water quality standards don’t apply.)
- Changed time periods to more time for copper industry to file documents and less time for state to respond and/or file documents.
- Makes it so the secretary can approve a copper permit even if the permit does not ensure that water quality standards will be met.
- Gets rid of public notice requirement to notify adjacent property owners of new or modified permit.
- Gets rid of public notice requirement to send a map detailing proposed new mine discharge or modifications to an old mine discharge to adjacent property owners.
- Gets rid of requirement to provide FEMA 100 year flood map as part of application.
- Gets rid of requirement to provide flow meter calibration methods.
- Gives numerous exemptions to complying with requirements like holding capacity requirements and standards within certain areas.
- Allows the permittee to not meet copper reg requirements if they can show an alternative design (increases work for department and just puts us back in the same place were before the rules... no certainty and lots of back and forth between department and permittee).
- Gets rid of setback requirements for new components of existing copper mines.
- Gets rid of language that allows department to set additional protections.
- Gets rid of requirement to line new tailings impoundments.
- Gets rid of requirement to install drainage collection systems under tailings impoundments.
- Allows stormwater to be directed into the open pit.
- Allows for open ended monitoring well construction requirements.
- Allows for yearly instead of quarterly reporting.
- Gets rid of compliance deadline of one year when groundwater standards are exceeded.
- Adds “designated monitoring well” concept where standards apply (only apply there, therefore groundwater not sampled by a “designated” well could have exceedance of standards).
- Decreases the amount of precipitation that cover systems must hold.
- Gets rid of closure requirement to provide an “interim emergency fluid management plan”.
- Gets rid of requirement to remove and recycle tanks when they are no longer going to be used.
- Gets rid of 5 year monitoring requirement associated with reclamation activities.