

Ennis, David, EMNRD

From: cuddy, alan, OSE
Sent: Tuesday, December 29, 2015 9:37 AM
To: Ennis, David, EMNRD
Cc: Johnson, Mike S., OSE
Subject: Menefee Mill Permit No. SA005ME, Modification 15-1

DJ,

On December 28, 2015, the Hydrology Bureau of the Office of the State Engineer received a "*Request for Comments on Modification 15-1 Application, Partial Reclamation and Update of Reclamation Plan, Menefee Mill, Sandoval County, New Mexico, Permit No. SA005ME*" submitted by Menefee Mining Corporation. The Menefee Mill is located near Cuba, New Mexico. The modification application involves reclamation of 3.3 acres by grading and reshaping excess humate piles, covering the piles with topsoil and planting grass seed. The modification also proposes updates to the reclamation plan and the amount of financial assurance for the site.

No water use or well drilling is associated with the reclamation; therefore, the Hydrology Bureau has no comments or issues regarding Modification 15-1.

Please contact me if you have any further questions.

Alan S. Cuddy
Hydrology Bureau
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
Phone: (505) 476-7400
Fax: (505) 476-0220
alan.cuddy@state.nm.us

Ennis, David, EMNRD

From: Roth, Daniela, EMNRD
Sent: Tuesday, January 12, 2016 9:31 AM
To: Ennis, David, EMNRD
Subject: RE: Modification 15-1 Application Permit No. SA005ME

Dear David Ennis:

Thank you for giving me the opportunity to review and comment on the Modification 15-1 application, partial reclamation and update of reclamation plan, Menefee Mill, in Sandoval Country, New Mexico (Permit No. SA005ME). I do not anticipate any impacts to state listed endangered plants from the proposed modification. Please let me know if I can be of further help.

Sincerely,

Daniela Roth

BOTANY PROGRAM COORDINATOR
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
(505)476-3347 (Phone)
(505)476-3330 (Fax)
<http://www.emnrd.state.nm.us/SFD/>

State of New Mexico
Energy, Minerals and Natural Resources Department

SA005ME
Menefee Mill 1/19
MOD 15-1
102809

Susana Martinez
Governor

David Martin
Cabinet Secretary

Brett F. Woods, Ph.D.
Deputy Cabinet Secretary



Fernando Martinez, Director
Mining and Minerals Division



December 28, 2015

Ms. Michelle Ensey
Department of Cultural Affairs, Historic Preservation Division
407 Galisteo St., Suite 236
Santa Fe, NM 87501

Re: Request for Comments on Modification 15-1 Application, Partial Reclamation and Update of Reclamation Plan, Menefee Mill, Sandoval County, New Mexico, Permit No. SA005ME

Dear Ms. Ensey,

On December 7, 2015, the Mining and Minerals Division ("MMD") of the New Mexico Energy, Minerals, and Natural Resources Department received a permit application from Menefee Mining Corporation to modify permit number MK005ME to perform approximately 3.3 acres of reclamation to reduce the total disturbance at the site to less than 10 acres. Modification 15-1 also proposes an update to the reclamation plan and amount of financial assurance for the site.

The Menefee Mill is located in Section 4, T20N, R01W in Sandoval County, New Mexico. Pursuant to §19.10.3.303.I NMAC, MMD is requesting comments from your agency regarding the application. The application received from the operator can be downloaded from MMD's website at <http://www.emnrd.state.nm.us/MMD/MARP/SA005ME.html>.

In accordance with §19.10.3.303.I NMAC, your agency has 20 days from the date of receipt of this letter in which to provide comments. The Director will consider these comments in making the determination of eligibility for minimal impact status. A site visit to the Menefee Mill has been scheduled with the operator for January 21, 2016.

If you have any questions, please contact me at (505) 476-3434 or by email at david.ennis@state.nm.us.

Sincerely,

David J. (DJ) Ennis, P.G., Permit Lead
Mining Act Reclamation Program (MARP)

cc: Mine File (SA005ME)

RECEIVED
DEC 30 2015 MME
HISTORIC PRESERVATION DIVISION

No COMMENTS
1/12/16
Michelle Ensey
for NM State Historic Preservation Office

GOVERNOR
Susana Martinez



DIRECTOR AND SECRETARY
TO THE COMMISSION
Alexandra Sandoval

DEPUTY DIRECTOR
Donald L. Jaramillo

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507
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THOMAS "DICK" SALOPEK
Las Cruces

7 April 2016

David J. (DJ) Ennis P.G.
Permit Lead, Mining Act Reclamation Program
Mining and Minerals Division
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Modification 15-1, Partial Reclamation and Update of Reclamation Plan, Menefee Mill, Sandoval County, New Mexico, Permit No. SA005ME; NMDGF No. 16886

Dear Mr. Ennis,

In response to your letter dated 28 December 2015, the New Mexico Department of Game and Fish (Department) has reviewed the above referenced project. Menefee Mining Corporation is requesting to modify permit number SA005ME to allow reclamation of approximately 3.3 affected acres at the mill site. This modification would serve to reduce total site disturbance to less than 10 acres. Modification 15-1 also requests an update to the reclamation plan and to the amount of financial assurance for the site. Staff from the Department, the New Mexico Environment Department, and the Mining and Minerals Division conducted a site inspection on 24 March 2016. The area surrounding the mill site is characterized as pinyon-juniper/desert shrub habitat.

Fine humate particles from the Menefee milling operation have blown onto areas in excess of the 3.3 acres that are proposed for reclamation. Vegetation in the area covered with windblown humate is less dense than in the surrounding unaffected area and grasses were notably absent during the site visit (see Figure 1 below). The updated reclamation plan should address remediation of the areas impacted by windblown humate to the west and northwest of the humate stockpile area.

An ephemeral earthen stock pond south of the mill site was holding dark brown water during the site visit. Stormwater runoff from the mill site drains into the pond and a white plastic discharge pipe also drains into the pond. The discharge pipe carries runoff from a cleaning area inside the mill where the processing screens are washed with water. The Department understands that no chemicals are used in this cleaning process.

Cattle, elk and rabbit sign were observed in the vicinity of the pond during the site visit of 24 March 2016. Since cattle and wildlife are likely drinking from this stock pond, the Department recommends that the pond water be tested for contaminants that may be harmful to wildlife and/or livestock. If hazardous concentrations of contaminants are detected, fencing to exclude wildlife and livestock should be installed. Even if ponds are non-toxic, they may present a trapping hazard for wildlife if they are steep-sided and/or lined with smooth-surfaced material. Textured liner material is available which can be attached to create escape ramps. Depending on the configuration of the trapping

hazard, earthen ramps, textured liner material or ladders may also be appropriate solutions. Guidelines for fencing and escape ramps to prevent adverse impacts to wildlife from water bodies at mining sites are available on the NMDGF website at www.wildlife.state.nm.us/conservation/habitat-information/habitat-handbook/.

Thank you for the opportunity to review and comment on this proposed project. If you have any additional questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,



Matt Wunder, Ph.D., Chief
Ecological and Environmental Planning Division

cc: USFWS NMES Field Office



Figure 1. Windblown humate impacted area, Menefee Mill, Sandoval County, New Mexico



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RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

MEMORANDUM

DATE: April 7, 2016

TO: Holland Shepherd, Program Manager, Mining Act Reclamation Program

FROM: Jeffrey Lewellin, Mining Act Team Leader
Neal Schaeffer, Surface Water Quality Bureau
Neal Butt, Air Quality Bureau

THROUGH: Kurt Vollbrecht, NMED MECS Program Manager

RE: **NMED Comments, Menefee Mining Corporation, Cuba Humate Production Facility, Partial Reclamation and Update of Reclamation Plan, MMD Permit No. SA005ME, Modification 15-1**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on December 31, 2015 requesting NMED review and provide comments on the above referenced MMD permitting action. The modification is for activities proposed for reduction of the total disturbance at the site to less than 10 acres and a change of the post mining land use to industrial. MMD requested comments within 20 days of receipt in accordance with New Mexico Administrative code (NMAC) Section 19.10.3.303 I. Delays by the Menefee Mining Corporation (permittee) to schedule a site visit with commenting agencies resulted in extensions of the comment submission date to April 7, 2016.

Background

The Cuba Humate Production Facility is a humate processing facility located at 36 Duke City Rd., Cuba, NM 87013. On January 13, 2015, MMD issued a notice of non-compliance to the facility owners. The notice of non-compliance was associated with the reduction and reclamation of the area of disturbance that exceeded the permitted area of 6.1 acres. Modification 15-1 also proposes an update to the reclamation plan and amount of financial assurance. NMED has the following comments:

Air Quality Bureau

The Air Quality Bureau (AQB) comments are attached under separate letterhead.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached under separate letterhead.

Ground Water Quality Bureau

On March 24, 2016, personnel from NMED Mining Environmental Compliance Section (MECS) and Office of General Counsel participated in a site visit of the facility with personnel from MMD. During the site visit, MECS personnel observed an unlined sump and pond that contained apparent process water that is discharged from the facility. Based on these observations, MECS has requested the permittee complete and submit a Notice of Intent which is consistent with the observations referenced above and Section 20.6.2.1201 NMAC.

NMED Summary Comment

Pending NMED review of the NOI and sampling data, additional actions may be necessary to ensure protection of water quality. NMED finds the proposed reclamation activities are likely to have a net environmental benefit if conducted in accordance with the approved permit and recommendations listed above.

If you have any questions, please contact Kurt Vollbrecht at (505) 827-0195.

cc: Trais Kliphuis, Division Director, NMED-WPD
James Hogan, Bureau Chief, SWQB
Richard Goodyear, Bureau Chief, AQB
Fernando Martinez, Division Director, EMNRD-MMD
David Ennis, Lead Staff, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS



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Ryan Flynn
Cabinet Secretary

Butch Tongate
Deputy Secretary

MEMORANDUM

DATE: April 4 2016

TO: Anne Maurer, Environmental Scientist & Specialist
Mining Environmental Compliance Section, Ground Water Quality Bureau

FROM: Neal Butt, Environmental Scientist & Specialist
Air Quality Bureau

RE: Request for Comments on Modification 15-1 Application, Partial Reclamation
and Update of Reclamation Plan, Menefee Mill, Sandoval County, New Mexico
Permit No. SA005ME

The New Mexico Air Quality Bureau (AQB) has completed its review of the above mentioned mining project. Pursuant to the New Mexico Mining Act Rules, the AQB has the following comments:

Air Quality Permitting History

The AQB issued a New Source Review Permit No. 3426 to the Menefee Mining Corporation for the Menefee – Cuba Facility on April 12, 2011. The function of the facility is to receive humate ore from the mine, screening the material to one of two different sizes and placement in a pile for storage. The material is then screened a second time and bulk bagged for sale. Some of the fines from the screens are dissolved in liquids and dried to form a concentrate for sale in 55-gallon drums. This facility is located at UTM Zone 13, UTM Easting 323,737 meters, UTM Northing 3,984,143 meters (NAD27), in Township 20 North, Range 1 West, Section 5, 6, 8, and 9 on County Road 11, approximately 1.8 miles south of Cuba, New Mexico in Sandoval County.

Details

The applicant is requesting a modification to Permit SA005ME in order to conduct reclamation on 3.3 acres, thereby reducing the total disturbance at the site to less than 10 acres, as well as

updating the reclamation plan and amount of financial assurance for the site to reflect this change in acreage. A site visit was conducted on March 24, 2016.

The AQB has no objection to the current request for reclamation. However, the AQB has concerns about reports from the site visit that indicate that humate emissions are crossing the facility fence line and being deposited in the surrounding area. Menefee must ensure that the terms of their air quality permit are met, and that proper industrial hygiene practices are followed to minimize any emissions of humate dust from leaving the facility.

If you have any questions, please contact me at (505) 476-4317.



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Surface Water Quality Bureau

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RYAN FLYNN
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BUTCH TONGATE
Deputy Secretary

MEMORANDUM

DATE: April 7, 2016

TO: Jeff Lewellin, Mining Act Team Leader
Mining Environmental Compliance Section
Ground Water Quality Bureau

FROM: Neal Schaeffer
Environmental Scientist & Specialist, Surface Water Quality Bureau

RE: Requested Comments, Menefee Mill, Modification 15-1 Application, Partial Reclamation and Update of Reclamation Plan, Permit No. SA005ME

The New Mexico Surface Water Quality Bureau (SWQB) has completed its review of the referenced mining project.

- The application materials consist of emails having inadequate information to support comments about a closeout plan. In particular, they offer little information about proposed BMPs. As an example, the emails mention planting but do not specify performance criteria or the means to determine achievement of those criteria, which are essential to any valid BMP. The following is the full discussion of this BMP:

“We will plant grass seed that is comparable to the surrounding area [sic] by the end of May to take advantage of the July rain fall.”

- Mining activities that include discharges to Waters of the United States typically require permit coverage from EPA under Section 402 (NPDES) of the Clean Water Act. SWQB could find no evidence of such coverage (see <https://www.env.nm.gov/swqb/NPDES/Inspections/NMU001887-20150304.pdf>).

Pending adequate articulation of a closeout plan, SWQB offers the following general comments:

- Appropriate spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparations, and drilling activities to address potential spills. Report all spills immediately to the NMED as required by the New Mexico Water Quality Control Commission Regulations (20.6.2.1203 NMAC). For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535 or 505-428-6535 (voice mail, twenty-four hours a day). For emergencies only, call 505-827-9329 twenty-four hours a day (New Mexico Department of Public Safety).
- Pressure wash and/or steam clean all mobile equipment used in the project area before the start of the project and inspect daily for leaks. A written log of inspections and maintenance should be completed.
- The use of overland travel and site selection, design, and construction of well pads, reserve pits, and roads should comply with the guidelines describes in the Bureau of Land Management “Gold Book”, Chapter 4 (http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/best_management_practices/gold_book.html).
- Roads, pads, and other facility structures should be set back a minimum of 100 feet from any watercourses, including ephemeral stream channels.
- Implement Best Management Practices to prevent direct impacts to watercourses, including ephemeral channels. For temporary surface disturbances during exploration and reclamation activities, the operator should implement erosion control measures that are designed, constructed and maintained using professionally recognized standards (e.g., Natural Resource Conservation Service standards, or the Bureau of Land Management “Gold Book”).
- Activities within watercourses or wetlands may require coverage under a Clean Water Act Section 404 permit. If you have questions about this permitting, please contact Ms. Marcy Leavitt, Regulatory Division, US Army Corps of Engineers, Albuquerque (505-342-3678).

If you have any questions, please contact me at (505) 476-3017.