



State of New Mexico
ENVIRONMENT DEPARTMENT



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RYAN FLYNN
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JOHN A. SANCHEZ
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BUTCH TONGATE
Deputy Secretary

Date: July 29, 2016

Secretary of the Environment Department Determination Pursuant to the New Mexico Mining Act (NMMA), NMSA 1978, § 69-36-7(P)(2), and New Mexico Mining Act Rule 19.10.5.506.J(5) NMAC, Permit No. CI002RE, Revision 13-2

Rio Grande Resources Corporation has submitted an application for permit revision to the Mining and Minerals Division of the New Mexico Energy, Minerals and Natural Resources Department pursuant to the NMMA that includes an updated closure/closeout plan and a request to change permit status from standby to active for the Mt. Taylor Mine.

A determination is hereby provided to Rio Grande Resources Corporation by the Secretary of the Environment Department that the applicant has demonstrated that the activities to be permitted or authorized will be expected to achieve compliance with all applicable air, water quality, and other environmental standards if carried out as described in the NMMA permit revision and associated state and federal environmental permits.

Applicant: Rio Grande Resources Corporation
Operation: Mt. Taylor Mine
Permit: CI002RE, Revision 13-2

Determination by: _____

Ryan Flynn, Secretary
New Mexico Environment Department



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MEMORANDUM

DATE: July 29, 2016

TO: Holland Shepherd, Program Manager, New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division, Mining Act Reclamation Program

FROM: Kurt Vollbrecht, Manager, New Mexico Environment Department, Mining Environmental Compliance Section

(KV)

RE: **NMED Environmental Determination, Mt. Taylor Mine Status Change to Active From Standby and Updated Closure/Closeout Plan, Revision 13-2, Permit No. CI002RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) on July 12, 2013 requesting comments related to the Mt. Taylor Mine change in permit status (Revision 13-2) from standby to active and updated closure/closeout plan (UCCP) submitted by Rio Grande Resources Corporation (RGR). The application included a UCCP for the Mt. Taylor Mine with revisions of the UCCP submitted to MMD in April and November, 2013. MMD held a public hearing in Grants on the proposed change in permit status from standby to active and the UCCP on December 4, 2015. Following the hearing, MMD accepted additional written comments until January 4, 2016. On April 13, 2016, NMED received correspondence from MMD providing notification that, "it does not have outstanding concerns related to the air, surface water and ground water quality raised during the public hearing, to forward to NMED, and that no additional information is expected to be provided to supplement the application for Revision 13-2."

Pursuant to 19.10.5.506.J(5) NMAC of the New Mexico Mining Act, Director approval of an application to incorporate a closeout plan requires a written determination from the Secretary of the Environment Department stating that the application has demonstrated that the activities to be permitted or authorized will be expected to achieve compliance with all applicable air, water quality, and other environmental standards if carried out as described in the closeout plan. NMED has reviewed the materials submitted to MMD as part of the application process and issues the attached determination.

Surface Water Quality Bureau (SWQB)

Discharge from the water treatment plant to San Lucas Arroyo will be pursuant to NPDES Individual Permit No. NM0028100 and Stormwater General Permit No. NMR053350 ensuring that surface water standards will be met upon return to active status. Since erosion control structures are constructed and will be maintained at the outfall to reduce sediment loading into San Lucas Arroyo, impacts from future discharges should not further degrade surface water quality.

Ground Water Quality Bureau (GWQB)

RGR is abating ground water impacts to shallow alluvial saturation of limited areal extent pursuant to an approved abatement plan in accordance with Water Quality Control Commission Regulations 20.6.2.4000 through 4115 NMAC. In addition, NMED issued Discharge Permit Renewal and Modification DP-61 on October 14, 2015. DP-61 contains conditions that require the permittee to implement operational, monitoring and closure actions which are expected to be protective of ground water quality following resumption of mining operations and subsequent discharge of treated mine water.

Air Quality Bureau (AQB)

On August 19, 2013, the AQB stated that it had no objection to changing the status of the mine from standby to active, but advised the applicant to consult with AQB to evaluate emissions from support equipment such as power generators, compressors, heaters and emission threshold that trigger a requirement for an air quality permit. On May 16, 2014, the AQB conducted a review of the "Errata and Addenda" and commented that: "Barium chloride" is mentioned in the document; therefore the AQB recommends that care be taken with this material. Since "Barium, soluble compounds, as Ba" is listed as a "toxic air pollutant" under 20.2.72.502 NMAC, the applicant should consult with the AQB to determine whether the use/presence of these materials would trigger a requirement for an air quality permit. The AQB has no objection to the issuance of Revision 13-2 by MMD to change the permit status from standby to active.

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

cc: Fernando Martinez, Division Director, EMNRD-MMD
Trais Kliphuis, Director, NMED Water Protection Division
James Hogan, Bureau Chief, SWQB
Richard Goodyear, Bureau Chief, AQB
David Otori, Lead Staff, EMNRD-MMD
Jeffrey Lewellin, Mining Act Team Leader

KV/jcl