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## NEW MEXICO ENVIRONMENT DEPARTMENT

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### MEMORANDUM

Date: October 25, 2018

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

Through: Jeff Lewellin, Mining Act Team Leader, Mining Environmental Compliance Section

From: Brad Reid, Mining Environmental Compliance Section  
John Moeny, Surface Water Quality Bureau  
Neal Butt, Air Quality Bureau

Subject: **NMED Comments, Sitewide Closure/Closeout Plan Update 2018, Freeport-McMoRan Chino Mines Company, Chino Mine, Grant County, GR009RE, Revision 18-1**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on August 29, 2018 requesting NMED review and provide comments on the above-referenced MMD permitting action. In accordance with 19.10.5.505.B(3) and 19.10.5.506.E NMAC, NMED is providing comments within the 60-day period prescribed by the regulation.

#### **Background**

Freeport-McMoRan Chino Mines Company ("Chino") provided an updated Closure/Closeout Plan ("CCP") to NMED and MMD on February 15, 2018. The updated CCP revises the scope of work for closure/closeout of the Chino Mine. MMD provided comments to Chino related to the updated CCP in a letter to Chino dated June 18, 2018 that included comments from NMED and other agencies. NMED has the following comments related to the August 20, 2018 Chino response to MMD.

#### **Air Quality Bureau**

The Air Quality Bureau has no additional comments related to the current response from Chino.

#### **Surface Water Quality Bureau**

The Surface Water Quality Bureau has no additional comments related to the current response from Chino.

### **Mining Environmental Compliance Section (MECS)**

The updated CCP was submitted to MECS as part of the discharge permit renewal and modification application for the Supplemental Discharge Permit for Closure (DP-1340) dated August 28, 2007 and supplemented with the updated CCP on February 15, 2018. Technical review of the CCP pursuant to the Water Quality Act (WQA) and the Water Quality Control Commission (WQCC) Regulations, including the Copper Mine Rule (20.6.7 NMAC), is currently underway. MECS will have additional comments based on technical review of the CCP and subsequent submittals. As such, comments will be submitted under separate letterhead directly to Freeport-McMoRan Chino Mines Company with copy to MMD to ensure technical completeness of the CCP which is critical to development of the draft Ground Water Discharge Permit. MECS will coordinate response to these documents with MMD prior to issuance of a comment letter to Freeport-McMoRan Chino Mines Company

Regarding Comment #4, please note that revised Figure 8-1 shows the OPCZ and not the AOPHC. NMED suggests that FMI revise the figure to show what was originally requested in MMD's letter dated June 18, 2018. Please note that the AOHPC is defined in 20.6.7.7.B(5) and means: for an open pit that intercepts the water table, the area where ground water drains to the open pit and is removed by evaporation or pumping, and is interior to the department approved monitoring well network installed around the perimeter of an open pit pursuant to Paragraph (4) of Subsection B of 20.6.7.28 NMAC and also limited to the area of disturbance authorized by a discharge permit.

### **NMED Summary Comment**

NMED is withholding issuance of the determination pending completion of technical review of the application and CCP associated with DP-1340 and the Copper Mine Rule.

If you have any questions, please contact Jeff Lewellin at (505) 827-1049.

cc: Shelly Lemon, Bureau Chief, SWQB  
Liz Bisbey-Kuehn, Bureau Chief, AQB  
Fernando Martinez, Division Director, EMNRD-MMD  
DJ Ennis, Lead Staff, EMNRD-MMD  
Kurt Vollbrecht, Program Manager, MECS