NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

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MEMORANDUM

Date: September 17, 2020

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

Through: Anne Maurer, Acting Mining Act Team Leader, Mining Environmental Compliance Section (MECS)

From: Alan Klatt, Surface Water Quality Bureau (SWQB)
Rhett Zyla, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Freeport-McMoRan Chino Mines Company, Chino Mine, Environmental Determination, Grant County, New Mexico, New Mexico Mining Act Permit No. GR009RE, Revision 18-1**

Chino Mine Description

Freeport-McMoRan Chino Mines Company (Permittee), Chino Mine, is a regular existing mine which covers an area of approximately 35,000 acres. The Chino Mine includes the Santa Rita Open Pit, associated waste rock and leach stockpiles, collection systems, a solution extraction and electrowinning (SX/EW) plant, a concentrator and associated mineral processing units, an active tailing impoundment, and reclaimed mine units. The above referenced permitting action is assigned New Mexico Mining Act (NMMA) Permit No. GR009RE. Revision 18-1 of Permit No. GR009RE is an update to the Closure/Closeout Plan (Updated CCP) that addresses full reclamation of the existing copper mine facility, including long-term water treatment and management.

The Chino Mine comprises three geographic areas; the North Mine Area (NMA) which includes the Santa Rita Open Pit, waste and leach stockpiles, SX/EW plant, water management facilities; the Pipeline Corridor Area (PCA) which includes tailing, process water, and concentrate pipelines connecting the North Mine Area to the South Mine Area; and the South Mine Area (SMA) which

includes the tailing facility and reclaimed mine units. The NMA is located near the towns of Bayard, Vanadium, and Hanover, Grant County, in Sections 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36, T17S, R12W; Sections 2, 3 and 4, T18S, R12W; Section 30, and 31, T17S, R11W. The PCA runs between the towns of Vanadium, Bayard, and Hurley, Grant County, in Section 32, T17S, R12W; Sections 5, 6, 7, 18, 19, 30, 31 and 32, T18S, R12W; Sections 5, 6, 7 and 8, T19S, R12W. The SMA is located east and south of the town of Hurley, Grant County, in Sections 31 and 32, T18S, R12W, Sections 12 and 13, T18S, R13W, Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, and 33, T19S, R12W; Sections 4, 9, 16, 21, 22, 27, 34, and 35, T20S, R12W; and the following locations in Luna County: Sections 1, 2, and 12, T21S, R12W; Sections 7 and 18, T21S, R11W.

Background

The Permittee submitted the Updated CCP to New Mexico Environment Department (NMED) and the Mining and Minerals Division (MMD) on February 15, 2018. The Updated CCP updates the 2007 CCP, revises the scope of work for closure/closeout of the Chino Mine, and incorporates reclamation requirements established in the Copper Rule (20.6.7 NMAC). NMED received correspondence from MMD on March 6, 2018 requesting that NMED review and provide comments on the Updated CCP for the Chino Mine. The Updated CCP was distributed to the SWQB and AQB for comment by the Mining Act Team Leader of the NMED Mining Environmental Compliance Section (MECS). The Mining Act Team Leader provided the combined NMED comments from MECS, SWQB, and AQB to MMD in a memo dated May 1, 2018 (Memo). The Memo notes that comments from MECS would be submitted under separate letterhead directly to the Permittee with copy to MMD as part of the technical completeness evaluation of the Updated CCP for Renewal and Modification of Ground Water Discharge Permit 1340 (DP-1340).

Air Quality Bureau

The Memo states that the AQB has determined that the Updated CCP will achieve compliance with applicable air quality standards if implemented as described and in accordance with applicable state and federal regulations.

Surface Water Quality Bureau

The Memo states that the SWQB has determined that the Updated CCP will achieve compliance with applicable surface water quality standards if implemented as described and in accordance with applicable state and federal regulations.

Mining Environmental Compliance Section

A technical completeness determination was issued to the Permittee on October 29, 2019 for the application for Renewal and Modification of DP-1340, indicating the proposed Updated CCP met the requirements of 20.6.2 and 20.6.7 NMAC. DP-1340 was issued on May 21, 2020. Issuance of

DP-1340 approving the proposed CCP requires that the Updated CCP will achieve applicable groundwater standards if implemented as described and in accordance with applicable state and federal regulations.

NMED Summary Comment

Pursuant to 19.10.5.506.J(5) NMAC of the NMMA, Director approval of an application to incorporate a closeout plan requires a written determination from the Secretary of NMED. The purpose of the determination is to state that the application has demonstrated that the activities proposed or authorized are expected to achieve compliance with all applicable air, water quality, and other environmental standards if carried out as described in the Closure/Closeout Plan. NMED has reviewed the materials submitted to MMD as part of the application process and issues the attached determination.

If you have any questions, please contact Kurt Vollbrecht at (505) 827-1095.

Attachment: New Mexico Environment Department Determination for the Freeport-McMoRan Chino Mine, Permit No. GR009RE, dated September 11, 2020 and signed on September 17, 2020.

cc: Shelly Lemon, Bureau Chief, SWQB
Liz Bisbey-Kuehn, Bureau Chief, AQB
Jerry Schoeppner, Division Director, EMNRD-MMD
David Ennis, Lead Staff, EMNRD-MMD
Brad Reid, Chino Permit Lead, MECS
Kurt Vollbrecht, Program Manager, MECS