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MEMORANDUM

Date: May 5, 2021

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

Through: Anne Maurer, Mining Environmental Compliance Section

From: George Llewellyn, Mining Environmental Compliance Section
John Moeny, Surface Water Quality Bureau
Sufi Mustafa, Air Quality Bureau

Subject: **NMED Comments, Updated Closeout Plan and Cost Estimate, Revision 14-1, Deming Mill and Tailing Impoundment, Geo Southwest, Luna County, New Mexico Mining Act Permit No. LU009RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on April 1, 2021 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act this operation is permitted as a regular existing mine. MMD requested comments on the application within 30 days of receipt of the request for comments. NMED requested an extension to provide comments to MMD by May 7, 2021. NMED has the following comments.

Background

Geo Southwest (applicant) provided an updated Closeout Plan and cost estimate to MMD on March 31, 2021. According to MMD, the updated Closeout Plan and cost estimate was prepared in response to comments from NMED on the November 4, 2020 version of the Closeout Plan. The updated Closeout Plan focuses on reclamation of three areas totaling less than 10 acres to address exposed tailing material outside of the reclaimed main tailing impoundment. The updated Closeout Plan indicates cover will be placed over exposed tailings in an eroded area north of the Cypress Tailings Impoundment and an area between the north bank of the Mimbres River and the reclaimed ASARCO tailings impoundment. In addition, the updated Closeout Plan indicates that an area where tailings are exposed on the north bank of the Mimbres River will

be stabilized by covering the riverbank with concrete rip-rap or similar material. The following comments are based on NMED's review of the March 31, 2021 updated Closeout Plan.

Air Quality Bureau

The Air Quality Bureau has no further comments.

Surface Water Quality Bureau

The Surface Water Quality Bureau has no further comments.

Mining Environmental Compliance Section (MECS)

MECS considers the March 31, 2021 Closeout Plan as a preliminary plan to close the site and agrees in concept with the remedial measures proposed in the Closeout Plan. Additional information is needed to further characterize the nature and extent of contaminated material within the permitted boundary of the site, but this can be done in accordance with a workplan that MMD will require as part of the Mining Act permit based on discussions with MMD. Additional investigations are needed to identify remaining areas with exposed tailing, which will be used to develop a final detailed closure design for the site. All workplans and closure designs should be submitted to NMED for review and approval to ensure protectiveness of the environment. NMED requests that the applicant, MMD, and NMED meet at the site as soon as possible to discuss further site investigation that will be needed to develop a final closure design.

NMED Summary Comment

The preliminary Closeout Plan addresses NMED comments. NMED will provide the environmental determination when MMD determines the Closeout Plan is technically complete.

If you have any questions, please contact Anne Maurer at (505) 660-8878.

cc: Kevin Myers, Permit Lead, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB