

PUBLIC NOTICE

GEO SOUTHWEST, LP IS APPLYING FOR THE MODIFICATION OF THE PERMIT FOR THE DEMING MILL AND MILL TAILING FACILITY TO RELEASE THE RECLAIMED TAILINGS AREA FROM THE PERMIT

Pursuant to the New Mexico Mining Act Rules, 19.10.5 and 19.10.9.903A NMAC, Geo Southwest, Ltd *dba* Geo Southwest, LP in New Mexico (GEO) is applying to the State of New Mexico Mining and Minerals Division (MMD) for a Modification to the Deming Mill and Mill Tailings Facility Permit LU009RE to release the reclaimed Mill Tailings area from the Permit. Permit LU009RE was modified on August 5, 2014 (permit transfer to GEO) and on September 23, 2021 (vegetation success standards).

Location of Real Property Affected: The Deming Mill Tailings is located on 77.267 acres outside of the city limits and adjacent to the Deming industrial park located in the northwest part of the Deming. The total permit area is 186.63 acres, which includes the Mill, Mill Tailings, borrow area and area south of the Mill Tailings. The permit area is located entirely on private land in Sections 20, 21 and 29, Township 23 South, Range 9 West, NMPM, Luna County, New Mexico. The Mill address is 2050 Peru Mill Road NW, Deming, NM 88031.

Site History: ASARCO constructed the mill in 1949, and operated it for nearly 30 years with periodic shutdowns until 1979, when its primary source of lead and zinc ores, the Groundhog Mine closed. From May, 1989 until August, 1995, Phelps Dodge, Cyprus Pinos Altos Corporation leased the mill to produce copper-zinc concentrate from ore and the tailing impoundment regulated under a separate MMD permit with Freeport McMoRan Incorporated. ASARCO applied for standby of the mill in 1999.

In August, 2005, ASARCO filed for bankruptcy protection and began reclamation in 2007 of the Deming Mill Tailings. From 2009 to 2014, The ASARCO Multi-State Custodial Trust (Trust) completed reclamation of the Deming Mill Tailings and some soil cleanup at the Mill. GEO purchased 1193.84 acres from the Trust on April 10, 2014.

Proposed Modification to Permit Area: GEO is requesting approval of the release of the Mill Tailings from the permit area based on three annual vegetation survey reports and MMD's review of the vegetation success standards. This modification will not release any financial assurance (FA) instrument or change the amount of FA.

The application can be viewed at the Marshall Memorial Library, 110 S. Diamond Ave. in Deming or downloaded from the New Mexico Energy, Minerals, and Natural Resources website at:

<https://www.emnrd.nm.gov/mmd/mining-act-reclamation-program/pending-and-approved-mine-applications/mining-applications-regular-existing/lu009regeo-southwest-deming-mill-and-tailing-impoundment/>

Name and Address to Submit Written Comments, Objections or Requests for Public Hearings: Written comments, objections or requests for a public hearing with regard to the application to release the Mill Tailings from the permit area shall be submitted to: Jerry Schoeppner, Director, Mining and Minerals Division, 1220 South St. Francis Dr., Santa Fe, New Mexico 87505 and/or via email at EMNRD.MMD2@state.nm.us. Within 30 days of the date of this public notice, any interested person may file written objections to the proposed application with the Director at the above address and may request a public hearing. If a hearing is requested in a timely manner, the Director shall set a hearing unless the request is clearly frivolous. The Director may hold a public hearing absent any request. If a public hearing is held, it will be advertised in accordance with 19.10.9.904 NMAC.