



Electronic Transmission

MEMORANDUM

Date: August 16, 2022

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

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

From: Amber Rheubottom, MECS
Alan Klatt, Surface Water Quality Bureau (SWQB)
Sufi Mustafa, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Section 12 Mine, Construction Designs, Southwest Resources, Inc., McKinley County, New Mexico, New Mexico Mining Act Permit No. MK046RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on July 11, 2022 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, the Section 12 Mine is 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 submit comments by August 15, 2022. NMED has the following comments.

Background

Southwest Resources, Inc. (applicant) submitted construction designs for reclamation of the Section 12 Mine. The design package includes the facilities to be decommissioned and demolished including the headframe, two hoist houses, office building, and ancillary structures. The design also includes the reclamation plan for the waste repository.

Mr. Holland Shepherd
Section 12 Mine, MK046MN
August 16, 2022

Air Quality Bureau

The Air Quality Bureau has no comments.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

Following technical review of the design documents, MECS participated in discussions with MMD and the applicant regarding the proposed design. MECS staff, MMD staff and the applicant discussed that the applicant may not have enough money to complete the tasks proposed in the design. MECS may revise these comments in the event the applicant demonstrates to MMD and MECS that they cannot cover the full costs of the proposed design.

1. Figure CL03 6-25-22: The figure indicates construction debris will be placed in the debris pit in the waste repository. Based on previous discussions with the applicant, the applicant indicated that some of this material would be placed into the shaft, following the removal of the hoist house. MECS supports placement of construction debris in the shaft where possible.
2. Figure CL04 6-25-22 and Figure CL02 6-25-22: Based on Figure CL02 6-25-22, it seems the clay borrow source material southwest of the hoist house has a lobe of material containing approximately 50-100 picocuries per gram (pCi/g) of Radium 226 and small areas of 15-50 pCi/g Radium 226. MECS recommends these areas be excluded from use in the reclamation activities. NMED and MMD joint guidance requires the cover materials to have radioactivity of equal to or less than the site standard.

NMED Summary Comment

Additional information is needed prior to NMED determining that the design as proposed is protective of the environment.

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

cc: Clint Chisler, Permit Lead, EMNRD-MMD
Joseph Fox, Acting Program Manager, NMED-MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB



MEMORANDUM

DATE: August 8, 2022

TO: Anne Maurer, Mining Environmental Compliance Section, Ground Water Quality Bureau, New Mexico Environment Department

THROUGH: Shelly Lemon, Chief, Surface Water Quality Bureau, New Mexico Environment Department

FROM: Emily Toczek, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department, and
Alan Klatt, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department

SUBJECT: **Request for Review and Comment, Construction Designs, Section 12 Mine, McKinley County, New Mexico, Mining Act Permit No. MK046RE.**

On July 18, 2022, the New Mexico Environment Department (NMED)-Surface Water Quality Bureau (SWQB) received a request for comments regarding the above referenced application, specifically the *Final Construction Designs* referenced by the *Conditional Approval of the Final Reclamation Plan* dated April 27, 2021. SWQB provided previous comments to the Draft Reclamation Plan on March 20, 2020. SWQB staff attended a site visit to the Section 12 Mine on October 12, 2021 and attended several monthly meetings in 2022 held by the New Mexico Mining and Minerals Division (MMD).

SWQB Comment 1: The Final Construction Design packet includes *sheet number CL05* and note #7 which says, "Clay borrow areas – Excavate no deeper than 1 foot below the average lakebed." During MMD's April 12, 2022 monthly meeting, it was discussed that a minimum of 1 foot of clay would be left in the excavated areas within Ambrosia Lake. SWQB recommends clarifying with the applicant that excavating no deeper than 1 foot below the average lakebed will also allow for at least 1 foot of clay to remain in place to support proper lake function. The 2018 Supplemental Hydrological Report submitted by the applicant describes that playa lakes, such as Ambrosia Lake, form beds of silt and clay that impede the downward movement of water during precipitation events so that the water is temporarily held before it is evaporated. It is important for the successful reclamation of the Section 12 Mine and Ambrosia Lake that the reclamation work does not adversely affect lake function.

For questions related to these comments, please contact Alan Klatt, SWQB, at 505-819-9623.