

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

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Deputy Secretary

Jerry Schoeppner, Director
Mining and Minerals Division



Electronic Transmission

October 11, 2022

Sherry Burt-Kested, Manager
Environmental Services
Freeport-McMoRan Chino Mines Company
P.O. Box 10
Bayard, NM 88023

Re: Permit Compliance Notice of Required Submittal for a Proposed Modification of GR002RE – Continental Mine for the Test Plot Permit Language.

Dear Ms. Burt-Kested,

On July 12, 2021, the Energy, Minerals and Natural Resources Department, Mining and Minerals Division (MMD) required that the Freeport-McMoRan Chino Mines Company – Continental Mine (FMI Chino) submit a permit modification with proposed changes to the test plot language in the MMD permit GR002RE Revision 15-1. Since the material types and test parameters changed, the permit language must be modified.

MMD reminded FMI Chino about its requirement to modify GR002RE on multiple occasions, not limited to: joint agency comment letter February 10, 2022; test plot work plan conditional approval on March 29, 2022; inspection on May 11, 2022; email sent on May 18, 2022, telemeeting on June 7, 2022.

The New Mexico Environment Department (NMED) is copied on this letter because the additional study to evaluate performances of potential cover material relates directly to DP-1403.

To formalize the numerous changes to the additional studies listed in the MMD permit No. GR002RE, the following is required:

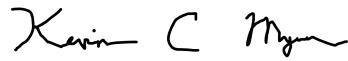
1. FMI Chino's request for modification of MMD Permit No. GR002RE must be submitted to MMD with 30 days of this letter. The permit language references a cover study and borrow investigation that focus on the Hanover Mountain Colorado formation material instead of the East Waste Rock Facility carbonate rock and tailing blends as is currently being tested as proposed cover material. The permit language and deliverables will be modified in permit No. GR002RE and will be processed as Modification 21-2.

2. FMI Chino must submit a check for \$1000 to MMD for the modification of permit No. GR002RE.

This notice attempts to bring FMI Chino voluntarily into compliance. In the event FMI Chino does not respond with permit modification request within 30 days, MMD will evaluate other measures, including enforcement actions.

Please contact me at 505-490-0726 with any questions regarding permitting issues for the Continental Mine.

Sincerely,



Kevin Myers
Hydrologist
Mining Act Reclamation Program
Mining and Minerals Division-EMNRD

cc:

Anne Maurer, Mining Act Team Leader – NMED-MECS (anne.maurer@env.nm.gov)
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