



DATE: December 14, 2022

TO: Anne Maurer, Mining Act Team Leader  
Mining Environmental Compliance Section  
Ground Water Quality Bureau (GWQB)

FROM: John Moeny  
Watershed Protection Section  
Surface Water Quality Bureau (SWQB)

RE: **Request for Comments, Modification 22-1, Freeport-McMoRan Tyrone Operations, Emma-B Exploration Project, Grant County, New Mexico Mining Act Permit No. GR083EM**

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On November 4, 2022, NMED received a request for comments regarding a revision to an existing minimal impact exploration permit submitted by Freeport McMoRan-Tyrone Mining. The project is located in Grant County on lands owned by Freeport-Tyrone, just south of the existing Tyrone facility.

#### *Summary of Proposed Action*

The Applicant intends to drill an additional 16 exploratory holes to a maximum depth of 1,500 feet from 9 drill pads. Each drill pad will have an associated ground disturbance for the sump pit and drill pad with total new disturbance estimated at 1.5 acres.

#### *Relevant State and Federal Water Quality Regulations*

Intermittent water quality standards under 20.6.4.98 NMAC apply to all unclassified waters of the state including ephemeral drainages in the project area, until a hydrology protocol (HP) survey is conducted and a Use Attainability Analysis (UAA) is approved by the Water Quality Control Commission (WQCC) in accordance with 20.6.4.15 NMAC.

Construction activities in support of the drilling, mining or hauling in ephemeral drainages may require a federal Clean Water Act Section 404 Dredge and Fill Permit and the corresponding Section 401 State of New Mexico Certification of the federal permit. For details contact the US Army Corps of Engineers Las Cruces Regulatory Office at 575.268.8612.

This Project will disturb one or more acres and storm water discharges may be covered under either the U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge

Elimination System (NPDES) Construction General Permit (CGP) or under the Multi-Sector General Permit (MSGP) under Sector G Metal Mining.

Among other things, a SWPPP must be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters.

In addition to the regulations above, the following best management practices are recommended to protect surface water quality.

- Fuel, oil, hydraulic fluid, lubricants, and other petrochemicals must have a secondary containment system to prevent spills.
- Ground water sump pits may not be used as disposal locations for hydraulic fluids, oils, contaminated drilling mud or other materials that may pose a pollution risk to surface and ground water.
- Ground water sump pits must be setback from drainages by a minimum of 100 feet.
- Access roads should travel along ridges and contours where feasible and avoid cutting through drainage bottoms.
- Drill pad number 47 appears to lie in the bottom of an ephemeral drainage. The SWQB recommends offsetting that drill pad 100' from the drainage if practicable.

Appropriate spill clean-up materials such as absorbent pads must be available on-site at all times during road construction, site preparations, drilling and reclamation to address potential spills.

Report all spills immediately to the NMED as required by the New Mexico Water Quality Control Commission regulations (20.6.2.1203 NMAC). For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535 or 505-428-6535 (voice mail, twenty-four hours a day). For emergencies only, call 505-827-9329 twenty-four hours a day (NM Dept of Public Safety).

Impacts to Surface Water Quality

If you have any questions, please phone me at (575) 956-1545.