



## Electronic Transmission

### MEMORANDUM

Date: December 21, 2022

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

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

From: Brad Reid, MECS  
John Moeny, Surface Water Quality Bureau (SWQB)  
Sufi Mustafa, Air Quality Bureau (AQB)

Subject: **New Mexico Environment Department (NMED) Comments, Freeport-McMoRan Tyrone Operations, Emma Expansion Project, Revision 21-1, GRIP Public Comments, Grant County, New Mexico, New Mexico Mining Act Permit No. GR010RE**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on October 21, 2022 requesting that NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act, this 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 December 21, 2022. NMED has the following comments.

#### **Background**

MMD received an application from Freeport-McMoRan Tyrone Operations (applicant) to revise Mining Act Permit No. GR010RE for the Emma Expansion Project. The revision application proposes the following:

1. Expansion of the Tyrone Mine Permit and Design Limit boundaries to include the Emma Open Pit, EMW Waste Rock Stockpile, the Southern Emma Haul Road, and miscellaneous facilities.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

Telephone (505) 827-2900 | [www.env.nm.gov/gwqb/](http://www.env.nm.gov/gwqb/)

Additionally, the applicant proposes to construct the 6HW Waste Rock Stockpile and the Northern Emma Haul Road that will be located within the current Tyrone Mine Permit Boundary.

2. A Closure/Closeout Plan (CCP) for the Emma Expansion Project disturbances.

On August 16, 2022, MMD held a public hearing on the Revision 21-1 application for the Emma Expansion project. The Gila Resources Information Project (GRIP) submitted post-hearing comments to MMD on September 15, 2022. MMD requested NMED review and comment on the post-hearing comments from GRIP.

### **Air Quality Bureau**

The Air Quality Bureau comments are attached.

### **Surface Water Quality Bureau**

The Surface Water Quality Bureau has no comments.

### **Mining Environmental Compliance Section**

MECS has the following comments:

- 1) The MECS received an application (DP-396 Application) for renewal and modification of Discharge Permit 396 (DP-396) from the applicant dated October 22, 2021. The Application also includes the Emma Project Closure/Closeout Plan (Emma CCP), dated November 12, 2021, and supplemented with additional information on December 2, 2021. Technical review of the DP-396 Application pursuant to the Water Quality Act (WQA) and the Water Quality Control Commission (WQCC) Regulations, including the Copper Mine Rule (20.6.7 NMAC), is currently in progress. MECS may have additional comments based on technical review of the DP-396 Application and associated operational, monitoring and closure plans, including the Emma CCP. As such, any additional comments on the DP-396 Application and Emma CCP will be submitted under separate letterhead directly to Freeport-McMoRan Tyrone Mine Inc with copy to MMD.
- 2) Please note NMED has considered and reviewed comments submitted to MMD as a result of the MMD Public Hearing held on August 16, 2022. Specifically, based on review and consideration of comments submitted to MMD, NMED formulated and/or augmented comments #7, #8, #9, #14, and #15 in the letter to the Applicant titled, *Second Request for Additional Information, Renewal and Modification of Discharge Permit 396, Emma Expansion Project, Freeport-McMoRan Tyrone Mine Inc.*, dated October 6, 2022. As stated above, NMED may have additional comments or questions.

Mr. Holland Shepherd  
Emma Expansion Project, Revision 21-1  
December 21, 2022

**NMED Summary Comment**

NMED is withholding issuance of the determination pending completion of the technical review of the application and CCP associated with DP-396 and the Copper Mine Rule.

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

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