

State of New Mexico  
Energy, Minerals and Natural Resources Department

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December 13, 2023

**RE: San Juan Mine Request for Proposal (RFP) \_ Answers to Offeror Questions**

The following is a compilation of questions posed to The Mining and Minerals Division (MMD) with associated answers listed in red colored text:

1. Is your funding for the project from the settlement?  
**No, funding for this project comes from State of New Mexico general funds**
2. Do you see a conflict, knowing (a company) represented San Juan Coal Company and PNM in past?  
**Based on your company's prior completed projects for the San Juan Mine; if your company determines it is or is not in conflict to provide services as stated in the San Juan Mine RFP please submit a statement describing how/why past work received that determination.**
3. Do Resumes / CVs count toward the proposal's 30-page limit?  
**No, they do not.**
4. The Series 900 zip file does not open. Can you check this out and reload if necessary?  
**I recommend single clicking on the "900 Series" folder and then download the specific folders you think are relevant and require review.**
5. What additional work does MMD believe needs to be completed under the current procurement? In the absence of additional field work, it seems like the final bullet of the Suggestions for Further Data Collection of the USGS report (page 84 of the report), which states: "Scenario analyses with the numerical model could be used to assess potential implications of ongoing mining activities, changes to the mining plan, and changes to the plan for disposal of CCB ash" may bring the report conclusions up to date, as the mine and generating station are closed, and the final CCB deposition areas are now known. Is there any other work that needs to be completed?  
**The information available for review on the MMD website was placed there to acquaint potential offerors with past studies completed that pertain to the San Juan Mine. As you surmised, there are aspects of the USGS study that "speak" to the tasks within the SOW of the San Juan Mine RFP. And that some studies will have recommendations for future work. At this point in the RFP process, MMD must rely entirely on the San Juan Mine RFP SOW tasks as guidance as well as the potential offeror's professional expertise in determining/directing work requiring completion to fully address HB142.**

6. Was mine water encountered during the underground operations?  
According to verbal communications with the mine operator, the underground mine did encounter water in the coal mined and above the coal mined. The mine removed water from the working areas as needed during development. MMD recommends further research in the San Juan Mine Permit #19-01 to substantiate.
7. Any water found coming up into the floor of the UG out of the Picture Cliff Sandstone?  
According to verbal communications with the mine operator, no measurable water was produced from the Picture Cliff during mine operations underground. MMD recommends further research in the San Juan Mine Permit #19-01 to substantiate.
8. Any significant quantity of water in the UG?  
According to verbal communications with the mine operator, the UG water quantity was not significant. The mine brought water into the UG for dust control and mine operations that was more than water in the strata. MMD recommends further research in the San Juan Mine Permit #19-01 to substantiate.
9. Is the subsidence on the surface considered finished? Surface expression anywhere?  
According to verbal communications with the mine operator, the subsidence is almost complete but not fully. Movements of less than a foot over several years can still be expected near gate roads and mains entries. Topography of the UG area before and after mining show the subsidence. Some near vertical feature on the surface show cracking from the subsidence process. MMD recommends further research in the San Juan Mine Permit #19-01 to substantiate.
10. What are the closest monitoring wells in these areas of UG mining panels? And the depth to water in those wells?  
See MMD San Juan Mine Permit #19-01. Additionally, all water quality data for the San Juan Mine is posted on the publicly available MMD Coal website. See following link: <https://www.emnrd.nm.gov/mmd/coal-mine-reclamation-program/san-juan-mine-water-data/>. All water quality data for coal mines can be downloaded using the following link: <https://www.emnrd.nm.gov/mmd/coal-mine-reclamation-program/>
11. Do any ground water wells intercept the UG coal workings?  
According to verbal communications with the mine operator, no, mine regulations required all well intercepts to be closed prior to mining. MMD recommends further research in the San Juan Mine Permit #19-01 to further substantiate.
12. What is the water quality encountered on the site? Surface water and groundwater?  
See MMD Permit #19-01 and answer to Question #10.
13. Are there any water quality constituents that are elevated or exceeding?  
See MMD Permit #19-01 and answer to Question #10.
14. Are there any site-specific water quality regulations Westmoreland uses or are you just looking at New Mexico Water Quality Standards and criteria?  
Westmoreland uses water quality standards from Section 303(c)(1) of the CWA and 20.6.4.10 New Mexico Administrative Code, (20.6.4.900).

15. Characteristics of the fly ash / bottom ash and location deposited and how deposited (mixed with spoil)?  
All available data related to ash and the location of ash can be supplied by MMD. See MMD Permit #19-01 and 2022 Annual Report from Westmoreland San Juan Coal Mine
16. Where was the ash and spoil deposited in the pits?  
All available data related to ash and the location of ash can be supplied by MMD. See MMD Permit #19-01 and 2022 Annual Report from Westmoreland San Juan Coal Mine
17. Thickness of the spoil over the ash? Topsoil thickness over the spoil?  
Spoil thickness data, where available, related to ash cover is a minimum of 10 feet thick generally and minimum of 15 feet if under an active reclamation drain. Topdressing thickness placed varies but is at least one foot. See MMD Permit #19-01 and 2022 Annual Report from Westmoreland San Juan Coal Mine.
18. Any problems encountered with sampling surface water?  
According to verbal communications with the mine operator, the issues pertaining to surface water collections include drought versus major runoff. We have passive samplers set up to collect stormwater run-off, however the flow needs to be a minimum of about 9” deep. If this happens, it is usually a substantial storm event, and this causes our water samplers to be blown out of location and swept downstream. We have added active samplers that sense runoff flow at La Plata Mine, however after implementing these samplers for over 15 months we have had only one sample out of 5 samplers. The major reason for a decline in available surface water samples at San Juan Mine is the drought over the past few years. MMD recommends further research in the San Juan Mine Permit #19-01 to substantiate.
19. What stages of reclamation is the San Juan Mine currently at (Phase I, II, III)?  
Varies. MMD can supply bond release data as needed for the project. See MMD Permit #19-01 and 2022 Annual Report from Westmoreland San Juan Coal Mine
20. Who owns the mineral rights on site?  
Variable. There is Federal, State, and Private mineral within the mine permit.
21. Is there Navajo owned land on the site?  
No land on the mine is owned by the Navajo Nation directly.
22. What is the driver for the San Juan RFP?  
House Bill 142
23. House Bill HB0142 authorizes the EMNRD to contract with outside professionals to investigate and determine the extent of any environmental contamination to create and independent restoration and remediation plan that ultimately addresses the probability of adverse effects to human health and community resilience, particularly resulting from groundwater contamination. We understand one (1) or more consultants/firms have historically, or are currently retained by Westmoreland San Juan Mining to, either assist with planning, implementation, and/or monitoring of restoration on mine facilities, or are actively involved with reclamation related activities under the current restoration plan. As such, these firms may be conflicted towards the existing restoration plan and may be

unable, either by mine owner relationship or scientific predisposition, to develop a restoration and remediation plan that is truly independent as intended by the legislature.

Does the EMNRD concur that these firms are not considered “independent” in accordance with the intentions of legislators enacting of HB0142 and thus would be in conflict with the requirements of HB0142 and the RFP?

Based on your company’s prior completed projects for the San Juan Mine; if your company determines it is or is not in conflict to provide services as stated in the San Juan Mine RFP please submit a statement describing how/why past work received that determination.

24. We have the following questions regarding the Addendum #1 dated November 15, 2023.

a. Do we include the Hourly Rate sheet as an attachment of the response to the RFP or as a separate submittal? \

Please submit the hourly rate sheet as an attachment of the response to RFP

b. Do we need to provide Hourly Rates for subcontracted professionals that will be used on the project.

Yes

c. Do we include the General Cost Estimate for Task 1-9 as an attachment of the response to the RFP or as a separate submittal?

Please submit the General Cost Estimate for Task 1-9 as an attachment of the response to RFP

d. Do we include the GANTT chart as an attachment of the response to the RFP or as a separate submittal?

Please include the GANTT chart as an attachment of the response to RFP

e. If the above are to be attachments to the response to the RFP, do they count in the page limit.

No

f. Are the Hourly Rates and/or the General Cost Estimate going to be used to evaluate the response to the RFP? If so, does the EMNRD plan to issue a change to the scoring table for the evaluation of submittals?

As the San Juan Mine RFP will be based on qualifications and not costs, hourly rates and general cost estimates will be used to evaluate if proposals meet MMD budgetary concerns. Cost estimate submission rating will be included as part of the “Organization and Quality of RFP Response” criteria in the scoring table. As a result, no change to the scoring table is required.

25. The San Juan Mine as a whole has several lease and operational areas, including but not limited to a generating station with associated facilities, surface leases (both federal and state), deep, and deep extension lands. What is included in the extent of the area for this investigation?

The San Juan Mine RFP includes all areas within the MMD Permit #19-01 boundary.

26. Task 2 includes an investigation and determination of the extent of any environmental contamination associated with the mine. Does the EMNRD expect the scope of work to include some additional characterization of the site, or will the Restoration Plan only be based on existing available data for the mine?

EMNRD-MMD will rely on the professional judgement of potential offerors to determine whether existing available mine data is sufficient or if additional characterization of the site is required to adequately answer all tasks in the San Juan Mine RFP. Within the confines of the New Mexico Surface Mining Act (Act), NMSA 1978, Section 69-25A-1 and Westmoreland's MMD San Juan Mine Permit 19-01, EMNRD-MMD will rely on the professional judgement of potential offerors to determine what, if any, environmental contamination exists that is associated with the San Juan Mine based on current information available. If the offeror determines further analysis is required MMD would like to receive that information in the form of a set of recommendations. The San Juan Mine RFP does not seek any further analysis.

27. Does the funding for the project include Federal funds or a WBE requirement or goal for this work?

The funding for this project does not include federal funds. There are no Women's Business Enterprise requirements or goals for this work.

28. It was mentioned at the San Juan Mine tour that uranium, aluminum, and nitrate were the major contaminants of concern in the site's monitor wells. What is the NMWQCC clean-up standard in groundwater for aluminum?

NMWQCC standard NMAC 20.6.2.3103.C(1) "Standards for Ground Water of 10,000 mg/l TDS Concentration or Less" groundwater clean-up standard for aluminum (irrigation use only) = 5.0 mg/l

29. Since TDS is greater than 10,000 mg/L in some of the monitoring wells, does the San Juan Mine have a variance for these wells or is it expected to clean-up these wells to the NMWQCC standards?

NMWQCC standards do not apply to groundwater wells with groundwater concentrations greater than 10,000 TDS. And as such, groundwater meeting this criteria is not considered ground water of the State of New Mexico and therefore no variance is needed or cleanup required. See NMAC 20.6.2.5301 "Definitions".

Should you have any questions or concerns, please feel free to contact me at 505.670.9997 or [erik.munroe@emnrd.nm.gov](mailto:erik.munroe@emnrd.nm.gov)

Sincerely,

Erik Munroe  
Coal Program San Juan Mine RFP Contact