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BUTCH TONGATE
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BRUCE YURDIN
Acting Deputy Secretary

MEMORANDUM

Date: December 3, 2018

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

Through: Jeff Lewellin, Mining Act Team Leader, Mining Environmental Compliance Section

From: Keith Ehlert, Mining Environmental Compliance Section
John Moeny, Surface Water Quality Bureau
Neal Butt, Air Quality Bureau

Subject: **NMED Comments, American Minerals, Inc. Deming Jigging Plant,
Request to Change Post Mining Land Use, Luna County, New Mexico,
MMD Permit No. LU001RE, Modification 18-1**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on November 13, 2018 requesting NMED review and provide comments on the above-referenced MMD permitting action. Modification 18-1 proposes to change the post mining land use (PMLU) to industrial from grazing and wildlife. NMED has the following comments.

Background

The Deming Jigging Plant was a former manganese processing facility (Site) located in the City of Deming, Luna County. The Site is owned by the City of Deming and the permittee and former operator is American Minerals, Inc. (AMI). The site is located at 900 Country Club Road which is approximately 1.5 miles northeast of the center of Deming. The property has been leased to AMI and its predecessors since the 1950's from the City of Deming and was used as a manganese ore-buying and processing site. Operations ceased at the Site in 2003 and reclamation was completed by 2005. Post reclamation monitoring of the reclaimed surface area and ground water has been performed since 2005.

The Mining Environmental Compliance Section (MECS) performed two recent inspections of the Site, on November 2, 2017 and December 5, 2017. During the inspections, exposed manganese

tailing was observed at locations throughout the Site. Exposure of the tailing is due to apparent wind and water erosion of the cover material that was placed during reclamation of the site.

A corrective action plan was submitted to both MECS and MMD and deficiencies noted in the above referenced inspections were corrected from June 19 to July 3, 2018. The corrective actions included addition of approximately 1,000 cubic yards of base course and cobble for armoring and application of additional cover to areas at the Site that had previously been identified. The remediated and disturbed areas were seeded with the approved seed mix.

Air Quality Bureau

The Air Quality Bureau has no objection to AMI request for Permit Modification of LU001RE to a Post Mine Land Use PMLU of "Industrial" from the existing PMLU of "Grazing and Wildlife".

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached under separate letterhead.

Mining Environmental Compliance Section

The changes in the PMLU proposed in modification 18-1, Permit LU008RE will have no impact to ground water quality associated with reclamation of the referenced Site.

NMED Summary Comment

NMED finds that the changes proposed in Modification 18-1 of Permit LU001RE are likely to have a minimal impact to the environment if maintained in accordance with the approved permits, pollution controls, and the comments above.

If you have any questions, please contact Jeff Lewellin at (505) 827-1049.

cc: Shelly Lemon, Bureau Chief, SWQB
Liz Bisbey-Kuehn, Bureau Chief, AQB
Fernando Martinez, Division Director, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS



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MEMORANDUM

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

FROM: John Moeny, Surface Water Quality Bureau

SUBJECT: **Request for Comments, Deming Jigging Plant Site, Request to Change the Post Mining Land Use, Luna County, MMD Permit No. LU001RE**

DATE: December 3, 2018

On November 13, 2018, NMED received a request for comments regarding a permit modification for the Deming Jigging Plant located in Luna County, within the city of Deming. I inspected the site on November 29, 2018 to assess the site condition in general, and the areas that received additional reclamation work in 2018 specifically.

Summary of Proposed Action

The Applicant would like to modify the Post Mining Land Use (PMLU) for the reclaimed facility from "Grazing and Wildlife" to "Industrial". The City of Deming is the current owner of the land and has decided that a yet-to-be-determined industrial facility will be the probable future use of the site. The site was initially reclaimed in 2005, with follow-up reclamation to address areas of erosion and tailing exposure during the summer of 2018. Before and after photos of this reclamation are included below.

Relevant State and Federal Water Quality Regulations

Storm water flows from the reclaimed jigging facility are likely to be received by the Mimbres River which lies adjacent to the facility's eastern boundary. The Mimbres River in that area is subject to water quality standards described in 20.6.4.98 NMAC for intermittent waters to protect the following designated uses: livestock watering, wildlife habitat, marginal warmwater aquatic life and primary contact.

Impacts to Surface Water Quality

Provided that the Industrial PMLU continues to adequately protect the facility from erosion and tailing exposure, the proposed permit modification is likely to have negligible impact on surface water quality. The applicant is advised that water quality standards related to the designated uses referenced above are still enforced regardless of whether the request to change the PMLU is approved.



Photo from November 2017, looking across the site from the north. Road on the right marks the western boundary of the reclaimed facility.



Repeat photo from November 2018. Note additional course grained material placed to armor aeolian sand deposits.



Photo from November 2017. Note Mimbres River channel on right side of photo and exposed dark-colored tailings on berm above the river.



Repeat photo from November 2018. Tailings were removed and buried on the interior of the facility to prevent mobilization into the Mimbres River. Additional cover material was also applied to prevent additional erosion.