



Electronic Transmission

MEMORANDUM

Date: June 10, 2022

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

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

From: Amber Rheubottom, MECS
Alan Klatt, Surface Water Quality Bureau (SWQB)
Sufi Mustafa, Air Quality Bureau (aqb)

Subject: **New Mexico Environment Department (NMED) Comments, Tijeras Mine and Mill, GCC Rio Grande, Inc., Regular Existing Mine Modification 22-1 Application, Bernalillo County, New Mexico, New Mexico Mining Act Permit No. BE001RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on May 5, 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 has the following comments.

Background

GCC Rio Grande, Inc. (applicant) is proposing a Reference Area and Vegetative Success Criteria to be included in the Closeout Plan.

Air Quality Bureau

The Air Quality Bureau comments are attached.

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/

Mr. Holland Shepherd
Tijeras Mine and Mill, Modification 22-1
June 10, 2022

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

MECS has no comments.

NMED Summary Comment

NMED submitted comments to MMD on the applicant's Modification 20-1 application on April 29, 2020. NMED requested a Notice of Intent to Discharge (NOI) to be submitted to address an evaluation of the off-specification coal. This comment still stands.

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

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



MEMORANDUM

DATE: May 16, 2022

TO: Anne Maurer, Mining Act Team Leader, Mining Environmental Compliance Section, NMED

FROM: Sufi Mustafa, Staff Manager, Air Dispersion Modeling and Emission Inventory Section, Air Quality Bureau.

RE: Request for Review and Comment, Regular Existing Mine Modification 22-1 Application, Tijeras Mine and Mill, Bernalillo County, New Mexico Mining Act Permit No. BE001RE

The New Mexico Air Quality Bureau (AQB) has completed its review of the above-mentioned mining project. Pursuant to the New Mexico Mining Act Rules, the AQB provides the following comments.

Details

GCC Rio Grande Inc. (GCC) requests a modification to the Tijeras Mine and Mill permit. GCC is proposing to use one-acre, undisturbed parcel within the permit boundary as a reference area to establish annual revegetation standards for all reclamation activities at GCC Rio Grande-Tijeras Mine and Mill.

Air Quality Requirements

The New Mexico Mining Act of 1993 states that "Nothing in the New Mexico Mining Act shall supersede current or future requirements and standards of any other applicable federal or state law." Thus, the applicant is expected to comply with all requirements of federal and state laws pertaining to air quality.

20.2.15 NMAC, *Pumice, Mica and Perlite Processing*. Including 20.2.15.110 NMAC, *Other*

Particulate Control: "The owner or operator of pumice, mica or perlite process equipment shall not permit, cause, suffer or allow any material to be handled, transported, stored or disposed of or a building or road to be used, constructed, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne."

Paragraph (1) of Subsection A of 20.2.72.200 NMAC, *Application for Construction, Modification, NSPS, and NESHAP - Permits and Revisions*, states that air quality permits must be obtained by:

"Any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or

New Mexico Ambient Air Quality Standard. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review.”

Further, Paragraph (3) of this subsection states that air quality permits must be obtained by:

“Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC, *New Source Performance Standards*, 20.2.78 NMAC, *Emission Standards for Hazardous Air Pollutants*, or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant.”

Also, Paragraph (1) of Subsection A of 20.2.73.200 NMAC, *Notice of Intent*, states that:

“Any owner or operator intending to construct a new stationary source which has a potential emission rate greater than 10 tons per year of any regulated air contaminant or 1 ton per year of lead shall file a notice of intent with the department.”

The above is not intended to be an exhaustive list of all requirements that could apply. The applicant should be aware that this evaluation does not supersede the requirements of any current federal or state air quality requirement.

Fugitive Dust

Air emissions from this project should be evaluated to determine if an air quality permit is required pursuant to 20.2.72.200.A NMAC (e.g. 10 lb/hour or 25 TPY). Fugitive dust is a common problem at mining sites and this project will temporarily impact air quality as a result of these emissions. However, with the appropriate dust control measures in place, the increased levels should be minimal. Disturbed surface areas, within and adjacent to the project area, should be reclaimed to avoid long-term problems with erosion and fugitive dust. EPA’s *Compilation of Air Pollutant Emission Factors, AP-42, “Miscellaneous Sources”* lists a variety of control strategies that can be included in a comprehensive facility dust control plan. A few possible control strategies are listed below:

Paved roads: covering of loads in trucks to eliminate truck spillage, paving of access areas to sites, vacuum sweeping, water flushing, and broom sweeping and flushing.

Material handling: wind speed reduction and wet suppression, including watering and application of surfactants (wet suppression should not confound track out problems).

Bulldozing: wet suppression of materials to “optimum moisture” for compaction.

Scraping: wet suppression of scraper travel routes.

Storage piles: enclosure or covering of piles, application of surfactants.

Miscellaneous fugitive dust sources: watering, application of surfactants or reduction of surface wind speed with windbreaks or source enclosures.

RE: Request for Review and Comment, Regular Existing Mine Modification 22-1 Application, Tijeras Mine and Mill, Bernalillo County, New Mexico Mining Act Permit No. BE001RE

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Recommendation

The Air Quality Bureau has no objection to the permit modification request.

This written evaluation does not supersede the applicability of any forthcoming state or federal regulations.

If you have any questions, please contact me at 505 629 6186



MEMORANDUM

DATE: May 25, 2022

TO: Anne Maurer, Mining Environmental Compliance Section, Ground Water Quality Bureau, New Mexico Environment Department

THROUGH: Shelly Lemon, Chief, Surface Water Quality Bureau, New Mexico Environment Department

FROM: Emily Toczek, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department, and
Alan Klatt, Watershed Protection Section, Surface Water Quality Bureau, New Mexico Environment Department

SUBJECT: **Request for Review and Comment, Regular Existing Mine Modification 22-1 Application, GCC Rio Grande Inc. Tijeras Mine and Mill, Bernalillo Co., NM Permit Tracking No. BE001RE**

On May 5, 2022 the Surface Water Quality Bureau (SWQB) received a request for comments regarding the above referenced application. GCC Rio Grande, Inc. (GCC) requests modification to the Tijeras Mine and Mill Permit No. BE001RE located at 11783 State Highway 337, Tijeras, Bernalillo County, New Mexico at the approximate latitude and longitude 35.07171° North, -106.39780° West. The Tijeras Mine and Mill is a cement manufacturing plant and limestone quarry that has been in operation since 1959. GCC is proposing to use a one-acre reference area that:

captures the pre-disturbance variation in slope, aspect, surface soils, and captures early-succession grassland stages of the mountain shrub vegetation community (dominated by piñon pine and juniper), which would only be expected after several decades of vegetation establishment after reclamation. (GCC Permit Modification Application 22-1)

The reference area will be used to establish annual revegetation standards for all reclamation activities at the GCC Rio Grande-Tijeras Mine and Mill. Pursuant to the regulations for Existing Mining Operations at 19.10.5.505 B(3) New Mexico Administrative Code (NMAC), the SWQB is providing the following comments:

Revegetation success is critical for long-term erosion control and for the protection of surface water quality standards found in 20.6.4 NMAC. The Final Closeout Plan for the Tijeras Mine and Mill dated January 2019 describes the permit area as a Piñon-Juniper Woodland with naturally steep slopes ranging from 10 to nearly 40 percent. The SWQB is concerned that the proposed reference area is not representative of a Piñon-Juniper Woodland, and the proposed reference area includes slopes that are less than 10 percent which does not represent the steeper slopes found within the permit boundary. Therefore, the SWQB recommends that GCC provides greater assurances that the revegetated lands will not contribute suspended solids above background levels to intermittent and perennial streams as required by 19.10.5.508.D NMAC.

For questions related to these comments, please contact Emily Toczek, SWQB, at 505-819-8074.

From: [Tintor, William, OSE](#)
To: [Chisler, Clinton, EMNRD](#)
Cc: [Zemlick, Katie, OSE](#); [Ennis, David, EMNRD](#); [Shepherd, Holland, EMNRD](#)
Subject: Hydrology Review of MMD Tijeras Mine and Mill, BE0001RE, Mod. 22-1 Application
Date: Monday, May 23, 2022 11:41:37 AM

Dear Mr. Chisler,

On May 5, 2022, the Hydrology Bureau at the NM OSE received a MMD request for review and comment of the applicant's request for a "Modification Application for Reference Area for Reclamation Success Criteria at GCC Rio Grande Tijeras Mine and Mill (Permit BE001RE)". NM OSE Hydrology has reviewed the information included in the Modification 22-1 Application for the Tijeras Mine and Mill on the MMD website. The applicant does not anticipate or intend to encounter, consumptively use, or otherwise affect the availability of surface or ground water. Therefore, the Hydrology Bureau has no comments related to the Modification Application.

If you have any questions regarding the above, please contact me.

Will Tintor, PhD

Cell: (217) 415-7098

Email: williaml.tintor@state.nm.us



Michelle Lujan
Grisham
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

May 18, 2022

Clint Chisler,
Permit Lead
Mining Act Reclamation Program ("MARF")
Mining and Minerals Division
1220 South Saint Francis Drive
Santa Fe, NM 87505

Re: HPD Log# 117199, Request for Review and Comment, Regular Existing Mine Modification 22-1 Application, GCC Rio Grande Inc. Tijeras Mine and Mill, Bernalillo Co., NM
Permit Tracking No. BE001RE

Dear Mr. Chisler:

I am writing in response to your request for review and comment on the above referenced Mine Modification Application received at this office May 5th, 2022.

Pursuant to 19.10.5.505 NMAC, Permit Modifications and Revisions, the Director shall determine whether a permit modification would have an adverse impact on cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties or be located in a known cemetery or other burial ground.

According to our files, there are no cultural resources listed on either the National Register of Historic Places or the State Register of Cultural Properties in the permit area. There are also no known cemeteries or other burial grounds. Based on this information, this permit will have no adverse impacts to cultural resources listed on the National or State Registers.

The mine modification application indicates that there will be no ground disturbance resulting from the establishment of the reference area. As such, this action will have no effect on cultural resources in the reference area. If ground disturbance is anticipated, the SHPO recommends a cultural resources survey be conducted in the reference area.

This survey should be performed by a qualified professional to determine if any archaeological properties are present and if so, to provide documentation of those resources to our office. This information can then be used to evaluate the National Register of Historic Places eligibility of any resources identified during the survey and determine project effects on those resources. A list of state permitted archaeologists and archaeological firms are available from this office upon request or can be downloaded from our web site at:

<http://www.nmhistoricpreservation.org/documents/consultants.html>

If you have any questions concerning these comments, please do not hesitate to contact me by phone at (505)-452-6115 or e-mail me at richard.reycraft@state.nm.us

Sincerely,

Richard Reycraft

Richard. Reycraft
HPD Staff Archaeologist

GOVERNOR
Michelle Lujan Grisham



DIRECTOR AND SECRETARY
TO THE COMMISSION
Michael B. Sloane

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

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1 June 2022

Clint Chisler, Permit Lead
Permit Lead, Mining Act Reclamation Program
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Regular Existing Mine Modification 22-1 Application, GCC Rio Grande Inc. Tijeras Mine and Mill, Bernalillo County, New Mexico, Permit No. BE001RE; NMDGF Project No. NMERT-1820.

Dear Mr. Chisler,

The New Mexico Department of Game and Fish (Department) has reviewed the above referenced mine permit Modification 22-1 submitted by GCC Rio Grande Inc. (GCC). GCC is proposing a reference area and Revegetation Success Criteria to be included in the Closeout Plan.

In order to provide a more reasonable measure of revegetation success for reclamation at the Tijeras Mine and Mill, GCC proposes to establish a 1-acre reference area east of Quarry 357. GCC believes that the proposed reference area captures the pre-disturbance variation in slope, aspect, and surface soils to adequately represent extant and planned areas of disturbance within the mine permit area. GCC is also proposing that if the mean values of the sample parameters (percent plant cover, shrub density, and plant diversity) from the reclaimed areas are, with 90% or higher confidence, equal to or greater than those of the approved reference area, the revegetation will meet MMD success standards. The Department does not have any objections or issues with the use of an MMD-approved reference area and the proposed revegetation success standards.

Thank you for the opportunity to review and comment on the proposed mine permit modification. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 270-6612 or ronald.kellermueller@state.nm.us.

Clint Chisler, Permit Lead
1 June 2022
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Sincerely,

Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office