.

New Mexico Copper Corporation Response to NMED's March 21st, 2016 Comments and Request for Additional Information on NMCC's Application for Discharge Plan Permit 1840 for its Copper Flat Mine June 21, 2016

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
NMED Specific Comment 1	Section 20.6.7.11.J(2)	Impoundment and Waste Rock Stockpiles	The 1.2-million gallon capacity Surge Pond is designed to hold stormwater, process water, and tailings from upset conditions and will remain empty under normal operating conditions Based on a proposed maximum daily volume of tailings that will be discharged to the tailings storage facility of 25,264,000 gallons per day, the Surge Pond will only be able to handle approximately one hour of upset conditions. Please discuss what will happen to process water or tailings should capacity of the Surge Pond be exceeded during upset conditions, and whether the Surge Pond has associated back-up power systems and pumps.
	NMCC Response		*The purpose of the Surge Pond is to capture flow from potential upset conditions from the plant process area and the cyclone plant as discussed in Section 7.4, Management of Upset Flows (page 36) of Appendix A of the DP application, i.e., the Feasibility Level Design Report for the TSF. The process control room operation procedures will call for shutdown of operation within 5 minutes of the occurrence of an upset condition. As discussed in Appendix A, potential upset flows from the process area and the cyclone plant will be controlled through a series of secondary containment ditches connected to the surge pond. The secondary containment ditches are designed to contain and transport flow (via gravity) related to potential upset conditions plus direct precipitation associated with 25-year 24-hour storm event (2.88 inches) that may fall onto the ditches. The surge pond is sized conservatively to accommodate a half an hour of surge capacity before pumps activate to evacuate the pond. The pond will be equipped with dedicated hard-wired pumps that will automatically evacuate its contents, discharging it to the TSF. Emergency power for the pumps will be provided by the emergency diesel power generation system located on-site in the event of a power outage. The design volume of the pond includes an additional reserve capacity of over one million gallons plus 2 feet of freeboard. Please note that*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*while on page 42 of the DP application it is stated that design capacity of the surge pond is 1.2 million gallons, it is in fact, 1.6 million gallons,as indicated in Appendix A. Page 35 of the DP application has been revised to clearly indicate the NMCC will provide adequate emergency power capabilities. Page 42 of the DP application has been revised to provide a reference to Section 7.4 of Appendix A to point the reader to the Management of Upset Flows discussion and to correct the design capacity of the surge pond. Pages 33 and 36 of Appendix A have been revised to reflect editorial and minor clarification changes in the text.*
NMED Specific Comment 2	Section 20.6.7.11.J(2)	Impoundment and Waste Rock Stockpiles	The Existing Waste Rock Stockpile 4 (EWRSP-4) is proposed to be graded and contoured prior to operations and then used as an equipment storage yard and/or as a cover material stockpile. Arrows displayed on Figure 11J-3 show existing stormwater flow directions to the south and southeast off the pile and into the Grayback Arroyo. Please discuss how impacted stormwater runoff will be managed from EWRSP-4 during operations. Also see comment 46 below.
	NMCC Response		*NMCC has determined that the area containing EWRSP-4 will be re-graded and contoured during the site preparation and construction phase of the project for use as an equipment storage and laydown area during operations. Impacted stormwater runoff from the area will be managed by grading the surface such that runoff from the area will be routed into the open pit away from Grayback Arroyo. The southern face of the stockpile will be reclaimed to protect against potential surface water impacts from the stockpile to Grayback Arroyo. The remainder of the area will be reclaimed at the end of operations. Details of reclamation will be provided in the revised Mine Operation and Reclamation Plan (MORP) to be submitted later this year. The cost of this reclamation will be included in the financial surety calculations provided in the MORP. Pages 48 and 49 and Figure 11J-3 of the DP application have been revised to reflect this change and to address NMED's concern as noted in this comment and Comment No. 46.*
NMED Specific Comment 3	Section 20.6.7.11.J(2)	Impoundment and Waste Rock Stockpiles	Please note that if the Applicant chooses to use the EWRSP-4 area as a cover material storage facility, NMED will require assurances that the requirements of the Material Handling Plan have been met to ensure that cover material is not contaminated during excavation for cover placement.
	NMCC Response		*Please refer to NMCC's response to comment No. 2 above.*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
NMED Specific Comment 4	Section 20.6.7.11.J(2)	Impoundment and Waste Rock Stockpiles	It is stated in the Application that EWRSP-4 does not pose a threat to impacting ground water quality due to its location on andesite bedrock. However, nearby nested monitoring wells GWQ11-24 A&B show total dissolved solids (TDS) and sulfate concentrations above Section 20.6.2.3103 NMAC ground water standards. As such, NMED has concerns that seepage from EWRSP-4 may have impacted ground water beneath the waste rock stockpile. Any impacts to ground water must be addressed as part of the Stage 1 Abatement Plan.
	NMCC Response		*NMCC acknowledges NMED concerns regarding potential impacts to groundwater as a result of potential seepage from EWRSP-4 and that any existing impacts will be addressed as part of Stage 1 Abatement. NMED points to water quality of nearby nested wells GWQ11-24 A&B as evidence of its concerns. However, JSAI, NMCC's hydrology consultant, notes that the water level elevation at wells GWQ11-24 A&B is higher than the water level elevation contours beneath EWRSP-4 as shown in Figure 2 of Appendix E. As such, it is unlikely that seepage that may have occurred from EWRSP-4 has impacted GWQ11-24 A&B. Seepage that may have occurred from this area would have more likely moved south toward Grayback Arroyo. As discussed in the Stage 1 Abatement report (JSAI, 2014), potential seepage from EWRSP-4 is monitored at SWQ-2 and SWQ-3. NMCC has proposed an additional surface water monitoring location, i.e., SWQ-5 as shown in Figure 1 and discussed in Section 6.0 of Appendix E as part of the DP application. Data generated at this location may also assist in furthering the Stage 1 Abatement investigation.*
NMED Specific Comment 5	Section 20.6.7.11.J(2)	Impoundment and Waste Rock Stockpiles	Section 20.6.7.24.E NMAC states, "Leach stockpiles, waste rock piles, and other regulated mine units in and surrounding an open pit surface drainage area shall be designed and located to minimize the size of the open pit surface drainage area to the extent practicable." It is unclear to NMED how Existing Waste Rock Stockpile 2A (EWRSP-2A) will be incorporated into the proposed Waste Rock Stockpile 1 (WRSP-1) to eliminate discharges from EWRSP-2A to drainages located outside the modeled future open pit surface drainage area (OPSDA). Please provide more detail describing how this will be accomplished including a scaled map delineating the portion of the existing EWRSP-2A that will be moved and graded such that stormwater runoff will flow into the OPSDA. NMED also requests confirmation that pull-back of this waste rock stockpile is included in the financial assurance cost estimate.

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*A small amount of waste at the northernmost edge of EWRSP-2A exists just outside of the OPSDA as shown on scaled maps, Figure 11J-3 new Figure 11J-15C. Any such waste will be removed and redeposited to the portion of EWRSP-2A that is located within Developed Watershed B as shown on Figure 11J-15C. This will performed during the site construction and site preparation phase of the project prior to the commencement of construction of Waste Rock Stockpile 1 (WRSP-1). As shown Figures 11J- 4 through 15, EWRSP-2A will be covered over time with waste rock produced during operations and will simply become part of WRSP-1. The cost of this reclamation will be included in the financial assurance calculation provided in the MORP. Pages 65 and 66 of the DP application have been revised to address NMED's comment. In addition, a new Figure 11J-15C that shows the material to be moved has been provided.*
NMED Specific Comment 6	Section 20.6.7.11.J(2)	Impoundment and Waste Rock Stockpiles	Based on published geologic maps of the copper mine facility area, it appears that a significant portion of WRSP-3 will not be constructed on top of andesite but rather more permeable Middle Pleistocene alluvial fan and/or stream terrace deposits. NMED has concerns that impacted seepage from WRSP-3 will flow through the alluvial material and/or stream terrace deposits, bypass the stormwater conveyance channel located at the toe of the stockpile, and impact ground water or surface water. Please include an evaluation of the potential need for a seepage collection or interceptor system pursuant to applicable portions of Section 20.6.7.21.B NMAC in the event that WRSP-3 is placed on alluvial material.
	NMCC Response		*JSAI has reviewed a recent published geologic map of the Copper Flat area prepared by Jochems et al contained in the draft New Mexico Bureau of Geology and Mineral Resources, Open-file Geologic Map 242 of June 2014. Jochems et al. (2014) mapped Qaf1 and Qaf2 geologic units within the footprint of proposed WSRP-3 at the site. Qaf1 is described as Quaternary-age older alluvial fan deposits that grade to the level of Qao1 stream terraces and consists of sandy gravel having a maximum thickness of 3.5 meters (11.5 ft.). Qaf1 is reported as poorly preserved due to surface erosion. Qaf2 is described as Quaternary-age older alluvial fan deposits graded to the level of Qao3 stream terraces. Qaf2 consists of sandy-pebble gravel with occasional lags of cobble-boulder gravel. Reported typical thickness of Qaf2 is approximately 4 meters (13 ft.). The reported thicknesses of Qaf1 and Qaf2 are clearly estimated because there are no drill data or measured sections to support the estimate. A field reconnaissance was performed by JSAI on May 25, 2016 to correlate the information mapped in Open-file Map 242 and site conditions. Looking from the entrance road along the south side of Grayback Arroyo to the north toward the location where proposed ERSP-3 would be located JSAI observed outcrops*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC RESPONSE		*of andesite visible on the north side of Grayback Arroyo that were not mapped by Jochems et al (2014). Exposure of andesite was also seen in a small drainage channel near or at the toe of the proposed WRSP-3, also not mapped by Jochems et al. (2014). These observed andesite outcrops in the area of mapped units Qaf1 and Qaf2 (Jochems et al., 2014) indicate the thickness of the alluvial cover in that area is a minimal thin veneer overlying the andesite, not a wedge-shaped mass of alluvium thickening towards Grayback Arroyo. JSAI believes that NMED's concerns as stated in its Comment No. 46 will not occur because the andesite below these thin layers of alluvial materials will act as a natural liner and any potential seepage from WRSP-2 and WRSP-3 will follow the natural land surface contours in the andesite, collect in natural drainages underlining WRSP-3 and shown by the land surface topography, and report where these drainages intersect the toe of WRSP-3 and into the stormwater conveyance channels proposed to be constructed at the toe of the stockpiles. The channels will be constructed by removing the alluvial materials that may exist at the toe of the stockpile and completing the channel into the andesite. The channels will follow the land surface contours for positive drainage to proposed lined impacted storm-water impoundment C. NMCC also proposes monitoring wells directly down-gradient of the channels in these drainages to monitor for any potential discharges as discussed in Appendix E of the Discharge Plan application). As a result, there will be no potential need for a seepage collection or interceptor system at the toe of WRSP-3 beyond the storm-water conveyance channel and impoundment. The DP application at revised page 62 and new page 62A has been revised to reflect this.*
NMED specific Comment 7	Section 20.6.7.11.J(3)	Open Pit	The Applicant anticipates that approximately 39 acre/feet per year of ground water seepage will enter the open pit and approximately 68 acre/feet per year of stormwater will enter the open pit. The Applicant anticipates using the pit water for dust control inside the OPSDA and possibly outside the OPSDA dependent of the water quality. Pursuant to Section 20.6.7.24.D NMAC of the Copper Rule, during operations ground water standards do not apply within the "area of open pit hydrologic containment". Therefore a discharge permit would not put limitations on the quality of water used for dust suppression within the area of open pit hydrologic containment. The discharge permit would likely include limitations on the quality of water that can be used for dust suppression outside of the area of open pit hydrologic containment.

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC RESPONSE		*NMCC acknowledges that use of the water produced from the mine pit must meet NMCC water quality standards if it is to be used for dust control purposes at locations outside of the OPSDA. NMCC will utilize all of the water produced from the open pit for dust suppression on the haul road, working areas and waste stockpiles only within the OPSDA. NMCC will also utilize excess water from the OPSDA as an additional source of process water, if allowed, whenever possible. NMCC will utilize water produced from the mine pit for dust suppression outside of the OPSDA only if the quality of water meets limits placed on the discharge permit. Page 70 of the DP application has been revised to reflect this response to comment, and provided to clarify this.*
NMED specific Comment 8	Section 20.6.7.11.J(5)	Sumps, Tanks, Pipelines, and Wash Units	The Application does not include a map displaying the locations of all sumps, tanks, pipelines, and wash units proposed for the copper mine facility. Appendix C does contain some tables that provides some of the information required by 20.6.7.11.J(5) NMAC, particularly for the sumps and tanks. Additionally, it does not appear the Application includes a table similar to Tables 1 and 2 of Appendix C for proposed pipelines. Please submit the required information pursuant to 20.6.7.11.J(5) NMAC, including a map displaying the location of the mine units referenced.
	NMCC Response		*New Figures 11J-20A and 11J-20B and anew Table 11J-5, have been provided to identify the location, purpose, construction materials, dimensions and capacity of pipelines at the Copper Flat project per the requirements of 20.6.7.11.J(5). This information supplements the information provided in Appendix C of the DP application. NMCC provided scaled drawings in Appendix C of the DP application, Process Facility Containment Report that identify the location of sumps, tanks and wash units with particular specificity. Drawing no. 0000-CI-008 is a scaled map of the location of the various process facility containment areas. Drawing no. 0000-GA-050 is a scaled map of the concentrator area identifying the containment arrangement for all of the process tanks, including the locations of the sumps and tanks. Drawing no. 1010-AR-012 is a scaled map of the truck shop tank farm showing the location of the tanks and sump. Drawing no. 1010-GA-010 is a scaled map of the fuel station showing the location of the tanks and sumps. Drawing no. 1010-GA-001 is a scaled drawing showing the location of the Truck Wash and its sumps or settling tanks. Page 82 of the DP application has been revised and new Figures 11J-20A and 11J-20B and Table 11J-5 have been added to provide the information requested.*
NMED specific Comment 9	Section 20.6.7.11.J(6)	Stormwater Management	Figure 11J-25 does not display the mine area permit boundary though it does have an arrow indicating where it is supposed to be located.

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*NMCC has provided revised Figure 11J-25 to show the permit area boundary.*
NMED specific Comment 10	Section 20.6.7.11.J(6)	Stormwater Management	NMED appreciates the Applicant's commitment to repairing the breach located south of the EWRSP-1 that is allowing stormwater to discharge to Grayback Arroyo. NMED requests that the Applicant provide a schedule indicating when this breach will be repaired. In addition, it appears runoff from the south and west slopes of EWRSP-1 also drain into Grayback Arroyo. Please discuss how and when this will be addressed.
	NMCC Response		*As shown in new Figure 11J-15B, a berm will be constructed immediately downstream of the location of the breach that currently exists to divert surface water drainage back into the OPSDA so that it no longer enters Grayback Arroyo. This work is scheduled to be performed in the summer of 2016. In addition, during operations, NMCC will reclaim EWRSP-1 as described in the approved MORP to ensure that all surface run-off reports to the open pit and away from the arroyo drainage. Page 65 of the DP application has been revised to address NMED's comment.*
NMED specific Comment 11	Section 20.6.7.11.O	Material Characterization and Material Handling Plan	The Application states that transitional waste material which has a potential to generate acid rock drainage metal leaching (ARDML) will be placed in lower lifts of the waste rock stockpiles. Prior to placement of material with acid neutralizing potential in the upper lifts it is not clear how this will not result in impacts to ground water. Please discuss whether seepage along the bedrock-waste rock interface poses a ground water threat and higher ARDML potential early on in operations. Placement of acid neutralizing material at the base of the stockpile, or placement of transitional material within the OPSDA may afford better protection of water quality.
	NMCC Response		*Seepage along the bedrock-waste rock interface does not pose a ground water threat and higher ARDML potential because the bedrock in the WRSP areas is andesite. Andesite at the site has been determined to be essentially impermeable as it has a transmissivity coefficient of 10^{-6} centimeters per second. Seepage that may occur from the WRSP's during operations will run along the bedrock-waste rock interface to stormwater collection channels that will be constructed into the andesite. The Alternative 2 mine plan upon which the DP application is premised, estimates that approximately 5.4 million tons of transitional material will be produced over the first eight years of the life-of-mine, with about half being produced in the first two years. Some of this material will be disposed of in WRSP-1, which located in the OSPDA. The remainder will be disposed of in WRSP-2 and 3. During the same two years as much as 5.2 million tons of non-transitional acid neutralizing waste material will also be produced. Some of this acid neutralizing material will be used as neutralizing material. NMCC will lay a minimum*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*10 ft. base of non-transitional waste underlying the areas where transitional material will be deposited in the WRSPs and ensure that at least 10 feet of non-transitional waste surrounds the transitional waste in such a manner that the transitional waste is not exposed to oxidation. The remaining approximate 2.6 million tons of transitional material will be produced over years 3 through 8 at an average rate of 433 thousand tons per year while at the same time about 27.6 million tons, an average of 4.6 million tons of acid neutralizing non-transitional waste will be produced. As a practical matter, non-transitional material will be placed below, above and all around the transitional material. This is considered by NMCC to be protective of water quality. Pages 136, 137, and 139 and 140 of the DP application have been revised to reflect this.*
NMED specific Comment 12	Section 20.6.7.11.O	Material Characterization and Material Handling Plan	In reference to Figure 110-1, the operational waste classification flow chart, please discuss how sulfide content will be estimated if the sample does not show signs of oxide staining. If periodic confirmation testing is the method proposed, please indicate the frequency of testing.
	NMCC Response		*Figure 11O-1incorrectly stated the steps to be taken to determine the classification of waste material. It should indicate that if upon visual inspection if there is evidence of oxidation but there are no visible sulfides seen material is classified as non-transition oxide waste subject to periodic confirmation testing. Figure 11O-1has been revised to correct the mistake. Section 2.0 of the Waste Rock Management Plan (Appendix C of the MPO) provides a discussion of Operational Waste Management. Section 2.5, Waste Rock Classification, and 2.6.2, Waste Rock Management During Operations, of this appendix, sets forth methods that will be utilized for waste rock classification, including visual observation and confirmation testing. Materials that exhibit a fresh unoxidized appearance, i.e., that do not show signs of oxidized staining or change in the rock matrix, will be subject to visual estimation of sulfide content. As indicated in Figure 11O-1 initially a low sulfide content of 0.5% will used as an indicator of low sulfide rock. Material classified as low sulfide waste rock will also be subject to periodic confirmation testing at a frequency initially of one confirmation test for each five blastholes designated as oxide waste rock. Confirmation testing will be conducted less frequently as ongoing testing and field observation continues to provide positive results. Ultimately NMCC anticipates a frequency of confirmation testing in the longer term to be on test for every 20 holes. Pages 136, 137, 138 (Figure 11O-1), 139 and 140 of the DP application have been revised to reflect this information.*

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**	**Review Date: March 21st, 2016**

Item #	Section/Page (or general)	Topic	Comment
NMED specific Comment 13	Section 20.6.7.11.O	Material Characterization and Material Handling Plan	The Application states that a waste flagging and routing plan will be developed prior to commencement of operations to identify waste rock boundaries on active benches. NMED requests that the Applicant provide the waste flagging and routing plan to NMED for review prior to implementation.
	NMCC Response		*Pages 136, 137,138 (Figure 11O-1), 139 and 140 of the DP application have been revised to provide the flagging and routing plan requested.*
NMED specific Comment 14	Section 20.6.7.11.P	Hydrologic Conceptual Model	NMED will likely require additional monitoring wells to verify the area of open pit hydrologic containment initially, and as mining progresses. At a minimum, NMED will require installation of at least one well located at the southeast portion of the open pit in or adjacent to Grayback Arroyo between monitoring wells GWQ11-24 A&B and GWQ96-23 A&B.
	NMCC Response		*NMCC acknowledges NMED's concern regarding the need to verify the area of the open pit hydrologic containment initially and as mining progresses. To address this concern, NMCC proposes that it will move the location of proposed monitoring well PGWQ-1 to the NMED data gap area of concern as shown on Figures 2 and 6 of Appendix E. Existing wells GWQ96-23A & B may have to be replaced as they are currently within the footprint of proposed Impacted Stormwater Impoundment B. If they are, a new replacement well will be installed at a close-by location to provide to continue to provide information regarding the integrity of the open pit hydrologic containment. Appendix E of the DP application has been revised to incorporate these revisions to the proposed monitoring plan.*
NMED specific Comment 15	Section 20.6.7.11.S	Flow Metering	NMED requests the Applicant provide a scaled map showing locations of all flow meters and fixed pumps as required pursuant to Section 20.6.7.11.J(8) NMAC the Copper Rule.
	NMCC Response		*NMCC revised pages 149, 150 (Figure 11S-1) and 151 of the DP application to indicate that new Figures 11J-20A and 11J-20B produced in response to NMED Comment No. 8 also contain the information showing the location of the flow meters and fixed pumps. Figure 11S-1(page 150) has also been revised to be consistent with Figures 11J-20A and 11J-20B.*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
NMED specific Comment 16	Section 20.6.7.11.T	Closure Plan	In the discussion addressing Section 20.6.7.18 NMAC, General Operational Requirements, the Applicant states that "Suitable cover materials were determined as the product of the area of each map unit and the median depth of the suitable material (after mixing) in that unit." Please provide a map delineating the areas where suitable cover materials are located. In addition, please clarify what type of "mixing" will occur and if this has been accounted for in the financial assurance cost estimates.
	NMCC Response		*The statement quoted by NMED in its comment was derived from the 2012 MORP document (see page 70, paragraph 3) and was based on information provided in the BDR (Intera 2012). The information imparted in this paragraph of the 2012 MORP was superseded by a subsequent submittal of the Copper Flat Mine Baseline Data Report Addendum by NMCC in response to MMD comments provided in July, 2013. This BDR Addendum contains a Supplemental Soils Investigation performed by Golder Associates. The document contains Plate 1 which identifies the areas which contain the suitable soil cover material requested by NMED. The report also discusses the depth of the soil material to be utilized. Pages 152 and 153 of section 20.6.7.11.T of the DP application have been revised to reflect this and the BDR Addendum has been added to the reference list at page 170. The reference to "mixing" of suitable materials does not imply the selective segregation of various types of soils materials for later "mixing" at reclamation. It is simply a reference to the natural blending that takes place in the process of salvaging, stockpiling and redepositing the suitable soils materials from their borrow location(s) and subsequent use in reclamation. The revised MORP will provide design details and additional discussion regarding the manner in which the material will be handled. The financial assurance cost estimate has and will account for material handling costs.*
NMED specific Comment 17	Section 20.6.7.11.T	Closure Plan	NMED requests that the Applicant provide additional details for closure of the Tailing Storage Facility (TSF), Waste Rock Stockpiles, and Open Pit. Specifically, NMED requires additional design details, maps and cross sections, and figures showing proposed grading plans, and stormwater channels that meet the requirements of the Copper Rule. The maps and figures need to show how stormwater will be conveyed off of the TSF and Waste Rock Stockpiles at closure and have sufficient detail to develop a financial assurance cost estimate.

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*NMCC acknowledges that it will be required to submit additional details for closure of the TSF, Waste Rock Stockpiles and Open Pit, including design details, maps and cross sections, and figures showing proposed grading plans, and stormwater channels the meet the requirements of the Copper Rule and in sufficient detail to develop a financial assurance cost estimate. NMCC has indicated in its DP application that it submitted a Mine Operation and Reclamation Plan (NMCC MORP 2012) to the New Mexico Mining and Minerals Division (MMD). NMCC has also indicated that the MORP is being revised and will provide the additional information requested by the NMED. The Reclamation Plan component of the MORP will contain the updated detailed information requested by NMED and required by the Discharge Plan application. In effect, the approved MORP and the approved Discharge Permit will be one and the same as it relates to groundwater protection as one cannot be approved without obtaining approval for the other. While NMCC has included as much information as is currently available in addressing the requirements of the DP application, much of the detail regarding reclamation design, implementation and financial assurance will not be available until the revised MORP is submitted. Pages 152 and 153 of the DP application have been revised to clarify that NMCC is committed to submitting its revised MORP to provide NMED's request for additional information.*
NMED specific Comment 18	Section 20.6.7.11.T	Closure Plan	In the discussion addressing Section 20.6.7.33 NMAC, Closure Requirements for Copper Mine Facilities, Waste Rock Stockpiles, the Applicant states the "waste rock stockpiles will be re-graded and reclaimed to blend into the surrounding topography to the extent practicable." This statement indicates that the Applicant is considering using a geomorphic approach to final reclamation. Please indicate if a geomorphic design will be utilized and if it has been accounted for in the financial assurance cost estimates.
	NMCC Response		*NMMC's approach to reclamation is to meet the requirements of the Copper Rules for closure which are specific and prescriptive and to meet the requirements of the Mining Act, which are less prescriptive but require significant engineering protocols. Section 20.6.7.33 NMAC contains the prescriptive requirements for closure of the waste rock stockpiles. To the extent that application of these requirements at the Copper Flat site results in reclaimed stockpile areas blending into the surrounding environment (as much as practicable), then it can be said that NMCC will be using a geomorphic approach to reclamation. However, this is not a commitment to a strict geomorphic approach. NMMC's revised MORP will provide the details which will be included in preparing the financial assurance estimate required by NMED and MMD.*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
NMED specific Comment 19	Section 20.6.7.11.T	Closure Plan	In the discussion addressing Section 20.6.7.33 NMAC, Closure Requirements for Copper Mine Facilities, Cover Systems, the Applicant states that the "reclaimed tailings storage impoundment and the waste rock stockpiles will be covered with 36 inches of soil unless the Applicant can demonstrate a thinner cover will resist erosion, sustain vegetation and be equally protective of groundwater..." Section 20.6.7.33.F NMAC has specific criteria for cover systems that are installed on waste rock piles, leach stockpiles, tailing impoundments, and other units that have the potential to generate leachate and cause an exceedance of applicable standards. The requirements of Section 20.6.7.33.F NMAC may be reduced or modified only upon NMED approval of a demonstration made pursuant to Section 20.6.7.33.F(3) NMAC. Prior to initiating efforts to make a demonstration the Applicant should meet with NMED to discuss essential components of such a demonstration.
	NMCC Response		*NMCC understands the prescriptive nature of the requirements for the cover systems, including the thickness of the cover per Section 20.6.7.33 NMAC. NMCC further understands that in order to reduce the thickness of cover that it will require that NMED approve that reduction upon a demonstration acceptable to NMED. NMCC will work with NMED to obtain such approvals should it chose to pursue a proposed reduction of thickness of cover less than 36 inches.*
NMED specific Comment 20	Section 20.6.7.11.T	Closure Plan	Table 11T-2 in the Application shows the estimated reclamation cover requirements. Included in the table is the reclamation cover requirement for the Growth Media Stockpile. It is unclear why this stockpile will exist after all cover material is applied on-site, and why it needs to be covered considering it should contain suitable growth media. Please provide information related to this question. In addition, please indicate if the cost for reclaiming this stockpile is included in the financial assurance cost estimate.
	NMCC Response		*Table 11T-2 indicates that there will be six inches of material required for reclamation of the area of the growth media stockpile. This is simply an indication that sufficient material as may be necessary is to be left in place in order to promote vegetative growth as part of the reclamation process, in particular, if the area utilized for storage has been previously disturbed. The details of closure and reclamation design will be described in the impending MORP, including the financial surety, which will include such things as reclamation requirements for growth media stockpile areas.*

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
NMED specific Comment 21	Section 20.6.7.11.T	Closure Plan	In the discussion addressing Section 20.6.7.33 NMAC, Closure Requirements for Copper Mine Facilities, Closure Water Management and Water Treatment Plan, the Applicant indicates that it will take 3 to 5 years to complete the re-contouring and grading process on the TSF based on the time it will take to drain-down the tailing surface. Please provide a discussion on drain-down modelling that has been conducted, and if a model was used to determine the timeline it would take for drain-down to occur (i.e., 3 to 5 years). Also, please discuss the inputs to the model including the water balance showing the flux(es) through the TSF over time. If modelling was not conducted to estimate drain-down, please provide details on how the drain-down estimate was made.
	NMCC Response		*No formal drainage modeling has been conducted for the proposed Copper Flat TSF. However, the Closure Water Management Plan and Treatment Plan required by 20.6.7.33.H of the DP application did not clearly explain the implication of the stated 3 to 5 year period to long-term drain-down water management and reclamation. Page 160 of the DP application has been revised to provide more clarity. The 3 to 5 year period refers to the time frame during which the embankment will have drained and dried out sufficiently to begin reclamation of the outer slopes in accordance with the MORP and Closure Plan. It is also the timeframe in which regrading, re-contouring and cover placement may be able to commence over the impoundment as the TSF drains. Section 6.5.2 of Appendix A of the DP application (the Feasibility Level Design Report) indicates that the maximum down-drain flow rate at final buildout of the dam is anticipated to be approximately 448 gallons per minute (gpm) from the dam underdrain and 66 gpm from the impoundment underdrain. This means that the TSF embankment will drain quickly in comparison to the impoundment and is, therefore, anticipated to undergo reclamation sooner than the impoundment surface. The underdrain systems will continue to operate after cessation of operations. An "active" underdrain water management program will commence thereafter, including pumping captured water from underdrain collection pond back to the impoundment surface of the TSF and use of forced or enhanced evaporation equipment to reduce the volume of the water. The TSF embankment is expected to drain quickly, allowing reclamation of the embankment to begin within three to five years after ceasing operations. It is also anticipated that some reclamation of the impoundment can begin within 3 to 5 year of ceasing operation as the impoundment continues to drain and dry, allowing construction equipment to be utilized to commence cover placement. The duration of continued operation of the "active" water management system will be driven by the volume of water that continues to drain from the*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*impoundment. NMCC has planned for 5 to 10 years of operation of the active program followed by a longer period of "passive" drain-down water management. After decommissioning of the active program and full reclamation of the TSF, any water that may continue to drain from the TSF (at ever decreasing rates) will be captured in evaporation cells that will be constructed below the toe of the TSF. The underdrain collection pond will be incorporated into these cells. The details of their design, operation and reclamation will be provided in the revised MORP to be submitted in the near future. These costs will be included in the financial surety calculations.*
NMED specific Comment 22	Section 20.6.7.11.T	Closure Plan	The Applicant states that all of the impoundments will be closed upon completion of the closure and reclamation activities at each respective location including the TSF underdrain collection pond. Based on experience at other mine sites, drain down can take up to 20 years due to the low hydraulic conductivity of the tailing slimes. If the underdrain collection pond is removed and drain-down continues after the TSF is reclaimed, how will drain-down water be managed?
	NMCC Response		*NMCC's response to NMED Comment No. 21provides further clarification on NMCC's plans for long-term drain-down water management. The underdrain collection pond will be incorporated into evaporation cells constructed at the toe of the reclaimed TSF to collect and evaporate residual water that continues to drain from the TSF. Details design of these cells will be included in the revised MORP to be submitted in the near future. These cells will be reclaimed once they are no longer needed for as approval by the regulatory agencies.*
NMED specific Comment 23	Section 20.6.7.11.U	Financial Assurance	The Applicant states that financial assurance will be required by the Bureau of Land Management (BLM) and State of New Mexico for reclamation and that a detailed estimate of costs will be prepared once the Mine Operation and Reclamation Plan (MORP), DP-1840, and Mine Plan of Operations (MPO) are approved. However, Section 20.6.7.11.0 NMAC requires that an application include a proposal for financial assurance based on the closure plan. The Applicant indicates that the Nevada Standardized Reclamation Cost Estimator was used to estimate current total reclamation and closure costs (i.e., $44.5 million). As such, it appears that there are details that can be provided to NMED that were used as inputs into the cost estimator in order for NMED to evaluate the basis for the estimated cost. Please provide NMED with the details/inputs to the cost model used to estimate the total costs. It is important to note that the State and BLM will likely hold joint financial assurance for reclamation costs. Therefore, approval of DP-1840 is contingent upon an evaluation of the estimated financial assurance or inclusion of a condition in the discharge permit requiring submittal and approval by the State and BLM of a final cost estimate.

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*NMCC recommends that NMED await NMCC's submittal of the revised MORP before undertaking an evaluation of the reclamation cost estimate. Certainly the reclamation cost estimate contained in the DP application is sufficiently detailed to allow such evaluation. However, that estimate is reflective of an earlier proposed mine operation plan. The revised MORP will present the most recent mine operation plan as identified in more recent documents submitted to BLM and discussed in the EIS as Alternative 2, and its attendant reclamation plan and cost estimate. Alternatively, a condition to the DP permit requiring submittal and approval by the State and BLM of a final cost estimate may also be acceptable, although as a practical matter NMCC expects and hopes that the MMD, BLM and NMED approvals will be forthcoming at approximately the same time.*
NMED specific Comment 24	Appendix A	TSF Feasibility Level Design	The Feasibility Level Design Report (FLDR) indicates that the proposed TSF will include an extensive underdrain system that will include perforated drain pipes and a free draining centerline constructed dam. NMED requests that the Applicant evaluate the possibility that the chemical reactions in the tailing material could result in clogging of the proposed drainage systems due to precipitation of minerals. NMED also requests that the Applicant evaluate the potential that loads induced by the tailings could deform or adversely impact the integrity of the proposed drain pipes that will be installed under the tailings.
	NMCC Response		*SRK Consulting conducted static testing of historic tailings, lithology specific tailings, and cyclone underflow samples as part of the mine waste characterization program for the Copper Flat project (SRK Consulting, 2013). In all cases, the results of the net acid generation (NAG) pH tests indicated low potential for acid generation. In addition, kinetic tests conducted on tailings samples indicated that they are at most slowly reactive. Based on these results, the potential for acid generation and the development of low permeability precipitates during the operational phase of the project and during the closure period is considered to be low. As such, Golder does not expect clogging of the underdrain piping system to be an issue. In the long term, after operations cease and the drain-down of process water continues, a reduction in the embankment underdrain capacity due to the formation of chemical precipitates is not anticipated to be significant due to reduced drainage rates and demand on drain capacity. In addition, construction of underdrains as common industry practice are typically installed as "finger drains" in discrete areas that cover only a portion of the lined surface. The Copper Flat underdrain system in the impoundment exceeds industry standard as it has been designed to be installed as a continuous system across the entire TSF floor so that potential clogging of*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*individual fingers or portions of the system will not impact the overall effectiveness of the system. With respect to evaluation of the potential that loads induced by the tailings could deform or adversely impact the integrity of the proposed drainage pipes installed under the tailings, underdrain pipe deflection (the potential for crushing due to overburden loads) was addressed in Section 6.4.5 of Appendix A of the DP application, i.e., the Feasibility Level Design report (FLDR). The calculation work sheets are contained in Appendix D.2 of the report (Golder Associates Inc., 2015). Calculations indicate a predicted pipe deformation of 11 to 14 percent for worst case conditions which is considered to be within acceptable limits of the underdrain piping. As such, Golder does not anticipate that potential pipe deformation that may occur will impact the performance of the underdrain system.*
NMED specific Comment 25	Appendix A	TSF Feasibility Level Design	Section 10.2 of the FLDR indicates the New Mexico Dam Safety Bureau requires that the TSF be designed to withstand the seismic loading from a Maximum Design Earthquake (MDE) with a 2 percent probability of exceedance in fifty years. Based on USGS Seismic Design Maps, a peak ground acceleration of 0.13g was applied to the area of the TSF. Studies by the USGS, the California Division of Mines and Geology, Southern California Earthquake Center, and other institutions indicate that significant local focusing and amplification of earthquake waves can occur due to differing geologic materials, topography, and presence of faults. For example, during the 1994 6.7 magnitude Northridge Earthquake measured accelerations as high as 1.7g were attributed to the type of fault that ruptured (thrust fault), and amplification and focusing of earthquake waves due to geologic discontinuities such as lithologic contacts, faults, and geologic materials consisting of relatively unconsolidated basin fill. The FLDR and published geologic maps indicate that the area of the proposed TSF is underlain by differing geologic materials, including basin fill, modern and young alluvium, and possibly basalt. Additionally, published geologic maps and geologic maps included with the Application indicate that a major north-south trending fault (referred to as the East Animas Fault in the Application) that juxtaposes differing rock types underlies, or is in very close proximity to, the eastern portion of the proposed TSF. NMED requests that Applicant evaluate the possibility of seismic wave amplification due to the geology underlying the area of the proposed TSF and if it is found amplification of seismic waves could occur, what impact it might have on the TSF. This evaluation may require coordination with the New Mexico Office of the State Engineer Dam Safety Bureau.

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*NMCC recognizes NMED's concerns regarding the potential for wave amplification The potential for seismic wave amplification will be evaluated in conjunction with the proposed seismic hazard study as part of the detailed engineering design of the Copper Flat TSF and associated NMOSE permit application package to be submitted to the NMOSE. The seismic risk evaluation will specifically address the potential for seismic wave amplification due to the underlying differing geology beneath the TSF and the East Animas fault located within the eastern portion of the proposed TSF and what affects it may have on the TSF. A site specific seismic hazard assessment that takes into account the geology underlying the area of the proposed TSF will be conducted in association with this detailed engineering that is consistent with NMOSE requirements.* *The anticipated components of the seismic hazard study include;* *1. Review of historic and instrumentally recorded earthquake records within approximately 100 miles of the site. Earthquakes with magnitudes of M ≥ 3 and those with felt intensities exceeding MMI IV will be gathered from several USA earthquake catalogs.* *2. Review information from the US Geological Survey Quaternary Fault and Fold Database regarding the location and activity of faults mapped within approximately 60 miles of the site, including, but not limited to Unnamed faults 4 to 6 miles west of Caballo Reservoir, the Caballo Fault about 15 miles to the east, the Cuchillo Negro fault about 13 miles to the northeast of the site, and the East Animas Fault in the vicinity of the TSF.* *3. Development of a deterministic seismic hazard analysis (DSHA) that includes the calculation of the PGA associated with the main seismically-capable fault sources within approximately 60 miles of the site.* *4. Use of the US Geological Survey national seismic hazard maps to identify site earthquake acceleration values for the 2 percent and 1 percent probabilities of exceedance in 50 years (the 2,475- and 5,000 year return periods).* *5. Comparison of the DSHA PGA values with those from the US Geological Survey national probabilistic seismic hazard maps.* *6. Preparation of a comprehensive Technical Memorandum that provides the methods and results of the seismic hazard assessment for presentation to the NMOSE.*

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
NMED specific Comment 26	Appendix A	TSF Feasibility Level Design	In some cases, the lithologic symbols provided in the legend of the geologic cross sections in the FLDR are difficult to correlate with the boring logs shown on the cross sections. It appears that in some of the boring logs, two symbols are superimposed to indicate a mixture of lithologic materials, and in some instances it appears that the stratum descriptors do not correlate with the symbols. For example, on Drawing 6 (Geologic Cross Section C-C'), the stratum descriptors identify number 4 as being a "gravel, sand." However, the boring log lithologic symbol indicates 4 is a "poorly graded gravel." NMED request that in the future, a clearer method be used to identify lithologic materials in the boring logs included with the cross sections.
	NMCC Response		*NMCC will provide clearer and more informational legend for the geologic cross sections in future deliverables to the NMED.*
NMED specific Comment 27	Appendix A	TSF Feasibility Level Design	The geologic cross sections included with the FLDR (Drawings 3 through 9) are drawn through the proposed tailing dam that will be constructed at final buildout. NMED requests that the Applicant provide two additional cross sections that transect the entire proposed TSF that include the underlying geology, one with a north-south orientation and one with an east-west orientation. Additionally, NMED requests that the two additional cross sections show the different phases of construction as the TSF is enlarged.
	NMCC Response		*The geologic cross sections requested have been prepared and are provided for insertion into Appendix A of the DP application. (See also NMCC's response to Comment No. 28)*
NMED specific Comment 28	Appendix A	TSF Feasibility Level Design	Section 11 of the FLDR discusses the settlement potential in the area of the proposed embankment, but does not include an analysis of potential settlement of the entire TSF. Section 11.2 includes a discussion of the potential for differential settlement of a proposed steel drain pipe to be installed under the embankment due to differing geologic materials if basalt is encountered during construction. NMED agrees that there is likely a potential for differential settlement if differing geologic materials are encountered. However, the paragraph above the discussion of the steel pipe indicates that the settlement analysis did not indicate the potential for differential settlement that could impact the integrity of the High Density Polyethylene (HDPE) liner. It has been NMED's experience that HDPE liners do not have high tensile strength and could tear due to differential settlement. As discussed in comment 2 above, the area of the proposed impoundment is underlain by differing geologic materials, including basin fill, modern and young alluvium, and possibly basalt. NMED requests that the Applicant analyze the potential for tearing of the HDPE liner due to potential differential settlement not only in the area of the embankment, but for the entire TSF.

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*A differential settlement and geomembrane strain analysis has been prepared in response to NMED's comment and is provided for insertion in Appendix A of the DP application, specifically as Attachment 2 to Appendix I of the FLDR. Cross sections were developed (refer to NMCC's response to comment No. 27) to intercept the various geologic materials underlying the TSF site. The engineering properties of the foundation materials were derived from the 1980 Sargent, Hauskins and Beckwith (SHB) geotechnical study, the geotechnical investigation conducted as part of the TSF design report and experience with similar foundation materials. The results of this analysis indicate that, in general, settlement potential across the TSF is predicted to be limited. As such, the potential for tearing of the HDPE liner due to potential differential settlement within the entire area of the TSF is considered to be very low. The maximum settlement is estimated to be 0.72 feet while the maximum tensile strain on the HDPE liner due to differential settlement is estimated to be 0.02 percent. The allowable tensile strain on an 80 mil HDPE geomembrane liner is 10 percent and the predicted tensile strain is well within acceptable conditions. Therefore, Golder does not expect tearing of the HDPE liner due to differential settlement to be an issue.*
NMED specific Comment 29	Appendix A	TSF Feasibility Level Design	The FLDR indicates that as part of the settlement analysis, triaxial consolidated undrained testing was performed on soil samples obtained from the area of the proposed embankment. NMED understands that undrained triaxial tests are performed to evaluate the potential for short term settlement, and drained triaxial tests are performed to evaluate the potential for longer term settlement. NMED requests that the Applicant explain why drained triaxial tests were not performed as part of the settlement analysis.
	NMCC Response		*Golder conducted consolidated underdrain triaxial testing to support the TSF stability analysis. The tests were performed to determine the effective strength of the foundation materials and cyclone underflow and overflow. These tests were not conducted for the purpose of evaluating settlement. Rather, Golder conducted conventional one-dimensional consolidation tests (ASTM D2435) to evaluate the settlement potential of foundation materials. The laboratory consolidation test reports are included in Appendix A of the DP application, i.e., Appendix A.3.4 of the FLDR (Golder Associates Inc. 2015).*

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**	**Review Date: March 21st, 2016**

Item #	Section/Page (or general)	Topic	Comment
NMED specific Comment 30	Appendix A	TSF Feasibility Level Design	It has been NMED's experience that installing a geotextile protection layer under and/or over an HDPE liner, in addition to installing properly designed liner bedding, can help protect the liner from stress cracking and deformation, especially during construction activities. NMED requests the Applicant to evaluate and discuss the possible use of a geotextile protection layer for the HDPE liner.
	NMCC Response		*Geotextile fabric has been used in the mining industry primarily as a means of protecting a geomembrane from damage when suitable liner bedding fill materials are not available. This is not anticipated at Copper Flat as there is abundant liner bedding material available at the site. In addition, fine grained liner fill bedding in conjunction with subgrade preparation and compaction is proposed for the Copper Flat TSF. Therefore, the need for an additional geotextile protective layer is not anticipated at the Copper Flat TSF. It is common industry practice to place an 18-24 inch thick layer of coarse drainage material as an over-liner cover layer over geomembrane liners prior to loading. The over-liner cover material is typically spread using low ground pressure equipment with visual monitoring to ensure adequate thickness. Industry experience indicates that using controlled placement of over-liner cover adequately protects the liner from damage during construction activities. Liner load compatibility tests are typically performed to assess the impacts of applied loads on geomembrane liners. The tests consist of a liner bedding fill layer and over-liner fill layer, with an intervening geomembrane sample. These are placed in a rigid cell and loaded to simulate the operational conditions that will be applied to the geomembrane. Industry experience with liner load compatibility tests indicates that a 60 mil geomembrane can accommodate load heights of up to 300 feet while an 80 mil liner can resist damage from loads over 600 feet thick. At Copper Flat, an 80 mil HDPE geomembrane is proposed. The maximum height of the facility over the liner system will be on the order of 300 feet. The anticipated conditions are well within the range of conditions where geomembranes are known to be effective.*
NMED specific Comment 31	Appendix A	TSF Feasibility Level Design	Section 4.0 of the FLDR discusses tailing testing. Because of the texture of the tailing underflow, it appears it is intended to use relative density tests as an alternative to traditional compaction testing of the sands that will be used for construction of the centerline sand dam. NMED understands that relative density testing is applicable to materials with 12 percent or less passing the #200 sieve. The grain size distribution graph included in the FLDR for tailing underflow indicates that the tailing underflow has more than 12 percent passing the #200 sieve. Please discuss.

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*The FLDR does not propose the use of relative density tests to evaluate the density of tailing sand used in embankment construction. Tailings geotechnical testing included a Standard Proctor Test (ASTM D698) of the cyclone underflow to evaluate the maximum dry density of the embankment sand. This test was used as the basis for preparing cyclone underflow strength and permeability test specimens. If additional density testing of cyclone underflow is conducted in the future, the Standard Proctor Test (ASTM D698) will be used for these analyses.*
NMED specific Comment 32	Appendix B	Process and Stormwater Impoundment Design	It is stated earlier in the Application (see Section 20.6.7.J(2) NMAC) that the three stormwater impoundments meet the copper rule definition of "impacted stormwater impoundment". As such, they must be designed and constructed pursuant to the applicable engineering requirements of 20.6.7.17.D(4) and (7) NMAC for impacted stormwater impoundments (short term) unless the Applicant can demonstrate that the impounded stormwater will not exceed Section 20.6.2.3103 NMAC standards.
	NMCC Response		*Section 3.2 of Appendix B, Impacted Stormwater Impoundments, page 3, clearly sets forth the design basis for the impacted stormwater impoundments, including the requirements of 20.6.7.17.D(4) and D(7).*
NMED specific Comment 33	Appendix C	Process Facility Containment Report	Please describe contingency measures that will be implemented to address upsets at the Concentrator Area, particularly in the copper flotation circuit area. Based on experience at other mine sites, upsets in the copper flotation area can lead to unauthorized discharges outside of containment areas if there are not appropriate contingency measures in place. Power outages and pump failure are common causes for these events. Section 4.1 states that perimeter containment curbing of at least four inches will be placed around the concentrator facility to prevent migration of process solutions away from the facility. Please indicate, based on estimated throughput volumes of ore, how time will pass before process solutions overtop containment structures if an upset occurs. Please discuss fate and transport of process water that escapes containment and also indicate if back-up power systems and pumps will be utilized at the concentrator area.

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*The primary means of controlling overflows in active areas of the concentrator will be achieved by sloping floors to direct solution overflows to floor sumps equipped with dedicated pumps. In the flotation area, the floor will be sloped to drain to a central floor drain, which reports to the flotation area sump located in a lower level of the building. The flotation sump will be equipped with a dedicated pump that is configured to start automatically when the solution in the sump reaches a pre-determined level. The sump pump will be connected to standby power for operation during a power loss. In the event that the primary sump is overwhelmed, process solution will overflow into the plant tailings sump and flow by gravity to the TSF through the tailings pipeline. Overflow containment for the flotation area is shown in Appendix C, Concentrator Area Containment Report, Figure 000-GA-050. The general 4-inch containment curbing described for the concentrator building is secondary to the sloping floors and drains. The curbing is intended to re-direct solution inward to floor drains and sumps for control not to fully contain upsets. Specific descriptions of other areas of the concentrator, including automatic starting and power backup, are provided in Appendix C of the DP application.*
NMED specific Comment 34	Appendix D	Site Diversion Analysis	Figure 0000-C1-104 references another figure that is intended to provide details regarding a "Developed Watershed Boundary" along the northern edge of the copper mine facility. NMED was unable to locate this figure (referred to as "Sheet 0000-C1-006").
	NMCC Response		*The reference to Drawing No. 0000-C1-106 contained in Drawing No. 0000-C1-104 is an inadvertent remnant of a previous version of the report that should have been removed from the final report. The reference also incorrectly appears in Drawing No. 0000-C1-105. In addition, the drawing numbers are transposed, i.e., Drawing No. 0000-C1-104 should be Drawing No. 0000-CI-105 and visa versa. Corrected copies have been provided.*
NMED specific Comment 35	Appendix E	Water Quality Monitoring Plan	Section 1.0 — Figure 1 shows a proposed future OPSDA. The Copper Rule defines the OPSDA as "the area in which stormwater drains into an open pit and cannot feasibly be diverted by gravity outside the pit perimeter, and the underlying ground water is hydrologically contained by pumping or evaporation of water from the open pit". Please provide NMED with a basis for which the limits of the OPSDA were determined, and indicate whether the OPSDA represents present day hydrologic conditions or conditions at the end of, or at some point during mine life. In addition, NMED does not agree with the interpretation of the east and southeast boundaries of the OPSDA based on existing surface contours.

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*The existing land surface elevation contours are the basis for which the limit of the OPSDA were determined. The OPSDA in Figure 1 represents conditions during operations and before reclamation and closure is completed. The maps in Appendix E have been revised to show a more refined OPSDA based on NMCC's latest planning.*
NMED specific Comment 36	Appendix E	Water Quality Monitoring Plan	Section 2.1 - Details on well construction for all monitoring wells or other wells selected to define lateral and vertical extent of ground water contamination at the copper mine facility were not available at the time of submittal of the Stage 1 Abatement Plan. Information provided since the initial phases of the Stage 1 Abatement Plan indicate some of the wells are not properly constructed to monitor for potential impacts from mine operations. NMED will require additional monitoring wells to monitor for ground water impacts resulting from operations and also to fulfill Stage I Abatement Plan requirements.
	NMCC Response		*NMCC believes that its proposed Water Quality Monitoring Plan is in conformance with the requirements of 20.6.7.11R and 20.6.7.28 NMAC for its DP Application. The purpose of the monitoring plan as proposed is to provide an appropriate monitoring location for each unit subject to the approved DP. NMCC understands that this DP application provides information that may also have implications to NMED's review and approach regarding NMCC's Stage I Abatement Plan. Abatement Plan requirements precipitate from the previous operations at this site and NMCC wishes to provide an approvable DP for future operation of Copper Flat. As such, while the two actions are separate, they can complement each other through the regulatory process inasmuch as NMCC's DP monitoring plan may also provide information useful to the Stage 1 Abatement Investigation. NMCC commits to working with NMED to resolve the issues related to the Abatement Plan while it also pursues approval of the DP. This includes properly constructing wells, NMED requests for additional monitoring wells to monitor for ground water impacts from operations as may be required by the Copper Rules, and additional wells that may be required to fulfill Stage 1 Abatement plan requirements.*

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
NMED specific Comment 37	Appendix E	Water Quality Monitoring Plan	Section 2.1 - NMED requests that the Applicant provide a scaled map showing locations of all monitoring wells at the copper mine facility as required by Section 20.6.7.11.J(7) NMAC. The map shall clearly indicate existing monitoring wells proposed for the water quality monitoring plan, proposed new monitoring wells, and also any monitoring wells anticipated for plugging and abandonment or not proposed as part of the water quality monitoring plan. In order for NMED to authorize plugging and abandonment of existing monitoring wells, the Applicant will need to provide additional information documenting reasons for abandonment. Figure 11K-8 located in the Surface Soils Survey, Geology, and Hydrology Section (20.6.7.11.K) appears to show most, if not all, of the existing monitoring wells at the copper mine facility; however, the locations of monitoring wells at the toe of the existing TSF are difficult to identify on the map. Please either provide or reference a figure with sufficient detail to identify individual monitoring wells. NMED suggests the Applicant prepare or provide by specific reference, a map with a corresponding table that identifies all monitoring wells at the copper mine facility.
	NMCC Response		*Appendix E has been revised to provide s scaled maps that show the locations of all of the monitoring wells at the Copper Flat facility including existing wells, new proposed wells, and those wells anticipated to be plugged and abandoned and those not proposed to be used as part of the water quality monitoring plan. Information documenting the reason for abandonment has also been provided, together with a table which also identifies all of the wells described herein.*
NMED specific Comment 38	Appendix E	Water Quality Monitoring Plan	Section 2.2.2 - Section 20.6.7.28.B(6) NMAC requires sufficient monitoring wells placed upgradient of all potential ground water contamination sources. NMED requests a proposed monitoring well in a location upgradient or off-gradient of WRSP-2 and WRSP-3 to monitor for impacts to ground water quality resulting from placement of these potential ground water contamination sources.
	NMCC Response		*The location of PGWQ-3 was intended to be off-gradient of WRSP-2 and WRSP-3 (see Figure 2 and Table 2 in Appendix E. NMCC proposes to move the location of proposed monitor well PGWQ-3 to a location uphill of WRSP-3 and off-gradient of WRSP-2 as indicated on revised Figure 4 of revised Appendix E to address NMED's concerns.*
NMED specific Comment 39	Appendix E	Water Quality Monitoring Plan	Section 2.2.2 - PGWQ-16 has been proposed to be located over 800 feet from the toe of the TSF. It is not stated what the rationale is for placing this monitoring well this far from the TSF. As proposed, this monitoring well does not appear to be in accordance with Section 20.6.7.28.B(2) NMAC which requires monitoring wells to be "installed as close as practicable..." to the TSF. NMED requires that this monitoring well location be relocated as close as practicable to the TSF.

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*PGWQ-16 is a proposed well identified in Section 2.2.3 of Appendix E, proposed as part of the monitoring network for the TSF. NMCC disagrees that the well location proposed is not in conformance Section 20.6.7.28.B.(2) NMAC. NMCC believes that its proposed monitoring network meets the requirements of Section 20.6.7.28.B as it requires ground water quality monitoring as close as practicable but also provides for additional wells in areas where ground water flow directions are uncertain, including fracture-flow systems. Section 20.6.7.28.B(2) further defines the basis for required locating the monitor wells, taking into account surface topography, hydrologic conditions, geologic controls, infrastructure, engineering design plans, depth to ground water, working distance and safety. The monitoring well network proposed for the TSF takes all of this into account. The rationale for placing PGWQ-16 at the location proposed is as follows; JSAI designed the monitoring network down-gradient of the TSF so the direction of groundwater flow and hydraulic gradient can be determined on the west and east sides of the north-south trending fault while providing the best water quality monitoring for potential releases from the TSF. PGWQ-14, PGWQ-15, and PGWQ-17 will provide monitoring and definition of groundwater flow direction and gradient on the west side of the fault zone. GWQ13-28 and PGWQ-16 will provide monitoring and definition of groundwater flow direction and gradient on the east side of the fault zone. Existing monitoring wells IW-1, IW-2, NP-2, NP-3, NP-5, GWQ-11, GWQ94-11, GWQ94-13, GWQ94-16, GWQ94-17, GWQ94-18, GWQ94-19, and GWQ94-20 will be in the foot print of the lined TSF, and will be plugged and abandoned prior to TSF construction. NP-1, NP-4, GWQ-10, GWQ94-14, GWQ94-15, and GWQ94-21(A,B) will be retained for monitoring until the planned TSF phased expansion will require these existing well to be plugged. An additional proposed monitoring well, PGWQ-19(see Figure 2 of Appendix E),will be located between GWQ-12 and PGWQ-17 as close as practicable to the southeast edge of the TSF final build out footprint. Proposed monitoring wells PGWQ-14, PGWQ-15, and PGWQ-16 will be installed before all of the existing wells below the TSF are plugged. NMCC believes this is a comprehensive proposed monitoring well network that provides maximal information to alert the company to possible releases of contaminants from the lined TSF and increases our understanding of the fracture system, in conformance with 20.6.7.28.B. Therefore, the location of PWG-16 is appropriate for the monitoring network as proposed.*

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**	**Review Date: March 21st, 2016**

Item #	Section/Page (or general)	Topic	Comment
NMED specific Comment 40	Appendix E	Water Quality Monitoring Plan	Section 2.2.2 - Please discuss whether any of the existing monitoring wells located at the toe of the current TSF can be used in initial operational phases prior to full build-out of the proposed TSF.
	NMCC Response		*See NMCC response to NMED Comment No. 39. While all of the existing wells located at the toe of the current TSF will be destroyed over time as construction of the TSF advances in phases (see Section 6.0 and Drawing No. 10 of Appendix A and Figure 3 of Appendix E). NMCC has revisited the situation regarding existing wells as a result of NMED's inquiry and has concluded that a certain number of existing wells will continue to be available for monitoring through various phases of operation and construction. These wells are identified in the revised Appendix E and incorporated into the monitoring plan to the extent that they remain available and provide useful data.*
NMED specific Comment 41	Appendix E	Water Quality Monitoring Plan	Section 2.3 — Based on ground water flow directions depicted in Figure 2, the proposed location for PGWQ-9 appears to be upgradient of the Surge Pond. Please provide additional information related to this observation.
	NMCC Response		*Figure 2 of Appendix E depicts ground water flow direction generally from west to east so that one might conclude, as NMED has, that proposed monitor well PGWQ-9 may be located up gradient from the surge pond. However, ground water flow as shown in Figure 2 depicts "general" ground water flow across the site. Upon closer inspection of the surge pond location, as shown in Figure 4 of Appendix E, local land surface drainage in the immediate area of the surge pond is to the north, towards Grayback Arroyo, the likely path of potential discharge from the surge pond. NMCC further believes that this an example of the rationale provided in the Copper Rules require that monitor wells be placed as close as practicable to the potential source of contamination. NMCC believes that the proposed location of PGWQ-9 is appropriate.*
NMED specific Comment 42	Appendix E	Water Quality Monitoring Plan	Section 2.3 — NMED has concerns that impacted stormwater runoff from the EWRSP-1 has discharged to the Quintana Diversion Channel. Please discuss how potential impacts to shallow alluvial ground water (if it exists) and/or the regional ground water down gradient of EWRSP 1 will be monitored.
	NMCC Response		*Potential impacts to shallow alluvial ground water from potential discharges from EWRSP-1 will be monitored by GWQ11-26.*

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
NMED specific Comment 43	Appendix E	Water Quality Monitoring Plan	It is not clear to NMED how impacted stormwater discharging to Grayback Arroyo will be prevented and monitored at the copper mine facility. Please submit a proposal for installation of additional monitoring wells to monitor potential impacts to Grayback Arroyo. At a minimum, NMED will require installation of an additional monitoring well downstream of GWQ-1.
	NMCC Response		*Per NMED's request, NMCC proposes installation of an additional monitoring well, PGWQ-20, downstream of GWQ-1 at the location shown in Figures 1, 2 and 5 of the Appendix E. Addition of this well in Grayback Arroyo combined with proposed monitoring wells, PGWQ-5 and PGWQ-13 along Grayback Arroyo, historical data, proposed monitoring of existing wells GWQ-1, GWQ-3, GWQ-8 and surface water sampling locations SWQ-2, SWQ-3 and SWQ-4 will monitor impacted stormwater discharging to Grayback Arroyo NMCC's response to comment no.46 provides information on how impacted stormwater discharges to Grayback Arroyo will be prevented.*
NMED specific Comment 44	Appendix E	Water Quality Monitoring Plan	Section 20.6.7.28.N NMAC requires, "a sampling and analysis plan to monitor quarterly the quality of process water, tailings slurry, impacted stormwater, seeps and springs at a copper mine facility." Please provide a proposal to monitor seeps at the copper mine facility, including the active seep located at the northwest side of the open pit pursuant to applicable monitoring requirements of Sections 20.6.7.28 and 20.6.7.29 NMAC.
	NMCC Response		*Per NMED's request, Section 6.0 of Appendix E has been revised to include monitoring of seeps at the Copper Flat mine facility, should they occur. NMCC notes that the seep identified by NMED in its comment will be mined out very early in development of the pit.*
NMED specific Comment 45	Appendix E	Water Quality Monitoring Plan	Following is a summary of specific additional monitoring well locations requested by NMED as mentioned in other sections in this letter: a) Along the toe of the TSF between PGWQ-17 and GWQ-12; b) Downstream of GWQ-1; c) At the southeast portion of the open pit in or adjacent to Grayback Arroyo, between monitoring wells GWQ11-24 A&B and GWQ96-23 A&B; and d) In a location to monitor potential impacts to background ground water quality resulting from placement of WRSP-2 and WRSP-3.

Agency Review of Application for Discharge Permit 1840

Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*Appendix E has been revised to include; a) use of existing wells and installation of an additional monitoring well, along the toe of the TSF between PGWQ-17 and GWQ-12 (see NMCC Response to Comment No. 39; b) downstream of GWQ-1(see NMCC's Response to Comment No. 43); c) at the southeast portion of the open pit in or adjacent to Grayback Arroyo, between monitoring wells GWQ11-24 A&B and GWQ96-23 A&B (see NMCC's Response to Comment No. 14), and d) in a location to monitor potential impacts to background ground water quality resulting from placement of WRSP-2 and WRSP-3 (see NMCC Response to Comment No. 38).*
NMED general Comment 46		Operations Management to keep impacted stormwater out of Grayback Arroyo	As noted in other sections in this letter, NMED seeks clarification regarding how the Applicant is going to keep impacted stormwater out of Grayback Arroyo during operations. Based on the existence of the alluvial TDS/sulfate plume as shown in the May 2014 Stage 1 Abatement Investigation report, it appears that impacted stormwater has discharged to Grayback Arroyo. Please note that NMED may require interim measures under the Abatement Plan to address source control, cleanup and/or containment of areas of mine-impacted ground water at the copper mine facility.
	NMCC Response		*NMCC has proposed a variety of measures to keep impacted stormwater out of Grayback Arroyo during operations in its DP application and in the additional information provided herein in response to NMED's comments (see pages 65 and 66 of revised DP application). Grayback Arroyo is diverted around the Copper Flat mine as described in detail in Appendix D of the DP application. The integrity of this diversion will be maintained such that impacted stormwater from the Copper Flat facilities will be kept out of Grayback Arroyo during operations. The following summary response to NMED's comment No. 46 provides additional clarification. Impacted stormwater at the OPSDA will be captured within the mine pit keeping it out of Grayback Arroyo. At existing waste rock stockpiles EWRSP-1, EWRSP-2A and 2B, EWRSP-3 and EWRSP-4, NMCC will repair, management and/or reclaim them during operations as discussed earlier in NMCC's Response to Comments No. 2, 3, 4 and 5. EWRSP-1 is located at the western edge of the site in the OPSDA along the banks of the diverted Grayback Arroyo channel. While surface water drainage is into the open pit, the westernmost embankment of EWRSP-1 may contribute stormwater runoff to the arroyo and there currently exists a breach in the stockpile configuration that may allow some surface flow into the arroyo. NMCC will repair the breach during the summer of 2016 by placing a berm immediately downgradient of the breach to divert water runoff back into the OPSDA. During operations, NMCC will re-contour and reclaim EWRSP-1 in accordance with an approved reclamation and closure plan.*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
	NMCC Response		*Management of EWRSP-1 in this manner during operations will keep impacted stormwater from it to Grayback Arroyo. EWRSP-2A is located and will continue to be located entirely within the OPSDA and will, therefore, not contribute impacted stormwater to Grayback Arroyo. EWRSP-2B is also located within the OPSDA and will be subsumed by proposed new WRSP-1. Additionally, NMCC will manage the surface water drainage from eastern portion of the OPSDA wherein proposed new WRSP-1is proposed to be located as a separate developed watershed during operations. Stormwater will be captured and directed to Impacted Stormwater Impoundment B, keeping it out of Grayback Arroyo. EWRSP-3 is located adjacent to the primary crusher within the plant site. During operation the footprint of the entire plant site, including EWRSP, will be contoured to capture and direct all surface water runoff to impacted stormwater impoundment A, keeping impacted stormwater out of Grayback Arroyo. EWRSP-4 is located south of the mine pit and southwest of the plant processing area. During operations EWRSP-4 will be contoured and re-graded to route surface water runoff into the mine pit. The southern edge of the stockpile will be reclaimed in accordance with the approved reclamation plan to keep impacted stormwater out of Grayback Arroyo during operations. Impacted stormwater generated from new proposed WRSP-2 and WRSP-3 will be managed during operations by developing a watershed C to capture and direct impacted stormwater to Impacted Stormwater Impoundment C to keep it out of Grayback Arroyo during operations. Impacted stormwater generated from the TSF will be managed by constructing a lined runoff collection trench around the outer perimeter of the TSF at its toe. The trench will capture and direct impacted stormwater to the underdrain collectionpond, keeping it out of Grayback Arroyo during operations. All impoundments runoff collection trenches and ditches are designed in compliance with the Copper Rules to safely handle the 100-year 24 hour precipitation event plus a minimum two feet of freeboard NMCC believes that these repair, management and reclamation measures for existing conditions at the site in combination with the engineering design and construction features proposed for impacted stormwater management of the Copper Flat facility for the mine pit, process area, waste rock stockpiles and the TSF as described in the DP application will prevent impacted stormwater from entering Grayback Arroyo during operations. NMCC acknowledges that there may be interim measures required under the Abatement Plan to address source control, cleanup and/or containment of mine-impacted ground water at Copper Flat and will continue to work with NMED throughout the DP application review process and the Abatement Plan process to satisfy NMED's concerns.*

Agency Review of Application for Discharge Permit 1840			
Reviewer: Brad Reid **Agency: NMED, Ground Water Quality Bureau**			**Review Date: March 21st, 2016**
Item #	**Section/Page (or general)**	**Topic**	**Comment**
NMED general Comment 47		Backup Power systems and Pumps	NMED requests that the Applicant discuss the plan to utilize back-up power systems and pumps in the event of a power failure at the copper mine facility.
	NMCC Response		*NMCC recognizes NMED's concern regarding the need for assurances that the Copper Flat facilities will be equipped with sufficient backup power systems to provide emergency power in the event of a power failure, sufficient to provide power to critical components and processes of the facility. This is, of course, a fundamental concern and responsibility that NMCC has planned for in development of this project. Power to the facility will be provided by the Sierra Electric Cooperative, a reliable provider of residential and commercial electrical power throughout the region. The Copper Flat facility will also install on-site, a diesel powered generator designed to provide sufficient emergency power to the facility in the event of a power failure. All critical systems, including pumps, sumps, process areas, tailings impoundment pipelines and other areas that have dedicated process water handling equipment that must remain operational during disruption of the normal power supply, will be tied into the site emergency power grid to ensure that unauthorized discharges to ground water do not occur. The emergency generator will start automatically whenever power a disruption is detected and will be tested monthly to ensure dependable response and operation. Page 35 of the DP has been revised to highlight NMCC's planning in this regard as part of providing a physical description of the facility.*
NMED general Comment 48		Location of EWRSP-2A, in or out of OPSDA	Please note that the Application states that the EWRSP-2A is entirely within the OPSDA, but other places states that parts of it are not entirely inside the proposed future OPSDA.
	NMCC Response		*The DP application identifies that EWRSP-2 is located within the OPSDA as shown in various figures. NMCC's representation in places in the application that a small portion of EWRSP-2A may be just outside of the OPSDA is based on interpretation of topographic mapping. NMCC has conducted additional investigation of conditions at the location of EWRSP-2A and confirmed that the northern edge of the stockpile at the northern edge of the OPSDA is located outside of the OPSDA. Recognizing this as problematic to its DP application, NMCC has proposed that it will consolidate all of the waste material so that it is clearly all located within the OPSDA (see NMCC's response to comment No. 5 and 46) and revised DP application at pages 65 and 66.*