

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

David Martin
Cabinet Secretary

Tony Delfin
Deputy Cabinet Secretary

Fernando Martinez, Director
Mining and Minerals Division



July 7, 2016

Mr. Ed Dvorak, Vice President
Rocky Mountain Mine
CR Minerals Company, LLC
P.O. Box 708
Ohkay Owingeh, NM 87566

RE: Agency Comments on Application to Updated Closeout Plan, Modification 16-1, Permit RA004RE, Rocky Mountain Mine

Dear Mr. Dvorak:

On February 29, 2016 the Mining and Minerals Division ("MMD") received an application from CR Minerals Company, LLC requesting a modification to the Rocky Mountain Mine permit. The application for Permit Modification 16-1 is requesting an update to the closeout plan to reduce the post-mining surface elevations by approximately 30-35 feet as a result of the sale of pumicite overburden as aggregate.

Based on MMD's review of the application to update the closeout plan, MMD has the following comments:

MMD Comments on Application for Updated Closeout Plan

1. Permit RA004RE Request for Modification 16-1 Rocky Mountain Mine – pg. 1.
Please provide the seed mix that will be used for interim seeding of top soil stock piles.

Pursuant to § 19.10.5.505.B.3 NMAC, MMD requested comments from cooperating agencies. Comments received from cooperating agencies and Tribes are enclosed. Please address, or acknowledge comments, and provide responses to MMD for distribution to the appropriate agency or tribe.

Cooperating Agency comments on Application for Updated Closeout Plan

1. New Mexico Department of Game & Fish
2. New Mexico Environment Department
3. New Mexico Environment Department Air Quality Bureau
4. New Mexico Energy, Minerals and Natural Resources Department, State Forestry Division
5. New Mexico Office of the State Engineer Hydrology Bureau

RE: Agency Comments on Application to Update the Closeout Plan, Modification 16-1, Permit RA004RE, Rocky Mountain Mine

July 7, 2016

Page 2

6. Bureau of Land Management Farmington Field Office
7. Santa Clara Indian Pueblo
8. The Hopi Tribe

MMD met with representatives of the Santa Clara Indian Pueblo on May 31, 2016 as requested in the Pueblo's May 3, 2016 letter. MMD's reply to Santa Clara Indian Pueblo's May 3, 2016 letter and questions raised during the consultation are enclosed. Additional responses provided by CR Minerals will be forwarded to the Pueblo.

If you have any questions, please contact me at (505) 476-3425 or by e-mail at davena.crosley@state.nm.us.

Sincerely,



Davena E. Crosley, Permit Lead
Reclamation Biologist
Mining Act Reclamation Program ("MARF")

Enclosures:

Bureau of Land Management Farmington Field Office
New Mexico Department of Game & Fish
New Mexico Environment Department
New Mexico Environment Department Air Quality Bureau
New Mexico Energy, Minerals and Natural Resources Department, State Forestry Division
New Mexico Office of the State Engineer Hydrology Bureau
The Hopi Tribe
Santa Clara Indian Pueblo
MMD response to Santa Clara Indian Pueblo
(w/ MMD Permit RA004RE, RA004RE-Revision 11-1, NMED AQB Air Quality Permit GCP-2-2307M2, and NMAC 20.2.15)

cc: Holland Shepherd, MARP Program Manager
David Otori, MARP Senior Reclamation Specialist
Jeff Whidden, CR Minerals President
Joe Griego, CR Minerals Mine Manager
Robyn Tierney, Permits West
Mine File (RA004RE)

Crosley, Davena, EMNRD

From: Gallegos, Anthony <agallegos@blm.gov>
Sent: Thursday, May 19, 2016 9:47 AM
To: Crosley, Davena, EMNRD
Cc: Sarah Schlanger; Bradley Higdon; Shannon Hoefeler; Joel Hartmann; David Mankiewicz
Subject: Comments on CR Minerals Rocky Mtn. Mine Modification 16-1

Dear Ms. Crosley:

The BLM Farmington Field Office (FFO) has reviewed the submission titled "Permit RA004RE Request For Modification 16-1 Rocky Mountain Mine" dated February 29, 2016 prepared by Permits West, Inc. on behalf of CR Minerals Company, LLC. This document was received electronically by our office on February 29, 2016 and by hard copy on April 5, 2016.

These mining activities are located within the BLM Taos Resource Area; however solid mineral activities are currently being reviewed through the BLM Farmington Field Office (FFO) in coordination with the Taos Field Office.

We have reviewed this submission as modification to the existing 2011 Mining and Reclamation Plan permitted as a salable mineral operation for pumice under BLM Serial Number NMNM128585. We have reviewed the modification for consistency with the Mineral Materials Disposal regulations at 43 CFR 3600. Based on our review, we have the following comments and clarifications:

1. BLM has been in contact with CR Minerals discussing the use of overburden material as a new "pumicite" product. This new product will require a new and separate mineral materials contract with the BLM.
2. The use of overburden as a salable pumicite product will not change the disturbed area currently proposed and permitted for this operation, therefore, the current financial assurance for final reclamation being held by MMD is considered adequate.
3. The proposed modification does not change the final reclamation requirements. The operator has not requested a variance from reclamation treatments required under the current permit. This modification would affect the quantity of overburden material for use in backfilling and regrading the disturbed area. The change in final reclamation due to this modification would be a lower elevation of the final reclaimed surface.
4. This modification does not alter the mine life or mine sequence.
5. Barring any unforeseen issues or comments this modification does not include significant impacts outside of the previously approved 2011 Environmental Assessment and may not warrant new EA-level review to comply with NEPA. A Determination of NEPA Adequacy (DNA) is currently being considered by BLM for this modification.

Please contact me if you have any questions regarding these comments.

Thank you,
Tony

--

Anthony A. Gallegos
Mining Engineer

Bureau of Land Management
Farmington Field Office
6251 College Blvd., Suite A
Farmington, NM 87402

Phone: 505.564.7723
Fax: 505.564.7608

Email: agallegos@blm.gov

GOVERNOR
Susana Martinez



DIRECTOR AND SECRETARY
TO THE COMMISSION
Alexandra Sandoval

DEPUTY DIRECTOR
Donald L. Jaramillo

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way, Santa Fe, NM 87507
Post Office Box 25112, Santa Fe, NM 87504
Tel: (505) 476-8000 | Fax: (505) 476-8123
For information call: (888) 248-6866

www.wildlife.state.nm.us

STATE GAME COMMISSION

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ELIZABETH A. RYAN
Roswell

THOMAS "DICK" SALOPEK
Las Cruces

April 22, 2016

Davena Crosley
Mining and Minerals Division (MMD)
1220 South St. Francis Drive
Santa Fe, NM 87505

RE: Request for Comments on Updated Closeout Plan, Modification 16-1, Permit No. RA004RE, Rocky Mountain Mine, Rio Arriba County, New Mexico. NMDGF No. 17030

Dear Ms. Crosley:

In response to your letter dated 4 April 2016 regarding the above referenced project, the Department of Game and Fish (Department) does not anticipate significant impacts to wildlife or sensitive habitats, with implementation of the applicable mitigation or avoidance measures not to remove trees and large shrubs during the breeding bird season (March 1 – August 1). For your information, we have enclosed a list of sensitive, threatened and endangered species that occur in Rio Arriba County, New Mexico.

Included below are sources of additional information:

1. For Biota Information System of New Mexico (BISON-M) species accounts, searches, and county lists go to bison-m.org.
2. For the Department's Habitat Handbook Project guidelines go to <http://www.wildlife.state.nm.us/conservation/habitat-information/habitat-handbook/>.
3. For custom, site-specific database searches on plants and wildlife go to nhnm.unm.edu, then go to Data, Free On-Line Data, and follow the directions.
4. For state-listed plants contact the New Mexico State Forestry Division at (505) 476-3334 or nmrareplants.unm.edu/index.html.
5. For the most current listing of federally listed species **always** check the U.S. Fish and Wildlife Service's Information, Planning, and Conservation website at <http://ecos.fws.gov/ipac/>.

Thank you for the opportunity to review and comment on your project. If you have any questions, please contact: Ron Kellermueller, Mining and Energy Habitat Specialist at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,

Chuck L. Hayes, Assistant Chief
Ecological and Environmental Planning Division
cc: USFWS NMES Field Office



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, New Mexico 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov



RYAN FLYNN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

MEMORANDUM

DATE: May 6, 2016

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

FROM: Larry Shore, Mining Environmental Compliance Section (MECS)
Neal Schaeffer, Surface Water Quality Bureau
Neal Butt, Air Quality Bureau

THROUGH: Jeff Lewellin, Mining Act Team Leader, MECS

RE: **NMED Comments, CR Minerals Company, Rocky Mountain Mine, Updated Closeout Plan, MMD Permit No. RA004RE, Modification 16-1**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on April 4, 2016 requesting NMED review and provide comments on the above referenced MMD permitting action. The modification is a request to change the closeout plan. MMD requested comments within 30 days of receipt in accordance with Section 19.10.5.506.E NMAC. NMED has the following comments:

Background

The Rocky Mountain Mine (RMM) is a pumicite mine that is located in Sections 33 & 34, T21 N, R7E Rio Arriba County, New Mexico. The areal extent of the mine is approximately 349 acres. Historically, pumicite overburden has been stripped and placed in overburden stockpiles prior to the extraction of the pumice product. In this proposed modification, pumicite overburden will be stripped, loaded into haul trucks, and sold as aggregate rather than being stockpiled.

Air Quality Bureau

The Air Quality Bureau comments are attached under separate letterhead.

Surface Water Quality Bureau

The Surface Water Quality Bureau has no comments at this time.

Ground Water Quality Bureau

Personnel from MECS performed an assessment of the mine in April, 2011. Comments were provided to MMD in correspondence dated April 12, 2012 relative to the exploration phase of pumice mining in Sections 33 and 34. Outcrops of the volcanic pumice deposit were observed during the assessment. At that time, there was no visual evidence indicating that the deposit contained or was likely to contain minerals with the potential to generate water contaminants. One ground water well (RG-228348) located proximal to the permit area indicates ground water is present at a depth of approximately 790 feet below ground surface. Based on MECS review of the information contained in permit modification 16-1, the proposed modification to RA004RE is unlikely to result in any appreciable impacts to ground water quality beneath or downgradient from the mine site, provided that closure of the mine is completed as described in the permit application.

NMED Summary Comment

The activities described in the proposed modification should have no adverse impacts to the environment once completed.

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

cc: Trais Kliphuis, Division Director, NMED-WPD
James Hogan, Bureau Chief, SWQB
Richard Goodyear, Bureau Chief, AQB
Fernando Martinez, Division Director, EMNRD-MMD
Davena Crosley, Permit Lead, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

New Mexico
ENVIRONMENT DEPARTMENT

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505

Phone (505) 476-4300

Fax (505) 476-4375

www.env.nm.gov



Ryan Flynn
Cabinet Secretary

Butch Tongate
Deputy Secretary

MEMORANDUM

DATE: April 27, 2016

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

FROM: Neal Butt, Environmental Scientist & Specialist
Air Quality Bureau

RE: Request for Comments, CR Minerals Company, LLC, Rocky Mountain Mine,
Rio Arriba County, Updated Closeout Plan, Modification 16-1
MMD Permit No. RA004RE

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 has the following comments:

Air Quality Permitting History

The AQB issued a General Construction Permit (GCP-2-2307M2) for the associated quarrying / crushing / screening facility on March 5, 2012.

The AQB has previously commented on the Rocky Mountain Pumice Mine. On November 1, 2010, CR Minerals Company, LLC (CRM) applied for a permit modification to expand the existing mining operation by 6.1 acres, 4.4 acres of which were to be actively mined. The applicant proposed to divide area into four cells; and after finishing mining one cell, filling it and reclaiming it before starting the next cell. Mined pumice was not to be processed on the mining site. The AQB also commented on two separate requests for release of financial assurance for reclaimed sections of the mine; once on December 12, 2012 without objection, and again on September 15, 2014 without objection, for a second partial release of financial assurance and a modification of their permit, for reclamation activities.

Details

CRM is entering into a contract with the Bureau of Land Management (BLM), Taos Field Office (TFO) to extract and sell overburden aggregate consisting of pumicite from the Rocky Mountain Mine. CRM owns neither the surface, nor the minerals of the BLM-East and BLM-West tracts. The BLM TFO administers both the surface resources and the minerals of both tracts which comprise the majority of the mine. The majority of the project area is within Section 34, T 21 N., R 7 E., but also a portion of Lot 13, Section 33, T 21 N., R 7 E.

Historically, pumicite overburden has been stripped and placed in overburden stockpiles prior to the extraction of the pumice product. In this proposed modification, pumicite overburden would be stripped, loaded into haul trucks, and sold as aggregate rather than being stockpiled. The top 9 inches of soil would be scraped and discretely stockpiled separate from the remaining 6-8 feet of soil-stained or weathered overburden, then interim seeded. Approximately 30-35 feet of the unstained or virgin pumicite would then be stripped, loaded into haul trucks, and sold as aggregate prior to the extraction of the pumice product. The remaining 6-8 feet of subsoil and weathered overburden will continue to be segregated from the topsoil and will be placed in the previously designated overburden stockpiles for use in reclamation.

The removal and sale of the pumicite overburden as aggregate will reduce the post-mining surface elevations by approximately 30-35 feet. There will be no increase in the daily production rate of pumice or in the annual rates of reclamation at the Rocky Mountain Mine. Maximum land use will remain at ≈ 349 acres and there will be no change to mine's current footprint. Pumicite overburden will be mined from ≈ 231.5 acres in the BLM-East parcel. The remaining acreage is not believed to contain pumice, and would continue to be used for stockpiling topsoil, overburden, and marketable material prior to reclamation as outlined in CRM's existing closeout plan. Consistent with the closeout plan in the current Mine Permit RA004RE, reclamation will remain contemporaneous throughout all mine blocks. CRM does not anticipate changing any part of the closeout/reclamation schedule contained in the current permit; and therefore, does not anticipate making any changes to the financial assurance for the current closeout plan at this time.

The AQB has no objection to the current request for permit modification to extract and sell overburden aggregate consisting of pumicite from the Rocky Mountain Mine.

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. Current requirements which may be applicable in this mining project include, but are not limited to the following:

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.”

Subsection A of 20.2.72.200 NMAC, *Application For Construction, Modification, NSPS, And NESHAP - Permits And Revisions*, states that: “Permits must be obtained from the Department by:

(1) “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. . .”; and

(3) “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:

(1) “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

Fugitive dust is a common problem at mining sites. The AQB does not regulate fugitive dust; however, we do recommend controls to minimize emissions of particulate matter from fugitive dust sources. The following control strategies can be included in a comprehensive facility dust control plan (from EPA’s *Compilation of Air Pollutant Emission Factors*, AP-42):

Unpaved haul roads and traffic areas: paving of permanent and semi-permanent roads, application of surfactant, watering, and traffic controls, such as speed limits and traffic volume restrictions.

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.

The AQB or the US Environmental Protection Agency may implement requirements, regulations and standards for the control of fugitive dust sources in the future. 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) 476-4317.

Crosley, Davena, EMNRD

From: Roth, Daniela, EMNRD
Sent: Tuesday, April 19, 2016 3:12 PM
To: Crosley, Davena, EMNRD
Subject: RE: Rocky Mountain Mine Modification 16-1 application

Dear Davena Crosley:

Thank you for giving me the opportunity to review and comment on the Rocky Mountain Mine updated closeout plan, modification 16-1 (Permit RA004RE). The modification of the permit is not anticipated to change potential impacts from the mining operation on state listed endangered plants. However, there are two State listed endangered plant species known to occur in Rio Arriba County of New Mexico (Brack's hardwall cactus, *Sclerocactus cloverae* ssp. *brackii*, and Great Plains ladies tresses, *Spiranthes magnicamporum*). These plants were not addressed in the original 2010 plant survey report. I highly recommend analyzing the project area for potential habitat. If habitat is found suitable for these species, I highly recommend performing clearance surveys for these species at the appropriate time of year. In addition, 16 rare plant species are listed with a potential to occur in the mine area, 2 of which were found to have suitable habitat, but were not found during 2010 surveys (Taos milkvetch, *Astragalus puniceus* var. *gertrudis*, and Pagosa phlox, *Phlox caryophylla*). Surveys were done well out of season for finding these species and are therefore not valid. Out of season survey results should not be used to analyze potential impacts on rare plants.

Please let me know if I can be of further help.

Daniela Roth

BOTANY PROGRAM COORDINATOR
EMNRD-Forestry Division
1220 S. St. Francis Dr.
Santa Fe, NM 87505
(505)476-3347 (Phone)
(505)476-3330 (Fax)
<http://www.emnrd.state.nm.us/SFD/>

Crosley, Davena, EMNRD

From: cuddy, alan, OSE
Sent: Tuesday, April 05, 2016 1:09 PM
To: Crosley, Davena, EMNRD
Cc: Johnson, Mike S., OSE
Subject: Rocky Mountain Mine, Permit RA004RE, Modification 16-1

Davena,

On April 4, 2016, the Hydrology Bureau of the Office of the State Engineer received a *Request for Comments on Updated Closeout Plan, Modification 16-1, Permit RA004RE, Rocky Mountain Mine* submitted by CR Minerals Company, LLC. The project, located in Sections 33 and 34, T. 21N, R. 7E, seeks to mine and sell pumicite overburden, currently being stockpiled as part of the pumice mining operations, as aggregate. The removal and sale of the overburden will reduce post-mining surface elevations by 30 - 35 feet. No changes will be made to the overall land use.

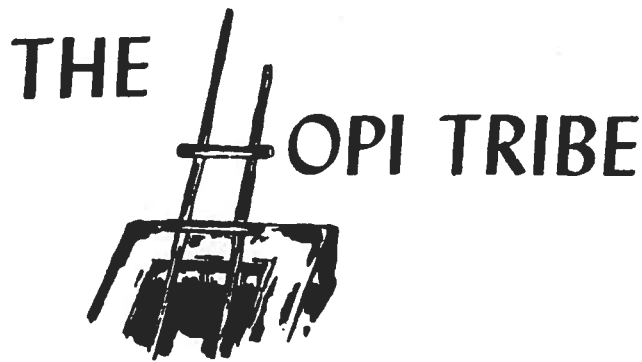
No water is used in the current mining operations, nor is any water use planned in the proposed modifications. The mining operations do not encounter any groundwater due to the depth to water near the operations.

Based on the absence of any mine dewatering or water use in the operations, the Hydrology Bureau does not identify any issues or concerns associated with this project.

If you have any further questions or comments, please contact me.

Alan

Alan S. Cuddy
Hydrology Bureau
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
Phone: (505) 476-7400
Fax: (505) 476-0220
alan.cuddy@state.nm.us



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APR 26 2016

MINING & MINERALS DIVISION

Herman G. Honanie
CHAIRMAN

Alfred Lomahquahu Jr.
VICE-CHAIRMAN

April 18, 2016

Fernando Martinez, Director, Mining and Minerals Division
Attention: Davena Crosley
New Mexico Energy, Minerals, and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Dear Mr. Martinez,

This letter is in response to your two correspondences dated April 4, 2016, regarding (1) an Application for Modification 16-1 for Rocky Mountain Mine near Espanola from CR Minerals Company LLC, Permit No. RA004RE, to change the close-out plan, and (2) an Application for Modification 16-1 for El Grande Mine near Tres Piedras from Discaperl Minerals Corporation, Permit No. TA002RE, to change the close-out plan and permit the disposal of perlite waste originating from the Dicaperl Socorro Mine at the El Grande Mine.

The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in New Mexico. The Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites that are habitations of our ancestors to be "footprints" and Hopi Traditional Cultural Properties. Therefore, we appreciate the New Mexico Energy, Minerals, and Natural Resources Department, Mining and Minerals Division (MMD)'s continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office is interested in consulting on any proposal in New Mexico with the potential to adversely affect prehistoric sites. In the enclosed letter dated February 24, 2015, regarding Application for Modification 14-1 for the El Grande Mine, Dicaperl Minerals Corps. Permit No. TA002RE, we stated we have previously conveyed our recommendation that the New Mexico Energy, Minerals, and Natural Resources Department require cultural resource surveys of the project areas it permits, so that it can determine if the undertakings it permits may adversely affect cultural resources significant to the State of New Mexico, the United States, and the Hopi Tribe.

Your correspondences state that you are offering to consult with us

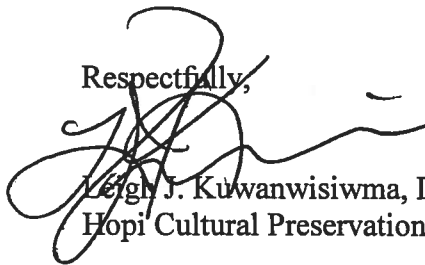
to identify traditional cultural or religious properties that you would like MMD to take into consideration before making a final determination on the close out plan... We would like to obtain more specific information on the location of these traditional properties. This information is important to us to evaluate potential impacts and work toward developing avoidance, or protection, options.

Hopi Traditional Cultural Properties include mountains such as the San Francisco Peaks and Mount Taylor, our ancestral archaeological sites, artifacts and human remains, and rockpiles that may be shrines, offering places, and trail markers. Therefore, when requested to identify traditional cultural or religious properties that we would like to taken into consideration during government-to government consultations, we routinely request a copy of the cultural resources survey of the area of potential effect. This more specific information on the location of historic properties is important to us to identify sites and potential impacts. Without cultural resources surveys or a traditional cultural properties survey we are unable to determine if proposals may affect cultural resources significant to the Hopi Tribe.

Therefore, in response to your request on how we would like to proceed with consultations, in cases where MMD is permitting mining operations on private land where MMD asserts cultural resources surveys are not required of proponents, we hereby will request field trips to the project areas, sponsored by MMD and the project proponents, to identify traditional cultural or religious properties that we would like MMD to take into consideration before making determinations.

Should you have any questions or need additional information, please contact Terry Morgart at tmorgart@hopi.nsn.us. Thank again you for your consideration.

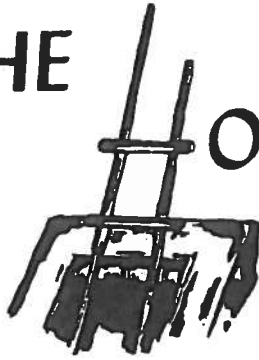
Respectfully,



Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

Enclosures: February 24, 2015 letter
xc: New Mexico State Historic Preservation Office

THE HOPI TRIBE



Herman G. Honanie
CHAIRMAN

Alfred Lomahquahu Jr.
VICE-CHAIRMAN

February 24, 2015

Fernando Martinez, Director, Mining and Minerals Division
Attention: David Ohori
New Mexico Energy, Minerals, and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

Re: Application for Modification 14-1, El Grande Mine, Taos County
Dicaperl Minerals Corps. Permit No. TA002RE

Dear Mr. Martinez,

This letter is in response to your correspondence dated February 10, 2015, regarding a submittal from Dicaperl Minerals Corps. to update the El Grande Mine closeout plan. The Hopi Tribe claims cultural affiliation to earlier identifiable cultural groups in New Mexico. The Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites that are habitations of our ancestors to be "footprints" and Hopi Traditional Cultural Properties. Therefore, we appreciate your continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office has stated that we are interested in consulting on any proposal in New Mexico with the potential to adversely affect prehistoric sites. We are not aware of any Hopi Traditional Cultural Properties in this project area. However, we have previously conveyed our recommendation that the New Mexico Energy, Minerals, and Natural Resources Department require cultural resource surveys of the project areas it permits, so that it can determine if the undertakings it permits may adversely affect cultural resources significant to the State of New Mexico, the United States, and the Hopi Tribe.

In addition, we recommend that if any cultural features or deposits are encountered during project activities, these activities must be discontinued in the immediate area of the remains, and the State Historic Preservation Office must be consulted to evaluate their nature and significance. If any Native American human remains or funerary objects are discovered during construction they shall be immediately reported as required by law.

Should you have any questions or need additional information, please contact Terry Morgart at tmorgart@hopi.nsn.us. Thank again you for your consideration.

Respectfully,

/s/

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: New Mexico State Historic Preservation Office

RECEIVED

MAY 04 2016

SANTA CLARA

POST OFFICE BOX 580
(505) 753-7330
(505) 753-5375 Fax



INDIAN PUEBLO

ESPANOLA, NEW MEXICO
87532
OFFICE OF GOVERNOR

May 3, 2016

Via e-mail (fernando.martinez@state.nm.us) and hand-delivery

Fernando Martinez
Director
Mining and Minerals Division
New Mexico Energy, Minerals, and Natural Resources Department
Wendell Chino Building, Third Floor
1220 South St. Francis Drive
Santa Fe, NM 87505

Re: *Application for Modification 16-1, Rocky Mountain Mine, CR Minerals Company, LLC,*
Permit No. RA004RE

Dear Director Martinez:

Thank you for your letter dated April 4, 2016 seeking Santa Clara Pueblo's input regarding CR Minerals Company, LLC's above-referenced application for permit modification 16-1 for the Rocky Mountain Mine ("permit modification application") and offering to consult with the Pueblo. Santa Clara Pueblo, through its Tribal Historic Preservation Office ("THPO"), would very much appreciate the opportunity to meet directly with you and your staff regarding the permit modification application since it addresses extracting and selling overburden aggregate consisting of pumicite from the Rocky Mountain Mine at a location (the BLM-East parcel) that is contiguous to Santa Clara Pueblo lands. In addition, we hope to open a dialogue about how best to ensure that Santa Clara Pueblo receives notice of all applications that may be of interest to us and to discuss how you, as the Director of the New Mexico Mining and Minerals Division, can exercise the discretion granted you under the regulations for the New Mexico Mining Act to include the Santa Clara Pueblo THPO whenever you are able to include "other agencies" for reviews in accordance with the New Mexico Mining Act. We have seen in the regulations a number of times when "other agencies" may be included at your discretion. Our THPO was recognized by the Department of Interior in October of 2014 and has assumed the responsibilities of the State Historic Preservation Officer for our own Tribal Lands in accordance with the National Historic Preservation Act so having such a dialogue with you is timely.

Mr. Martinez

May 3, 2016

Application for Modification 16-1, Rocky Mountain Mine, CR Minerals Company, LLC, Permit No. RA004RE

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Your April 4 letter indicates that CR Minerals is seeking a change in its closeout plan but we understood the permit modification application to be broader in scope (to include a change in operations, not just in closeout). It would be helpful when meeting with you and your staff to get a better sense from you as to what the scope of the application actually is, in your view, and what the scope of your ability is to make determinations related to the permit modification application.

Santa Clara Pueblo does have concerns regarding the effect the proposed change in operations could have on increasing dust emissions and other air pollutants from increased vehicle or equipment traffic in the additional hauling of the pumicite. The Pueblo also is concerned about the nature and extent to which the increased hauling operations could increase noise, and further impact the integrity of Santa Clara Pueblo cultural activities nearby.

We are not at liberty to share any exact locations of Traditional Cultural Properties very close to the mine but we are in the process of preparing a map to bring to a meeting with you which will generally indicate buffer zones where some essential areas of profound traditional, spiritual, and cultural importance are in relationship to the Pueblo's shared border with the mine. As you may know, Traditional Cultural Properties encompass far more than traditional archaeological sites to include ceremonial sites, natural features, ethno-botanical or artisan material gathering sites, and traditional subsistence features. Certain religious practitioners and other members of our Pueblo do have to access some areas close to the mine for ceremonial purposes at various times of the year, and we want to ensure that their experience can remain a holy one, undisturbed by large quantities of dust or the noise of heavy equipment.

We cannot always predict the exact time when pilgrimages must be made to certain areas although in general many more cultural activities occur during certain winter months. We are hopeful there may be a way to work with you and the mine to allow for operations to be temporarily curtailed during certain times of religious ceremonies if we are able to give sufficient notice. In most cases, we may be able to give notice of the need for the ceremony within a 24 hour time frame.

In addition, we would like to discuss how best to preserve the viewshed and how viewshed protection has been and can be integrated into concurrent reclamation activities. Our religious practitioners are already exposed to upsetting views of the mining disturbance when traveling near our mutual border with the mine. In addition, Santa Clara Pueblo's traditional aboriginal use areas include Chicoma Mountain, Clara Peak, and Cerro Roman, so the Pueblo cares deeply about the integrity of all of these places. The viewshed from these points is already profoundly disturbed by the mine activities but we need to all find a way to work together to heal the area as best we can.

Please contact Ben Chavarria, Tribal Historic Preservation Officer and Director, Santa Clara Pueblo Office of Rights Protection, via e-mail at bchavarria@santaclarapueblo.org or telephone (505-692-6285), to set up a time to continue this dialogue. We hope such a meeting can occur very soon so our views can be factored into your decision-making process on the permit modification application. Thank you again for your outreach to Santa Clara Pueblo.

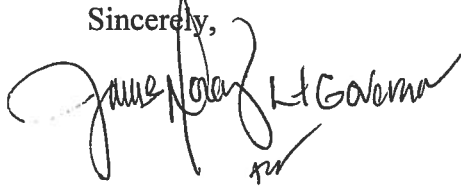
Mr. Martinez

May 3, 2016

Application for Modification 16-1, Rocky Mountain Mine, CR Minerals Company, LLC, Permit No. RA004RE

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Sincerely,

A handwritten signature in black ink, appearing to read "J. Michael Chavarria", with a stylized flourish at the end.

J. Michael Chavarria
Governor

cc via e-mail only:

Ben Chavarria, Director, Santa Clara Pueblo Office of Rights Protection and THPO

Dominic Gachupin, Director, Santa Clara Pueblo Office of Intergovernmental and Public
Affairs

Joseph Chavarria, Tribal Administrator

Jessica Aberly, Esq.

State of New Mexico
Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

David Martin
Cabinet Secretary

Tony Delfin
Deputy Cabinet Secretary

COPY

Fernando Martinez, Director
Mining and Minerals Division



July 7, 2016

Governor J. Michael Chavarria
Santa Clara Pueblo – Office of Governor
P.O. Box 580
Española, NM 87532

**RE: Application for Modification 16-1, Rocky Mountain Mine, CR Minerals Co., LLC,
Permit No. RA004RE, Rio Arriba County, New Mexico**

Dear Governor Chavarria:

Thank you for taking the time to meet with my staff and me on May 31, 2016, regarding the Rocky Mountain Mine Application for Modification 16-1. The New Mexico Mining and Minerals Division ("MMD") consults with all federally recognized tribes, pueblos and nations of New Mexico, pursuant to the State Tribal Collaboration Act, in order to consider the affects projects regulated by our Division may have on Native American remains, cultural items, cultural properties and the protection of sacred places. I am committed to maintaining an open government to government dialogue with the Santa Clara Pueblo ("Pueblo") regarding mining-related impacts in the vicinity of the Pueblo. This letter responds to your letter dated May 3, 2016, and to points of concern described by you and your staff during our May 31st consultation. After an extensive review of MMD's permit, the New Mexico Environment Department permits, and the Bureau of Land Management ("BLM") Environmental Assessment ("EA"), we would like to share the regulatory requirements currently in place for the Rocky Mountain Mine and discuss additional measures MMD can take to address the Pueblo's concerns.

The Pueblo expressed concern for visual impacts to view shed in the vicinity of the Pueblo. MMD recognizes that mining activities can negatively affect view shed and works to ensure that mine operators reclaim disturbed areas in a way that minimizes long term impacts to view shed. When possible, the Rocky Mountain Mine practices concurrent reclamation, as a condition of their permit, which limits the total amount of disturbance at any one time; over 45 acres of mine disturbance have been reclaimed (earth work and seeding) since 2011 at this mine. In addition to the MMD permit condition for concurrent reclamation, CR Minerals is required to comply with BLM conditions pertaining to Visual Resources in the EA which specify that *"Earthwork and contouring associated with reclamation would imitate the natural character and form of the landscape as much as possible (reducing slopes to no steeper than 3 horizontal to 1 vertical), while reseeding would further stabilize reclamation earthwork, control dust, reduce contrast, break up linear features, introduce texture, and provide additional structure."* These practices will reduce the amount of disturbance at any one time.

The potential for increased dust and other air pollutants as a result of increased mine activity and vehicle or equipment traffic on 31 Mile Road appeared to be one of the Pueblo's primary concerns. Modification

**Application for Modification 16-1, Rocky Mountain Mine, CR Minerals Co., LLC,
Permit No. RA004RE, Rio Arriba County, New Mexico**

16-1 would permit an increase in the amount of material being mined, which may increase fugitive dust and mine related traffic on 31 Mile road. To address this concern, MMD met with staff from the New Mexico Environment Department's ("NMED") Air Quality Bureau ("AQB") and Mining Environmental Compliance Section ("MECS"), on June 15, 2016. The Rocky Mountain Mine has a General Air Quality Permit, and is subject to New Mexico Administrative Code ("NMAC") 20.2.15 which addresses Air Quality for Pumice, Mica and Perlite Processing. NMED's AQB Permit places restrictions on the number of round trips mine haul trucks can make per day, visible fugitive particulate emissions, and prescribes fugitive dust abatement procedures. I have enclosed a copy of the NMED AQB Air Quality Permit GCP-2-2307M2 to assist you and your staff with understanding the limitations placed upon the mine in regard to controlling fugitive dust emissions. AQB reported that the nearest location on and existing monitoring station to the mine site was in Santa Fe. NMED expressed several times that if the Rocky Mountain Mine was out of compliance, if there was a complaint regarding air quality, or if the Pueblo has further questions, that you not hesitate to contact AQB at (505) 827-1494. The NMED Website at <http://www.nmenv.state.nm.us/AQB> may also provide information. MMD will review Best management Practices ("BMP") currently employed within the mine permit and will make recommendations to the permittee for improvements and additional BMPs toward further limiting fugitive dust sources. These BMP's will be included in Modification 16-1, to augment existing BMP's and requirements of permit RA004RE and the EA.

Heavy traffic and safety while traveling 31 Mile Road were raised as concerns. The Pueblo speculated that if mine production was to increase, there could be an increase in the amount of large truck traffic on 31 Mile road, and that CR Minerals may wish to increase the size of the road. To address your concerns with the mines use of the road, the mine's Air Quality Permit GCP-2-2307M2, requires the mine facility to only operate during daylight hours (those hours between astronomical sunrise and sunset). Therefore, all mining-related traffic utilizing this stretch of public road is limited in time of use. This road is not owned by the mine, but rather is a public access road owned and managed by a variety of private and public entities, including CR Minerals, Rio Arriba County, the U.S. Forest Service and the BLM. CR Minerals has not expressed the intention of increasing the size of this road. CR Minerals does maintain a portion of 31-Mile Road on an as-needed basis in order to ensure safe operating conditions for mine traffic.

Access to Traditional Cultural Properties ("TCP's") located near the mine site by members of the Pueblo for ceremonial purposes was addressed in your letter and during our consultation. Your letter indicated that a map would be provided indicate buffer zones located around areas of traditional, spiritual, and cultural importance to the Pueblo. Due to the sensitive nature of these TCP locations, your staff explained that such map would cover a very large area north of the Pueblo, as there truly are no boundaries available by which to delineate these TCP's from the standpoint of the Pueblo; therefore a map was not provided to MMD. The Pueblo requested that the mine temporarily suspend mining activities during Pueblo ceremonies and pilgrimages to TCPs near the mine site. The Pueblo also requested emergency access to 31 Mile road via the Rocky Mountain Mine. Unfortunately, MMD does not have jurisdiction to require CR Minerals to suspend operations, nor to provide access to the mine site. However, MMD has spoken with a representative of CR Minerals, and understands that Santa Clara Indian Pueblo met directly with CR Minerals to discuss these concerns. MMD encourages the Pueblo and CR Minerals to continue this dialogue, to better understand the needs of both parties, and to further a good neighbor relationship. MMD can include a condition to the Permit in Modification 16-1 regarding these issues, if an agreement can be reached between the Pueblo and CR Minerals.

Water resources and general water quality at and near the mine was a concern. It is MMD's understanding, from the discussion of May 3rd that the Pueblo is concerned with the mine's potential for reducing stormwater runoff from the watershed area above and within the mine onto to Pueblo lands. As

Application for Modification 16-1, Rocky Mountain Mine, CR Minerals Co., LLC,
Permit No. RA004RE, Rio Arriba County, New Mexico

stormwater travels through ephemeral arroyos and is either captured within BMP's that are employed by the mine to limit erosion, or by containment features within the permit boundaries of the mine. Rocky Mountain Mine's permit with MMD requires a 50 foot set back from arroyos, in which mining is not allowed. Furthermore, the EA states that *"There are only a few small ephemeral channels within the project area and most quickly drain offsite. Where possible, CRM would completely avoid direct use of drainage bottoms and channels for mining and stockpiling."* BMPs addressing runoff and erosion on reclaimed areas are included in the existing permit for Rocky Mountain Mine.

The question of water quality of mine affected stormwater leaving the mine site through natural ephemeral drainages was also raised. MMD consulted with NMED Surface and Ground Water Quality Bureaus on the proposed Modification 16-1 and received comments on May 6, 2016. MMD relies on review and comment from NMED to address surface and groundwater issues at mining sites. These comments provide the basis by which MMD conditions all mining permits to protect surface and groundwater. Based on NMED's comments there are no apparent threats to surface or groundwater quality relative to the mine, at this time.

Finally, questions regarding the lifespan of the mine and the reclamation schedule at the end of the mine life were brought up during the May 31st consultation. The final reclamation schedule at the mine is dependent upon the rate of mining, which is dependent upon economics; there is no reliable way to determine when final reclamation will occur at the Rocky Mountain Mine. However, the MMD permit requires concurrent reclamation throughout all mine blocks in the BLM East Area, meaning that at the end of the mine life a relatively small portion of the mine area will be left to reclaim. Following final reclamation of the mine, financial assurance for revegetation of the reclaimed mine will be maintained jointly by MMD and the BLM for at least 12 years in order to monitor and ensure that revegetation is successful. We understand that the Pueblo is interested in the quality of final mine reclamation, as the Pueblo wishes to reacquire the lands encompassing the mine site following release of the mine site from the New Mexico Mining Act. MMD looks forward to working closely with the Pueblo from this point forward regarding the Rocky Mountain reclamation plans as well as other permitting endeavors of interest to the Pueblo, and we strongly encourage the Pueblo to provide input on these matters.

As requested, please find attached MMD's permit, revision, and modifications, NMED's Air Quality Permit, and NMED Air Quality Pumice, Mica and Perlite Processing documents. A copy of the Pueblo's May 3, 2016 letter to MMD and a copy of this letter will be forwarded to CR Minerals to allow the operator to address the Pueblo's concerns directly.

MMD appreciates and encourages the Pueblo's input going forward. An open and direct dialogue between the Pueblo and MMD will enable us to better address concerns and questions. Please never hesitate to contact me directly at (505) 476-3435, or Davena Crosley of my staff at: (505) 476-3425 or via email at: davena.crosley@state.nm.us with any questions about MMD and the New Mexico Mining Act. Additional information regarding the New Mexico Mining Act Rules, is available on our website at: <http://www.NMMines.com>

Sincerely,



Fernando Martinez
Director
Mining and Minerals Division

**Application for Modification 16-1, Rocky Mountain Mine, CR Minerals Co., LLC,
Permit No. RA004RE, Rio Arriba County, New Mexico**

Enclosures: *MMD Permit RA004RE*
MMD Permit RA004RE-Revision 11-1
NMED AQB Air Quality Permit GCP-2-2307M2

Cc w/o enclosure: Ben Chavarria, Tribal Historic Preservation Officer & Director of Rights
Protection –Santa Clara Pueblo Rights Protection Office
(bchavarria@santaclarapueblo.org)
Holland Shepherd, Manager, Mining Act Reclamation Program (MARF)
(holland.shepherd@state.nm.us)
Mine File RA004RE

PERMIT NO. RA004RE
ROCKY MOUNTAIN MINE
EXISTING MINING OPERATION

MINING AND MINERALS DIVISION
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

Permit No. RA004RE is issued by the Director of the Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department to:

CR Minerals Company New Mexico LLC
PO Box 4305
Santa Fe, NM 87502

(Permittee) for the Rocky Mountain Mine, located in Rio Arriba County, New Mexico.

Section 1. **STATUTES AND REGULATIONS**

- A. This Permit is issued pursuant to the New Mexico Mining Act, NMSA 1978, §69-36-1, et seq. (1993).
- B. This permit is subject to all applicable requirements of the New Mexico Mining Act (Act), New Mexico Mining Act Rules, Subparts 1-14 (Rules), and any other regulations which are now or hereafter in force under the Act; and all such regulations are made a part of this Permit by this reference.

Section 2. **PERMIT APPLICATION PACKAGE**

The Permit Application Package (PAP) is comprised of the following Documents:

- A. *CR Minerals Company Rocky Mountain Mine Mining Permit Application and Close Out Plan*, dated June 1999, which includes the Site Assessment, Permit Application, and Closeout Plan;
- B. Site Plans with the following titles:
 - 1) *Rocky Mountain Mine General Location Map* (Figure 1);
 - 2) *Rocky Mountain Mine Existing Topography* (Map No. MPA-01), dated June 16, 1999;
 - 3) *Rocky Mountain Mine Post Mining Topography* (Map No. MPA-02), dated June 16, 1999;
 - 4) *Backfill Mat'l, Reveg Mon. Plan & Public Notice Components for Rocky Mountain Mine Permit Application*, dated October 3, 1997.

Section 3. **PERMIT AREA AND DESIGN LIMITS**

- A. The permit area encompasses a portion of Section 33, Township 21 North, Range 7 East, in Rio Arriba County, New Mexico (NMPM). The approved permit area is delineated in the PAP on the site plan titled *Rocky Mountain Mine General Location Map*.
- B. The approved design limits are delineated in the PAP on the site plan titled *Rocky Mountain Mine Existing Topography*. The following units are approved as existing units and are subject to the reclamation standard of §507.A.
 - 1) West Pit Area;
 - 2) Active Mining Area.
- C. The West Pit Area contains pits and overburden stockpiles which are inactive. The Active Mining Area contains a pit which is concurrently reclaimed.

Section 4. **FINDINGS OF FACT**

- A. The Permit Application and Closeout Plan are complete and contain all of the information required, as required by §503.F.1 and §506.J.1 of the Rules;
- B. The Permittee has provided written information stating the name and official business address of the Permittee and its agent for service of process, as required by §503.F.2 of the Rules;
- C. The Permittee has provided the required signature and certification, as required by §503.F.3 of the Rules.
- D. The Permittee is in compliance with Rule 2 regarding fees.
- E. Public notice for the Permit Application was given as required by Subpart 9 and §503.F.5 of the Rules. Public notice for the Closeout Plan was given as required by Subpart 9 and §506.J.1 of the Rules.
- F. The Permittee has provided satisfactory financial assurance to complete the Closeout Plan in the amount of \$289,810 as required by §506.J.2. The financial assurance instrument is a surety bond in a form acceptable to the Director.

- G. The approved Post-Mining Land Use (PMLU) for the entire permit area is livestock grazing. The Closeout Plan demonstrates that the work to be done will reclaim disturbed areas within the permit area to a condition that allows for the re-establishment of a self-sustaining ecosystem on the permit area following closure, appropriate for the life zone of the surrounding areas.
- H. The Naturally Reclaimed Areas noted on Map No. MPA-02, *Rocky Mountain Mine Post Mining Topography*, will be reclaimed by interseeding, if needed to achieve revegetation success. Interseeding will be performed by the broadcast method. The seed mix found in Table 6 of *"Vegetation, Wildlife, and Revegetation Components for Rocky Mountain Pumice Mine Permit Application"* (Exhibit 6 of Permit Application), will be applied.
- I. The West Pit Area listed in Section 3.B, excluding the Naturally Revegetated Areas, will be reclaimed by: 1) grading and contouring of the surface to be reclaimed; 2) placement of growth media; 3) seed bed preparation; and 4) seeding. Grading and contouring will provide a smooth, undulating surface consistent with the post mining contours, as shown on Map No. MPA-02, *"Rocky Mountain Mine Post Mining Topography."* Highwalls greater than 10 feet in height will be reduced in slope and recontoured. Overburden averaging one foot depth will be placed on the floors of mined-out pits that are not backfilled and on surfaces that have pumice as their predominant surface material. Seed beds will be ripped to a depth of 1-to-2 feet. Slopes of 4h:1v and steeper will be contour plowed. Seeding will be accomplished appropriately by any combination of the following techniques: drilling, broadcasting, and hydroseeding. The seed mix found in Table 6 of *"Vegetation, Wildlife, and Revegetation Components for Rocky Mountain Pumice Mine Permit Application"* (Exhibit 6 of Permit Application), will be applied.
- J. The Active Mining Area listed in Section 3.B will be reclaimed by: 1) backfilling of mined areas with overburden from un-mined areas; 2) grading and contouring of the surface to be reclaimed; 3) placement of growth media; 4) seed bed preparation; and 5) seeding. Mined-out pits will be backfilled with overburden during mine operations; however, the last pit remaining at closure is not required to be backfilled. Grading and contouring will provide a smooth, undulating surface consistent with the post mining contours, as shown on Map No. MPA-02, *"Rocky Mountain Mine Post Mining Topography."* Highwalls greater than 10 feet in height, including the last pit remaining at mine closure, will be reduced in slope and recontoured. Overburden averaging one foot depth will be placed on the floors of mine-out pits that are not backfilled and on surfaces that have pumice as their predominant surface material. Seed beds will be ripped to a depth of 1-to-2 feet. Slopes of 4h:1v and steeper will be contour plowed. Seeding will be accomplished appropriately by any combination of the following techniques: drilling, broadcasting, and hydroseeding. The seed mix found in Table

6 of "*Vegetation, Wildlife, and Revegetation Components for Rocky Mountain Pumice Mine Permit Application*" (Exhibit 6 of Permit Application), will be applied.

- K. The Active Mining Area and West Pit Area listed in Section 3.B, including the Naturally Revegetated Areas, will be reclaimed to meet the final revegetation success standard or, if not yet approved by MMD, the interim revegetation success standard of the Closeout Plan.
- L. Post-reclamation contours, as shown on Map No. MPA-02, "Rocky Mountain Mine Post Mining Topography," are conceptual in design and will vary depending on material quantity, quality, depth, and demand for the product. Slopes shown are approximately 3h:1v, excepting Naturally Revegetated Areas, where maximum slopes are angle-of-repose. Upon completion of reclamation the property will contain several small service roads to allow access through and around the property.
- M. Final erosion control measures will be field-fit to the actual reclaimed topography and will be designed, constructed, and maintained to recognized professional standards (e.g., U.S. Natural Resources Conservation Service). There may be one or more permanent impoundments in the post mining topography. All impoundments will have two sampling events (one spring and one fall) conducted at some time after commencement of reclamation and prior to release of financial assurance.
- N. The Secretary of Environment has provided a written determination stating that the Permittee has demonstrated that the activities to be permitted or authorized will be expected to achieve compliance with all applicable air, water quality, and other environmental standards enforced by the New Mexico Environment Department, if carried out as described in the Closeout Plan, as required by §506.J.5.
- O. The Permittee has submitted a notarized statement signed by the Permittee that he agrees to comply with the performance and reclamation standards and requirements of the permit, Subpart 5, and the Act and allows the Director to enter the permit area without delay for the purpose of conducting inspections during mining and reclamation, as required by §503.F.6 and §506.J.6.

Section 5.

COMPLIANCE REQUIREMENTS

The Permittee shall comply with the statutes and regulations in Section 1 and with the applicable regulatory and permitting requirements. The issuance of this permit does not relieve the Permittee from the responsibility of complying with other state and federal requirements and standards.

Section 6. **AGENCY RIGHT OF ENTRY**

The Permittee shall allow the authorized representatives of the Director without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

- A. enter as provided for in §503.F.6, and §1101.E.1 of the Rules; and
- B. be accompanied by one or more citizens for the purpose of conducting an inspection in accordance with §1210.B of the Rules when the inspection is in response to a complete financial assurance release application.

Section 7. **PERMIT COVERAGE**

This permit shall be binding on any person or persons conducting mining or reclamation operations under this Permit.

Section 8. **COMPLIANCE WITH THE PERMIT**

The Permittee shall comply with the approved PAP, any and all conditions that are incorporated into the PAP, and any revisions or modifications approved by the Director.

Section 9. **CONDITIONS**

This permit is subject to the following conditions:

- A. The Permittee may be subject to enforcement action according to Subpart 11 of the Rules for failing to conduct reclamation and closeout operations as described in the Closeout Plan or for failing to submit any of the following:
 - 1) annual reports as required by §509;
 - 2) annual fees as required by §202.
- B. The Permittee shall submit an application for permit revision for standby status pursuant to §505 and Subpart 7 if: 1) cessation of mining operations exceeds 180 days after approval of the Closeout Plan and 2) the Permittee desires to suspend reclamation pursuant to the Closeout Plan.

- C. If the Permittee conducts exploration within the permit area, the following criteria must be met, unless otherwise provided in the Closeout Plan. First, all roads and drill sites will be constructed to the minimum size to safely access and conduct exploration activities. Second, all areas affected by exploration activities, including roads and drill sites, will be seeded and water bars and other sediment control structures will be constructed to control sediment loss until areas are established with stabilizing vegetation. The Permittee shall identify any areas of new disturbance due to exploration activities in each annual report submitted to MMD. If the Permittee conducts exploration within the permit area which exceeds 5 acres, financial assurance shall be provided for exploration associated disturbances.
- D. MMD approval of the final revegetation success standard is contingent upon MMD approval of a reference area.
- E. Highwalls greater than 10 feet in height will be reduced to a slope of 3h:1v or flatter.
- F. The Naturally Revegetated Areas will be reclaimed by: 1) grading and contouring of the surface to be reclaimed; 2) seed bed preparation; and 3) augmented seeding, if reclamation specified in Section 4.H does not result in compliance with the final revegetation success standard or, if not yet approved by MMD, the interim revegetation success standard. The Permittee shall provide an annual status report on the Naturally Revegetated Areas to MMD with the annual report due every April 30th.
- G. The Permittee shall prevent the crest of pit slopes from exceeding approved design limits through highwall failures by implementing pit wall monitoring, geotechnical evaluation, slope reduction, erosion control measures, or other preventive measures. The Permittee shall notify MMD if crests of pit slopes exceed design limits through highwall failures, which may create new disturbances not included in approved design limits and may change affected areas. The Permittee shall provide an annual summary of all actions taken to control pit highwall failure to MMD with the annual report due every April 30th.
- H. The Permittee shall prevent material from waste dumps from exceeding approved design limits through surface water runoff to adjacent land by implementing berms, sediment ponds, or other erosion control measures. The Permittee shall notify MMD if waste material exceeds design limits through surface water runoff to adjacent land, which may create new disturbances not included in approved design limits and may change affected areas.
- I. The Permittee shall evaluate the adequacy of the financial assurance approved as a part of the permit every two years, beginning April 30, 2001. This evaluation to MMD shall be provided with the annual report due every April 30th.

- J. The Permittee shall notify MMD 30 days prior to performing reclamation activities upon closure of the mine.


Section 10. **CONCLUSIONS OF LAW**

- A. The Director has jurisdiction over the Permittee and the subject matter of this proceeding.
- B. The PAP is complete, accurate and complies with the requirements of the Act and §502, §503, §506, and §507.A of the Rules.
- C. The Permittee, CR Minerals Company New Mexico LLC, is permitted to conduct mining and reclamation operations at the Rocky Mountain Mine in Rio Arriba County, New Mexico, upon the condition that the Permittee complies with the requirements of the Order, the Act, the Permit Conditions and requirements imposed by this permit.

CERTIFICATION

I certify that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals responsible for obtaining the information, I believe the submitted information is true, accurate, and complete.

I certify that I have read, understand and will comply with the requirements of this Permit. I also agree to comply with the performance standards and requirements of this permit, the Rules, and the Act, and allow the Director to enter the Rocky Mountain Mine permit area without delay for the purpose of conducting inspections.


Authorized Representative of the Permittee

PLANT MANAGER
Title

CR Minerals Company New Mexico LLC

Subscribed and sworn to before me this 29 day of September, 1999


Notary Public

My Commission Expires

March 14, 2002

ORDER


NOW THEREFORE, IT IS HEREBY ORDERED that the Permit Application of CR Minerals Company New Mexico LLC to conduct mining, closeout, and reclamation operations at the Rocky Mountain Mine in Rio Arriba County, New Mexico is approved. The Permit may not be transferred without approval by the Director. The Permit is subject to all conditions set out in the Director's Findings of Fact, Conditions, Conclusions of Law, and Order.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

Mining and Minerals Division

The State of New Mexico

BY:



Douglas M. Bland, Director
Mining and Minerals Division
Energy, Minerals and Natural
Resources Department

DATED:

9/29/99

**PERMIT MODIFICATION 08-1 TO PERMIT NO. RA004RE
ROCKY MOUNTAIN MINE
EXISTING MINING OPERATION**

**MINING AND MINERALS DIVISION
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

Permit Modification 08-1 to Permit No. RA004RE is issued by the Director of the Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department to:

whose correct address is: CR Minerals Company, LLC
P.O. Box 708
San Juan Pueblo, NM 87566

(Permittee) for Rocky Mountain Mine, located in Rio Arriba County, New Mexico.

This permit modification incorporates changes to the reclamation requirements for the Naturally Revegetated Areas at the Rocky Mountain Mine. In addition, this permit modification increases the amount of financial assurance to \$355,342.00, in the form an Irrevocable Standby Letter of Credit. This permit modification changes the requirements of Condition 9.I, changing the frequency of evaluating the adequacy of the financial assurance approved as a part of the Permit to every five years, beginning April 30, 2013. Finally, this permit modification approves the location of the vegetation reference area for the reclamation of the Rocky Mountain Mine. The following sections of Permit No. RA004RE are added or modified to read as follows:

Section 2. PERMIT APPLICATION PACKAGE

A. The Permit Modification Package (PMP) is comprised of the following documents:

- 1) Letter titled, "*Reclamation Cost Estimate, Rocky Mountain Mine, Permit No. RA004RE*", dated July 14, 2008, submitted by Souder, Miller & Associates on behalf of CR Minerals Company, LLC
- 2) Letter titled, "*Request for Permit Modification, Rocky Mountain Mine Permit No. RA004RE*", dated July 16, 2008, submitted by Souder, Miller & Associates on behalf of CR Minerals Company, LLC.
- 3) Letter titled, "*Workplan for Vegetation Monitoring, Naturally Revegetated Areas, Rocky Mountain Mine, Permit No. RA004RE*", dated July 16, 2008, submitted by Souder, Miller & Associates on behalf of CR Minerals Company, LLC.
- 4) Letter titled, "*AMENDED Request for Permit Modification, Rocky Mountain Mine, Permit No. RA004RE*", dated September 12, 2008, submitted by Souder, Miller & Associates on behalf of CR Minerals Company, LLC.

- 5) Letter titled, "*Financial Assurance for the Rocky Mountain Mine, Permit No. RA004RE*", dated November 11, 2008.
- 6) Irrevocable Standby Letter of Credit No. NTS650105, dated November 6, 2009.
- 7) Letter titled, "*Financial Assurance Assessment Modification*", dated April 8, 2010.
- 8) Electronic mail correspondence dated August 6, 2010, with Map titled, "*Survey Plat Showing Disturbed Area of 2009 Pumice Mine – CR Minerals Co., Section 33, T. 21, R. 7 E., N.M.P.M. Rio Arriba County,*" showing the location of the vegetation reference area for the approved closeout plan.

Section 4. **FINDINGS OF FACT**

- H. The Naturally Reclaimed Areas noted on Map MPA-02, *Rocky Mountain Mine Post Mining Topography*, will be reclaimed in a manner consistent with the West Pit Area.
- I. The West Pit Area listed in Section 3.B, *including* the Naturally Revegetated Areas, will be reclaimed by: 1) grading and contouring of the surface to be reclaimed; 2) placement of growth media; 3) seed bed preparation; and 4) seeding. Grading and contouring will provide a smooth, undulating surface consistent with the post mining contours, as shown on Map No. MPA-02, "*Rocky Mountain Mine Post Mining Topography.*" Highwalls greater than 10 feet in height will be reduced in slope and recontoured. Overburden averaging one-foot depth will be placed on the floors of mined-out pits that are not backfilled and on surfaces that have pumice as their predominant surface material. Seed beds will be ripped to a depth of 1 to 2 feet. Slopes of 4h:1v, and steeper, will be contour-plowed. Seeding will be accomplished appropriately by any combination of the following techniques: drilling, broadcasting, and hydroseeding. The seed mix found in Table 6 of "*Vegetation, Wildlife, and Revegetation Components for Rocky Mountain Pumice Mine Permit Application*" (Exhibit 6 of Permit Application), will be applied.
- L. Post-reclamation contours, as shown on Map No. MPA-02, "*Rocky Mountain Mine Post Mining Topography,*" are conceptual in design and will vary depending on material quantity, quality, depth, and demand for the product. Slopes shown are approximately 3h:1v, *including* the Naturally Revegetated Areas. Upon completion of reclamation the property will contain several small service roads to allow access through and around the property.
- P. The \$500.00 modification application fee, pursuant to Subsection H of 19.10.2.201 NMAC, was paid on June 11, 2008.
- Q. Pursuant to Section 19.5.505.B (1), the Director has determined that the proposed modification will not have a significant environmental impact.

- R. Pursuant to Section 19.5.505.B (3) NMAC, the Director has consulted with the appropriate agencies in approving this modification.
- S. The Permittee has provided satisfactory financial assurance to complete the Closeout Plan in the amount of \$355,342.00, pursuant to Section 506.J.2 NMAC. The financial assurance instrument is an Irrevocable Standby Letter of Credit, No. NO-NTS650105, dated November 6, 2009, in a form acceptable to the Director.

Section 9. **GENERAL OBLIGATIONS AND CONDITIONS**

- F. The Naturally Revegetated Areas shall be reclaimed by: 1) grading and contouring of the surface to be reclaimed; 2) placement of growth media; 3) seed bed preparation; and 4) seeding. Grading and contouring shall provide a smooth, undulating surface consistent with the post mining contours, as shown on Map No. MPA-02, "*Rocky Mountain Mine Post Mining Topography*." Highwalls greater than 10 feet in height shall be reduced in slope and recontoured. Overburden averaging one-foot depth shall be placed on the floors of mined-out pits that are not backfilled and on surfaces that have pumice as their predominant surface material. Seed beds shall be ripped to a depth of 1 to 2 feet. Slopes of 4h:1v and steeper shall be contour-plowed. Seeding shall be accomplished appropriately by any combination of the following techniques: drilling, broadcasting, and hydroseeding. The seed mix found in Table 6 of "*Vegetation, Wildlife, and Revegetation Components for Rocky Mountain Pumice Mine Permit Application*" (Exhibit 6 of Permit Application), shall be applied.
- I. The Permittee shall evaluate the adequacy of the financial assurance approved as a part of the permit every five years, beginning April 30, 2013. This evaluation to MMD shall be provided with the annual report due on April 30, every five years, beginning in 2013.

All other provisions, modifications, and revisions for mining and reclamation contained in the Rocky Mountain Mine Permit No. RA004RE, remain unchanged.

Section 10. **CONCLUSIONS OF LAW**

- A. The Director has jurisdiction over the Permittee and the subject matter of this proceeding.
- B. The PMP is complete, accurate, and complies with the requirements of the Act and § 19.10.5.502 and § 19.10.5.503 of Rules and with the conditions described in this Permit Modification document.
- C. The PMP is complete, accurate, and complies with the requirements for Closeout Plans in the Act and § 19.10.5.505, § 19.10.5.506, and § 19.10.5.507.A NMAC. The Permittee,

Permit Modification 08-1
To Permit No. RA004RE
Page 4 of 6

CR Minerals Company, LLC, is permitted, pursuant to the New Mexico Mining Act, to conduct mining and reclamation operations at the Rocky Mountain Mine in Rio Arriba County, New Mexico, upon the condition that the Permittee complies with the requirements of the Order, the Act, the Permit Conditions and requirements imposed by this Decision.

CERTIFICATION

I certify that I have read, understand and will comply with the requirements of this Permit Modification.

[Signature]
Authorized Representative of the Permittee

PRESIDENT
Title

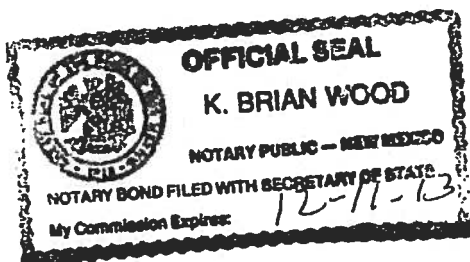
CR Hydraulic Co, LLC
Company

Subscribed and sworn to before me this 17th day of August, 2010

[Signature]
Notary Public

My Commission Expires

Dec. 11, 20 13



ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that Permit Modification 08-1 of Permit RA004RE, incorporating changes to Conditions 9.F, Condition 9.I, changes to the financial assurance amount, and approving the location of the vegetation reference area for the Rocky Mountain Mine in Rio Arriba County, New Mexico, is approved. The Permit may not be transferred without approval by the Director. The Permit is subject to all conditions set out in the Director's Findings of Fact, General Obligations and Conditions, Conclusions of Law, and Order.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

Mining and Minerals Division

By: Bill Brancard
Bill Brancard, Director
Mining and Minerals Division
Energy, Minerals and Natural Resources Department

DATED: August 18, 2010

**PERMIT MODIFICATION 10-1 TO PERMIT NO. RA004RE
ROCKY MOUNTAIN MINE
EXISTING MINING OPERATION**

**MINING AND MINERALS DIVISION
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

Permit Modification 10-1 to Permit No. RA004RE is issued by the Director of the Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department to:

CR Minerals Company, LLC
whose correct address is: P.O. Box 708
Ohkay Owingeh, NM 87566

(Permittee) for Rocky Mountain Mine, located in Rio Arriba County, New Mexico.

This permit modification incorporates a New Unit expansion of the mining area design limit at the Rocky Mountain Mine. The following sections of Permit No. RA004RE are added or modified to read as follows.

The following section is added to Permit No. RA004RE:

Section 2a. PERMIT MODIFICATION PACKAGE

A. The Permit Modification Package (PMP) is comprised of the following documents:

- 1) *CR Minerals Company, Rocky Mountain Mine, Mining Permit Application and Close Out Plan*, dated June 1999.
- 2) *Request for Permit Modification, Rocky Mountain Mine*, Permit No. RA004RE, dated June 3, 2010.
- 3) *New Unit Modification Application – NW Resource, Rocky Mountain Mine*, Permit No. RA004RE, dated September 16, 2010.
- 4) *Revised Letter of Credit Cost Estimate, New Unit Modification – NW Resource, Rocky Mountain Mine*, dated December 16, 2010.

Section 3. PERMIT AREA AND DESIGN LIMITS

The following subparagraphs are added to this section of Permit No. RA00RE:

- A. The approved design limits of the existing units are delineated in Figure MPA-01, Rocky Mountain Mine Existing Topography, of the *CR Minerals Company Rocky Mountain Mine Permit Application and Close Out Plan*, dated June 1999. The unit shown in Figure 1, Overview of mining stages of New Unit area, New Unit Modification Application – Northwest Resource Area, Rocky Mountain Mine, and identified as the “Northwest Resource Area,” will cover approximately 6.1 disturbed acres, is approved as a new unit and is subject to the reclamation standard of 19.10.5.507.A NMAC.

Existing Units

- 1) West Pit Area; and
- 2) Active Mining Area.

New Unit

- 1) Northwest Resource Area.

Section 4. **FINDINGS OF FACT**

The following subparagraphs are added to this section of Permit No. RA00RE:

- T. The Permittee has filed an application for modifying the Permit, including the Closeout Plan, as required by 19.10.5.505 NMAC.
- U. The Director has determined that the proposed Permit modification meets the requirements of 19.10.5 NMAC as required by 19.10.5.505.A NMAC.
- V. The Permittee has submitted the permit modification fee of \$1,000.00 as required by 19.10.2.201.H NMAC and 19.10.5.503.F(4) NMAC.
- W. Pursuant to 19.5.505.B (1), the Director has determined that the proposed modification will not have a significant environmental impact.
- X. The Director has consulted with the applicable state and federal agencies as required by 19.5.505.B.3 NMAC.
- Y. The Permittee has provided satisfactory financial assurance to complete the Closeout Plan, including the New Unit, in the amount of \$355,342.00, as required by 19.10.5.506.J.2 NMAC. The financial assurance instrument is an Irrevocable Standby Letter of Credit, No. NO-NTS650105, dated November 6, 2009, in a form acceptable to the Director.

- Z. The approved Post-Mining Land Use (PMLU) for the Permit expansion area is *livestock grazing*. The Closeout Plan, subject to conditions in this Permit Modification, demonstrates that the work to be done will reclaim disturbed areas within the Permit area to a condition that allows for the re-establishment of a self-sustaining ecosystem on the Permit area, following closure, appropriate for the life zone of the surrounding areas as required by 19.10.5.507.A NMAC.
- AA. Pursuant to 19.10.5.506.J(5) NMAC, the Secretary of the Environment provided a written determination on November 2, 2010, stating that the Permit applicant has demonstrated that the activities to be permitted or authorized will be expected to achieve compliance with all applicable air, water quality, and other environmental standards if carried out as described in the New Unit Modification Application.

Section 7. **PERMIT COVERAGE**

The following subparagraph is added to this section of Permit No. RA00RE:

Permit No. RA004RE, as modified and/or revised, shall be binding on any person or persons conducting mining and reclamation operations under this Permit.

Section 9. **GENERAL OBLIGATIONS AND CONDITIONS**

The conditions outlined in this section are required for the Permittee to meet the requirements of the New Mexico Mining Act ("Act") Rules ("Rules").

The following subparagraphs are added to this section of Permit No. RA00RE:

This Permit is subject to the following conditions:

G. NORTHWEST RESOURCE AREA

The following conditions apply to the Northwest (NW) Resource Area identified in Figure 1, Overview of mining stages of New Unit area, New Unit Modification Application – Northwest Resource Area, Rocky Mountain Mine, dated September 16, 2010. The conditions for the NW Resource Area are required to mitigate the disturbances within the New Unit area and provide for stabilization of the New Unit area that will minimize future impact to the environment and protect air and water resources in accordance with 19.10.7.R(1) NMAC. The conditions are required to operate the New Unit area in compliance with the standards and requirements for New Units as required by 19.10.5.508 NMAC. The conditions are also required to reclaim the New Unit area to a condition that

allows for re-establishment of a self-sustaining ecosystem as required by 19.10.5.507.A NMAC.

1. The NW Resource Area shall be reclaimed by: a) grading and contouring of the surface to be reclaimed; b) placement of growth media; c) seed bed preparation; and d) seeding and mulching. Grading and contouring shall provide slopes no steeper than 3 Horizontal: 1 Vertical (3H:1V) and a smooth, undulating surface consistent with the post mining contours shown on Map No. MPA-2, Rocky Mountain Mine Post Mining Topography of the *CR Minerals Company Rocky Mountain Mine Permit Application and Close Out Plan*, dated June 1999. Highwalls greater than 10 feet in height shall be reduced in slope and contoured. Overburden averaging one-foot in depth shall be placed on the floors of the mined-out pit that are not backfilled and on surfaces that have pumice as their predominant surface material. Seed beds shall be ripped to a depth of one to two feet. Slopes of 4H:1V and steeper shall be contoured plowed. Seeding shall be accomplished by drill seeding. After seeding, straw or native grass, weed free mulch shall be applied at a rate of two tons per acre and stabilized by crimping. The seed mix found in Table 6 of "Vegetation, Wildlife, and Revegetation Components for Rocky Mountain Pumice Mine Permit Application" of the of the *CR Minerals Company Rocky Mountain Mine Permit Application and Close Out Plan*, shall be applied.
 2. The success of the revegetation of the NW Resource Area shall be in accordance with the final revegetation success standard established in Section 5.2.6 of *CR Minerals Company, Rocky Mountain Mine, Mining Permit Application and Close Out Plan*, dated June 1999.
 3. Clearing of vegetation, such as trees from the NW Resource Area, shall be completed prior to March, 1, 2011, or after August 31, 2011, in order to avoid disturbing the general migratory bird breeding season.
- H. The Permittee shall submit to MMD for approval, within 30 days of approval of Permit Modification 10-1, an updated Map No. MPA-01, showing the existing mine topography redrawn to show the Active Mining Area, the West Pit Area, and the NW Resource Area as being within the Mining Area Limits.
- I. The Permittee shall submit to MMD for approval within 30 days of approval of Permit Modification 10-1, an updated Map No. MPA-02, showing the post mining topography redrawn to show the Active Mining Area, the West Pit Area, and the NW Resource Area as being within the Mining Area Limits.

All other provisions, modifications, and revisions for mining and reclamation contained in the Rocky Mountain Mine Permit No. RA004RE, remain unchanged.

CERTIFICATION

I certify that I have read, understand and will comply with the requirements of this Permit Modification.

Joe L. Grier
Authorized Representative of the Permittee

OPERATIONS MANAGER
Title

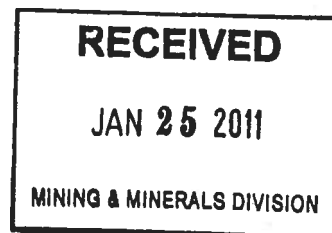
CR MINERALS COMPANY, LLC
Company

Subscribed and sworn to before me this 24 day of January, 2011

Valerie Pofoga
Notary Public

My Commission Expires

10 4, 2012




ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that Permit Modification 10-1 of Permit RA004RE, incorporating a New Unit expansion of the mining area design limit at the Rocky Mountain Mine in Rio Arriba County, New Mexico, is approved. The Permit may not be transferred without approval by the Director. The Permit is subject to all conditions set out in the Director's Findings of Fact, General Obligations and Conditions, Conclusions of Law, and Order.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

Mining and Minerals Division

By:



Charles Thomas, P.E., Acting Director
Mining and Minerals Division
Energy, Minerals and Natural Resources Department

DATED: JANUARY 24, 2011

**PERMIT MODIFICATION 11-2 TO PERMIT NO. RA004RE
ROCKY MOUNTAIN MINE
EXISTING MINING OPERATION**

**MINING AND MINERALS DIVISION
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

Permit Modification 11-2 to Permit No. RA004RE is issued by the Director of the Mining and Minerals Division ("MMD") of the New Mexico Energy, Minerals and Natural Resources Department to:

CR Minerals Company, LLC
P.O. Box 708
Ohkay Owingeh, NM 87566

whose correct address is:

("Permittee") for Rocky Mountain Mine, located in Rio Arriba County, New Mexico.

This permit modification releases a partial amount of the financial assurance required for the reclamation of the Rocky Mountain Mine pursuant to the approved closeout plan. The amount of the financial assurance released is \$42,810. This amount represents the cost of earthwork consisting of re-grading 18.5 acres of overburden stockpiles located in the southwestern portion of the permit area at the Rocky Mountain Mine, and re-vegetation of 17.5 acres of the re-graded areas.

The following sections of Permit No. RA004RE are added or modified to read as follows:

Section 2a. **PERMIT APPLICATION PACKAGE**

- A. The Permit Modification Package ("PMP") is comprised of the following documents:
- 1) *Rocky Mountain Mine Financial Assurance Reduction Request for Modification of Permit No. RA004RE*, dated December 30, 2011.
 - 2) *Amendment to Irrevocable Standby Letter of Credit, No. NTS650105*, dated March 9, 2012.

Section 4. **FINDINGS OF FACT**

The following subparagraphs are added to this section of Permit No. RA00RE:

- A. The Permittee has filed an application for release of financial assurance, pursuant to 19.10.12.1210.A NMAC.
- B. The Permittee submitted the permit modification fee of \$1,000.00 on December 29, 2011 as required by 19.10.2.201.H NMAC.

- C. The Permittee has requested a reduction of the amount of financial assurance for the state of New Mexico or its contractor to reclaim or complete the closeout plan, pursuant to 19.10.12.1206.C NMAC.
- D. The Permittee has described the reclamation and closeout measures completed, and the modification application contains an estimate of the cost of reclamation that has not been completed, pursuant to 19.10.12.1210.A.2 NMAC.
- E. The Director has provided notice of the application to other government agencies, pursuant to 19.10.12.1210.A.4 NMAC.
- F. The Permittee has provided proof that the public notice of application has been provided in accordance with 19.10.9.902 and 19.10.9.903 NMAC.
- G. The Director conducted an inspection of the site on February 16, 2012, in accordance with 19.10.12.1210 NMAC.
- H. Pursuant to 19.5.505.B.1 NMAC, the Director has determined that the proposed modification will not have a significant environmental impact.
- I. The Director has consulted with the applicable state and federal agencies as required by 19.5.505.B.3 NMAC.
- J. The Permittee has adequate financial assurance in place for the remainder of the reclamation work to be completed, pursuant to 19.10.5.506.J.2 NMAC. The amount of the financial assurance being released is \$42,810.00, for the cost of earthwork consisting of re-grading 18.5 acres of overburden stockpiles located in the southwestern portion of the permit area at the Rocky Mountain Mine, and re-vegetation of 17.5 acres of the re-graded areas. The total amount of financial assurance for the closeout plan was \$355,342.00 prior to approval of this permit modification. The total amount of financial assurance for the closeout plan at the Rocky Mountain Mine after approval of this permit modification is \$312,532.00. The financial assurance instrument is an Irrevocable Standby Letter of Credit, No. NTS650105, as amended, dated March 9, 2012, and is in a form acceptable to the Director.

Section 9. GENERAL OBLIGATIONS AND CONDITIONS

The conditions outlined in this section are required for the Permittee to meet the requirements of the New Mexico Mining Act ("Act") Rules ("Rules").

The following subparagraphs are added to this section of Permit No. RA00RE:

This Permit is subject to the following conditions:

A. FINANCIAL ASSURANCE

- 1) The Permittee has provided financial assurance in the amount of \$312, 532.00, in the form of an Irrevocable Standby Letter of Credit, No. NTS650105, as amended, dated March 9, 2012.

All other provisions, modifications, and revisions for mining and reclamation contained in the Rocky Mountain Mine Permit No. RA004RE, remain unchanged.

CERTIFICATION

I certify that I have read, understand and will comply with the requirements of this Permit Modification.

Joe L. Guigo
Authorized Representative of the Permittee

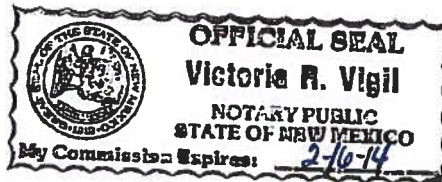
Operations Manager
Title

CR Minerals Co. LLC
Company

Subscribed and sworn to before me this 20th day of March, 2013
Victoria R. Vigil
Notary Public

My Commission Expires

Feb. 16, 2014

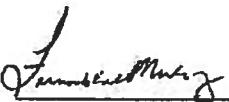


ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that Permit Modification 11-2 of Permit RA004RE, releasing a partial amount of the financial assurance the Rocky Mountain Mine in Rio Arriba County, New Mexico, is approved. The Permit may not be transferred without approval by the Director. The Permit is subject to all conditions set out in the Director's Findings of Fact, General Obligations and Conditions, Conclusions of Law, and Order.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

Mining and Minerals Division

By: 

Fernando Martinez, Director
Mining and Minerals Division
Energy, Minerals and Natural Resources Department

DATED: 3/21/2012

**PERMIT MODIFICATION 12-1 TO PERMIT NO. RA004RE
ROCKY MOUNTAIN MINE
EXISTING MINING OPERATION**

**MINING AND MINERALS DIVISION
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

Permit Modification 12-1 to Permit No. RA004RE is issued by the Director of the Mining and Minerals Division ("MMD") of the New Mexico Energy, Minerals and Natural Resources Department to:

CR Minerals Company, LLC
P.O. Box 708
Ohkay Owingeh, NM 87566

whose correct address is:

("Permittee") for Rocky Mountain Mine, located in Rio Arriba County, New Mexico.

This permit modification releases a partial amount of the financial assurance required for the reclamation of the Rocky Mountain Mine pursuant to the approved closeout plan. The amount of the financial assurance released is \$37,838.00. This amount represents the cost of earthwork consisting of re-grading 17.95 acres of overburden stockpiles located in the West Pit area of the permit area at the Rocky Mountain Mine.

The following sections of Permit No. RA004RE are added to read as follows:

Section 2 (12-1). **PERMIT APPLICATION PACKAGE**

A. The Permit Modification Package ("PMP") is comprised of the following documents:

- 1) *Rocky Mountain Mine Financial Assurance Reduction Request for Modification of Permit No. RA004RE*, dated October 10, 2012.
- 2) *Amendment to Irrevocable Standby Letter of Credit, No. NTS650105*, dated January 28, 2013.

Section 4 (12-1). **FINDINGS OF FACT**

The following subparagraphs are added to this section of Permit No. RA00RE:

- A. The Permittee has filed an application for release of financial assurance, pursuant to 19.10.12.1210.A NMAC.

- B. The Permittee submitted the permit modification fee of \$1,000.00 on October 10, 2012 as required by 19.10.2.201.H NMAC.
- C. The Permittee has requested a reduction of the amount of financial assurance for the state of New Mexico or its contractor to reclaim or complete the closeout plan, pursuant to 19.10.12.1206.C NMAC.
- D. The Permittee has described the reclamation and closeout measures completed, and the modification application contains an estimate of the cost of reclamation that has not been completed, pursuant to 19.10.12.1210.A.2 NMAC.
- E. The Director has provided notice of the application to other government agencies, pursuant to 19.10.12.1210.A.4 NMAC.
- F. The Permittee has provided proof that the public notice of application has been provided in accordance with 19.10.9.902 and 19.10.9.903 NMAC.
- G. The Director conducted an inspection of the site on December 7, 2012, in accordance with 19.10.12.1210 NMAC.
- H. Pursuant to 19.5.505.B.1 NMAC, the Director has determined that the proposed modification will not have a significant environmental impact.
- I. The Director has consulted with the applicable state and federal agencies as required by 19.5.505.B.3 NMAC.
- J. The Permittee has adequate financial assurance in place for the remainder of the reclamation work to be completed, pursuant to 19.10.5.506.J.2 NMAC. The amount of the financial assurance being released is \$37,838.00, for the cost of earthwork consisting of re-grading 17.95 acres of overburden stockpiles and open pit located in the West Pit area of the permit area at the Rocky Mountain Mine. The total amount of financial assurance for the closeout plan was \$312,532.00 prior to approval of this permit modification. The total amount of financial assurance for the closeout plan at the Rocky Mountain Mine after approval of this permit modification is \$274,694.00. The financial assurance instrument is an Irrevocable Standby Letter of Credit, No. NTS650105, as amended, dated January 28, 2013, and is in a form acceptable to the Director.

Section 9 (12-1).

GENERAL OBLIGATIONS AND CONDITIONS

The conditions outlined in this section are required for the Permittee to meet the requirements of the New Mexico Mining Act ("Act") Rules ("Rules").

The following subparagraphs are added to this section of Permit No. RA00RE:

This Permit is subject to the following conditions:

A. MONITORING AND MAINTENANCE

- 1) The Permittee shall visibly inspect reclaimed lands and mine areas that have been regraded and covered, but not yet seeded, for signs of excessive erosion and shall mitigate erosion features to prevent further degradation of the site.

B. REVEGETATION PLAN

- 1) The Permittee shall seed and mulch all regraded and covered areas within one year of regrading and covering areas undergoing reclamation at the mine.

All other provisions, modifications, and revisions for mining and reclamation contained in the Rocky Mountain Mine Permit No. RA004RE, remain unchanged.

CERTIFICATION

I certify that I have read, understand and will comply with the requirements of this Permit Modification.

Joe Grigo
Authorized Representative of the Permittee

Operation Manager
Title

CR Minerals CO. LLC
Company

Subscribed and sworn to before me this 7 day of February, 2013

Dalene Riffe
Notary Public

My Commission Expires


10-6, 2016

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that Permit Modification 12-1 of Permit RA004RE, releasing a partial amount of the financial assurance the Rocky Mountain Mine in Rio Arriba County, New Mexico, is approved. The Permit may not be transferred without approval by the Director. The Permit is subject to all conditions set out in the Director's Findings of Fact, General Obligations and Conditions, Conclusions of Law, and Order.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

Mining and Minerals Division

By: 

Fernando Martinez, Director
Mining and Minerals Division
Energy, Minerals and Natural Resources Department

DATED: 2/22/2013

**PERMIT MODIFICATION 14-1 TO PERMIT NO. RA004RE
ROCKY MOUNTAIN MINE
EXISTING MINING OPERATION**

**MINING AND MINERALS DIVISION
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

Permit Modification 14-1 to Permit No. RA004RE is issued by the Director of the Mining and Minerals Division ("MMD") of the New Mexico Energy, Minerals and Natural Resources Department to:

CR Minerals Company, LLC
P.O. Box 708
Ohkay Owingeh, NM 87566

whose correct address is:

("Permittee") for Rocky Mountain Mine, located in Rio Arriba County, New Mexico.

This permit modification releases a partial amount of the financial assurance required for the reclamation of the Rocky Mountain Mine pursuant to the approved closeout plan. The amount of the financial assurance released is \$23,764.00. This amount represents the cost of earthwork consisting of re-grading 10.76 acres of overburden stockpiles and for revegetation seeding of 28.19 acres located in the western portion of the permit area at the Rocky Mountain Mine.

The following sections of Permit No. RA004RE are added to read as follows:

Section 2 (14-1). **PERMIT APPLICATION PACKAGE**

A. The Permit Modification Package ("PMP") is comprised of the following documents:

- 1) *Rocky Mountain Mine FA Reduction Request for Modification of Permit No. RA004RE, dated August 4, 2014.*
- 2) *Rocky Mountain Mine, Permit No. RA004RE, CR Minerals Response to Nov. 5, 2014 MMD Comments on the Application for Permit Modification 14-1, dated December 2, 2014.*
- 3) *Amendment to Irrevocable Standby Letter of Credit, No. NTS650105, dated January 20, 2015.*

Section 4 (14-1). **FINDINGS OF FACT**

The following subparagraphs are added to this section of Permit No. RA00RE:

- A. The Permittee has filed an application for release of financial assurance, pursuant to 19.10.12.1210.A NMAC.
- B. The Permittee submitted the permit modification fee of \$1,000.00 on August 4, 2014 as required by 19.10.2.201.H NMAC.
- C. The Permittee has requested a reduction of the amount of financial assurance for the state of New Mexico or its contractor to reclaim or complete the closeout plan, pursuant to 19.10.12.1206.C NMAC.
- D. The Permittee has described the reclamation and closeout measures completed, and the modification application contains an estimate of the cost of reclamation that has not been completed, pursuant to 19.10.12.1210.A.2 NMAC.
- E. The Director has provided notice of the application to other government agencies, pursuant to 19.10.12.1210.A.4 NMAC.
- F. The Permittee has provided proof that the public notice of application has been provided in accordance with 19.10.9.902 and 19.10.9.903 NMAC.
- G. The Director conducted inspections of the site on October 9, 2014 and October 14, 2014, in accordance with 19.10.12.1210 NMAC.
- H. Pursuant to 19.5.505.B.1 NMAC, the Director has determined that the proposed modification will not have a significant environmental impact.
- I. The Director has consulted with the applicable state and federal agencies as required by 19.5.505.B.3 NMAC.
- J. The Permittee has adequate financial assurance in place for the remainder of the reclamation work to be completed, pursuant to 19.10.5.506.J.2 NMAC. The amount of the financial assurance being released is \$23,764.00, for the cost of earthwork consisting of re-grading 10.76 acres of overburden stockpiles and revegetation seeding of 28.19 reclaimed acres located in the western portion of the permit area at the Rocky Mountain Mine. The total amount of financial assurance for the closeout plan was \$274,694.00 prior to approval of this permit modification. The total amount of financial assurance for the closeout plan at the Rocky Mountain Mine after approval of this permit modification is \$250,930.00. The financial assurance instrument is an Irrevocable Standby Letter of Credit, No. NTS650105, as amended on January 20, 2015, and is in a form acceptable to the Director.

Section 9 (14-1).

GENERAL OBLIGATIONS AND CONDITIONS

The conditions outlined in this section are required for the Permittee to meet the requirements of the New Mexico Mining Act ("Act") Rules ("Rules").

The following subparagraphs are added to this section of Permit No. RA00RE:

This Permit is subject to the following conditions:

A. FINANCIAL ASSURANCE

- 1) The Permittee has provided financial assurance in the amount of \$250,930.00, in the form of an Irrevocable Standby Letter of Credit, No. NTS650105, as amended, dated January 20, 2015.

B. REVEGETATION MONITORING AND MAINTENANCE

- 1) The Permittee shall inspect reclaimed mine lands between May and August to assess the progress of the revegetation. The Permittee shall report the results of the revegetation inspections to MMD by December 31st of each year. The Permittee shall mitigate reclaimed areas where vegetation is absent or sparse by inter-seeding or reseeded these areas, or by other corrective actions approved by MMD.

C. EROSION MONITORING

- 1) The Permittee shall visibly inspect reclaimed lands and mine areas that have been regraded and covered, but not yet seeded, for signs of excessive erosion and shall mitigate erosion features to prevent further degradation of the site.

All other provisions, modifications, and revisions for mining and reclamation contained in the Rocky Mountain Mine Permit No. RA004RE, remain unchanged.

CERTIFICATION

I certify that I have read, understand and will comply with the requirements of this Permit Modification.

Joe Griego
Authorized Representative of the Permittee

OPS. MANAGER
Title

CR MINERALS CO LLC
Company

Subscribed and sworn to before me this 9th day of February, 2015

Francisco A. Ortega
Notary Public

My Commission Expires

August 28, 2018



OFFICIAL SEAL
Francisco A. Ortega
NOTARY PUBLIC - STATE OF NEW MEXICO

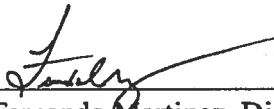
My Commission Expires: 08/28/2018

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that Permit Modification 14-1 of Permit RA004RE, releasing a partial amount of the financial assurance the Rocky Mountain Mine in Rio Arriba County, New Mexico, is approved. The Permit may not be transferred without approval by the Director. The Permit is subject to all conditions set out in the Director's Findings of Fact, General Obligations and Conditions, Conclusions of Law, and Order.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

Mining and Minerals Division

By: 
Fernando Martinez, Director
Mining and Minerals Division
Energy, Minerals and Natural Resources Department

DATED: 2/10/2015

**PERMIT REVISION 11-1 TO PERMIT NO. RA004RE
ROCKY MOUNTAIN MINE
EXISTING MINING OPERATION**

**MINING AND MINERALS DIVISION
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT**

Permit Revision 11-1 to Permit No. RA004RE is issued by the Director of the Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department to:

CR Minerals Company, LLC ("CR Minerals")

Whose correct address is: P.O. Box 708
Ohkay Owingeh, NM 87566

("Permittee") for the Rocky Mountain Mine located in Rio Arriba County, New Mexico.

- A. This Permit Revision incorporates the Closeout Plan and New Unit Standards for the New Unit Expansion at the Rocky Mountain Mine into Permit No. RA004RE. The Permittee will disturb up to an additional 42 acres total cumulative acreage in the Rocky Mountain Mine New Unit – BLM East Permit Area. This area includes Mining Blocks E1 and E2. The Permittee is authorized to conduct mining and reclamation operations in additional areas within the Rocky Mountain Mine New Unit – BLM East Permit Area. The Permittee shall provide acceptable financial assurance pursuant to 19.10.12 NMAC prior to disturbing additional areas in the BLM East Permit Area, and/or shall obtain MMD approval of financial assurance release for Mining Blocks E1 and E2, or portions thereof, pursuant to 19.10.12.1210 NMAC. The Permittee shall conduct mining and reclamation operations only as described in the 2011 PRP and any other modifications and revisions approved by the Director.

The following sections of Permit No. RA004RE are added or revised to read as follows:

Section 1(11-1). PERMIT APPLICATION PACKAGE

- A. The 2011 Permit Revision Package ("2011 PRP") is comprised of the following documents:
1. *Permit RA004RE New Unit Modification, Rocky Mountain Mine – BLM East*, dated September 21, 2011, submitted by CR Minerals Company, LLC.
 2. *Proof of Public Involvement Pursuant to 19.10.9.903 NMAC for New Unit Revision to Permit No. RA004RE*, dated October 4, 2011, submitted by CR Minerals Company, LLC.

3. *Proof of Public Involvement Pursuant to 19.10.9.903(I) NMAC for New Unit Revision to Permit No. RA004RE*, dated October 24, 2011, submitted by CR Minerals Company, LLC.
4. *Letter of Credit Estimate for New Unit Revision*, dated November 8, 2011, submitted by CR Minerals Company, LLC.
5. *Newly Calculated Letter of Credit Estimate*, dated January 19, 2012, submitted by CR Minerals Company, LLC.
6. *Response to New Mexico Mining and Minerals Division (MMD) Furnished Comment; Response to Comments from Other Agencies; and Revised Reclamation Cost Estimate*, dated February 27, 2012, submitted by CR Minerals Company, LLC.
7. *Irrevocable Standby Letter of Credit Number IS0011842, for \$97,354, issued by Wells Fargo Bank, N.A.*, dated May 10, 2012, submitted by CR Minerals Company, LLC.
8. *Amendment to Irrevocable Standby Letter of Credit IS0011842, issued by Wells Fargo Bank, N.A.*, dated June 29, 2012, submitted by CR Minerals Company, LLC.

Section 2(11-1).

PERMIT AREA AND DESIGN LIMITS

- A. The Rocky Mountain Mine New Unit – BLM East Permit Area, covering 349 acres, encompasses a portion of Sections 33 and 34, T21N, R7E. The following maps from the September 21, 2011 New Unit Modification (revision) application for the Rocky Mountain Mine New Unit – BLM East revises the permit boundary designated in Section 3 of Permit No. RA004RE approved on September 29, 1999:
 1. Figure 2. BLM-East Mining Phases, Blocks, Stockpiles, and Overburden Movement Directions;
 2. Figure 4. Map of Project Area, Active Mine, and Vegetation Reference Area.
- B. The approved design limits are identified in the September 21, 2011 New Unit Modification (revision) application for the Rocky Mountain Mine New Unit – BLM East. The units identified as Mining Blocks E1 through E18 will cover 232 disturbed acres: and the remainder of the BLM East Design limits, including the Overburden Piles, Pumice Stockpiles, and Soil Stockpiles covering an additional approximately 117 acres are shown in Figure 2. BLM-East Mining Phases, Blocks, Stockpiles, and Overburden Movement Directions, is approved as a new unit named the Rocky Mountain Mine New Unit – BLM East, and is subject to the reclamation standard of 19.10.5.507.A NMAC and the New Unit requirements of 19.10.5.508 of the Rules.

Section 3 (11-1).

FINDINGS OF FACT

- A. The 2011 PRP is complete and contains all of the information required, with the conditions outlined in this revision document, as required by 19.10.5.503.F.1 and 19.10.5.506.J.1-6 NMAC.
- B. The Permittee submitted the permit revision fee of \$5,000 on August 29, 2011 as required by 19.10.2.201.J NMAC.
- C. The Permittee has provided written information stating the name and official business address of the applicant and its agent for service of process, as required by 19.10.5.503.F.2 NMAC.
- D. The Permittee has provided the required signature and certification, as required by 19.10.5.503.F.3 NMAC.
- E. The Permittee is in compliance with 19.10.2 NMAC regarding fees.
- F. The 2011 PRP has been determined to be administratively complete, as required by 19.10.5.506.D NMAC.
- G. The Director has consulted with other government agencies, pursuant to 19.10.5.505.B(3)
- H. The 2011 PRP has been determined to be approvable, as required by 19.10.5.506.G NMAC.
- I. The Permittee has provided proof that the public notice for the 2011 PRP was provided and an opportunity for a public hearing was provided Pursuant to 19.10.9, 19.10.5.503.F.5, and 19.10.5.506.J.1 NMAC. A public hearing pursuant to 19.10.9.904 NMAC was not requested and MMD did not hold a public hearing absent of a request for a public hearing.
- J. The Permittee has provided adequate financial assurance to complete the Closeout Plan for Mining Blocks E1 and E2 (approximately 42 acres) in the amount of \$97,354.00 as required by 19.10.5.506.J.2 NMAC. The financial assurance instrument is an Irrevocable Standby Letter of Credit issued by the Wells Fargo Bank, N.A. and is in a form acceptable to the Director.
- K. The approved Post-Mining Land Use ("PMLU") for the Permit expansion area is livestock grazing. The 2011 PRP, subject to conditions in this Permit Revision, demonstrates that the work to be done will reclaim disturbed areas within the permit area to a condition that allows for the re-establishment of a self-sustaining ecosystem on the permit area following closure, appropriate for the life zone of the surrounding areas.
- L. Pursuant to 19.10.5.506.J(5) NMAC, The Secretary of the Environment Department provided

a written determination on December 9, 2011, stating that the Permittee has demonstrated that the activities to be permitted or authorized will be expected to achieve compliance with all applicable air, water quality, and other environmental standards if carried out as described in the Closeout Plan.

Section 8 (11-1).

COMPLIANCE WITH THE PERMIT AND OTHER PERMITS

This permit revision incorporates the language and obligations of Permit No. RA004RE.

Section 9 (11-1).

GENERAL OBLIGATIONS AND CONDITIONS

The conditions outlined in this section are required for the Permittee to meet the requirements of the New Mexico Mining Act Rules.

This Permit is subject to the following conditions:

- A. The Permittee is authorized to disturb no more than 42 acres total cumulative acreage in the Rocky Mountain Mine New Unit – BLM East Permit Area. This area includes Mining Blocks E1 and E2 and stockpiling areas on BLM and CR Minerals land. The Permittee may conduct mining and reclamation operations in additional areas within the Rocky Mountain Mine New Unit – BLM East Permit Area only after obtaining a release of financial assurance for reclamation performed in Mining Blocks E1 and E2 in accordance with 19.10.12.1210 NMAC, and/or after obtaining MMD approval of additional financial assurance in accordance with 19.10.12 NMAC.
- B. The Permittee shall conduct mining and reclamation operations only as described in the 2011 PRP and any other modifications and revisions approved by the Director, pursuant to 19.10.5.505 NMAC. The Permittee shall comply with any and all conditions that are incorporated into the Permit.
- C. A minimum setback of 50 feet, from any watercourse within the area will be required. (Watercourse means any channel having definable beds and banks capable of conducting generally confined runoff from adjacent lands. During floods water may leave the confining beds and banks but under normal flows water is confined within the channel. A watercourse may be perennial, intermittent, or ephemeral).
- D. The Permittee shall implement erosion control measures or Best Management Practices ("BMP's") that are designed, constructed and maintained using professionally recognized standards (e.g., Natural Resource Conservation Service standards) for surface disturbances during mining and reclamation activities as needed for erosion control, spill prevention and the avoidance or damage to ephemeral stream channels in the area. Placement of water bar structures or other appropriate measures should be taken to reduce head-cutting adjacent to roads and to prevent roadways from channelizing surface flow.

- E. No storage of fuels or chemicals shall take place within any drainage areas that are in the permit area. Appropriate spill clean-up materials, such as absorbent pads, must be available on-site at all times during road construction, site preparations, and mining activities, to address potential spills.
- F. No excavation or filling shall take place within an ephemeral watercourse until the required permits or consultations are obtained from the U.S. Army Corps of Engineers.
- G. Haul road drainage control structures shall be used, as necessary to, control runoff and to minimize erosion, sedimentation and flooding. Drainage facilities shall be installed as road construction progresses and shall be capable of handling a 10-year, 24-hour precipitation event unless site-specific characteristics indicate a different standard is appropriate. The surfaces of haul roads shall be reclaimed by ripping to a minimum depth of 24 inches. Culverts, if used, shall be removed on all haul roads where practicable. The ripped road surfaces shall be graded for stormwater control. Revegetation of haul roads shall be performed in accordance with Condition 9.I of Permit Revision 11-1.
- H. The Permittee shall report all reportable spills immediately to the New Mexico Environment Department as required by the New Mexico Water Quality Control Commission regulations 20.6.2.1203 NMAC. For non-emergencies during normal business hours, call 505-428-2500. For non-emergencies after hours, call 866-428-6535 or 505-428-6535 (voicemail, 24 hrs. /day). For emergencies only, call 505-827-9329, 24 hours/day to contact the New Mexico Department of Public Safety.
- I. The Rocky Mountain Mine New Unit – BLM East Permit Area shall be reclaimed by:
 - 1) grading and contouring of the surface to be reclaimed; and
 - 2) placement of growth media; and
 - 3) seed bed preparation; and
 - 4) seeding and mulching.

Grading and contouring shall provide slopes no steeper than 3 Horizontal: 1 Vertical (3H:1V) and a smooth, undulating surface consistent with the post mining contours shown on Figure 7, Approximate Post Mining Topography at the Rocky Mountain Mine, Figure 8, Cross-Sections A, B, and C (from Figure 7), and Figure 8, Cross-Sections D, E and F (from Figure 7) of the 2011 PRP. Highwalls greater than 10 feet in height shall be reduced in slope and contoured. Overburden and/or topsoil averaging one-foot in depth shall be placed on the floors of the mined-out pit that are not backfilled and on surfaces that have pumice as their predominant surface material. Seed beds shall be ripped to a depth of one to two feet. Slopes of 4H:1V and steeper shall be contoured plowed. Seeding shall be accomplished by drill seeding, broadcast and harrow, or hydroseeding. After drill seeding, straw or native

grass, weed free mulch shall be applied at a rate of two tons per acre and stabilized by crimping. If broadcast and harrow seeding, or hydroseeding is utilized, a tackifier shall be applied to hold seed in place. Seeding rates for broadcast and harrow, or hydroseeding, shall be approved by MMD prior to seeding. The reclamation seed mix found in Table 6 of "Vegetation, Wildlife, and Revegetation Components for Rocky Mountain Pumice Mine Permit Application" of the of the *CR Minerals Company Rocky Mountain Mine Permit Application and Close Out Plan*, dated June 1999 shall be supplemented to include at least two additional shrub species. The Permittee shall within 30 days of approval of Permit Revision 11-1, submit to MMD an updated reclamation seed mix including the additional shrub species.

- J. Following the reclamation including revegetation, monitoring shall be conducted by the Permittee to assure successful establishment of vegetation and stabilization of the site. The success of the revegetation of the Rocky Mountain Mine New Unit – BLM East Permit Area shall be evaluated in accordance with the Revegetation Monitoring Plan in the *CR Minerals Company, Rocky Mountain Mine, Mining Permit Application and Close Out Plan*, dated June 1999. The Permittee shall notify MMD at least two weeks prior to any monitoring conducted pursuant to this permit to allow MMD an opportunity to accompany personnel of the Permittee.
- K. The Permittee shall monitor the reclaimed areas for noxious weeds in accordance with a monitoring plan approved by the U.S. Bureau of Land Management ("BLM") Environmental Assessment dated December 2011. If noxious weeds are observed in Rocky Mountain Mine New Unit – BLM East Permit Area, an eradication plan shall be submitted to MMD and implemented within 30-days after MMD approval.
- L. The Permittee shall take measures during mining and at closeout at the Rocky Mountain Mine New Unit – BLM East Permit Area, to minimize adverse impacts to wildlife, based on site-specific characteristics, by taking the following measures:
 - 1) for the protection of migratory birds, vegetation removal shall be timed to take place outside the general bird nesting season (April 1 through August 31) ; and
 - 2) a minimum 50-foot buffer zone of native vegetation shall be maintained between ephemeral drainages and new mining surface disturbance.
- M. If buried cultural material is discovered during mining activities, all work shall immediately cease within the area of discovery, the remains should be protected in place, and the New Mexico Department of Cultural Affairs, Historic Preservation Division shall be immediately notified.
- N. All lands to be disturbed will be addressed under the performance and reclamation standards and requirements of 19.10.5.507 NMAC and in accordance with the

reclamation plan provided in the 2011 PRP and the *CR Minerals Company, Rocky Mountain Mine, Mining Permit Application and Close Out Plan*, dated June 1999.

- O. The Permittee shall notify MMD at least 30 days prior to initiating any reclamation approved pursuant to this permit.
- P. Any changes, modifications or amendments to the approved permit must be approved by MMD prior to implementation.
- Q. The following conditions are required to ensure that adequate financial assurance is provided for the site, pursuant to 19.10.5.506.J.2, 19.10.12.1202.B, 19.10.12.1204.A, 19.10.12.1206.A, and 19.10.12.1210 NMAC:

The Permittee may apply for and obtain release of financial assurance in accordance with 19.10.12.1210 NMAC.

- 1) The Director may require the Permittee to evaluate the adequacy of the financial assurance approved as a part of the Permit. If upon review of the evaluation, MMD determines that a change to the financial assurance amount or form is required, the Permittee shall submit to MMD a request to revise the Permit. The Permittee may request a change to the financial assurance in accordance with §19.10.12 NMAC.
 - 2) The Permittee has provided financial assurance in the amount of \$97,354.00, using an Irrevocable Standby Letter of Credit, dated May 10, 2012, as amended June 29, 2012, issued by the Wells Fargo Bank, N.A. to MMD and the BLM as beneficiaries.
- R. Pursuant to 19.10.5.509.C NMAC, during the term of the permit issued pursuant to 19.10 NMAC, the Permittee must maintain environmental permits required for the Rocky Mountain Mine New Unit – BLM East Permit Area. Revocation or termination of such a permit or the forfeiture of financial assurance related to the Rocky Mountain Mine New Unit – BLM East Permit Area by another governmental agency is adequate grounds for the Director to issue a cessation order pursuant to 19.10.11 NMAC.

All other provisions, modifications, and revisions for mining and reclamation contained in the Rocky Mountain Mine Permit No. RA004RE, remain unchanged.

Section 10 (11-1).

CONCLUSIONS OF LAW

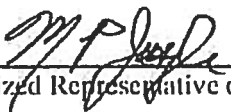
- A. The Director has jurisdiction over the Permittee and the subject matter of this proceeding.
- B. The 2011 PRP is complete, accurate, and complies with the requirements of the Act and 19.10.5.502 and 19.10.5.503 NMAC with conditions described in this Permit Revision document.

- C. The 2011 PRP is complete, accurate, and complies with the requirements for Closeout Plans in the Act and 19.10.5.505, 19.10.5.506, and 19.10.5.507.A NMAC. The Permittee, CR Minerals, is permitted, pursuant to the New Mexico Mining Act, to conduct mining and reclamation operations at the Rocky Mountain Mine, Rio Arriba County, New Mexico, upon the condition that the Permittee complies with the requirements of the Order, the Act, the Rules, the Permit Conditions, and requirements imposed by this permit.

CERTIFICATION

I certify that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals responsible for obtaining the information, I believe the submitted information is true, accurate, and complete.

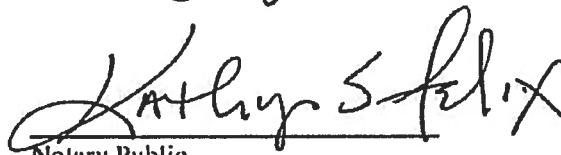
I certify that I have read, understand and will comply with the requirements of this Permit Revision. I also agree to comply with the performance and reclamation standards and requirements of the permit, the Rules, and the Act, and allow the Director to enter the Permit area without delay for the purpose of conducting inspections.


Authorized Representative of the Permittee

PRESIDENT
Title

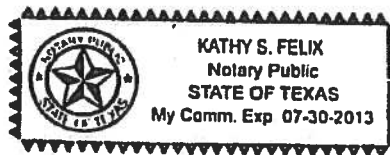
C.R. MINERALS COMPANY, LLC
Company

Subscribed and sworn to before me this 6th day of July, 2012


Notary Public

My Commission Expires

7-30-2013
(date)



ORDER

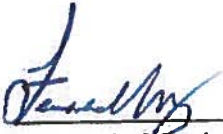
NOW THEREFORE, IT IS HEREBY ORDERED that Permit Revision 11-1 of Permit No. RA004RE, incorporating New Unit and New Unit Closeout Plan for the Rocky Mountain Mine and allowing CR Minerals Company, LLC to conduct closeout and reclamation operations in Rio Arriba County, New Mexico, is approved.

By Order of the Director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department, of the State of New Mexico.

Mining and Minerals Division

The State of New Mexico

By:



Fernando Martinez, Director
Mining and Minerals Division
Energy, Minerals and Natural
Resources Department

DATED: _____

7/6/2012



SUSANA MARTINEZ
GOVERNOR

JOHN A. SANCHEZ
LIEUTENANT GOVERNOR

New Mexico
ENVIRONMENT DEPARTMENT

Air Quality Bureau

1301 Siler Road, Building B
Santa Fe, NM 87507-3113
Phone (505) 476-4300
Fax (505) 476-4375
www.nmenv.state.nm.us



DAVE MARTIN
CABINET SECRETARY

BUTCH TONGATE
DEPUTY SECRETARY

March 5, 2012

CERTIFIED MAIL NO. 7005 1820 0001 5770 1307

RETURN RECEIPT REQUESTED

Copy also sent by e-mail

Joe Griego
Manager
CR Minerals
PO Box 708
Ohkay Owingeh, NM 87566

General Permit GCP-2-2307M2
IDEA No.1063 - PRN20120001
Rocky Mountain Mine GCP2-2307
AIRS No. 350390101

Re: Response to GCP-2 Registration Application for Rocky Mountain Mine GCP2-2307

Dear Mr. Griego:

This letter is in response to your air quality permit application dated 2/22/2012 to construct a **quarrying/crushing/screening** facility in New Mexico. The Department received the application on February 24, 2012.

The application review has been completed and **the information provided is sufficient to issue your GCP-2 permit**. The Department authorizes this facility to be located in Township 21N, Range 07E, Section 33, This facility is located approximately 7 miles W of Espanola in Rio Arriba County, New Mexico at UTM Coordinates: UTMH 392601 m, UTMV 3985278 m, UTMZ 13, as specified in the application.

This letter serves as your permit registration to construct and operate under the attached copy of the GCP-2 general permit. The general permit includes the terms and conditions for operation as well as emission and compliance requirements.

In addition to 20.2.72 NMAC, the permittee is responsible for determining whether other state and federal regulations *such as* those found in Table 1 apply to any of the facility's units reported in the original GCP application or to any units that may be added to the facility in the future. It is the permittee's responsibility to determine applicability and to comply with all applicable regulations.

Table 1: Other Regulations

Citation	Title
20.2.38 NMAC	Hydrocarbon Storage Facilities
20.2.61 NMAC	Smoke and Visible Emissions
40 CFR 60 Subpart Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
40 CFR 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) For Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
40 CFR 60, Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
40 CFR 60, Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
40 CFR 63 Subpart ZZZZ	National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines
40 CFR 63 Subpart HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities

The following requirements will apply to any subsequent repositioning of emissions activities within the approved location.

- a. The facility will continue to comply with all terms and conditions of its existing General Construction Permit, unless the Department's approval of this relocation explicitly changes the setback distances based on a modeling analysis that you submitted and the Department approved prior to this application.
- b. The facility will maintain at least a 3 mile setback between the area of operations and the boundary of any federal Class I area, unless the existing permit specifies a different setback.
- c. The facility will maintain at least a 1 mile setback between the area of operations and the area of operations of any other industrial source of regulated air contaminants, unless the existing permit for at least one of the sources explicitly specifies a different setback or explicitly allows for collocation upon relocation.
- d. Any repositioning will maintain at least a 0.25 mile (1,320 feet, 440 yards, 402 meters) setback between the area of operations and any occupied structures, unless the existing permit explicitly specifies a different setback applicable upon relocation.

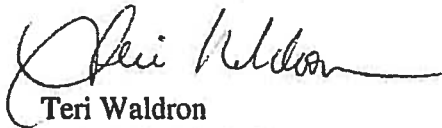
Pursuant to 20.2.75.11 NMAC, the Department will assess an annual fee for this facility. This regulation set the fee amount at \$1,500 through 2004 and requires it to be adjusted annually for the Consumer Price Index on January 1. The current fee amount is available by contacting the Department or can be found on the Department's website. The AQB will invoice the permittee for the annual fee amount at the beginning of each calendar year. This fee does not apply to sources which are assessed an annual fee in accordance with 20.2.71 NMAC. For sources that

satisfy the definition of "small business" in subsection F of 20.2.75.7 NMAC, this annual fee will be divided by two.

All fees shall be remitted in the form of a corporate check, certified check, or money order made payable to the "NM Environment Department, AQB" mailed to the address shown on the invoice and shall be accompanied by the remittance slip attached to the invoice.

If you have any questions, please contact me in Santa Fe at 505-476-4355. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Teri Waldron", with a stylized flourish at the end.

Teri Waldron
Technical Services Unit
Permits Section, Air Quality Bureau

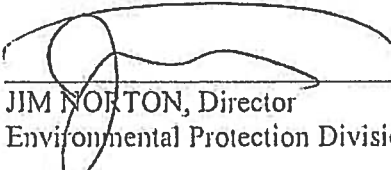
Enclosure: Industry/Consultant Feedback Questionnaire with envelope

CONSTRUCTION PERMIT NO: GCP-2-Rev.3

Registration No.
(For NMED use only)

GENERAL PERMIT CATEGORY: Quarrying, Crushing, and Screening Facilities

ISSUED BY: New Mexico Environment Department


JIM NORTON, Director
Environmental Protection Division

9/12/06
Date of Issuance

Air Quality Permit No. GCP-2 – Rev.3 for Quarrying, Crushing, and Screening Facilities (“Permit”) is issued by the Air Quality Bureau (AQB) of the New Mexico Environment Department (Department) under Title 20 Chapter 2 Part 72 of the New Mexico Administrative Code [20.2.72 NMAC] – Construction Permits, Section 220 – General Permits. The Department issues general permits in order to register groups of sources that have similar operations, processes, and emissions and that are subject to the same or substantially similar requirements [20.2.72.220.A(1) NMAC]. General permits provide an additional permitting option for specific types of sources that can meet the predetermined permit requirements [20.2.72.220.C(1) NMAC].

This Permit authorizes an owner or operator to construct, modify, and operate an Aggregate Processing Facility (Facility) in New Mexico (excluding Bernalillo County and Indian lands) under the conditions set forth herein as long as all conditions of this Permit are continuously met.

An owner or operator that registers for and receives approval to construct under this Permit, will have satisfied the State of New Mexico’s requirement for obtaining an air quality permit prior to constructing, modifying, or operating a source of air pollutants. However, other federal, state, or local agencies may have additional requirements such as zoning restrictions.

The GCP-2 Rev. 3 revisions require action by Facilities currently registered under this permit; therefore, a transition schedule, for those Facilities that have an earlier version of GCP-2, is available on the New Mexico Environment Department’s web site at <http://www.nmenv.state.nm.us/aqb>

All terms written with initial capital letters are defined in Section VII – Acronyms and Definitions, of this Permit. Regulatory authority, if applicable, is cited in brackets. Please refer to the guidance document for this Permit for details, descriptions, and registration instructions. Questions regarding eligibility for this Permit can be directed to the Air Quality Bureau of the Environment Department at (505) 827-1494, or visit the New Mexico Environment Department’s Web Site at <http://www.nmenv.state.nm.us/AQB>.

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SECTION I. APPLICABILITY

I.A. Facilities Allowed to Register Under This General Construction Permit

The owner or operator may apply for registration under this Permit if:

1. The Facility's SIC code is in the Major Group 14 and its primary purpose is to produce, process, crush, screen, and/or stockpile:
 - a. Crushed and broken stone including but not limited to:
 - 1) limestone,
 - 2) basalt or "traprock,"
 - 3) sandstone,
 - 4) marble,
 - 5) travertine,
 - 6) pumice,
 - 7) granite,
 - 8) quartzite,
 - 9) gypsum,
 - 10) scoria or "volcanic cinders."
 - b. Sand and gravel; or
 - c. Recycled concrete or asphalt.
2. The Facility can comply with all of the requirements of this permit:
3. The Facility includes any combination of the following Emissions Units and no others within the Property Boundary:
 - a. Permanent or temporary crushers, or screening operations that will have an actual production rate less than or equal to 600 TPH;
 - b. Internal combustion engines;
 - c. Screens;
 - d. Conveyers;
 - e. Shakers;
 - f. Bucket elevators;
 - g. Feed bins;
 - h. Truck loading stations;
 - i. Sources exempt under 20.2.72.202 NMAC;
 - j. Mobile equipment required for the Facility;
 - k. Associated emission control systems (air pollution control devices):
 - l. Any combination of stockpiles or haul roads; or
 - m. Other equipment typically found at Aggregate Processing Facilities.

I.B. EXCLUDED SOURCES

The following Facilities cannot register for this Permit:

1. A Facility not meeting the siting requirements in Subsection III.C – Siting Restrictions;
2. A Facility listed by any New Source Pollution Standards (NSPS) other than 40 CFR § 60 subpart OOO;
3. A Facility subject to a National Emissions Standard for Hazardous Air Pollutants (NESHAP) or Maximum Achievable Control Technology (MACT);
4. A Facility that operates in conjunction with another Facility on the same property, except as allowed in Section III.E. – Co-locations;
5. A Facility that will be operated at night;
6. A Facility that mines and/or processes materials that include any listed HAP (Hazardous Air Pollutant);
7. A Facility subject to 20.2.72 NMAC, Sections 400 through 499 – Permitting for Toxic Air Pollutants;
8. A Facility that mines and/or processes radioactive materials;
9. A Facility that processes slag, asbestos tailings or asbestos-containing waste materials;
10. A Facility that mines and/or processes nonmetallic minerals used as fuels (such as coal);
11. A Facility that manufactures cement;
12. A Facility that mines and/or processes potash or humates;
13. A Facility equipped with fuel fired dryers; and
14. A Facility that cannot meet haul road requirements listed in Table III.F.1 – Fugitive Emissions Control Requirements for Haul Roads.

I.C. PERMITTING ALTERNATIVES

1. The owner or operator of a Facility subject to 20.2.72 NMAC who does not choose to register or whose Facility fails to qualify under this Permit shall apply for a Construction Permit pursuant to 20.2.72 NMAC – Construction Permits and must receive such permit prior to construction.

I.D. FACILITIES WITH BOTH CONSTRUCTION PERMIT (PART 72) AND GENERAL CONSTRUCTION PERMIT

1. A Facility that has a construction permit under 20.2.72 NMAC may also register for a GCP-2. Subparagraphs II.C.2.b and IV.C.1.i contain specific requirements for Facilities that have both a GCP- 2 and a Construction Permit.

SECTION II. REGISTRATION PROCESS

II.A. GENERAL

1. The applicant shall complete the current GCP-2 registration form provided by the Department, submit it to the Department, and provide a copy to the nearest Department Field Office [20.2.72.220.A(2)(b) NMAC]. Field office locations are found on the Department's website at http://www.nmenv.state.nm.us/NMED/field_op.html. Within thirty (30) days of

receiving an application to register under this Permit, the Department shall review the application and shall grant or deny the registration. The owner or operator of a Facility approved for registration will receive a package containing a copy of the registration form, a copy of this GCP, and the approval letter.

2. Construction, operation or relocation of a Facility shall not begin until the owner or operator has received written authorization from the Department. The Department shall notify the owner or operator of approval or denial by certified mail. [20.2.72.200.E NMAC and 20.2.72.220.C(6)(a) NMAC]

II.B. PUBLIC NOTIFICATION

1. The applicant shall provide public notice, including newspaper advertisement and posting at the Facility site, 15 days prior to submitting the registration form to the Department, in accordance with 20.2.72.220.C(2) NMAC (See GCP-2 – Instructions and Guidance for a public notice template).

II.C. REGISTRATION FORM

GCP-2 permit application forms, available from District offices and the Department's website at <http://www.nmenv.state.nm.us/aqb>, shall be completed with the following information and attachments, and submitted to the address on the registration form.

1. General Information
 - a. The Facility's site name and the contact person's name, address, phone number, e-mail address, and fax number;
 - b. The name of the company and the person(s) that own(s) and operate(s) the Facility;
 - c. The date the application was notarized; and
 - d. The primary four (4) digit Standard Industrial Classification (SIC) code.
2. Initial Facility Status
 - a. Whether the Facility is currently constructed and is operating in New Mexico;
 - b. Whether the Facility currently has a Construction Permit(s); if so, the current permit number(s) and whether the existing permit(s) will remain active or not;
 - c. Whether the application was submitted in response to a Notice of Violation (NOV); if so, the NOV file number;
 - d. Whether or not the Facility is an excluded source as described in Subsection 1.B – Excluded Sources of this Permit; and
 - e. The type of material processed by the Facility.
3. Initial Facility Location
 - a. The Section, Range, Township, County, and elevation;
 - b. The Universal Transverse Mercator (UTM) (specify NAD-27 or NAD-83) Easting and Northing coordinates, zone, and the latitude and longitude coordinates at the Facility's center of the Area of Operations;
 - c. The name and zip code of the nearest New Mexico town or tribal community;
 - d. The direction and distance from the Facility, to the nearest town or tribal community;

- e. The direction and distance from the perimeter of the Area of Operations to the nearest occupied structure;
 - f. Detailed written driving instructions to the Facility from the nearest town or tribal community;
 - g. The status of the land (e.g., Private, State, Federal, Tribal); and
 - h. The name, location, distance and direction from the Facility to any Class I Areas within three (3) miles of the perimeter of the Area of Operations.
4. Initial Operating Schedule
- a. The anticipated month and year that construction will start at this site; and
 - b. The anticipated month and year that operation will start at this site.
5. Initial Facility Information
- a. The Facility's maximum proposed production rate, TPD and TPY;
 - b. The area (in acres) to which public access is restricted;
 - c. The area (in acres) of disturbed earth;
 - d. The area (in acres) covered by storage piles and operations;
 - e. The haul road length(s) and dust control measures;
 - f. The equipment list, excluding engine driven vehicles, with manufacturer and model number (if the manufacturer and model number is not available, please indicate), equipment size or capacity, and the function or purpose of each piece of equipment;
 - g. The manufacturer's maximum design capacity for each piece of equipment; and
 - h. The manufacturer's recommended flow rates and pressure drop(s) across the wet scrubber. If the manufacturer's recommendations are unavailable, or no longer relevant include a statement that the Facility will use the results of a successful compliance test to establish normal operating range.
6. Other Required Information and Attachments
- a. A process flow sheet and/or block diagram indicating the individual equipment, emission points, unit number and types of controls applied to those points;
 - b. A plot plan drawn to scale showing emission points denoted by unit number, Area of Operations, structures, tanks, fences, the Restricted Area, and the Property Boundary of the property owned, leased or under direct control of the owner or operator;
 - c. An appropriate legible map, such as a 7.5 minute United States Geological Survey (USGS) Topographic Quadrangle map, showing the proposed location of the Facility;
 - d. Documentation showing that the applicant has given the public notice in accordance with Subsection 11.B - Public Notification;
 - e. A description of the methods by which public access in the Restricted Area is limited;
 - f. A preliminary operational plan defining the measures to be taken to mitigate source emissions during:
 - (1) Facility malfunctions, startup, shutdown, or scheduled maintenance as defined in 20.2.7 NMAC, and
 - (2) Weather conditions that would cause an exceedence of the visible emission requirement in Subsection 11.A. - General Terms and Conditions, paragraph 6.

Reasonable measures to be employed include, but are not limited to, application of additional water to storage piles and haul roads.

- g. The contact name, address, and date that a copy of the application was sent or delivered to the field office;
- h. A certification by the Facility's owner or operator, before a notary public, that all of the information included in the registration form is true and complete to the best of the signing individual's knowledge [20.2.72.203.A(12) NMAC]; and
- i. A check or money order for the fees required by 20.2.75 NMAC [payable to: NM Environment Department, AQB.]

II.D. FEES

- 1. Permit and annual fees shall be determined pursuant to 20.2.75 NMAC – Construction Permit Fees.
- 2. A Facility that meets the definition of a Small Business [20.2.75.7.F NMAC] shall pay discounted fees [20.2.75.11.C NMAC]. A Facility that produces less than or equal to 760,000 TPY shall be considered to emit less than 50 TPY of any regulated air contaminant and 75 TPY of all regulated air contaminants.
- 3. In the first year after the Department approves registration under this permit, of the Facility's emissions shall be based on the proposed maximum production rate on the registration (subparagraph 11.C.5.a). Each year thereafter, the Facility's emissions shall be determined by the annual production during the previous year. If the Facility's Small Business status changes, the next annual fee will change to reflect the new status. Regardless of Small Business status, the Facility may continue to operate under this GCP permit.

II.E. MODELING

- 1. The Department has completed general air dispersion modeling for affected Facilities and has used the results to develop the requirements in this Permit. Therefore, air dispersion modeling is not required from the Applicant.

II.F. REASONS THE DEPARTMENT MAY DENY A REGISTRATION.

The Department may deny registration under this Permit if:

- 1. The registration form is not complete;
- 2. The Facility is not a source qualified to register for this general permit;
- 3. The Facility cannot continuously meet the terms and conditions of the Permit as determined by the review of the registration form [20.2.72.220 NMAC]; or
- 4. Any criteria listed in 20.2.72.208 NMAC are applicable.

SECTION III. FACILITY OPERATING REQUIREMENTS

III.A. GENERAL TERMS AND CONDITIONS

1. The owner or operator shall operate the Facility using only the equipment described in the registration form or other equipment that has been reported to the department in accordance with Subsection IV.C – Department Notification, paragraphs 1.c and 1.d.
2. The owner or operator shall install, operate, and maintain the equipment in accordance with manufacturer's specifications and recommendations unless otherwise specified by a condition of this GCP.
3. The Facility shall use only gasoline, pipeline quality natural gas, liquefied petroleum gas (LPG)/propane, and/or #2 diesel fuel with a sulfur content equal to or less than 0.05 % by weight to fuel engines and heaters.
4. Facility production shall not exceed 600 tons per hour of aggregate.
5. A copy of the registration forms, this GCP, and the Department's approval letter shall be maintained onsite and shall be made available to any representative of the Department upon request.
6. No visible emissions from the permitted Facility shall be observed crossing the perimeter of the Restricted Area for more than a total of five (5) minutes in any two (2) consecutive hours during Facility operation. Compliance with this condition shall be determined by fugitive emission test conducted in accordance with 40 CFR § 60.11 and Reference Method 22 in 40 CFR § 60. Appendix A. During atmospheric conditions under which emissions cannot be controlled to meet the "no visible emission" requirement, the Facility shall either:
 - a. cease operations, or
 - b. execute the applicable measures set out in Subsection II.C. – Registration Form, paragraph 6.f. and perform the notification required in Subsection IV.C. – Department Notification, paragraph 2.
7. The Facility shall operate during daylight hours only. Daylight hours are defined as those hours between astronomical sunrise and sunset. No Facility shall operate for more than 4,380 hours per year.

III.B. APPLICABLE REGULATIONS

1. The owner or operator registered under this Permit shall comply with any applicable portion of Title 20 of the New Mexico Administrative Code, Chapter 2, Air Quality, [20.2 NMAC].
2. A Facility registered and operating under this Permit is considered to be in compliance with the following state regulations as those regulations existed on the date of issuance of this Permit:
 - a. 20.2.3 NMAC – Ambient Air Quality Standards
 - b. 20.2.7 NMAC – Excess Emissions During Malfunctions, Startup, Shutdown, or Scheduled Maintenance
 - c. 20.2.61 NMAC – Smoke and Visible Air Emissions
 - d. 20.2.72 NMAC – Construction Permits
 - e. 20.2.73 NMAC – Notice of Intent and Emission Inventory Requirements

- f. 20.2.75 NMAC – Construction Permit Fees
- g. 20.2.77 NMAC – New Source Performance Standards
- 3. A Facility registered and operating under this Permit is considered to be in compliance with the Federal Clean Air Act (CAA) [42 U.S.C. s/s 7401 et seq. (1970)] and the following 40 CFR § 60 New Source Performance Standards (NSPS) Subparts:
 - a. A – General Provisions
 - b. OOO - Standards of Performance for Nonmetallic Mineral Processing Plants
- 4. The owner or operator shall be responsible for compliance with the current versions of any applicable state and federal regulations.

III.C. SITING RESTRICTIONS

1. The Facility shall meet the following siting restrictions:

Table III.C.1 Siting Restrictions

	Distances 'a' and 'b' in this table shall be verified when the permitted Facility commences operation. Distance 'c' is continuously applicable during the permit period.	Distance
a.	Minimum distance from the perimeter of the Area of Operations to any existing state park, recreation area, schoolyard, private residence, office building, or other occupied structure.	(402.3 meters) ¼ mile
b.	Minimum distance from the perimeter of the Area of Operations to any Class I Area	(4.828 meters) 3 miles
c.	Minimum distance between any emission source of the permitted Facility and the perimeter of the Restricted Area, except where the haul road crosses the Restricted Area perimeter.	10 meters (11 yards)

III.D. RELOCATION

1. The owner or operator shall notify the Department of any relocation in accordance with requirements in Subsection IV.C. – Department Notification, subparagraphs 1.h and 1.i.
2. When operations cease at the site of a permitted Facility, prior to leaving the site, owners or operators should employ reasonable measures to reduce or avoid wind-blown particulate matter.

III.E. CO-LOCATIONS

1. A Facility registered under this permit may co-locate with a Hot Mix Asphalt (HMA) and/or Concrete Batch Plant within the Property Boundary if:
 - a. Such other source is permitted under 20.2.72 NMAC – Construction Permits or under a GCP;
 - b. Each facility meets all requirements of its own permit; and
 - c. No visible emissions from any co-located facility shall cross the perimeter of the Restricted Area per the requirement in paragraph III.A.6.
2. The daily production for each co-located facility shall not exceed the limits prescribed in Table III.E.1:

Table III.E.1 Production Limitations

Facility/Source Type	Production
Aggregate Processing Facility	7800 TPD
Hot Mix Asphalt Plant	7800 TPD
Concrete Batch Plant	2400 YPD

III.F. EMISSIONS RESTRICTIONS AND CONDITIONS

1. Fugitive particulate emissions from each affected transfer point, belt conveyor, or screen shall not exhibit greater than 10% opacity. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR § 60.675 and Reference Method 9 in 40 CFR § 60 Appendix A.
2. Fugitive particulate emissions from each crusher shall not exhibit greater than fifteen (15)% opacity. Where visible emissions exist, water shall be applied as a control measure, or other control measures at least as effective as water as determined by the Department. Compliance with this condition shall be determined by opacity test observations conducted in accordance with the procedures in 40 CFR § 60.675 and Reference Method 9 in 40 CFR § 60 Appendix A.
3. As required by 40.CFR § 60. Subpart OOO, particulate emissions from any stack shall not contain a concentration of particulate matter in excess of 0.05 μ /dscm (grams/dry standard cubic meter) (0.022) gr/dscf) and shall not exhibit greater than seven (7)% opacity. The 7% opacity requirement does not apply to emissions that are controlled by a wet scrubbing control device; however, additional recordkeeping and reporting is required. (see paragraph IV.B.3.k) Compliance with this condition shall be determined by particulate concentration and opacity test observations conducted in accordance with the procedures in 40 CFR § 60.675 and Reference Methods 5 for stack particulates and Method 9 for opacity in 40 CFR § 60, Appendix A.
4. No visible emissions from the Facility shall cross the Property Boundary per paragraph III.A.6.
5. The owner or operator shall control fugitive emissions to the atmosphere from haul roads between the perimeter of the Area of Operation and Property Boundary by the methods listed in Table III.F.1 - Fugitive Emissions Control Requirements for Haul Roads. Other methods

of haul road dust control may be used provided that they result in no visible emissions as determined by Reference Method 22 in 40 CFR § 60 Appendix A.

Table III. F.1 Fugitive Emissions Control Requirements for Haul Roads

Number of Haul Truck Trips per day (round trip)	Haul Road Length in Miles						
	<1/4 miles	1/4 - 1/2 miles	1/2 - 1 miles	1 - 2 miles	2 - 3 miles	3 - 4 miles	> 4 miles
1-90	W	W	W + BC	S	P + SW	P + SW	[Not allowed under this permit]
>90-140	W	W + BC	S	P + SW	P + SW	[Not allowed under this permit]	
>140-190	W	W + BC	S	P + SW	[Not allowed under this permit]		
>190-240	W + BC	S	P + SW	[Not allowed under this permit]			
>240-290	W + BC	S	P + SW				
>290-340	W + BC	S	P + SW				
>340	W + BC	S	P + SW				

For this table:

W = Water

W+BC = Water plus base course application

S = Surfactant application according to manufacturer's instructions

P+SW = Pave and sweep

III.G. OTHER EMISSIONS LIMITATIONS

1. The annual emissions from the permitted Facility, including sources of fugitive emissions, shall not exceed the limits in Table III.G.1 - Total Annual Emission Limitations. [20.2.70 NMAC]

Table III.G.1 Total Annual Emission Limitations

Pollutant	Emission Limitation
Nitrogen Oxides (NO _x)	95 tons per year
Carbon Monoxide (CO)	95 tons per year
Volatile Organic Compounds (VOCs)	95 tons per year
Sulfur Dioxide (SO ₂)	50 tons per year
Total Suspended Particulate (TSP)	95 tons per year
Any one of the Hazardous Air Pollutants (HAPs)	8 tons per year
Sums of all Hazardous Air Pollutants (HAPs)	23 tons per year

For co-located plants, if the plant and the co-located source 1) belong to the same "major group" (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement; 2) are under the control of the same person (or persons under common control); and 3) are located on one or more contiguous or adjacent properties, then the total emissions from the co-located plant and source shall not exceed the emissions limitations in this table. [40 CFR 52.21(b) (6)] These limits ensure that the plant will not be a major source under 20.2.70 NMAC.

III.H. REQUIREMENTS FOR STATIONARY INTERNAL COMBUSTION ENGINES

1. This subsection does not apply to tailpipe emissions from engines used to propel vehicles on the property.
2. All combustion source emissions shall be vented vertically.
3. Emissions from stationary internal combustion engines shall not exhibit greater than 20% opacity. Compliance with this condition shall be determined by opacity test observations conducted in accordance with 20.2.61 NMAC and Reference Method 9 in 40 CFR § 60 Appendix A.

SECTION IV. MONITORING, RECORDKEEPING AND NOTIFICATION REQUIREMENTS

IV.A. MONITORING

1. The owner or operator of any Facility registered under this Permit shall perform a six (6) minute opacity reading on each crusher, screen, conveyor drop point and hopper at least once per month using Method 9 to determine compliance with the requirements in Subsection III.F - Emissions Restrictions and Conditions. Records of opacity readings shall be retained in accordance with Subsection IV.B - Recordkeeping of this Permit.
2. The owner or operator shall continuously monitor all water sprays in operation and certify they are operating properly at the time of inspection and at least on a daily basis.

IV.B. RECORDKEEPING

1. Compliance with recordkeeping requirements for this Permit shall be based on Department inspections of records and logs.
2. The owner or operator shall retain records for at least two (2) years after collection either on-site or at a local business office. [40 CFR § 60.676 and 20.2.72.220.A.2. NMAC] The owner or operator shall make all records required by this permit available to Department personnel upon request.
3. The owner or operator shall collect and retain the following records:
 - a. Actual hours of operation (e.g. beginning and end of daily operation) for each day of operation;
 - b. Monitoring required under Subsection IV.A. - Monitoring;
 - c. Daily total production and the monthly rolling 12 month total production;
 - d. Number of haul truck trips per day;
 - e. Fuel delivery manifest that includes the type of fuel, and number of gallons purchased;
 - f. The quantity and frequency of water or surfactant application to haul roads;
 - g. The frequency of haul road sweeping (if paved);
 - h. Other haul road control measures (if used);
 - i. Copies of the manufacturer's (or applicant's proposed) maintenance requirements and records demonstrating compliance with said requirements;
 - j. Copies of daily water usage, a record of the daily inspection, and any maintenance of the control devices; and

- k. For facilities using a scrubber as a control device, records of water inlet pressure and flowrate and differential pressure across the scrubber [40 CFR § 60.676] twice each day, once in the morning and once in the afternoon; the date and time of the measurement and the name of the person making the measurement shall be included in the record.

IV.C. DEPARTMENT NOTIFICATION

1. The owner or operator shall notify the Department in writing:
 - a. Within thirty (30) days after the actual date that operations ceased;
 - b. Within fifteen (15) days if the Facility is permitted as a small business and it no longer qualifies as such, either because its rolling 12 month total production exceeds the quantity in 11.D.2, or because it fails to meet any other criteria defined in 20.2.75.7.F NMAC. This notification shall contain the permit number and "Change of Small Business Status" in the subject line.
 - c. Prior to making changes to the Facility that affect any information on the registration form [20.2.72.220.D NMAC]: except as noted in subparagraphs d through i of this paragraph;
 - d. Prior to, but no earlier than fifteen (15) days before any changes in equipment, using the GCP-2 Substitution and Equipment Exchange form or the Reporting Additional Equipment form. (Forms are available from the Department's website);
 - e. Within fifteen (15) days after a change in Facility ownership;
 - f. Within fifteen (15) days after a change of the contact person's name, address, phone number, e-mail address and/or fax number;
 - g. Within fifteen (15) days after the actual date of initial startup of the Facility.
 - h. At least fifteen (15) days prior to any relocation of the Facility in accordance with the Department's Relocation Application form. Relocated Facilities shall continue to meet all requirements of this Permit. Relocation shall not occur until the owner or operator has received written authorization from the Department. [20.2.72.220.C6 (a) NMAC]
 - i. On the Relocation Application whether the Facility will continue to operate under GCP-2 or under a regular Construction Permit, and specify the applicable permit or registration number.
2. The owner or operator of a Facility that:
 - a. experiences excess emissions due to air pollution control equipment malfunctions (e.g. damaged/torn bags or failure of spray water pumps), or
 - b. violates the visible emission requirement in paragraph III.A.6

shall notify the Department within twenty-four (24) hours by telephone or fax. The owner or operator shall submit written notification to the Department within ten (10) days after the start of the next business day. All such notifications and actions shall be in accordance with the procedures in 20.2.7 NMAC – Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance. If the visible emission requirement in paragraph III.A.6 was exceeded due to weather conditions, the owner/operator shall document the weather parameters at the time and the measures taken to reduce or mitigate the emissions.

IV.D. COMPLIANCE TESTING

1. The owner or operator shall perform initial compliance tests on each combustion engine that has a site rating equal to or greater than 180 hp. The tests shall be conducted in accordance with EPA Reference Methods 1 through 4: Method 7E for NO_x, Method 9 for opacity [20.2.61 NMAC], Method 10 for CO, contained in 40 CFR, § 60, Appendix A, and with the requirements of Subpart A, General Provisions, 60.8(f). For NO_x and CO, portable analyzer tests will be considered equivalent if Department guidelines (available from the Compliance section of AQB's website) are followed; however, the Department reserves the right to request Method testing in specific cases. Alternative test method(s) may be used if approved by the Department. The results of the NO_x tests shall be expressed as nitrogen dioxide (NO₂) using a molecular weight of 46 lb/lb mole in all calculations (each ppm of NO/NO₂ is equivalent to 1.194×10^{-7} lb/SCF).
2. Additional compliance tests shall be conducted if it is deemed necessary by the Department to demonstrate that the Facility is in compliance with all the applicable regulations or permit conditions. Compliance test requirements from previous permits (if any) are still in effect, unless the tests have been satisfactorily completed.
3. If any equipment required by this subsection to undergo initial compliance test(s) is added, changed out, or replaced at the permitted Facility, the owner or operator shall perform a compliance test on the new unit within 60 days of notification (IV.C.1.d), consistent with the requirements of this subsection, unless waived by the Department in writing.
4. The owner or operator shall conduct these tests within sixty (60) days of initial startup of the Facility.
5. The owner or operator shall allow a representative of the Department to be present at the test.
6. The owner or operator shall observe the following pre-testing and testing procedures:
 - a. The owner or operator shall provide for the Department Enforcement Program Manager's approval, a written test protocol at least thirty (30) days prior to the anticipated pre-test meeting date.
 - (1) The protocol shall describe the test methods or, if using a portable analyzer, the standard operating procedures to be used (including sampling locations), and shall describe data reduction procedures.
 - (2) The owner or operator shall identify in the protocol any proposed variation from the established sampling and analytical procedures or from the conditions in this Permit.
 - b. The test protocol and compliance test report shall conform to the standard format specified by the Department. The current version of the format may be obtained from the Department's web site or from the Compliance section of AQB's website.
 - c. The owner or operator shall provide the following performance test facilities for the Department:

- (1) Sampling ports necessary for any test methods specified by this Permit.
 - (2) Safe sampling platforms.
 - (3) Safe access to sampling platforms, and
 - (4) Utilities for sampling and test equipment.
- d. Where necessary to prevent cyclonic flow in the stack, the owner or operator shall install flow straighteners in accordance with EPA Reference Method 1 in 40 CFR § 60, Appendix A.
7. During engine compliance tests [paragraph IV.D.1] the owner or operator shall monitor and record the Facility's hourly production rate. This information shall be included with the test report that is required to be furnished to the Department and shall be listed in tabular form or as part of the summary page of the test report.
 8. Engine compliance tests [Subsection IV.D, paragraph 1] shall be conducted at 90 percent or greater of the engine's site rated capacity, as stated in the registration form of this Permit, and at additional loads when requested by the Department. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the test report to the Department.
 9. The owner or operator shall perform initial compliance tests on each crusher, screen, hopper, and conveyor transfer point to determine compliance with the requirements in Subsection III.F, paragraphs 1, 2, and 3. Tests shall be conducted in accordance with 40 CFR § 60.675, EPA Reference Method 5 for stack particulates, and Method 9 for opacity [20.2.61 NMAC], contained in 40 CFR § 60, Appendix A, and with the requirements of Subpart A, General Provisions, 60.8(f).
 10. The owner or operator shall submit one copy of the test protocol and compliance test results to the Enforcement Program Manager of the Department no later than forty five (45) days after the completion of the testing.

SECTION V. CHANGES THAT PREVENT MEETING THE GENERAL PERMIT REQUIREMENTS

1. The owner or operator shall not change or add equipment that prevents the Facility from complying with the conditions of this Permit.
2. Prior to making any modification that would result in the Facility not being able to meet the conditions of this permit, the owner or operator shall obtain a regular Construction Permit under 20.2.72 NMAC from the Department. [20.2.72.220.D(2) NMAC]

SECTION VI. RIGHTS OF THE ENVIRONMENT DEPARTMENT AND THE REGISTERED FACILITY

VI.A. PROPERTY ACCESS AND RECORD REVIEW

1. The Department may access the Facility and the nearest operations office of the Facility during operational hours to inspect the equipment at the Facility and any records to ensure that the Facility has operated and continues to operate in compliance with the conditions of this Permit. Operational hours shall include all times when employees are present and emissions may be occurring. [Air Quality Control Act, NMSA 1978, Section 74-2-5.1A]

VI.B. CANCELLATION OF REGISTRATION

1. The Department may cancel registration under this Permit if the owner or operator of the Facility has not notified the Department within two (2) years of the approved registration that the construction or modification has begun. The Department may also cancel the registration if construction work is suspended for one (1) year.
2. The Department shall cancel the registration if the owner or operator of the Facility ceases operation for five (5) years or more. [20.2.72.211.A. NMAC]

VI.C. REVOCATION OF REGISTRATION

1. The Department may revoke a registration under this Permit in writing:
 - a. If the owner or operator of the Facility has knowingly and willfully misrepresented a fact on the registration form; or
 - b. Pursuant to an Administrative Compliance Order or Court Order.

VI.D. APPEALS OF DEPARTMENT PERMITTING ACTIONS

1. Any party affected by the Department's approval, denial or revocation of a registration under this Permit may appeal to the Environmental Improvement Board (EIB) within thirty (30) days of the Department's decision pursuant to Subsections F through H of 20.2.72.207 NMAC and 20.2.72.220.C(5) NMAC.

VI.E. REVISION OF THE PERMIT

1. The Department may revise this Permit pursuant to 20.2.72.220.B NMAC. New Facilities are required to comply with the new GCP-2 transition schedule.

SECTION VII. ACRONYMS AND DEFINITIONS

VII.A. ACRONYMS

AC	Asphalt Concrete
APF	Aggregate Processing Facility
AQB	Air Quality Bureau
AQCR	Air Quality Control Regions
CO	Carbon monoxide
CBP	Concrete Batch Plant
CEMS	Continuous Emissions Monitoring System
CFR	Code of Federal Regulations
EIB	Environmental Improvement Board
GCP	General Construction Permit
HAP	Hazardous Air Pollutant
HMA	Hot Mix Asphalt
NAAQS	National Ambient Air Quality Standards [40 CFR § 50]
NAIC	North American Industrial Classification
NESHAP	National Emission Standards for Hazardous Air Pollutants [40 CFR § 61 and 63]
NMAAQs	New Mexico Ambient Air Quality Standards [20.2.3 NMAC]
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NOI	Notice of Intent
NOV	Notice Of Violation
NO _x	Oxides of nitrogen
NSPS	New Source Performance Standards [40 CFR § 60]
MACT	Maximum Achievable Control Technology
PM	Particulate Matter
PM ₁₀	Particulate Matter with an aerodynamic diameter of 10 microns or less
ppm	Parts Per Million
PSD	Prevention of Significant Deterioration [20.2.74 NMAC]
SCF	Standard Cubic Foot
SIC	Standard Industrial Classification
SO ₂	Sulfur Dioxide
TPH	Tons per hour
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds
YPD	(cubic) Yards Per Day
YPH	(cubic) Yards Per Hour
YPY	(cubic) Yards Per Year

VII.B. DEFINITIONS

"Area of Operations" means the area within the Restricted Area which contains all Emissions Units and activities which may produce air contaminants, including Emissions Units and activities listed in Subsection J.A. – *Facilities Allowed to Register*, paragraph 3, all disturbed lands and all haul roads except the haul road between the Restricted Area and the Property Boundary. Disturbed lands include all active mining areas, stockpiles, and overburden removal areas used for operation of the Facility.

"Aggregate Processing Facility" means any plant or facility that utilizes any combination of equipment or machinery that is used to quarry, separate, screen, combine, or crush, any non-metallic mineral.

"Air Quality Control Region" (AQCR) means an interstate or intrastate area designated by the U.S. Environmental Protection Agency (EPA) for the attainment and maintenance of National Ambient Air Quality Standards (NAAQS).

"Asphalt" means the bituminous substance used to bind aggregate together to make asphalt concrete (AC).

"Concrete Batch Plant" means any plant or facility used to manufacture concrete by mixing water, aggregate, and cement.

"Department" is the State of New Mexico Environment Department, Air Quality Bureau.

"Emissions Units" means any building, structure, equipment, facility, installation (including temporary installations), operation or stationary source, which emits or may emit any air contaminant.

"Filter" means the equipment used by the Facility to capture dust and particulate matter. As used in this GCP, the term Filter includes baghouses, fabric filters, sock filters, and cartridge filters.

"Fugitive Emissions" means those emissions, which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Haul Road" means any on-site road that is not accessible to the general public and is connected to the facility or the nearest public road.

"Hazardous Air Pollutants" are air pollutants that are designated as hazardous by the U.S. EPA in the Clean Air Act and listed in 40 CFR § 61 Section 112b.

"Hot Mix Asphalt Plant" means any plant or facility that utilizes any combination of equipment or machinery to store, deliver, or manufacture Asphalt Concrete by mixing Asphalt and heated aggregate.

"Local newspaper of general circulation" is a newspaper in general circulation in the county or counties where the Facility is or will be located.

"National Ambient Air Quality Standards" means the primary (health related) and secondary (welfare based) federal ambient air quality standards promulgated by the U.S. EPA pursuant to Section 112 of the federal Clean Air Act.

"New Source Performance Standards"(NSPS) means the regulatory requirements, guidelines and emission limitations promulgated by the U.S. EPA pursuant to Section 111 of the Federal Clean Air Act and 40 CFR § 60.

"Opacity" is the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Owner or Operator" is any person who owns or operates a process or process equipment at the source for which coverage under this Permit has been granted.

"PM₁₀" means any particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

"Property Boundary" means the outside edge of the leased property, which includes all equipment, registered under this Permit. The property may consist of one or more contiguous and adjacent properties if they are owned, leased, or under direct control of the owner or operator.

"Quarrying, Crushing, Screening Facility" means any plant or Facility, which meets the applicability requirements for this Permit defined in Section 1.A.

"Restricted Area" means the area to which public access is restricted.

"Six-minute period" means any one period of the 10 equal parts of a one-hour period.

"Stack Emissions" means emissions that are released to the atmosphere from a capture system through a stack or other point source discharge on the plant.

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 15 PUMICE, MICA AND PERLITE PROCESSING

20.2.15.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.15.1 NMAC - Rn, 20 NMAC 2.15.100 10/31/02]

20.2.15.2 SCOPE: All geographic areas within the jurisdiction of the Environmental Improvement Board.
[11/30/95; 20.2.15.2 NMAC - Rn, 20 NMAC 2.15.101 10/31/02]

20.2.15.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, section 74-1-8(A)(4) and (7), and Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq., including specifically, section 74-2-5(A), (B) and (C).
[11/30/95; 20.2.15.3 NMAC - Rn, 20 NMAC 2.15.102 10/31/02]

20.2.15.4 DURATION: Permanent.
[11/30/95; 20.2.15.4 NMAC - Rn, 20 NMAC 2.15.103 10/31/02]

20.2.15.5 EFFECTIVE DATE: November 30, 1995.
[11/30/95; 20.2.15.5 NMAC - Rn, 20 NMAC 2.15.104 10/31/02]
[The latest effective date of any section in this Part is 10/31/02.]

20.2.15.6 OBJECTIVE: The objective of this Part is to establish particulate matter emission standards for pumice, mica and perlite process equipment.
[11/30/95; 20.2.15.6 NMAC - Rn, 20 NMAC 2.15.105 10/31/02]

20.2.15.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part:

- A. "Part"** means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the Board.
 - B. "Process weight"** means the total of all materials including solid fuel but not including liquid or gaseous fuel or combustion air introduced into any specific process.
 - C. "Process weight per hour"** means a quantity derived by dividing the total process weight by the number of hours in the complete operation, excluding any time during which the equipment is idle.
- [11/30/95; 20.2.15.7 NMAC - Rn, 20 NMAC 2.15.107 10/31/02]

20.2.15.8 AMENDMENT AND SUPERSESSON OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 505 -- Pumice, Mica and Perlite Process Equipment last filed September 13, 1971.

- A.** All references to AQCR 505 in any other rule shall be construed as a reference to this Part.
 - B.** The amendment and supersession of AQCR 505 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 505.
- [11/30/95; 20.2.15.8 NMAC - Rn, 20 NMAC 2.15.106 10/31/02]

20.2.15.9 to 20.2.15.107 [RESERVED]

20.2.15.108 EMISSION LIMITATIONS:

- A.** The owner or operator of pumice, mica or perlite process equipment shall not permit, cause, suffer or allow particulate matter emissions to the atmosphere from a stack or stacks in excess of the maximum amounts specified in the following table:

Process Rate Pounds per Hour	Maximum Stack Emission Rate Pounds per Hour
10,000	10

20,000	15
30,000	22
40,000	28
50,000	31
100,000	33
200,000	37
300,000	40
400,000	43
500,000	47
600,000 & above	50

B. When the process rate is between any two consecutive process rates in the table, the maximum stack emission rate is determined by interpolation. Where an operation has more than one stack, the maximum stack emission rate applies to the total of the emissions from all stacks.

[11/30/95; 20.2.15.108 NMAC - Rn, 20 NMAC 2.15.108 10/31/02]

20.2.15.109 STACK CONFINEMENT OF EMISSIONS: Within technical feasibility, all particulate matter emissions to the atmosphere resulting directly from the operation of pumice, mica or perlite process equipment shall be limited to the stack outlet or outlets. Particulate matter emissions not governed by this section are governed by 20.2.15.110 NMAC.

[11/30/95; 20.2.15.109 NMAC - Rn, 20 NMAC 2.15.109 10/31/02]

20.2.15.110 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.

[11/30/95; 20.2.15.110 NMAC - Rn, 20 NMAC 2.15.110 10/31/02]

HISTORY OF 20.2.15 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives.

HSSD 70-1, Ambient Air Quality Standards And Air Quality Control Regulations, 01/27/70.

ACQR 505, Air Quality Control Regulation 505 - Pumice, Mica And Perlite Process Equipment, 09/13/71.

History of Repealed Material: [RESERVED]

Other History:

ACQR 505, Air Quality Control Regulation 505 - Pumice, Mica And Perlite Process Equipment, 09/13/71, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.15, Pumice, Mica And Perlite Process Equipment, filed 10/30/95.

20 NMAC 2.15, Pumice, Mica And Perlite Process Equipment, filed 10/30/95, was **renumbered, reformatted and replaced** by 20.2.15 NMAC, Pumice, Mica And Perlite Process Equipment, effective 10/31/02.