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Certified Mail – Return Receipt Requested

August 16, 2019

Roy Blickwedel (roy.blickwedel@ge.com)
Remedial Project Manager
Global Operations, Environment, Health and Safety
GE
475 Creamery Way
Exton, PA 19341

RE: St. Anthony Mine Closeout Plan Updated 2019

Dear Mr. Blickwedel,

The New Mexico Environment Department (NMED) has received the *St. Anthony Mine Closeout Plan Updated 2019* (2019 Closeout Plan) from Stantec Consulting Services, Inc (Stantec) for the United Nuclear Corporation (UNC) and General Electric (GE) St. Anthony Mine, dated March 29, 2019. The New Mexico Mining and Minerals Division (MMD) sent NMED a request for comments on the 2019 Closeout Plan Act dated April 8, 2019 in accordance with the New Mexico Mining Act. NMED provided general comments to MMD in a July 17, 2019 memorandum.

Pursuant to the Water Quality Act and Water Quality Control Commission regulations, NMED administers an Abatement Plan for the St. Anthony Mine to address ground water contamination from previous mining operations. As noted in the July 17, 2019 memorandum to MMD, NMED is providing additional comments related to the Abatement Plan directly to UNC.

- 1) The Water Quality Control Commission (WQCC) approved Alternative Abatement Standards (AAS) in a Proposed Findings of Fact, Conclusions of Law, and Final Order dated September 29, 2017. Finding of Fact number 33 references three conditions contained within the NMED approval of the Stage 2 Abatement Plan upon which the AAS are predicated. Finding of Fact 33.b includes the NMED condition of approval that “the surface be regraded and recontoured in a way that would allow for positive drainage”. The NMED Stage 2 Abatement Plan conditional approval letter dated May 7, 2015, Condition 4 states “...the backfilled pit has a minimum of 3 feet of unimpacted

material at the surface, and is contoured to promote positive drainage away from the backfilled pit.” These conditions were based on the information provided as part of the Stage 2 Abatement Plan submitted to NMED. The design for pit backfill proposed in the 2019 Closeout Plan does not meet this requirement.

- 2) UNC has informed NMED that following backfill of the Large Pit, the potentiometric surface in the Jackpile sandstone will rise above the level of the Dakota sandstone geologic unit and likely result in impacted water entering this geologic unit. The AAS were granted only for the Jackpile sandstone water bearing unit.

As proposed, the 2019 Closeout Plan does not meet the criteria included within the NMED approved Stage 2 Abatement Plan upon which the AAS approved by the WQCC are based. Based on recent conversations with UNC and consultants representing UNC, it is NMED’s understanding that efforts are underway to revise the 2019 Closeout Plan and provide an alternative engineering design to address these inconsistencies. NMED is open to meeting with UNC to discuss conceptual alternate engineering design options. It is recommended that MMD be included in any such discussions to ensure an alternate design also meet the requirements of the New Mexico Mining Act.

NMED requests a response within 30 days of the date of this letter to determine an appropriate path forward.

Please contact me at 505-827-0195 or kurt.vollbrecht@state.nm.us with any further inquiries.

Sincerely,



Kurt Vollbrecht, Manager
New Mexico Environment Department
Mining Environmental Compliance Section

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