

State of New Mexico
Energy, Minerals and Natural Resources Department

Michele Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd Leahy, JD, PhD
Deputy Cabinet Secretary

Jerry Schoeppner PG, Director
Mining and Minerals Division



ELECTRONIC TRANSMITTAL

December 15, 2020

Dr. Cynthia Gulde, EMC Regulatory Manager
Questa Mine
354 State Hwy 38
Questa, NM 87556-0469

**RE: Comments on; Request for Modification to Questa Mine Permit No. TA001RE,
dated October 19, 2020**

Dear Dr. Gulde:

The New Mexico Mining and Minerals Division (“MMD”) received *Request for Modification to Questa Mine Permit No. TA001RE*, dated October 19, 2020 (“Modification 20-1 Application”) for review on October 19, 2020. Modification 20-1 Application is requesting that the Questa Mine Permit change its Post Mining Land Use (“PMLU”) from “Forestry and Water Management” to “Wildlife and Industrial/Commercial”, is proposing a change in Permit verbiage related to approved materials for disposal in the Questa Mine’s Open Pit, and also is requesting to modify Vegetative Management Objectives and Standards found in the Permit. The content of Modification Application 20-1 per §19.10.5.505 NMAC is of an acceptable format and is hereby deemed Administratively Complete. Thank you for your patience with our review of this document. Below are MMD’s and associated Agency comments on this submittal per §19.10.5.505 NMAC.

MMD Comments

Request to modify Modification 17-1 Section 5A (approved waste for pit disposal)

1. Please clarify how the change in approved waste materials for pit disposal will affect the reclamation of the pit at final closeout.

Request to modify PMLU Section 6A

2. Please provide a detailed map(s) of the Mine Site showing the proposed areas (PMLU boundaries) for each of the new PMLU designations; Wildlife Habitat and Industrial/Commercial. Also include Permit Boundaries on this map.

Request to modify Vegetation Management Objectives and Standards Sections 6 and 9

3. See Attachment 1 for Agency changes made to Sections 6 and 9 to the Closeout Plan Revision 96-2 of Permit No. TA001RE

NM State Forestry Comments

4. See Attachment 2 for comments received from NM State Forestry

NM Environment Dept. ("NMED") Comments

5. See Attachment 3 for comments received from NMED.

MMD is available to discuss this letter at your convenience. Please contact Clint Chisler, Permit Lead at (505) 467-9589 or by email at clinton.chisler@state.nm.us if you would like to discuss further or to schedule a meeting.

Sincerely,



Clint Chisler, Permit Lead
Mining Act Reclamation Program/MMD

Permit No. TA001RE, Questa Mine Site

Attachments:

1. Agency changes made to Sections 6 and 9 to the Closeout Plan Revision 96-2 of Permit No. TA001RE
2. NM State Forestry Comments
3. NMED Comments



Michelle Lujan Grisham
Governor

Howie C. Morales
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

1190 Saint Francis Drive / PO Box 5469
Santa Fe, NM 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965

www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

Date: December 11, 2020

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

Through: Anne Maurer, Mining Environmental Compliance Section

From: Alan Klatt, Surface Water Quality Bureau
Sufi Mustafa, Air Quality Bureau

Subject: **NMED Comments, Modification 20-1, Chevron Questa Mine, Chevron Environmental Management Company, Taos County, New Mexico Mining Act Permit No. TA001RE**

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on November 10, 2020 requesting NMED review and provide comments on the above-referenced MMD permitting action. Pursuant to the Mining Act this operation is permitted as a regular existing mine. MMD requested comments on the application within 30 days of receipt of the request for comments. NMED has the following comments.

Background

Chevron Environmental Management Company (CEMC) is requesting to change the post-mining land use (PMLU) from "Forestry and Water Management" to "Wildlife and Industrial/Commercial", add verbiage to the permit to allow waste rock from the Group 1 and Group 2 waste rock piles to be disposed of in the open pit, and is requesting to modify the Vegetative Management Objectives and Standards required in the Mining Act permit.

Air Quality Bureau

The Air Quality Bureau comments are attached.

Surface Water Quality Bureau

The Surface Water Quality Bureau comments are attached.

Mining Environmental Compliance Section (MECS)

MECS has no comments on the change in PMLU or Vegetation Management Objectives and Standards. MECS acknowledges that placement of waste rock in the open pit will be done in accordance with the soon-to-be approved Group 1 Waste Rock Pile Project Final Design Report and Work Plan (Group 1) dated November 2, 2020. Placement of waste rock in the open pit as part of the Group 1 work is addressed under a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) implementing agreement, specifically the Early Design Administrative Order on Consent. In the future, if a CERCLA implementing agreement is not in place for Group 2 Waste Rock Pile reclamation, NMED will require approval of placement of waste rock in the open pit pursuant to Discharge Permit 1055 (DP-1055). A closure plan for reclamation of materials from the Group 2 Waste Rock Piles placed in the open pit would also be required.

NMED Summary Comment

NMED finds that the changes proposed in the Modification 20-1 application will be protective of the environment if done in accordance with the approved permits, pollution controls, and the comments above.

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

cc: Clint Chisler, Lead Staff, EMNRD-MMD
Kurt Vollbrecht, Program Manager, MECS
Shelly Lemon, Bureau Chief, NMED-SWQB
Elizabeth Bisbey-Kuehn, Bureau Chief, NMED-AQB



**NEW MEXICO
ENVIRONMENT DEPARTMENT**

525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505

Phone (505) 476-4300 Fax (505) 476-4375

www.env.nm.gov

Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

DATE: December 7, 2020

TO: Kurt Vollbrecht, Program Manager, Mining Environmental Compliance Section

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

RE: Request for Review and Comment, Regular Existing Mine Modification 20-1 Application for Chevron EMC ("Chevron"); Questa Mine, Taos Co., NM Permit Tracking No. TA001RE

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

Air Quality Permitting History

The mine site has been issued an Air Quality permit.

Details

Chevron Mining Inc. has requested a change in its Questa Mine Permit TA001RE. Chevron Mining request's a change in its Post Mining Land Use, also proposing in permit to allow change in approved material for disposal in the Questa Mine's Open Pit and is requesting to modify Vegetative Management Objectives and Standards found in the permit. The changes requested in this application are not expected to significantly change mine's impact on air quality. It is expected that Questa Mine will continue compliance with all permit conditions listed in their air quality permit for its operations at Questa 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:

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

“Any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review.”

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

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

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

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

In addition, pursuant to Subsection A of 19.10.3.302 NMAC, *Minimal Impact Exploration Operations*:

“A minimal impact exploration operation will not exceed 1000 cubic yards of excavation per permit. Disturbances for constructed roads, drill pads and mud pits shall be no more than 5 acres total and will not be counted in the excavated materials. The type of road construction, the number and type of drill pads, and other disturbances when considered with site specific conditions will be major factors in determining eligibility for minimal impact status which is in the discretion of the director.”

The above is not intended to be an exhaustive list of all requirements that could apply.

Fugitive Dust

Fugitive dust is a common problem at mining sites and this project will temporarily impact air quality as a result of these emissions. However, with the appropriate dust control measures in place, the increased levels should be minimal. Disturbed surface areas, within and adjacent to the project area, should be reclaimed to avoid long-term problems with erosion and fugitive dust. EPA's *Compilation of Air Pollutant Emission Factors, AP-42, "Miscellaneous Sources"* lists a

variety of control strategies that can be included in a comprehensive facility dust control plan. A few possible control strategies are listed below:

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.

Recommendation

The AQB has no objection to the current request for a permit modification from MMD.

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) 476-4318.



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Surface Water Quality Bureau

1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

MEMORANDUM

DATE: December 11, 2020

TO: Kurt Vollbrecht, Program Manager, Mining Environmental Compliance Section

FROM: Alan Klatt, Surface Water Quality Bureau

SUBJECT: **Request for Review and Comment, Chevron Questa Mine, Change in PMLU, Modification 20-1, Taos County, New Mexico Mining Act Permit No. TA001RE**

The New Mexico Environment Department (NMED)-Surface Water Quality Bureau (SWQB) received the Subject request for comments on November 13, 2020. The application has been submitted by Chevron for the Questa Mine located in Taos County. The purpose of Modification 20-1 is to modify Modification 17-1 Section 5A, which authorizes placement of approved waste material in the pit to include waste rock material and other demolition debris, and to modify the Post Mining Land Use (PMLU) at the Questa Mine from forestry and water management to wildlife habitat and industrial/commercial. SWQB discussed this modification request with the Energy, Minerals and Natural Resources Department (EMNRD)-Mining and Minerals Division and the NMED-Ground Water Quality Bureau and has no comments at this time.

For questions related to these comments, please contact Alan Klatt, SWQB, at 505-819-9623.

From: [Roth, Daniela, EMNRD](#)
To: [Chisler, Clinton, EMNRD](#)
Subject: RE: Questa Mine Permit No. TA001RE Mod. 20-1 Request for Comment
Date: Tuesday, November 17, 2020 11:34:36 AM

Hi Clint:

Thank you for providing me the opportunity to review and comment on Modification 20-1 Application for Chevron EMC, Questa Mine in Taos County, NM (Permit No. TA001RE). Based on the information provided I do not expect any adverse impacts to state listed endangered plants from the change of the Post Mining Land Use from "Forestry and Water Management" to "Wildlife and Industrial/Commercial", the change in Permit verbiage related to approved materials for disposal in the Questa Mine's Open Pit, nor the modification of Vegetative Management Objectives and Standards. However, it is unclear why planting of appropriate trees and shrubs is apparently no longer part of the closeout plan, based on the post mining land use prescription. A post mining vegetation community should be based on the surrounding native plant community, not a land use prescription.

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

Sincerely,

Daniela Roth

Botany Program Coordinator
EMNRD – Forestry Division
1220 S. Saint Francis Drive
Santa Fe, NM 87505
505-476-3347
<http://www.emnrd.state.nm.us/SFD/>

From: Chisler, Clinton, EMNRD <Clinton.Chisler@state.nm.us>
Sent: Tuesday, November 10, 2020 9:41 AM
To: Roth, Daniela, EMNRD <Daniela.Roth@state.nm.us>
Subject: Questa Mine Permit No. TA001RE Mod. 20-1 Request for Comment

Hi Daniela,

Attached is the Application and Request for Comment regarding the Mod. 20-1 Application to the Questa Mine Permit No. TA001RE. Thanks again.

Clint

CLINTON M. CHISLER
RECLAMATION SOIL SCIENTIST
MINING AND MINERALS DIVISION
MINING ACT RECLAMATION PROGRAM
WENDELL CHINO BUILDING 3RD FLOOR ROOM 363
1220 S. ST. FRANCIS DRIVE
SANTA FE, NM 87505
OFFICE/CELL: (505) 467-9589
CLINTON.CHISLER@STATE.NM.US