

**From:** [Ohori, David, EMNRD](#)  
**To:** [Tom Shelley \(tshelley@fmi.com\)](#)  
**Cc:** [Mandy Lilla \(mlilla@fmi.com\)](#)  
**Subject:** Additional Agency Comments - Little Rock Mine Revision 20-1 Mine Expansion and Updated CCP Application  
**Date:** Friday, March 19, 2021 5:26:00 PM  
**Attachments:** [2021-03-12 NMED MMD Tyrone Little Rock Mine GR007RE.pdf](#)  
[NMERT-993 Additional Comments on Rev.20-1 Little Rock Mine Updated CCP GR007RE MW.pdf](#)

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Hi Tom,

Please see the attached comments that MMD recently received from NMED and the NMDG&F.

Kindly provide MMD with your response to these comments within 30-days of receipt.

Let me know if you have any questions.

Thank you.

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**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

**MEMORANDUM**

Date: March 12, 2021

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

Through: Anne Maurer, Mining Environmental Compliance Section

From: Keith Ehlert, Mining Environmental Compliance Section  
John Moeny, Surface Water Quality Bureau  
Sufi Mustafa, Air Quality Bureau

Subject: **Review of Adequacy of Response to Comments, Revision 20-1, Little Rock Mine, Freeport-McMoRan Tyrone Operations, Grant County, New Mexico Mining Act Permit No. GR007RE**

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The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on January 28, 2021 requesting NMED review and provide comments on the above-referenced Mining Act permitting action. The application is for revision of Mining Act Permit No. GR007RE. NMED is providing comments within the 45-day period requested in the correspondence. NMED has the following comments.

**Background**

The application for permit revision is for:

1. Expansion of the Little Rock Mine Permit and Design Limit Boundaries including expansion of the existing open pit, waste rock piles, haul roads, infrastructure, and miscellaneous facilities. The proposed revision also includes creation of new waste rock piles, modification of the Deadman Canyon Diversion, and removal of the Copper Leach Stockpile.
2. Update of the Little Rock Mine Closeout Plan as required by Revision 14-1 and Modification 18-1 to Mining Act Permit No. GR007RE.

MMD initially requested comments on July 6, 2020 on the Revision 20-1 application. NMED provided comments to MMD on September 4, 2020. In a letter dated November 2, 2020 MMD provided comments on the Revision 20-1 application to Tyrone, including comments from other agencies and the public (MMD Comment Letter). Freeport-McMoRan Tyrone Operations (Tyrone) provided a Response to Comments (RTC) on January 4, 2021. MMD is requesting that NMED review the adequacy of the RTC.

### **Air Quality Bureau**

The Air Quality Bureau comments are provided under separate letterhead.

### **Surface Water Quality Bureau**

The Surface Water Quality Bureau (SWQB) has the following comment:

1. Since SWQB submittal of comments on the Revision 20-1 application in September 2020, the EPA has finalized the 2021 MSGP, which is effective on March 1, 2021. Notices of Intent (NOIs) for coverage at a facility previously covered under the 2015 MSGP must be submitted to EPA by May 30, 2021. For more information, please see:

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>

### **Mining Environmental Compliance Section (MECS)**

Tyrone has submitted an application for renewal and modification of the discharge permit for the Little Rock Mine (DP-1236). The application includes an Updated Closure/Closeout Plan (UCCP) dated June 11, 2020. Technical review of the application and UCCP is ongoing and NMED will provide comments directly to the applicant as part of the permit renewal process.

Item 10 in the November 2, 2020 MMD Comment Letter includes a requirement that Tyrone have in place a current approved material handling plan to assure that acid generating rock will not be placed in the stockpiles. Tyrone's response indicates that Tyrone has in place a material characterization and handling plan for the Little Rock Mine that was approved by NMED on June 8, 2016, which is an accurate response. However, NMED will require that Tyrone assess the approved material characterization and handling plan as it relates to more detailed understanding of the geological characteristics of the area of proposed expansion of the Little Rock Pit. NMED will coordinate with MMD regarding further review of the application and UCCP, and the material characterization and handling plan, and will copy MMD on any comments submitted to Tyrone pertaining to the application and UCCP.

**NMED Summary Comment**

NMED is withholding issuance of the environmental determination pending completion of the technical review of the application and UCCP for DP-1236 renewal and modification to ensure compliance with 20.6.2 and 20.6.7 NMAC.

If you have any questions, please contact Kurt Vollbrecht at (505) 827-1095.

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



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**MEMORANDUM**

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DATE: March 10, 2021

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, Little Rock Mine, Response to Agency Comments, Revision 20-1, Grant County, New Mexico Mining Act Permit No. GR007RE**

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**

This mine has been permitted by the Air Quality Bureau as part of the Tyrone mine permit.

**Details**

The proposed revision will facilitate the expansion of the Little Rock Mine, extending the same land uses and activities that have previously been approved. Mineable ore from Little Rock will continue to be transferred to the adjacent Tyrone Mine facility for copper extraction. Overburden rock will continue to be managed as currently approved. It will either be transported to the Tyrone Mine where it will be stockpiled at permitted facilities, and/or used to create additional stockpiles within a portion of the Little Rock permit area in accordance with 2020 Little Rock Closure/Closeout Plan.

**Air Quality Requirements**

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

20.2.15 NMAC, *Pumice, Mica and Perlite Processing*. Including 20.2.15.110 NMAC, *Other Particulate Control*: "The owner or operator of pumice, mica or perlite process equipment shall

not permit, cause, suffer or allow any material to be handled, transported, stored or disposed of or a building or road to be used, constructed, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne."

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

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

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

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

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

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

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

### **Fugitive Dust**

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

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

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

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

Scraping: wet suppression of scraper travel routes.

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

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

### **Recommendation**

The AQB has no objection to the mining permit revision request.

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

If you have any questions, please contact me at 505.476.4318.



DIRECTOR AND SECRETARY  
TO THE COMMISSION  
Michael B. Sloane

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DEPARTMENT OF GAME & FISH

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16 March 2021

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

***RE: Additional Comments on Revision 20-1 Expansion of Little Rock Mine and Updated Closure/Closeout Plan, Freeport-McMoRan Tyrone Operations, Permit No. GR007RE; NMDGF No. NMERT-993.***

Dear Mr. Otori,

In response to your letter dated 28 January 2021, the New Mexico Department of Game and Fish (Department) has reviewed Freeport-McMoRan Tyrone Operations (Tyrone) response to the Agencies comments.

The Department recommended that Tyrone establish a separate reference area for the Little Rock Mine instead of using the existing reference area that was originally established for the Tyrone Mine, in a lower elevation alluvial bottomland site. The Department also stated that the current reference area may not adequately represent the undisturbed habitat that is immediately adjacent to the higher elevation Little Rock Mine. Tyrone responded that the current reference area should be sufficiently comparable to the reclamation's plant community structure at the Little Rock Mine after 12 years. Tyrone also stated that they would be open to further discussions on a new reference area for Little Rock after the CCP is approved. The Department requests that a site inspection is scheduled with MMD and Tyrone to better evaluate if the current reference area will be sufficiently comparable to be used for the Little Rock Mine.

Thank you for the opportunity to provide additional comments on the proposed revision and updated Closeout Plan. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist at (505) 476-8159 or [ronald.kellermueller@state.nm.us](mailto:ronald.kellermueller@state.nm.us).

Sincerely,

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

cc: USFWS NMES Field Office