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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 11, 2026

Stephen Crosby, Senior Vice President of Development
New Mexico Copper Corporation
P.O. Box 4209
Truth or Consequences, NM 87901

RE: Draft Discharge Permit Renewal and Modification; DP-1840, Copper Flat Mine, New Mexico Copper Corporation

Dear Stephen Crosby:

Notice is hereby given pursuant to Subsection H of 20.6.2.3108 NMAC that the Ground Water Discharge Permit Renewal and Modification of the existing Discharge Permit 1840 (DP-1840) for the New Mexico Copper Corporation (Applicant) Copper Flat Mine has been proposed for approval (copy enclosed). The New Mexico Environment Department (NMED) Ground Water Quality Bureau (GWQB) will publish notice of the availability of the draft Discharge Permit Renewal and Modification in the near future and will forward a copy of the notice to you. The Application for Discharge Permit Renewal and Modification of DP-1840 was deemed technically complete on June 22, 2026.

Prior to making a final ruling on the proposed DP-1840 Discharge Permit Renewal and Modification, NMED will allow 30 days from the date the public notice is published, during which time written comments can be submitted or a public hearing requested. Comments and/or request for a public hearing may be submitted by any interested person or the Applicant. Written comments or hearing requests may be submitted to the GWQB either by utilizing the SmartComment portal at <https://nmed.commentinput.com/comment/search> or by email to jordan.anderson@env.nm.gov or mecs.general@env.nm.gov. Hearing requests shall set forth the reasons why a hearing should be held. A hearing will be held only if hearing requests are received from the public or the Applicant during the 30-day comment period and NMED determines there is substantial public interest regarding the proposed DP-1840 Discharge Permit Renewal and Modification. Hearings are presided over by the NMED Secretary, or a hearing officer appointed by the Secretary.

NMED has imposed additional conditions on the Renewal and Modification of DP-1840 that are not requirements of the Copper Mine Rule (20.6.7 NMAC), and are not conditions that can be pulled forward from the existing DP-1840 in accordance with Paragraph (2) of 20.6.7.20.B NMAC (leach stockpiles), Paragraph (2) of 20.6.7.21.C NMAC (waste rock stockpiles), Paragraph (2) of 20.6.7.22.B NMAC (copper crushing, milling, concentrator, smelting and tailing impoundments), and Paragraph (2) of 20.6.7.23.B NMAC (pipelines and tanks). Pursuant to Subsection I of 20.6.7.10 NMAC, NMED is providing the following written explanations of the reasons for the additional conditions.

1. Condition C101.B – This condition ensures that all containment systems are in place prior to operation of discharging mine units.
2. Condition C103.F – This condition ensures that Existing Waste Rock Stockpile 2A is located entirely within the projected Open Pit Surface Drainage Area (OPSDA).
3. Condition C108.A – The reason for this condition is to require that the Applicant combine three separate water management plans required by the Copper Mine Rule into one comprehensive sitewide plan (“Sitewide Water Management Plan”) that meets the requirements of Paragraph (4) of 20.6.7.17.C NMAC (Stormwater Management Plan), Subsection C of 20.6.7.24 NMAC (Mine Operation Water Management Plan), and Subsection K of 20.6.7.30 NMAC (Interim Emergency Water Management Plan).
4. Condition C110.A – This condition ensures that the Applicant does not discharge water for dust suppression that may exceed Section 20.6.2.3103 NMAC groundwater quality standards on areas outside the projected OPSDA.
5. Condition C113.B – The reason for this condition is to clarify sampling and analytical requirements.
6. Condition C113.F – This condition ensures the Applicant reports monitoring and reporting activities required by Subsection B of 20.6.7.29 NMAC prior to operations.
7. Condition C114.C – The reason for this condition is to authorize NMED to require submittal of contingency plans and schedules should an unforeseen circumstance occur that may have the potential to impact groundwater quality.
8. Condition C115.F – This condition ensures that each phase of the Dry Stack Tailing Facility is reclaimed during operations in accordance with the Copper Flat Mine Closure/Closeout Plan.

9. Condition C115.G – This condition ensures that the stormwater impoundments proposed for use at closure and prior to reclamation have adequate capacity for a 100-year return interval storm event while maintaining a minimum of two feet of freeboard.
10. Condition C115.I and Condition C115.J – The reason for this condition is to require that the Applicant reclaim the historic waste rock stockpiles during the mine start-up phase.
11. Condition C116.B – The reason for this condition is to require that the Applicant collect additional surface and groundwater data to provide information regarding the horizontal and vertical extent, and magnitude of groundwater impacts as required pursuant to Sections 20.6.2.4000 NMAC through 4115 NMAC.
12. Condition C116.C.1 – This condition requires the Applicant to construct two additional monitoring wells in Grayback Arroyo. One monitoring well will replace Monitoring Well GWQ19-20 since it is not screened at the water table as required by Paragraph (7) of 20.6.7.28.D NMAC. The other monitoring well will be located east of the East Animas Fault to provide additional information for current and future groundwater conditions in this area.
13. Condition C117.B – The reason for this condition is to require the Applicant to have approved final and complete financial assurance in place with all agencies involved in negotiations prior to causing any disturbance associated with new mining. In addition, this condition was required to be added to DP-1840 in 2019 by the Water Quality Control Commission (WQCC) as a result of permit review hearing conducted for DP-1840 by the WQCC in accordance with 20.1.3.16 NMAC and other applicable law.
14. Condition D105.A – The reason for this condition is to ensure that the Applicant submits proper notification prior to destruction or removal of any monitoring wells required under DP-1840.
15. Condition D105.B – The reason for this condition is to ensure compliance with the monitoring well location requirements of Subsection B of 20.6.7.28 NMAC and that the Applicant submits consistent information supporting requests to plug and abandon monitoring wells.
16. Condition D106.B – The reason for this condition is to ensure compliance with the discharge location reporting requirements of Subparagraph (c) of 20.6.2.1203.A(1) NMAC and that the Applicant submits consistent information regarding spill notifications.
17. Condition D107.D – The reason for this condition is to assert NMED authority to require that the Applicant amend or modify DP-1840 should NMED determine that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated.

Please review the enclosed draft DP-1840 Discharge Permit Renewal and Modification carefully for accuracy and completeness, and to make sure you understand what it requires. Please be aware that the proposed DP-1840 Discharge Permit Renewal and Modification may contain conditions that require the Applicant to implement operational, monitoring, or closure actions by a specified deadline.

The Water Quality Control Commission (WQCC) Regulations, Part 20.6.2 NMAC and Part 20.6.7 NMAC, are available online at <https://www.env.nm.gov/gwqb/gw-regulations>.

Any comments relating to this draft DP-1840 Discharge Permit Renewal and Modification can be sent through the SmartComment portal at <https://nmed.commentinput.com/comment/search> or by email to jordan.anderson@env.nm.gov or mecs.general@env.nm.gov. If written comments or a written request for a hearing are not received during the public comment period, the draft DP-1840 Discharge Permit Renewal and Modification will become final. Thank you for your cooperation during the review process.

Sincerely,

Jordan
Anderson

 Digitally signed by Jordan
Anderson
Date: 2026.09.09
18:18:11 -06'00'

Jordan Anderson, Permit Lead
Mining Environmental Compliance Section
Ground Water Quality Bureau
New Mexico Environment Department

Enclosure: Draft Discharge Permit Renewal and Modification, DP-1840

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**GROUND WATER QUALITY BUREAU (GWQB)
DISCHARGE PERMIT RENEWAL AND MODIFICATION
EXISTING COPPER MINE FACILITY
Issued under 20.6.2 and 20.6.7 NMAC**

Return Receipt Requested

Mine Facility Name: Copper Flat Mine

GWQB Discharge Permit No.: DP-1840
GWQB TEMPO AI No.: 1535

Permittee Name/Responsible Party: New Mexico Copper Corporation
Mailing Address: P.O. Box 4209
Truth or Consequences, NM 87901

Mine Facility Contact: Stephen Crosby; (575) 912-5927
Mine Facility Location: 85 Copper Rock Road
Hillsboro, NM 88042

County: Sierra County

Permitting Action: Renewal and Modification
Effective Date: DRAFT
Expiration Date: DRAFT

NMED Permit Contact: Jordan Anderson; (505) 660-8908
E-mail Address: jordan.anderson@env.nm.gov
Or: mecs.general@env.nm.gov

Justin Ball, Chief
Ground Water Quality Bureau

Date

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Part A GENERAL INFORMATION

A100 Introduction

- A. The New Mexico Environment Department (NMED) issues this Ground Water Discharge Permit, DP-1840 (Discharge Permit) to the New Mexico Copper Corporation (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978, §§ 74-6-1 to 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC (Ground and Surface Water Protection) and 20.6.7 NMAC Ground Water Protection – Supplemental Permitting Requirements for Copper Mine Facilities (the Copper Mine Rule). NMED is issuing this Discharge Permit to control the discharge of water contaminants from the Copper Flat Mine facility for the protection of groundwater and those segments of surface water gaining from groundwater inflow, for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health.
- B. Pursuant to this Discharge Permit, the Permittee is authorized to discharge up to 1,613,000 gallons per day (GPD) of entrained process water in 38,000 tons of dry tailing to a lined dry stack tailing facility. In addition, this Discharge Permit regulates discharges from other mine units including waste rock stockpiles, ore stockpiles, mineral processing units, process water impoundments, an open pit, sumps, tanks, pipelines, and other areas within the Discharge Permit area. The discharge may move directly or indirectly into groundwater of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter (mg/L) or less of total dissolved solids (TDS) within the meaning of Section 20.6.2.3104 and Subsection A of 20.6.2.3101 NMAC. The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC in compliance with the terms and conditions of this Discharge Permit.
- C. The Permittee is authorized to discharge water contaminants pursuant to this Discharge Permit, which requires compliance with Part 20.6.2 NMAC and Part 20.6.7 NMAC and is enforceable by NMED.

A101 Applicable Regulations

- A. The Permittee is discharging from a facility that meets the definition of a “new copper mine facility” as defined in Paragraph (39) of Section 20.6.7.7.B NMAC. Sections 20.6.2.3000 through 20.6.2.3114 NMAC and Part 20.6.7 NMAC apply to discharges specific to copper mine facilities and their operations.
- B. The discharge from the facilities regulated pursuant to this Discharge Permit are not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

- C. Groundwater quality as observed in monitoring wells required by Condition C113.H of this Discharge Permit and consistent with Subsection B of 20.6.7.28 NMAC is subject to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC except those excluded pursuant to Subsection D of 20.6.7.24 NMAC.

A102 Permit Duration

- A. Pursuant NMSA 1978 § 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit Renewal is **five (5) years** from the effective date.
- B. If the Permittee submits an application for renewal in accordance with Subsection G of 20.6.2.3106 NMAC, and the Permittee is not in violation of the discharge permit on the date of its expiration, then the existing discharge permit shall not expire until NMED approves or disapproves the application for renewal.

A103 Terms of Permit Issuance

- A. Permit Fees – The Permittee shall remit an annual permit fee payment equal to the applicable permit fee, based on mine size as listed in Subsection A of 20.6.7.9 NMAC on August 1 of each year until termination of all discharge permits related to the Copper Flat Mine facility. [20.6.7.9.A NMAC]
- B. Transfer of Discharge Permit – Prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof, the Permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice. The Permittee shall deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. [20.6.7.38 NMAC and 20.6.2.3111 NMAC]
- C. Permit Renewal – To renew this Discharge Permit, the Permittee shall submit an application and associated fees for renewal at least 270 days prior to the expiration date of this Discharge Permit (by DATE) in accordance with Sections 20.6.7.9, 20.6.7.10, and 20.6.7.11 NMAC.
- D. Additional Conditions – In addition to the requirements of 20.6.7 NMAC, the Permittee shall comply with the following additional conditions as authorized by Subsection I of 20.6.7.10 NMAC pursuant to WQA 74-6-5: Condition C101.B, Condition C103.F, Condition 108.A, Condition C110.A, Condition C113.B, Condition C113.F, Condition C114.C, Condition C115.F, Condition C115.G, Condition C115.I, Condition C115.J, Condition C116.B, Condition C116.C.1, Condition C117.B, Condition D105.A, Condition D105.B, Condition D106.B, and Condition D107.D.

Part B FACILITY SPECIFIC INFORMATION

B100 History and Facility Description

- A. The Copper Flat Mine is an open pit copper mine facility owned by the New Mexico Copper Corporation situated within a mine permit area boundary of approximately 2,190 acres. The Copper Flat Mine will consist of an open pit, waste rock stockpiles, stormwater impoundments and collection systems, a Process Facility Area consisting of a dewatering plant and associated mineral processing units, a lined tailing dry stack pile, and associated infrastructure. The mine project will disturb approximately 1,191 acres of which approximately 910 acres were previously disturbed from historic mining operations at the site. The mine is regulated pursuant to this Discharge Permit and an abatement plan.
- B. The historic Copper Flat Mine operation included several waste rock stockpiles, an open pit, a tailing storage facility, mineral processing facilities, impoundments, and associated infrastructure. The mine was operated for commercial production in 1982 for approximately three and a half months. Approximately three million tons of overburden (i.e., open pit pre-stripping) and 1.2 million tons of ore were mined resulting in an open pit encompassing 80 acres of disturbance including a five-acre water body. The bottom level of the pit currently sits at 5,400 feet above mean sea level (amsl). No mining has occurred at the site since 1982.
- C. New Mexico Copper Corporation will construct and operate the Copper Flat Mine and concentrator using conventional copper and molybdenum sulfide flotation circuits and a gravity gold recovery circuit with an average throughput of 29,600 short tons per day of ore, discharging up to 1,613,000 GPD of process water entrained in dry tailing material. Over an estimated 11.1-year operational period, the Permittee intends to mine the copper-rich ore body and process approximately 113.1 million short tons of ore at the Process Facility Area, and place approximately 45 million tons of waste rock on three delineated waste rock stockpiles peripheral to the open pit.
- D. Ore mined from the Copper Flat Open Pit will be crushed, milled, and concentrated using conventional milling and concentration processes. The copper and molybdenum concentrates produced at the Process Facility Area will be packaged for off-site transport and additional processing.
- E. The tailing, a by-product from the flotation process, will be stored at the Dry Stack Tailing Storage Facility (DSTS). The high-density polyethylene (HDPE)- lined DSTS will be constructed in the same location as the historic tailing facility footprint. The tailing slurry will flow by gravity from the Concentrator through a pipeline into the dewatering plant where the tailing will be dewatered by a pressure filtration process. The dry tailing, containing between

12% - 15% of water by weight, will be transported to the DSTSF via a HDPE-lined overland conveyer system.

- F. Water collected inside the projected Open Pit Surface Drainage Area (OPSDA; as defined in Section 20.6.7.7 NMAC and displayed on Figure 2 attached to this Discharge Permit) at the open pit sump will be utilized for dust suppression during operations on haul roads, working areas, and waste rock stockpiles within the projected OPSDA. Water sources that do not exceed groundwater quality standards set forth in Section 20.6.2.3103 NMAC will be used for dust suppression outside the projected OPSDA.
- G. The pit area will be dewatered to facilitate mining below the water table. The existing diversion structure will be maintained during operations to convey non-impacted stormwater flows generated in Grayback Arroyo and its tributaries around the perimeter of the open pit. Pit water will primarily be used for dust suppression or re-used in the process water circuit.
- H. After the cessation of mining, the pit will be rapidly re-filled with fresh water to the modeled static water table, forming a pit water body. Waste rock stockpiles, the DSTSF, and other impacted areas will be reclaimed and revegetated in accordance with the approved Closure/Closeout Plan, including placement of an engineered soil cover system where required.

B101 Permit Modification

- A. The modification of DP-1840 involves changing the proposed mine plan to utilize dry stack tailing storage instead of a conventional tailing dam which consists of incorporating the Dry Stack Tailing Storage Facility and associated infrastructure

B102 Other Changes

- A. Other changes to DP-1840 include incorporating DP-1840 Amendment 18-01 titled, *Approval of Discharge Permit Amendment 18-01, DP-1840; Copper Flat Mine Existing Conditions Closure Plan*, dated August 19, 2026.
- B. The updated Copper Flat mine plan no longer requires construction of the Process Water Reservoir or Surge Pond, as such, these mine units have been removed from DP-1840. The design and location of the Tailing Storage Facility Underdrain Collection Pond has also been modified and is referred to as the Seepage Collection Pond in this Discharge Permit.
- C. DP-1840 requires the Permittee to complete certain actions before Copper Flat Mine is operational. This Discharge Permit clarifies that Copper Flat Mine will be considered operational on the first day the Permittee emplaces ore, waste rock, or tailing at an individual stockpile or tailing storage facility or for any activity that could be defined as a discharge

pursuant to Paragraph (18) of 20.6.7.7.B NMAC. This Discharge Permit also clarifies that the Copper Flat Mine start-up phase will commence 180 days before Copper Flat Mine is operational. Finally, this Discharge Permit clarifies that the time between the mine start-up phase and the effective date of this Discharge Permit will be considered the pre-operations phase.

B103 Permitting History

- A. The Discharge Plan for DP-1840 includes the Discharge Permit renewal and modification application dated March 20, 2025 (Application), request for additional information response correspondence dated September 2, 2025, supplements to the application dated December 1, 2025, December 12, 2025, March 24, 2026, and April 28, 2026, and materials contained in the DP-1840 administrative record prior to issuance of this Discharge Permit. In addition, the Discharge Plan includes information and materials submitted as part of the original discharge plan approved on December 21, 2018; and amended on August 19, 2026.

B104 Facility Location, Groundwater and Process Water Characteristics

- A. Copper Flat Mine is located at 85 Copper Rock Road approximately 5 miles NE of Hillsboro, in Sections 30 and 31, T15S, R6W, Sections 25, 26, 35, and 36, T15S, R7W, and Section 6, T16S, R6W, Sierra County.
- B. Groundwater beneath the mine units regulated pursuant to DP-1840 is at a depth ranging from approximately 7 to 156 feet with a pre-discharge TDS concentration ranging from approximately 317 to 868 mg/L.
- C. The Copper Flat Open Pit walls, the waste rock stockpiles, the DSTSF and other disturbed areas at the mine facility may contain sulfide minerals which, when oxidized, generate acidic solutions. These acidic solutions react with in situ minerals to produce acid rock drainage (ARD) that typically contains TDS, sulfate, and certain metals in concentrations that may exceed the water quality standards of Section 20.6.2.3103 NMAC.
- D. Process water and impacted stormwater discharges regulated pursuant to DP-1840, including ARD, are typically outside the acceptable range for pH and contain TDS, sulfate, and certain metals in concentrations that exceed the water quality standards of Section 20.6.2.3103 NMAC.

B105 Authorized Mine Units

This Discharge Permit contains requirements associated with the following mine units as identified in the Discharge Plan. Mine units listed below meet the definition of “new” mine units

pursuant to the Copper Mine Rule, unless otherwise noted, and will meet applicable Copper Mine Rule design and construction requirements. Authorized mine units are displayed in Figure 1.

A. Open Pit

1. The permitted open pit operational area will encompass approximately 161 acres at full build out and will reach an approximate base elevation of 4,650 amsl. The diameter of the open pit will be approximately 2,800 feet, and the open pit depth will reach approximately 850 to 900 feet below the original pre-mining surface. The existing diversion of Grayback Arroyo will route stormwater around the open pit during operations and at closure.

B. Waste Rock Stockpiles

1. Waste Rock Stockpile 1 (WRSP-1) – WRSP-1 will be located inside the projected OPSDA northeast of the open pit and will have an estimated footprint of approximately 40 acres upon build out. Approximately 3.16 million tons of waste rock will be stockpiled within the permitted footprint during the operational phase of the mine. Berms and drain ditches will be constructed around the waste rock stockpile to prevent run-on and to control run-off.
2. Waste Rock Stockpile 2 (WRSP-2) – WRSP-2 will be located outside the projected OPSDA east of the open pit and Animas Peak and will have an estimated footprint of approximately 49 acres upon build out. Approximately 8.64 million tons of waste rock will be stockpiled within the permitted footprint during the operational phase of the mine. Berms and drain ditches will be constructed around the waste rock stockpile to prevent run-on and to control run-off.
3. Waste Rock Stockpile 3 (WRSP-3) – WRSP-3 will be located outside the projected OPSDA east of the open pit and Animas Peak and will have an estimated footprint of approximately 122 acres upon build out. Approximately 32.89 million tons of waste rock will be stockpiled within the permitted footprint during the operational phase of the mine. Berms and drain ditches will be constructed around the waste rock stockpile to prevent run-on and to control run-off. An open channel stormwater conveyance structure will be cut into the underlying bedrock at the toe of the stockpile to collect seepage and impacted stormwater generated from WRSP-3.
4. Existing Waste Rock Stockpile 1 (EWRSP-1) – EWRSP-1 is an historic waste rock stockpile located at the western edge of the mine facility boundary. A portion of EWRSP-1 is located outside of the projected OPSDA. EWRSP-1 contains approximately 486,000 tons of waste rock. The current footprint of the stockpile is approximately 16 acres. The stockpile will be reclaimed during the mine start-up phase.

5. Existing Waste Rock Stockpile 2A (EWRSP-2A) – EWRSP-2A is an historic waste rock stockpile located at the north side of the open pit. A portion of EWRSP-2A is located outside the projected OPSDA. This portion will be relocated onto the portion of EWRSP-2A that is inside the projected OPSDA during the mine start-up phase and prior to construction of WRSP-1. EWSRP-2A will be sequentially covered during the operational phase of the mine from construction of WRSP-1 (i.e., EWRSP-2A will become part of WRSP-1).
6. Existing Waste Rock Stockpile 2B – EWRSP-2B, is an historic waste rock stockpile located at the north side of the open pit immediately west of the toe of EWRSP-2A. EWRSP-2B will be reclaimed during the mine start-up phase. The current combined footprint of EWRSP-2A and EWRSP-2B covers a footprint of 21 acres and contains approximately 760,050 tons of waste rock.
7. Existing Waste Rock Stockpile 3 (EWRSP-3) – EWRSP-3, located outside the projected OPSDA, is an historic waste rock stockpile located north of the Concentrator in the ore processing area. It contains approximately 333,300 tons of waste rock and ore. The current footprint of the stockpile is approximately 20 acres. Ore from this stockpile will be processed during the start-up phase of the concentrator. In addition, EWRSP-3 will be used during mine operations to temporarily store ore during upset conditions (i.e., when the Primary Crusher is not working).
8. Existing Waste Rock Stockpile 4 (EWRSP-4) – EWRSP-4, located inside the projected OPSDA, is an historic waste rock stockpile located southeast of the pit containing approximately 1,000,050 tons of waste rock. The current footprint of the stockpile is approximately 23 acres. The southern slopes of the stockpile facing Grayback Arroyo will be reclaimed during the mine start-up phase, and the top surface will be filled and graded to a 1% slope and used for an equipment laydown yard during operations. Stormwater generated from the top surface will discharge to the open pit.

C. Conditionally Exempt Facilities

1. Growth Media Stockpiles – Three growth media stockpiles will be constructed at the mine facility to store reclamation cover material. Growth Media Stockpile 1 will be constructed southwest of the DSTSF and will have an estimated footprint of approximately 30 acres upon build out. Growth Media Stockpile 2 will be constructed northeast of the DSTSF and will have an estimated footprint of approximately 32 acres upon build out. Growth Media Stockpile 3 will be constructed southeast of WRSP-3 and will have an estimated footprint of approximately 14 acres upon build out. These stockpiles are authorized for storage of reclamation cover material only, and the conditionally exempt status is premised on the Permittee placing material that does not generate water contaminants on the Growth

Media Stockpile.

2. Mill Site Claims and Electrical Substation – Nine total existing and/or proposed mill site claims and one electrical substation located off-site will contribute to the project. Each mill site claim is five acres in size and the electrical substation will be located on a thirty-acre parcel of land. The mill site claims will be utilized for other water-related infrastructure uses such as staging and storage areas for booster tanks, pumps and electrical equipment, maintenance, and monitoring. The mill site claims and electrical substation are authorized for use on condition that the Permittee adheres to the approved material characterization and handling plan to ensure the conditionally exempt status as areas that do not generate water contaminants.

D. Copper Crushing, Milling, Concentrator, and Tailing Storage Facility

1. Process Facility Area – The Process Facility Area, located outside the projected OPSDA southeast of the open pit, is where crushing and grinding, milling, flotation, concentrating, tailing dewatering, and drying and packaging of ore will occur. In addition, administration, parking and other ancillary support facilities (e.g., Assay Laboratory) will be located here. Impacted stormwater generated in the Process Facility Area will be directed to open channel conveyances that convey to Impacted Stormwater Impoundment A.
 - a. Primary Crusher – The Primary Crusher will be located north of the Concentrator. Ore from the open pit will be fed to the Primary Crusher for the first stage of crushing. Run-of-the-mine ore rock will be crushed to a size of eight-inch diameter and less. The gyratory crusher will be located below ground level on reinforced concrete with concrete sumps. The sumps will pump water for re-use in the ore processing circuit.
 - b. Coarse Ore Stockpile – The Coarse Ore Stockpile will be located between the Primary Crusher and the Concentrator. Crushed ore rock from the Primary Crusher will be temporarily stored at the Coarse Ore Stockpile until it is fed into the Reclaim Tunnel beneath the stockpile and onto a conveyor system which will transport ore to the Semi-Autogenous Grinding (SAG) Mill and grinding circuit. The Coarse Ore Stockpile will have a capacity of 75,000 tons and will have a footprint of approximately 5 acres.
 - c. Concentrator – The Concentrator will be located west of the Dewatering Plant and south of the Coarse Ore Stockpile. The Concentrator is designed to process an average of 29,600 short tons of ore per day. It will consist of several copper and molybdenum rougher/scavenger flotation cells, , concentrate tanks, thickeners, filters, a copper concentrate load-out area, a molybdenum packaging area, and associated infrastructure. Tailing Slurry produced as a byproduct of the flotation will flow by gravity from the Concentrator to the Dewatering Plant. The Concentrator is designed

and will be constructed to prevent discharges from leaving the facility using concrete floors and numerous sumps, pumps, and concrete berms within the building.

- d. Mill - The Mill is located inside the Concentrator building and will consist of one Semi-Autogenous Grinding (SAG) Mill, one ball mill, a pebble crusher, and associated conveyance systems and separators.
 - e. Dewatering Plant – The Dewatering Plant will be located east of the Concentrator and west of Impacted Stormwater Impoundment A. The Dewatering Plant is designed to remove process water from the tailing until the tailing achieves between 12% - 15% water by weight. Dried tailing from the Dewatering Plant is transported to the DSTSF via a HDPE-lined overland conveyer system. The Dewatering Plant is designed and will be constructed to prevent discharges from leaving the facility using concrete floors and a secondary containment sump.
2. Dry Stack Tailing Storage Facility (DSTSF) – The lined DSTSF will be located outside the projected OPSDA and will be built progressively out in a five-phase process as shown in Figures 7-12 of the Application. It will have a footprint of approximately 486 acres upon full build out. It is designed to accommodate the volume of tailing generated during the life of the mine. The liner will consist of an 80-mil HDPE liner (or equivalent material) placed on a twelve-inch-thick liner bedding fill subbase. A seepage collection system will be constructed above the geomembrane liner consisting of an 18-inch thick free drainage gravel layer and perforated HDPE drainage pipes. Dry tailing will be transported from the dewatering plant to the DSTF via a lined overland conveyer system. Process water from the seepage collection system will discharge to an HDPE-lined channel, then to the Seepage Collection Pond. The existing tailing dam will be removed. Existing tailing material will be removed and temporarily relocated to a lined portion of the DSTSF before it is used as pipe bedding for the DSTSF seepage collection system. The liner and seepage collection systems will be constructed in phases as described in the report submitted with the Application titled, *Pre-Feasibility Engineering Design Cake Stack Tailing Facility (CSTF) - Copper Flat Project*, dated March 17, 2025.

E. Domestic Wastewater Treatment Facility

1. A package treatment plant sized to treat up to 10,000 gallons of day of domestic wastewater will be constructed on a pre-existing slab located near the main gate and outside the projected OPSDA. The plant will be constructed and operated to treat wastewater to a secondary effluent quality. Treated effluent will be pumped via pipeline to the Process Water Tank for re-use as process water.

F. Impoundments

1. Seepage Collection Pond (SCP) – The SCP will be located outside the projected OPSDA at the southeastern toe of the DSTSF. It will have a storage capacity of 50.1 million gallons while maintaining three feet of freeboard. It is sized to retain twenty-four hours of underdrain flow at a maximum flow rate, and runoff from the out slopes of the DSTSF during a 100-year, 24-hour storm event. The pond will be double-synthetically lined (60-mil each or equivalent) using HDPE or equivalent material and equipped with a leak detection/collection system. A HDPE geosynthetic drainage net (geonet) will be placed between the liners to serve as a leak collection and recovery system, and to minimize the head on the lower pond liner. The lower pond liner will be fitted with a sump filled with drainage gravel and pump to recover any leakage through the upper liner. It is designed to meet the requirements of Paragraphs (1), (2), (3), (6), and (7) of 20.6.7.17.D NMAC. The pond will receive approximately 70 gallons per minute (gpm) of seepage from the DSTSF under standard operating conditions. Collected solutions will be pumped to the Process Water Tank via the two submersible pumps (one operational and one spare) with pumping capacities of 800 gpm each. HDPE-lined perimeter collection ditches will capture and contain impacted stormwater from the DSTSF out slopes and convey solutions to the SCP.
2. Impacted Stormwater Impoundments – Three stormwater impoundments will be utilized to capture precipitation and stormwater runoff from areas impacted by mining activities including mining, hauling, waste rock stockpiling, mineral processing, and shipping and receiving of goods and products. The minimum 60-mil HDPE (or equivalent material) lined impoundments are designed to meet the requirements of Paragraphs (1), (2), (4), (6), and (7) of 20.6.7.17.D NMAC. Each stormwater impoundment is designed to receive the volume of stormwater generated from a 100-year return interval storm event while maintaining a minimum of two feet of freeboard. The stormwater impoundments will typically be empty and will be pumped as low as practicable within 30 days of storm events pursuant to Paragraph (4) of 20.6.7.17.D NMAC. Collected solutions from Impacted Stormwater Impoundment B (SW-B) and Impacted Stormwater Impoundment C (SW-C) will be pumped to Impacted Stormwater Impoundment A (SW-A) via the SW-C and SW-A pipelines, and solutions from SW-A will be pumped to the Process Water Tank via the SW-A pipeline using temporary pumps. Sheet flow generated during storm events will be conveyed to the stormwater impoundments via open channel conveyances capable of handling a 100-year return interval storm event while maintaining six inches of freeboard.
 - a. Impacted Stormwater Impoundment A (SW-A) – SW-A will be located outside the projected OPSDA east of the Process Water Reservoir and at the southwest toe of WRSP-3. It will have a footprint of approximately 2 acres and storage capacity of 7,306,971 gallons while maintaining a minimum of two feet of freeboard. SW-A will

capture and manage impacted stormwater from the approximately 91.06-acre catchment area in Watershed A which includes the Process Facility Area.

- b. Impacted Stormwater Impoundment B (SW-B) – SW-B will be located inside the projected OPSDA at the southern toe of WRSP-1 and southwest corner of Watershed B. It will have a footprint of approximately 2 acres and storage capacity of 5,513,140 gallons while maintaining a minimum of two feet of freeboard. SW-B will capture and manage impacted stormwater generated from the approximately 98.52-acre catchment area in Watershed B, which includes WRSP-1. Overflow from the impoundment will discharge under a haul road via a culvert and then flow into the open pit.
- c. Impacted Stormwater Impoundment C (SW-C) – SW-C will be located outside the projected OPSDA at the eastern toe of WRSP-3 and eastern edge of Watershed C. SW-C will have a footprint of approximately 7 acres and storage capacity of 10,513,140 gallons while maintaining a minimum of two feet of freeboard. SW-C will capture and manage impacted stormwater from the approximately 198.66-acre catchment area in Watershed C which contains WRSP-2 and WRSP-3.

G. Sumps, Tanks, Pipelines and Other Containment Systems

- 1. Tanks – Forty-eight above ground tanks will be used at the mine site; most will be located outside the projected OPSDA at the Process Facility Area. Tanks are designed and will be constructed in accordance with Subsections A and B of 20.6.7.23 NMAC, unless otherwise noted.
 - a. Concentrator Area – Thirty tanks will be located inside the Concentrator including (number of tanks in parenthesis): Grinding Area (1), Copper Floatation Area (1), Copper Regrind Area (1), Molybdenum Floatation Area (3), Copper-Molybdenum Thickening Area (4), Copper Thickening Area (6), Wheel Wash Area (1), Lime Reagent Area (2), Diesel Reagent Area (1), General Reagent Area (7), and Sodium Hydrosulfide Reagent Area (3).
 - b. Dewatering Plant – Nine tanks will be located in the Dewatering Plant including (number of tanks in parenthesis): Cyclones (2), Thickener (1), Filter Feed Tanks (3), Cloth/Core Water Tank (1), Gland Seal Water Tank (1), and Filtrate Tank (1).
 - c. Truck Shop Tank Farm – Seven tanks will be located in the Truck Shop Tank Farm area to store various oil and fluid to support the vehicle fleet.
 - d. Fuel Station Area – Five tanks will be located in the Fuel Station Area to be utilized for fueling needs.
 - e. Miscellaneous Locations – Three tanks will be incorporated into the domestic wastewater treatment facility, one tank will be used at the Assay Lab for chemical

waste, and one 170,000-gallon tank will be used for Process Water Storage ("Process Water Storage Tank") and delivery. The Process Water Storage Tank will be situated in a bermed area that will be underlain by a HDPE synthetic liner and will meet the capacity requirements of Subparagraph (d) of 20.6.7.23.A(2) NMAC.

2. Sumps and Containment Areas – Twenty-two sumps and/or containment areas will be constructed to capture and contain process water, impacted stormwater, and other solutions in the event there is a release from the primary containment structures in the Process Facility Area.
3. Copper Flat Open Pit dewatering system – The Copper Flat Open Pit dewatering system will utilize one or more dewatering sumps equipped with pumps and associated pipelines located in the pit to dewater the open pit. A portable booster tank(s) will be incorporated, as necessary, as the pit is deepened.
4. Pipelines – Pipelines serving the DP-1840 mine units consist of HDPE and range in size from 6 inches or less in diameter up to 36 inches in diameter. All pipelines are designed and will be constructed in accordance with Subsections A and B of 20.6.7.23 NMAC. The Concentrator Whole Tailing Transport pipeline and SCP return pipeline will be placed within lined and bermed channels when located outside building areas.

H. Truck and Equipment Washing Units

1. A Truck and Equipment Washing Unit (Truck Wash) will be located outside the projected OPSDA along a haul road between the mine and the Truck Shop south of the Concentrator. It will consist of a concrete pad for vehicle and equipment washing. The pad will be sloped to drain into a 50,000-gallon concrete settling basin for separation of water, solids, oil and grease. Oil and grease will be skimmed and properly disposed of offsite. Solids and process water from the bottom of the settling basin will be pumped to the Dewatering Plant as a slurry where it will be incorporated into tailing slurry and dewatered before being transported to the DSTSF. All wash water will be reused at the Truck Wash. The Truck Wash is designed in accordance with Section 20.6.7.26 NMAC.
2. A wheel wash tank and pump and associated concrete containment area will be located adjacent to the Concentrator. It will be used to remove and contain concentrate from truck wheels prior to the trucks travelling onto site roads. Solutions collected in the wheel wash sump will be returned to the Copper Thickener feed box via a dedicated pump equipped with automatic start/stop control.

I. Dust Suppression

1. Dust suppression trucks will utilize water from the open pit sump and/or stand pipes located inside the projected OPSDA for dust suppression within the projected OPSDA.

Stand pipes used to deliver water to trucks for dust suppression outside the projected OPSDA will utilize water sources that meet groundwater quality standards set forth in Section 20.6.2.3103 NMAC.

J. Flow Measurement

1. The Permittee will utilize flow meters to measure regulated discharge volumes pursuant to this discharge permit and as required by the Copper Mine Rule. Figure 3 of this Discharge Permit shows a schematic diagram of flow meter locations used for discharge volume reporting pursuant to DP-1840.

K. Meteorological Station

1. The mine facility will utilize one Meteorological Station, located at the east central portion of the mine facility permit boundary, to measure meteorological data in accordance with the Meteorological Plan submitted with the Discharge Plan.

B106 Authorized Discharges

The Permittee is authorized to discharge water contaminants from the following mine units in accordance with all applicable system design and operational constraints as described in this Discharge Permit and the Discharge Plan. [20.6.2.3109 NMAC]

- A. The Permittee is authorized to discharge up to 1,613,000 GPD of entrained process water in 38,000 tons of dry tailing to the DSTSF.
- B. The Permittee is authorized to dewater the Copper Flat Open Pit to accommodate mining of the Pit and to manage process water and impacted stormwater from the Copper Flat Open Pit.
- C. The Permittee is authorized to operate the Concentrator, Dewatering Plant, Process Water Tank, SCP, and other mine units described in B105, as applicable, and return process water generated by operation of these mine units to the process water circuit as follows:
 1. The Permittee is authorized to discharge a maximum of 22,545,000 GPD of process water from the Dewatering Plant to the Process Water Tank (20,932,000 GPD) and the DTSTF (1,613,000 GPD).
 2. The Permittee is authorized to discharge a maximum of 20,915,000 GPD of process water from the Process Water Tank to the Concentrator.
 3. The Permittee is authorized to discharge a maximum of 22,153,000 GPD of process water from the Concentrator to the Dewatering Plant.

4. The Permittee is authorized to discharge a maximum of 10,000 GPD of treated effluent from the domestic wastewater treatment and disposal facility to the Process Water Tank.
 5. The Permittee is authorized to operate SW-A, SW-B, and SW-C to collect impacted stormwater and discharge to the Process Water Tank.
 6. The Permittee is authorized to operate all sumps, tanks, pipelines and other containment systems described in Condition B105.G.
 7. The Permittee is authorized to operate the Truck and Equipment Wash units.
- D. The Permittee is authorized to discharge an annual average of approximately 96,000 GPD of process water from the Copper Flat Open Pit sump(s) and dewatering system for use as dust suppression water within the OPSDA or for reuse in the process water circuit.
- E. The Permittee is authorized to place waste rock from the Copper Flat Open Pit within the permitted footprints of WRSP-1, WRSP-2, and WRSP-3 and discharge water contaminants originating from placed materials.
- F. The Permittee is authorized to store crushed ore at the Coarse Ore Stockpile.
- G. During upset conditions, the Permittee is authorized to temporarily stage ore within the permitted footprint of EWRSP-3, and discharge water contaminants originating from placed materials.
- H. This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges such as spills or leaks must be reported to NMED and remediated as required by Section 20.6.2.1203 NMAC, and any additional requirements listed in this Discharge Permit.
- I. If the Copper Flat Mine is on standby pursuant to the Mining Act, the Permittee shall provide written notice to the department indicating the planned date of recommencement of operations. Written notification shall be submitted to the department a minimum of 30 days prior to the date mining is to recommence.

Part C FACILITY SPECIFIC REQUIREMENTS

The Permittee shall conduct operations in accordance with the requirements set forth below to ensure compliance with Part 20.6.2 NMAC.

C100 Practice of Engineering

- A. Within 120 days of completion of construction of any mine unit authorized for construction and discharge as listed in B105 the Permittee shall submit complete as-built drawings and/or a construction certification report pursuant to Paragraph (2) of 20.6.7.18.B NMAC.
- B. Design, construction and location of all mine units shall be in accordance with applicable Copper Mine Rule requirements and the Discharge Plan.

C101 Construction Schedule and Progress Reports

- A. Pursuant to Subparagraph (a) of 20.6.7.18.C(1), the Permittee shall provide NMED with written notice a minimum of 30 days before commencing construction of mine units covered by this Discharge Permit. A summary of construction activities completed shall be submitted in accordance with Subsection B of 20.6.7.29 NMAC.
- B. All containment systems, seepage, and stormwater collection units shall be in place prior to operation of any discharging mine unit.

C102 Copper Flat Open Pit

- A. The Copper Flat Open Pit shall be operated in accordance with the applicable requirements of Section 20.6.7.24 NMAC.
- B. Pursuant to Subsection A of 20.6.7.24 NMAC, expansion of the Copper Flat Open Pit shall not exceed the area shown on Figure 1 of this Discharge Permit. The Permittee must obtain a permit modification or amendment prior to expanding the Copper Flat Open Pit beyond the area shown on Figure 1.
- C. Fluids generated within the open pit shall be managed according to the applicable requirements of Subsection C of 20.6.7.24 NMAC, and the Sitewide Water Management Plan required pursuant to Condition C108.A.

C103 Waste Rock Stockpiles

- A. Waste rock shall be handled and characterized in accordance with applicable requirements of Section 20.6.7.21 NMAC, and the NMED-approved material characterization and handling plans summarized and referenced in the Discharge Plan.
- B. Design, construction and location of the waste rock stockpiles shall be in accordance with the Discharge Plan, and applicable requirements of Subsections B and C of 20.6.7.21 NMAC.

- C. The Permittee shall comply with applicable operational requirements listed in Paragraphs (1) through (8) of 20.6.7.21.D NMAC including the requirement to place waste rock on waste rock stockpiles to plan for closure to the extent practicable and be in accordance with the operating plan required in Condition C113.K (Sections 20.6.7.18, 20.6.7.21 and 20.6.7.33 NMAC).
- D. Construction of new waste rock stockpiles; or expansion of waste rock stockpiles beyond footprints, location, or configuration identified in Figure 1 of this Discharge Permit, or for the purpose of facility closure, must be evaluated in accordance with the requirements of Section 20.6.7.21 NMAC and may be subject to additional permitting requirements as described in Section D107.
- E. Pursuant to Paragraph (c) of 20.6.7.21.A(2) NMAC and as outlined in the material handling plan in the Discharge Plan, the Permittee shall place a minimum of 10 feet of not potentially acid generating (NPAG) waste rock material above and below any areas where acid generating or potentially acid generating (PAG) waste rock will be placed.
- F. As outlined in the Discharge Plan, the portion of EWRSP-2A located outside the projected OPSDA shall be relocated onto the portion of EWRSP-2A that is located inside the projected OPSDA during the mine start-up phase and prior to emplacement of waste rock material within the permitted footprint of WRSP-1.

C104 Impoundments

- A. Design, construction and location of all impoundments shall be in accordance with the Discharge Plan, and applicable requirements of Subsection D of 20.6.7.17 NMAC.
- B. Operation of all impoundments shall be in accordance with the applicable requirements of Subsection F of 20.6.7.18 NMAC.
- C. Pursuant to Subsection C of 20.6.7.17 NMAC, the Permittee shall submit to NMED for approval a liner system construction quality assurance/construction quality control (CQA/CQC) plan a minimum of 90 days prior to construction of any impoundment that requires a liner system.
- D. Pursuant to Subsection B of 20.6.7.18 NMAC, the Permittee shall submit a construction certification report within 120 days of construction completion of all impoundments that require a liner system.
- E. In accordance with Subparagraph (c) of 20.6.7.17.D(2) NMAC, water levels in the SCP shall be maintained to provide capacity to convey maximum design process flow plus stormwater runoff from the reservoir catchment area from a 100-year return interval storm event while maintaining a minimum of two feet of freeboard.

- F. In accordance with Subparagraph (e) of 20.6.7.17.D(2) NMAC, water levels in the SW-A, SW-B, and SW-C shall be maintained to provide capacity for a 100-year return interval storm event while preserving a minimum of two-feet of freeboard under standard operating conditions and after storm events.

C105 Copper Crushing, Milling, Concentrator, and Tailing Storage Facility Units

- A. Design, construction, and location of all crushing, milling, concentrating, and tailing storage facility units shall be in accordance with the Discharge Plan, and applicable requirements of Subsections A and B of 20.6.7.22 NMAC.
- B. Operation of all crushing, milling, concentrating, and tailing storage facility units shall be in accordance with the Discharge Plan and applicable requirements of Subsection C of 20.6.7.22 NMAC.
- C. Dry Stack Tailing Storage Facility
 - 1. Pursuant to Paragraph (5) of 20.6.7.22.A NMAC, the Permittee shall comply with the material characterization requirements of Subsection A of 20.6.7.21 NMAC, engineering design requirements of Subsection B of 20.6.7.21 NMAC, construction requirements of Subsection C of 20.6.7.21 NMAC, and operational requirements of Subsection D of 20.6.7.21 NMAC, as applicable.
 - 2. Deposition of tailing material shall be in accordance with the operating plan required in Condition C113.L.
 - 3. Pursuant to Paragraph (1) of 20.6.7.21.D NMAC, the DSTSF shall not exceed the footprint (486 acres) or location and configuration as shown on Figure 1 of this Discharge Permit. The Permittee may only expand the permitted footprint for the purpose of facility closure, or through an NMED-approved permit amendment or modification to DP-1840.

C106 Sumps, Tanks, Pipelines and Other Containment Systems

- A. Design, construction and location of all pipelines, tanks, and sumps shall be in accordance with the Discharge Plan, and applicable requirements of Subsections A and B of 20.6.7.23 NMAC.
- B. The Permittee shall operate all pipelines, tanks and sumps in existence on the effective date of the Copper Mine Rule in accordance with the applicable requirements of Subsection C of 20.6.7.23 NMAC and Paragraph (2) of 20.6.7.23.B NMAC.
- C. Detailed and complete construction plans and specifications and supporting design calculations for any proposed or required tanks, pipelines, sumps, or other containment

systems, including any replacements thereof, shall be submitted to NMED pursuant to Paragraph (2) of 20.6.7.17.C NMAC and Section 20.6.2.23 NMAC, and Condition D107 of this Discharge Permit. This requirement does not apply to portable or temporary tanks, pipelines, sumps, or other containment systems that are subject to periodic relocation during mining operations.

- D. Pursuant to applicable requirements of Paragraph (2) of 20.6.7.23.B NMAC and Subsection J of 20.6.7.33 NMAC, the Permittee shall remove and properly dispose of the tailing, process water, or other materials contained in pipelines, tanks or sumps as soon as they are no longer needed for site operations, water treatment, or other post-closure water management. Any residual tailing, process water, sediments or contaminated water shall be removed from the pipelines, tanks or sumps prior to closure and dispose of the material in a department approved manner. Pipelines may be removed for appropriate disposal or cleaned and buried in place. Sumps may be removed for disposal or cleaned and broken up and buried in place. During pipeline, tank or sump closure, the Permittee shall inspect the entire pipeline, tank or sump area for evidence of past spills and characterize the impacts and potential impacts of such spills. The Permittee shall document all areas where there is evidence of spills and propose to the department appropriate corrective actions pursuant to 20.6.2.1203 NMAC. Following pipeline, tank or sump removal, the Permittee shall remove for disposal or reclaim in place all acid generating pipeline, tank or sump bedding material that has the potential to impact water quality in excess of the applicable standards.

C107 Stormwater Management

- A. Stormwater shall be managed in accordance with the applicable requirements of Paragraph (4) of 20.6.7.17.C NMAC, and in accordance with the Sitewide Water Management Plan required by Condition C108.A.
- B. To ensure compliance with applicable requirements of Paragraph (2) of 20.6.7.17.D NMAC and Paragraph (4) of 20.6.7.17.C NMAC, the Permittee shall inspect monthly or after rain events exceeding one inch - as determined by the nearest appropriate rain gauge(s) - all stormwater impoundments, conveyance channels, and collection ponds for evidence of stormwater accumulations that exceed designed capacities or containing excessive sediment buildup. Inspections after one-inch rain events shall occur as soon as practicable.
- C. Open channel conveyance structures, including those located at the base of WRSP-1, WRSP-2, and WRSP-3, shall be designed and operated to meet the requirements of Subparagraph (f) of 20.6.7.17.D(2).

C108 Sitewide Water Management Plan

- A. The Permittee shall submit to NMED for approval a Sitewide Water Management Plan during the mine start-up phase, no less than 60 days prior to operations. The Sitewide Water Management Plan shall be a comprehensive plan that describes all water management systems at Copper Flat Mine and be designed, at a minimum, to meet the requirements of Paragraph (4) of 20.6.7.17.C NMAC (Stormwater Management Plan), Subsection C of 20.6.7.24 NMAC (Mine Operation Water Management Plan), and Subsection K of 20.6.7.30 NMAC (Interim Emergency Water Management Plan). Previously submitted documents in the Discharge Plan may be included as components of the Sitewide Water Management Plan. The Sitewide Water Management Plan shall be updated annually as specified in Condition C113.E.

C109 Truck and Equipment Washing Units

- A. Design, construction and location of truck and equipment washing units shall be in accordance with the Discharge Plan, and applicable requirements of Subsections A and B of 20.6.7.26 NMAC.
- B. The Permittee shall operate the truck and equipment washing units in accordance with the applicable requirements of Subsection C of 20.6.7.26 NMAC.

C110 Dust Suppression

- A. Dust suppression on areas outside the OPSDA shall be conducted using water sources that do not exceed groundwater quality standards set forth in Section 20.6.2.3103 NMAC.
- B. If at some time in the future the Permittee wishes to use an alternate source of dust suppression water or change the location in which discharges have been approved, the Permittee shall notify NMED for approval prior to the proposed change pursuant to 20.6.7.14 NMAC.

C111 Domestic Wastewater Treatment Facility

- A. The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level, to operate the wastewater collection, treatment, and disposal system. The operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of a certified operator. [Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]

C112 Flow Measurement

- A. Pursuant to Paragraph (2) of 20.6.7.18.E NMAC, and Subsection F of 20.6.7.29 NMAC, the Permittee shall visually inspect all flow meters on a monthly basis for evidence of malfunction

and repair or replace malfunctioning flow meters within 30 days of or as soon as practicable following discovery.

C113 Monitoring and Reporting

- A. Pursuant to applicable requirements in Sections 20.6.7.28 and 20.6.7.29 NMAC, the Permittee shall collect, preserve, transport, and analyze all groundwater, process water, tailing slurry, impacted stormwater, seep, spring, and surface water samples from the facility in accordance with Table 1 and Table 2 of this Discharge Permit, and any additional requirements listed in this Discharge Permit. Table 1 of this Discharge Permit provides a summary of the monitoring and reporting requirements for the mine start-up phase and operations. Table 2 of this Discharge Permit provides a summary of the pre-operations abatement monitoring and reporting requirements. Figures 1 and 2 of this Discharge Permit show sampling locations.
- B. Samples of pit sump water, stormwater, seeps, and process water shall be analyzed for total concentrations for metal parameters and dissolved concentrations (20.6.2.3103 NMAC) in accordance with Table 1 and Table 2 of this Discharge Permit. Samples of groundwater and springs shall be analyzed for dissolved concentrations in accordance with Table 1 and Table 2.
- C. The Permittee shall submit monitoring reports to NMED on a semi-annual basis during the mine start-up phase and operations that contain all quarterly monitoring data and information collected pursuant to the requirements of this Discharge Permit, and applicable requirements of Section 20.6.7.29 NMAC. Semi-annual reports are due by February 28 and August 31 of each year. Data required to be submitted annually shall be submitted in the monitoring report due by February 28 of each year.
- D. Pursuant to Subsection L of 20.6.7.28 NMAC, the Permittee shall submit to NMED groundwater elevation contour map(s) on a semi-annual basis and a map (or maps) showing the extent of the OPSDA and area of open pit hydrologic containment (AOPHC) on an annual basis. The groundwater elevation contour map(s) shall be of an appropriate scale to show groundwater elevation contours for the Copper Flat Mine; the contour maps shall include land surface topographic contours with appropriate contour intervals and shall include the monitoring wells that the groundwater data is based on. The maps shall be submitted in the semi-annual monitoring reports in the format specified by Subsection C of 20.6.7.29 NMAC.
- E. The Permittee shall submit to NMED for approval updates to the Sitewide Water Management Plan. The Sitewide Water Management Plan shall be a comprehensive plan that describes all water management systems at the Copper Flat Mine and be designed, at a minimum the requirements of Paragraph (4) of 20.6.7.17.C NMAC (Stormwater Management Plan), Subsection C of 20.6.7.24 NMAC (Mine Operation Water Management Plan), and Subsection K of 20.6.7.30 NMAC (Interim Emergency Water Management Plan). A statement indicating

that no update is necessary may be provided in the event there are no changes to the Sitewide Water Management Plan. The update shall be submitted to NMED as an attachment to the monitoring report due on February 28 of each year.

F. The Permittee shall submit pre-operations monitoring reports that provide a summary of all activities listed in Subsection B of 20.6.7.29 NMAC during the mine pre-operations phase. The reports are due by February 28 and August 31 of each year until the mine start-up phase begins. If no reportable activities occurred during a reporting period, the Permittee shall submit a statement indicating as such.

1. The reports shall also include the results of pre-operations abatement sampling required pursuant to Condition C116.B and Table 2.

G. Requests to change monitoring and reporting requirements may require a modification or amendment of this Discharge Permit as required by the NMED Secretary. [20.6.2.7 NMAC]

H. Groundwater

1. The Permittee shall monitor groundwater at locations specified by Subsection B of 20.6.7.28 NMAC and listed in Table 1 of this Discharge Permit.

2. Pursuant to Paragraph (1) of 20.6.7.28.B NMAC, the existing monitoring wells listed in Table 1 of this Discharge Permit, except GWQ-1 and GWQ-8 as discussed in Condition C113.H.4 below, have been deemed appropriate by NMED for continued use as groundwater monitoring wells under this Discharge Permit, and applicable requirements of Subsection F of 20.6.7.28 NMAC. Analytical results shall be submitted in the semi-annual monitoring reports in the format specified by Subsection C of 20.6.7.29 NMAC.

3. Pursuant to Subsection G of 20.6.7.28 NMAC, the Permittee shall sample and analyze groundwater quarterly from the DP-1840 monitoring wells in accordance with the schedule and parameters provided in Table 1 of this Discharge Permit, and applicable requirements of Subsection F of 20.6.7.28 NMAC. Analytical results shall be submitted in the semi-annual monitoring reports in the format specified by Subsection C of 20.6.7.29 NMAC.

4. Monitoring Wells GWQ-1 and GWQ-8 are not constructed in accordance with Section 20.6.7.28 NMAC; however, these wells are authorized for incorporation into the monitoring network to provide contextual groundwater information for this Discharge Permit.

5. Pursuant to Paragraph (a) of 20.6.7.28(2) NMAC, the Permittee shall install all proposed monitoring wells at least 180 days before emplacement of ore, waste rock, or discharge of tailing or other contaminants at an individual waste rock stockpile or tailing storage

- facility to allow sampling prior to discharge.
- a. The Permittee shall provide NMED with a definitive installation schedule as project approval dates become more certain.
 - b. Installation of each monitoring well shall be in accordance with Subsections B, C, D and E of 20.6.7.28 NMAC.
 - c. The Permittee shall notify NMED in writing a minimum of one week prior to the start of installation of the monitoring wells. Upon completion of the installation of the monitoring wells, the Permittee shall submit to NMED a monitoring well completion report for all newly installed monitoring wells in accordance with the applicable requirements of Subsection K of 20.6.7.28 NMAC.
 - d. Upon installation of the new monitoring well, the Permittee shall sample and analyze groundwater quarterly from the monitoring well in accordance with Table 1 of this Discharge Permit, and applicable requirements of Subsection F of 20.6.7.28 NMAC. Initial and future analytical results shall be submitted in the semi-annual monitoring reports in the format specified by Subsection C of 20.6.7.29 NMAC.
 - e. Within 15 days of completion of each new monitoring well the Permittee shall provide NMED with depth-to-water measurements and water quality field parameter data. Pending groundwater conditions in the newly installed monitoring wells, additional requirements may be necessary.
6. Authorization to Plug and Abandon Selected Monitoring Wells
- a. Pursuant to Subsection H of 20.6.7.28 NMAC, the Permittee is authorized to plug and abandon Monitoring Wells GWQ11-25A and GWQ11-25B, for the enlargement of the open pit.
 - b. The monitoring wells shall be plugged and abandoned in accordance with the attachment titled, *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011, and all applicable local, state, and federal regulations, including Section 19.27.4 NMAC.
 - c. The Permittee shall submit documentation describing the well abandonment procedures in accordance with the attachment titled, *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011. The well abandonment documentation shall be submitted to NMED with the next semi-annual monitoring report for this Discharge Permit upon completion of abandonment procedures.
 - d. Pursuant to Subsection B of 20.6.7.30 NMAC, NMED may require replacement monitoring wells.

7. The Permittee shall include Monitoring Wells GWQ11-25A and GWQ11-25B in the monitoring plan until expansion of the open pit requires plugging and abandonment of these wells.
8. The Permittee shall submit a request in accordance with Condition D105 prior to plugging and abandonment of any monitoring well.

I. Surface Water

1. The Permittee shall analyze surface water collected from five surface water auto-sampling ports (SWQ-1 through SWQ-5) located in Grayback Arroyo during operations in accordance with the applicable requirements of the Discharge Plan, Table 1 of this Discharge Permit, and Subsection N of 20.6.7.28 NMAC. The Permittee shall analyze surface water collected from ports SWQ-3 and SWQ-4 during the pre-operations mine phase in accordance with Table 2 of this Discharge Permit. The surface water collection ports shall be checked after each precipitation event of 0.5 inch or greater at the Copper Flat Mine. If sufficient water is present, a sample shall be collected and analyzed. The Permittee shall attempt to collect samples from the collection ports as soon as practicable after the precipitation event. No more than one surface water sample per port must be collected in a 24-hour period, and no more than two surface water samples per port are required to be collected per quarter. Samples shall be analyzed for total and dissolved concentrations of the analytes listed on Table 1 and Table 2 of this Discharge Permit. Analytical results shall be submitted in the pre-operations mine phase (Condition C113.F) and operations semi-annual monitoring reports (Condition C113.C) in the format specified by Subsection C of 20.6.7.29 NMAC.
2. The Permittee shall sample and analyze surface water collected quarterly from any seeps or springs during operations, if encountered, outside the OPSDA in accordance with the schedule listed in Table 1 of this Discharge Permit, and applicable requirements of Subsection N of 20.6.7.28 NMAC. Analytical results shall be submitted in the semi-annual monitoring reports in the format specified by Subsection C of 20.6.7.29 NMAC.

J. Copper Flat Open Pit

1. Pursuant to Subsection C of 20.6.7.24 NMAC, the Permittee shall submit on an annual basis during operations a mine operation water management report summarizing the pit dewatering activities for the Copper Flat Open Pit for the previous year, including reporting on volumes of water pumped to dewater the pit and location of pumping. The report shall also discuss changes and planned activities for dewatering the Copper Flat Open Pit for the coming year. The planned future dewatering activities shall be incorporated into the annual Sitewide Water Management Plan update required pursuant to Condition C113.E.

K. Waste Rock Stockpiles

1. Pursuant to Paragraph (7) of 20.6.7.21.D NMAC, the Permittee shall submit, on an annual basis during the mine start-up phase and operations, an operating plan/report that: 1) describes the sequencing of PAG and NPAG waste rock deposition on the waste rock stockpiles, 2) reports the volume and location of PAG waste rock material placed in the past year, 3) describes a proposal for material placement for the next year, and 4) describes the operation of any applicable systems utilized to contain or transport process water or impacted stormwater from the waste rock stockpiles. The operating plan shall be submitted with the monitoring report due by February 28 of each year.

L. Copper Crushing, Milling, Concentrator, and Tailing Storage Facility Units

1. Pursuant to Paragraph (5) of 20.6.7.22.A NMAC, the Permittee shall submit on an annual basis during operations, an operating plan in accordance with Paragraph (7) of 20.6.7.21.D NMAC that describes the sequencing of dry stack tailing deposition on the DSTSF and describes the operation of any applicable systems utilized to contain or transport process water.

M. Discharge Volumes

1. The Permittee shall measure and report discharge volumes for process water, liner solution collection systems, tailing and impacted stormwater discharges in accordance with Subsections B, E, and F of 20.6.7.29 NMAC and the flow metering plan submitted with the Discharge Plan. Flow meter locations used for monitoring and reporting are schematically displayed on Figure 3 of this Discharge Permit. Discharge volume reporting shall be submitted in the semi-annual monitoring reports in the format specified by Subsection C of 20.6.7.29 NMAC. In addition to applicable discharge volume reporting required by Subsections B, E, and F of 20.6.7.29 NMAC, the Permittee shall measure and report discharge volumes pursuant to Subparagraphs (g) and (h) of 20.6.7.20.C(1) NMAC and Subsections E and F of 20.6.7.29 NMAC for the following discharges:
 - a. The daily volume, source(s), and locations of water in GPD used for dust suppression.

N. Flow Measurement Report

1. Pursuant to Subparagraph (a) of 20.6.7.18.E.2 NMAC, the Permittee shall submit a report of repaired or replaced flow meters in the semi-annual monitoring reports that include a description of any flow meter malfunctions with a statement verifying the repair and description of calibration of the flow meter pursuant to Paragraph (3) of 20.6.7.18.E NMAC.

O. Impoundment Leak Detection/Collection System Report

1. Pursuant to Subparagraph (b) of 20.6.7.18.F.2 NMAC, the Permittee shall submit a report of repaired or replaced leak detection/collection system components in the semi-annual monitoring reports.

P. Meteorological Data

1. Pursuant to Paragraph G of 20.6.7.29 NMAC, Meteorological data shall be measured as stipulated in the Meteorological Plan included in the Discharge Plan. The data shall be submitted to NMED in the monitoring report due on February 28 of each year.

C114 Contingency Plan

- A. The Permittee shall comply with all applicable contingency requirements and submit to NMED all applicable information or documentation specified in Subsections A through J of 20.6.7.30 NMAC.
- B. Pursuant to Subsection K of 20.6.7.30 NMAC, the Permittee shall submit to NMED for approval an Interim Emergency Water Management Plan no less than 60 days prior to discharge at the mine facility. The Interim Emergency Water Management shall be a component of the Sitewide Water Management Plan required in Condition C108.A.
- C. If NMED or the Permittee identifies any other failures of the discharge plan or system not specifically noted in this permit or Section 20.6.7.30 NMAC that may have the potential to impact water quality, NMED may require the Permittee to develop and submit contingency plans and schedules for NMED approval to address such failures. [20.6.2.3107.A.10 NMAC]

C115 Closure Plan

- A. Closure of all mine units associated with this Discharge Permit shall be performed in accordance with the requirements of Sections 20.6.7.33 and 20.6.7.34 NMAC, the Closure/Closeout Plan titled, *Appendix E – Mine Reclamation and Closure Plan*, dated November 26, 2025 (Closure/Closeout Plan), this Discharge Permit as applicable, and the final Closure/Closeout Plan approved by the New Mexico Mining and Minerals Division pursuant to the New Mexico Mining Act.
- B. Pursuant to Paragraph (4) of 20.6.7.33.F NMAC and Subsection F of 20.6.7.34 NMAC, the Permittee shall submit for NMED approval at least sixty days prior to construction, a Construction Quality Assurance/Construction Quality Control (CQA/CQC) plan for any mine units regulated pursuant to DP-1840 where cover is applied under an approved Closure/Closeout Plan.

- C. For each mine unit closed, the closure period shall cease, and the post-closure period shall commence following NMED approval of a final CQA/CQC report that is in accordance with Subsection G of 20.6.7.34 NMAC.
- D. In accordance with Subsection H of 20.6.7.33 NMAC, the Permittee shall manage all process water at closure pursuant to the water management plan described in the document titled, *Attachment E2 – Revised Copper Flat Post-Operations Water Management Plan*, dated March 24, 2026 and the memorandum titled, *Response to NMED Comments – Post-Operations Water Management Plan*, dated April 28, 2026.
- E. Surface water quality standards will not apply to the pit lake water body that will exist at closure so long as the pit lake remains a hydrologic evaporative sink and the pit lake water body remains wholly on private land (20.6.4.7(S)(5) NMAC).
- F. Each phase of the DSTSF shall be reclaimed after completion of dry stack tailing deposition (i.e., contemporaneous reclamation) in accordance with Closure/Closeout Plan and the requirements of Sections 20.6.7.33 and 20.6.7.34 NMAC.
- G. Pursuant to Subsection E of 20.6.7.33 NMAC, the Permittee shall submit to NMED for approval a description and necessary hydraulic calculations within 180 days of the effective date of this permit (by DATE) demonstrating that each stormwater impoundment to be used at closure and prior to reclamation will have adequate capacity to prevent overflow resulting from a 100-year return interval storm event while maintaining a minimum of two feet of freeboard. The description should include runoff characteristics for stormwater expected to discharge to each stormwater impoundment post-closure including the peak rate, volumes, and time distributions of runoff events as well as a figure showing the post-closure drainage area of the impoundment.
- H. To demonstrate that the proposed Reclamation Cover Material (RCM) material will be capable of sustaining plant growth without continuous augmentation and have erosion resistant capabilities as required pursuant to Subsection F of 20.6.7.33 NMAC, the Permittee shall conduct a RCM Test Plot Program. The RCM Test Plot Program shall be conducted in accordance with all approved work plans, and applicable New Mexico Mining and Minerals Division requirements. Final RCM approval is subject to a demonstration that Copper Mine Rule requirements will be met, and concurrence from the New Mexico Mining and Minerals Division that requirements of the Mining Act will be met.
- I. Closure of EWRSP-1 and EWRSP-2B shall be completed during the mine start-up phase in accordance with the requirements of Sections 20.6.7.33 and 20.6.7.34 NMAC, the Discharge Plan and this Discharge Permit, as applicable. DP-1840 Amendment 18-01 titled, *Approval of Discharge Permit Amendment 18-01, DP-1840; Copper Flat Mine Existing Conditions Closure*

Plan, dated August 19, 2026, approves deferral of closure of EWRSP-1 and EWRSP-2B to the mine start-up phase.

- J. The southern slopes of EWRSP-4 facing Grayback Arroyo shall be reclaimed during the mine start-up phase, and the top surface shall be filled and graded to a 1% slope in accordance with the requirements of Sections 20.6.7.33 and 20.6.7.34 NMAC, the Discharge Plan and this Discharge Permit, as applicable.
- K. Post-Closure Conditions
 - 1. The Permittee shall perform post-closure monitoring until NMED determines that post-closure monitoring is no longer required. The financial assurance described in C117 shall provide for a minimum of 100 years of post-closure monitoring.
 - 2. Post-closure requirements shall be performed in accordance with the applicable requirements of Section 20.6.7.35 NMAC. Pursuant to Subsection D of 20.6.7.35 NMAC, the Permittee shall submit to NMED semi-annual reports pursuant to the schedule in Subsection A of 20.6.7.29 NMAC. Pursuant to Subsections B and C of 20.6.7.29 NMAC, the semi-annual reports shall include, but are not limited to, a description and the results of post-closure monitoring, any work completed during the preceding semi-annual period, any maintenance and repair work conducted for any closure unit, and semi-annual potentiometric maps
 - 3. Pursuant to Subsection E of 20.6.7.35 NMAC, the contingency requirements of Section 20.6.7.30 NMAC apply to any deficiencies in the implemented closure systems discovered during the post-closure monitoring and inspections required pursuant to this section.
- L. The Permittee shall submit to NMED the Existing Conditions Closure Plan (ECCP) financial instrument Letter of Credit (LOC) with NMED designated as the sole beneficiary for the amount of \$5,728,244 as specified by the cost estimate provided by the Permittee in the correspondence titled, *Contingent Existing Conditions Closure Plan and Proposed Financial Assurance Addendum*, dated June 20, 2025, within 60 days of the date of issuance of DP-1840 Amendment 18-01 (by October 19, 2026).
- M. In the event that the Permittee has not resumed operations before the deadline to submit the application for renewal of DP-1840, the Permittee shall submit with the application for renewal a statement indicating whether the Permittee intends to resume operations during the subsequent permit cycle and an associated timeline for the necessary steps to resume operations. If the Permittee indicates that operations may not resume during the next permit cycle, or if the Permittee does not submit an application for renewal of DP-1840, NMED may require the Permittee to implement the ECCP approved by NMED in the correspondence

titled, *Approval of Existing Conditions Closure Plan, Discharge Permit 1840, New Mexico Copper Corporation Copper Flat Mine*, dated September 3, 2025.

1. Release of the ECCP financial assurance instrument is contingent upon written request from the Permittee. The written request shall include documentation that the Permittee has met one of the two following conditions:
 - a. Commencement of mining operations at Copper Flat Mine, unless the amount of money in the ECCP LOC is transferred to overall financial assurance for the operational mine.
 - b. Completion of all applicable closure requirements required by the ECCP and DP-1840.

C116 Abatement Plan

- A. The Permittee has been required to submit to NMED for approval a proposed abatement plan for the Copper Flat Mine to address groundwater and surface water contamination. All abatement plans and activities shall be performed in accordance with Sections 20.6.2.4000 through 4115 NMAC and Paragraphs (3) and (4) of 20.6.7.30.A NMAC.
- B. Pre-Operations Stage 1 Abatement Plan Ground and Surface Water Quality Information
 1. The Permittee shall sample and analyze ground and surface water during the pre-operations phase in accordance with the schedule and parameters provided in Table 2 of this Discharge Permit, Condition C113.I, and applicable requirements of Subsection F of 20.6.7.28 NMAC. Analytical results shall be submitted in the semi-annual pre-operations monitoring reports required pursuant to Condition C113.F. The Permittee shall collect ground and surface water data from sampling locations identified in Table 2 of this Discharge Permit until the mine start-up phase begins.
- C. Additional Monitoring Wells
 1. The Permittee shall install two additional monitoring wells located in or proximal to Grayback Arroyo: one adjacent to GWQ19-20 and, a second located east of the East Animas Fault within 180 days of the effective date of this Discharge Permit (by DATE).
 2. Pursuant to Subsection A of 20.6.7.28 NMAC, the Permittee shall submit a monitoring well location proposal for NMED approval at least 30 days prior to installation of the monitoring well(s).
 3. Installation of the monitoring wells shall be in accordance with Subsections B, C, D and E of 20.6.7.28 NMAC.
 4. The Permittee shall notify NMED in writing a minimum of one week prior to the start of

installation of any monitoring well. Upon completion of the installation of a monitoring well, the Permittee shall submit to NMED monitoring well completion report for the newly-installed monitoring well(s) in accordance with the applicable requirements of Subsection K of 20.6.7.28 NMAC.

5. Upon installation of the new monitoring well(s), the Permittee shall sample and analyze groundwater quarterly from the monitoring well(s) in accordance with Table 1 and Table 2 of this Discharge Permit, and applicable requirements of Subsection F of 20.6.7.28 NMAC. Initial and future analytical results shall be submitted in the semi-annual monitoring reports in the format specified by Subsection C of 20.6.7.29 NMAC.

C117 Financial Assurance

- A. The Permittee shall maintain joint financial assurance with NMED and the Mining and Minerals Division of the New Mexico Energy, Minerals and Natural Resources Department to cover costs associated with closure and post-closure activities approved under this Discharge Permit. [20.6.2.3107 NMAC]
- B. The Permittee shall not cause any disturbance associated with new mining under DP-1840 unless and until all agencies involved in negotiations on the Permittee's financial assurance have approved final and complete financial assurance (including, but not limited to, the type of financial assurance, the discount rate and the escalation rate) to adequately cover all aspects of closure and remediation (if needed) for the entire period needed.

Part D GENERAL CONDITIONS

General conditions issued by the Ground Water Quality Bureau pursuant to Part 20.6.2 NMAC and Part 20.6.7 NMAC are listed below.

D100 Enforcement

- A. Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action pursuant to the NMSA 1978, Section 74-6-10(A) and (B). Such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying, or terminating the discharge permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to the NMSA 1978, Section 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the NMSA 1978, Section 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of

noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. The Permittee does not waive any argument as to the weight such evidence should be given. [74-6-10 WQA, 74-6-10.1 WQA]

- B. Pursuant to the NMSA 1978, Section 74-6-10.2(A-F), criminal penalties may be assessed for any person who knowingly violates or knowingly causes or allows another person to:
1. Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;
 2. Falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or
 3. Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.

D101 General Inspection and Entry Requirements

- A. Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other applicable law or regulation. [20.6.2.3107 NMAC, NMSA 1978 74-6-9(B) & (E) WQA]
- B. The Permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to [20.6.2.3107.D NMAC, NMSA 1978 74-6-9(B) & (E) WQA]:
2. Enter at regular business hours or at other reasonable times upon the Permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation.
 3. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, or under any federal or WQCC regulation.
 4. Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, or under any federal or WQCC regulation.
 5. Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water

contaminant, or receiving water at any location before or after discharge.

D102 General Engineering, Operational and Setback Requirements

- A. Mine units shall be designed in accordance with the applicable requirements of Section 20.6.7.17 NMAC.
- B. Mine units shall be operated in accordance with the applicable requirements of Section 20.6.7.18 NMAC.
- C. The Permittee shall meet all applicable setback requirements for any new mine unit pursuant to Section 20.6.7.19 NMAC.

D103 General Record Keeping and Reporting Requirements

- A. The Permittee shall retain written records at the copper mine facility as required pursuant to Section 20.6.7.37 NMAC.
- B. The Permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The Permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, NMSA 1978 74-6-9 (B) & (E) WQA]

D104 General Sampling and Analytical Methods

- A. Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [20.6.2.3107.B NMAC, 20.6.7.29.D NMAC]

D105 Monitoring Well Abandonment

- A. The Permittee shall submit a written request for NMED approval to amend or modify this Discharge Permit at least 30 days prior to the anticipated destruction or removal of any monitoring wells required under this Discharge Permit. After the Permittee receives NMED approval, monitoring well plugging and abandonment shall be completed in accordance with the document titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011, or according to regulations issued by the Office of the State Engineer in 19.27.7 NMAC, unless an alternate method is approved by NMED. [20.6.2.3107 NMAC]
- B. The request required in D105.A shall include the following information:

1. A scaled map showing the location of the monitoring well(s) and the mine units it is intended to monitor;
2. The purpose for plugging and abandoning the monitoring well(s);
3. Details, if available, on the monitoring well(s) including depth-to-water elevation, top-of-casing elevation, construction and lithologic logs;
4. Recent (i.e., most recent eight quarters of data, or as requested by NMED) groundwater analytical results from the monitoring well(s);
5. Proposed replacement well(s), if applicable, and;
6. Same details, as applicable, as provided in D105.B.1, D105.B.3, and D105.B.4 are required for the proposed replacement monitoring well(s). New replacement wells require monitoring well completion reports pursuant to Subsection K of 20.6.7.28 NMAC.

D106 Reporting Requirements for Unauthorized Discharges

- A. In the event of a spill or release that is not authorized under this Discharge Permit, the Permittee shall initiate the notifications and corrective actions as required in 20.6.2.1203 NMAC and Subsection G of 20.6.7.30 NMAC. The Permittee shall take immediate corrective action to contain and remove or mitigate any damage caused by the discharge. Process water or impacted stormwater or other material that is spilled or released that has the potential to impact water quality shall be contained and pumped to a sump, impoundment, or leach stockpile permitted pursuant to the Copper Mine Rule. Contaminated soils shall be removed and placed in a location specifically authorized in the discharge permit, an alternate location subject to NMED approval, or otherwise properly contained, transferred, or disposed of in a manner that does not result in discharge to non-authorized areas. Within 24 hours after discovery of the discharge, the Permittee shall verbally notify NMED and provide the information required by Paragraph (1) of 20.6.2.1203.A NMAC, and to determine applicable monitoring and reporting requirements pursuant to Paragraphs (2) and (3) of 20.6.7.29.B NMAC. The Permittee shall repair or replace failed components within 48 hours from the time of failure or as soon as practicable pursuant to Subsection G of 20.6.7.30 NMAC. Within 7 days of discovering of a discharge reportable under 20.6.2.1203 NMAC, the Permittee shall submit a written report to NMED verifying the oral notification and providing any additional information or changes. Pursuant to Paragraph (6) of 20.6.2.1203.A NMAC, the Permittee shall submit a corrective action report within 15 days after discovery of the discharge that describes corrective actions taken and/or to be taken. [20.6.2.1203 NMAC; 20.6.7.29.B(2) and (3) NMAC; Subsection G of 20.6.7.30 NMAC]
- B. As part of the 24-hour spill notification requirements, and to provide location information specified by Subparagraph C of 20.6.2.1203.A(1) NMAC, the Permittee shall submit a figure, when required, to NMED by the end of the next business day, that clearly displays the location

(or locations) of the spill, elevation(s) of the spill, and identifies nearby mine units and/or location information in latitude/longitude coordinates in decimal degrees (XX.XXXXXX and –XXX.XXXXXX, respectively), using a specified datum of WGS 84. Submittal of location information in Universal Transverse Mercator (UTM) format is also acceptable.

D107 Modifications and Amendments

- A. The Permittee shall notify and obtain approval from NMED of a proposed change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the facility, prior to implementing such changes. Such changes may require modification or amendment to this Discharge Permit, including payment of applicable fees as specified in Section 20.6.7.9 NMAC. [20.6.2.3107.C NMAC, 20.6.2.3109.E NMAC, 20.6.7.7.B(19) NMAC, 20.6.7.14 NMAC]
- B. As determined by NMED, for any proposed change that would meet the definition of a discharge permit modification as specified in Paragraph D of 20.6.2.7 NMAC, the Permittee shall submit for NMED approval an application for modification of this Discharge Permit pursuant to Sections 20.6.7.10 and 20.6.7.11 NMAC. Plans and specifications shall be included in the application, as applicable, pursuant to Section 20.6.7.17 NMAC.
- C. As determined by NMED, for any proposed change that meets the definition of a discharge permit amendment as specified in Paragraph 19 of 20.6.7.7.B NMAC, the Permittee shall submit to NMED a request for an amendment to this Discharge Permit pursuant to Section 20.6.7.14 NMAC. Plans and specifications shall be included in the request, as applicable, pursuant to Section 20.6.7.17 NMAC.
- D. Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a discharge permit modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated, or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements are needed to protect groundwater quality.

D108 Compliance with Other Laws

- A. Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders. [20.6.2 NMAC, 20.6.7.8(D) NMAC]

Table 1 – Monitoring and Reporting Summary for DP-1840

Monitoring Report Schedule of Submittal (Subsection A of 20.6.7.29 NMAC)							
1	January 1 - June 30 (first and second quarter sample periods) Semi-annual report due by August 31 of each year						
2	July 1 - December 31 (third and fourth quarter sample periods) Semi-annual report due by February 28 of each year						
3	Annual reports due by February 28 of each year						
Reporting Summary							
Annual Reporting Frequency	Description						
2	Monitoring reports – All applicable requirements of Subsections A through H of 20.6.7.29 NMAC, and Condition C113.						
2	Additional discharge volume reporting listed in Conditon C113.M						
2	Mine facility groundwater elevation contour map						
1	OPSDA and AOPHC Map(s)						
Monitoring Schedule							
Open Pit Area	Identification Number	Sampling					Notes
		type	Q1	Q2	Q3	Q4	
	GWQ96-22A	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ96-22B	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ96-23A	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ96-23B	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ11-24A	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ11-24B	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ11-25A	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ11-25B	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ11-26	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ20-01A	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ20-01B	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ20-21	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ20-22	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-2	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	Dewatering Sump	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
DSTSF	GWQ-1	MW & P	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ-7	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ-8	MW & P	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ-10	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ-12	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	NP-1	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	NP-4	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	NP-5	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	IW-2	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ94-13	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ94-14	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ94-15	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ94-16	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ94-17	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ94-18	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ94-19	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ94-20	MW	A-F,W	A-D,W	A-D,W	A-D,W	

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	GWQ94-21A	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ94-21B	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ13-28	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ19-13	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ19-20	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-17	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-18	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-23	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	SCP (M/S-6)	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
WRSP-2 &-3	GWQ-5R	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	GWQ19-5	MW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-3	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-4	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-6	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-7	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-8	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-9	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-10	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-11	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-12	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	PGWQ-24	PMW	A-F,W	A-D,W	A-D,W	A-D,W	
	SW-A(M/S-9)	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
	SW-B (M/S-10)	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
	SW-C (M/S-11)	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
Grayback Arroyo[^]	SWQ-1	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
	SWQ-2	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
	SWQ-3	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
	SWQ-4	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
	SWQ-5	SW	A-F,W	A-D,W	A-D,W	A-D,W	Suite C Tot.
Seeps and Springs	Outside OPSDA only	SPG/ SP	A-F,W	A-D,W	A-D,W	A-D,W	If encountered
Flow Meters	M/S-1 through M/S-17		C113.M and P	C113.M and P	C113.M and P	C113.M and P	See Figure 3

Sampling Analytical Suites (dissolved concentrations in mg/L, unless otherwise noted):

A = Field Parameters: Temperature (°C), pH, specific conductance (µS/cm)

B = General Chemistry and Inorganic Parameters: alkalinity-bicarbonate (alk-HCO₃), alkalinity-carbonate (alk-CO₃), alkalinity-total (alk-Tot), calcium (Ca), chloride (Cl), cyanide (CN), fluoride (F), magnesium (Mg), potassium (K), sodium (Na), sulfate (SO₄), and total dissolved solids (TDS)

C = Metal Parameters: aluminum (Al), arsenic (As), barium (Ba), beryllium (Be), boron (B), cadmium (Cd), chromium (Cr), cobalt (Co), copper (Cu), iron (Fe), lead (Pb), manganese (Mn), molybdenum (Mo), nickel (Ni), selenium (Se), silver (Ag), total mercury (Hg), uranium (U), and zinc (Zn).

D = Nutrients: Total Kjeldahl nitrogen (TKN), and Nitrate-Nitrogen (NO₃-N)

E = Radioactivity: Combined Radium-226 and Radium-228 (pCi/L)

F = Organic Parameters: Total Petroleum Hydrocarbons (TPH), benzene, polychlorinated biphenyls (PCBs), toluene, carbon tetrachloride, 1,2-dichloroethane (EDC), 1,1-dichloroethylene (1,1-DCE), 1,1,2,2-tetrachloroethylene (PCE), 1,1,2-trichloroethylene (TCE), ethylbenzene, total xylenes, methylene chloride, chloroform, 1,1-dichloroethane, ethylene dibromide (EDB), 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane, vinyl chloride, PAHs: total naphthalene plus monomethylnaphthalenes, benzo-a-pyrene

W = Measurements: Depth-to-water measurement to the nearest 0.01 foot

[^] = See Condition C113.I

Explanation to Abbreviations and Symbols		
MW = monitoring well PMW = proposed monitoring well SW = surface water P = production well SPG = spring SP = seep TNK = tank	WRSP = Waste Rock Stockpile SCP = Seepage Collection Pond DSTSF = Dry Stack Tailing Storage Facility SW = Impacted Stormwater Impoundment Suite C Tot. = Total Concentrations for Suite C M/S-# = Measuring/Sampling Point OPSDA = Open Pit Surface Drainage Area AOPHC = Area of Open Pit Hydrologic Containment	<u>Sampling Quarter:</u> Q1 = Jan-Mar Q2 = Apr-Jun Q3 = Jul-Sep Q4 = Oct-Dec

Table 2 – Pre-Operations Abatement Monitoring and Reporting Summary for DP-1840

Monitoring Report Schedule of Submittal (Subsection A of 20.6.7.29 NMAC)							
1	January 1 - June 30 (first and second quarter sample periods) Semi-annual report due by August 31 of each year						
2	July 1 - December 31 (third and fourth quarter sample periods) Semi-annual report due by February 28 of each year						
3	Annual reports due by February 28 of each year						
Reporting Summary							
Annual Reporting Frequency		Description					
2		Monitoring reports – All applicable requirements of Subsections A through H of 20.6.7.29 NMAC, Condition C116.B, and Condition C113.F.					
Monitoring Schedule							
Area	Identification Number	Sampling					Notes
		type	Q1	Q2	Q3	Q4	
Open Pit Area	GWQ96-22A	MW	A-C,W		A-C,W		
	GWQ96-23A	MW	A-C,W		A-C,W		
	GWQ11-24A	MW	A-C,W		A-C,W		
	GWQ11-26	MW	A-C,W		A-C,W		
	GWQ20-01A	MW	A-C,W		A-C,W		
	GWQ20-01B	MW	A-C,W		A-C,W		
	GWQ20-21	MW	A-C,W		A-C,W		
	GWQ20-22	MW	A-C,W		A-C,W		
	GWQ-5R	MW	A-C,W		A-C,W		
	Open Pit Water	SW	A-C,W		A-C,W		Suite C Tot.
DSTSF	GWQ-1	MW & P	A-B,W		A-B,W		
	GWQ-3	MW	A-B,W		A-B,W		
	GWQ-7	MW	A-B,W		A-B,W		
	GWQ-8	MW & P	A-B,W		A-B,W		
	NP-2	MW	A-B,W		A-B,W		
	NP-3	MW	A-B,W		A-B,W		
	NP-5	MW	A-B,W		A-B,W		
	IW-3	MW	A-B,W		A-B,W		
	GWQ94-13	MW	A-B,W		A-B,W		
	GWQ94-14	MW			A-B,W		
	GWQ94-16	MW	A-B,W		A-B,W		
	GWQ13-28	MW			A-B,W		
	GWQ19-5	MW	A-B,W		A-B,W		
	GWQ19-13	MW			A-B,W		
	GWQ19-20	MW	A-B,W		A-B,W		
Grayback Arroyo^	SWQ-3	SW	A-C,W		A-C,W		Suite C Tot.
	SWQ-4	SW	A-C,W		A-C,W		Suite C Tot.

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Sampling Analytical Suites (dissolved concentrations in mg/L, unless otherwise noted):A = **Field Parameters**: Temperature (°C), pH, specific conductance (µS/cm)B = **General Chemistry and Inorganic Parameters**: alkalinity-bicarbonate (alk-HCO₃), alkalinity-carbonate (alk-CO₃), alkalinity-total (alk-Tot), calcium (Ca), chloride (Cl), cyanide (CN), fluoride (F), magnesium (Mg), potassium (K), sodium (Na), sulfate (SO₄), and total dissolved solids (TDS)C = **Metal Parameters**: aluminum (Al), arsenic (As), barium (Ba), beryllium (Be), boron (B), cadmium (Cd), chromium (Cr), cobalt (Co), copper (Cu), iron (Fe), lead (Pb), manganese (Mn), molybdenum (Mo), nickel (Ni), selenium (Se), silver (Ag), total mercury (Hg), uranium (U), and zinc (Zn).W = **Measurements**: Depth-to-water measurement to the nearest 0.01 foot

^ = See Condition C113.I

Explanation to Abbreviations and Symbols

MW = monitoring well

SW = surface water

P = production well

WRSP = Waste Rock Stockpile

DSTSF = Dry Stack Tailing Storage Facility

Suite C Tot. = Total Concentrations for Suite C

Sampling Quarter:

Q1 = Jan-Mar

Q2 = Apr-Jun

Q3 = Jul-Sep

Q4 = Oct-Dec

Figure 1 – Authorized Mine Unit Footprints

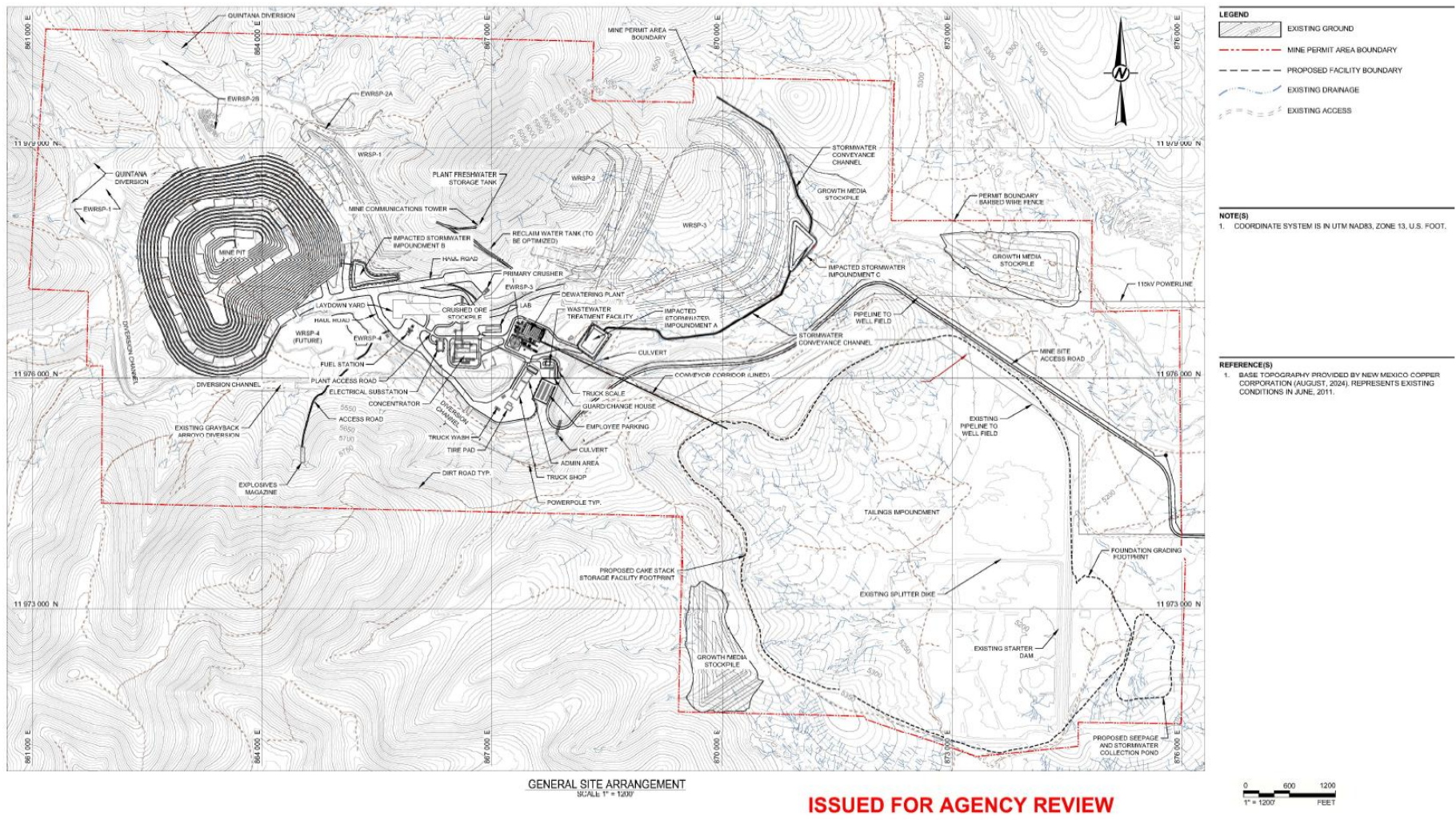


Figure 2 – Ground and Surface Water Sampling Locations

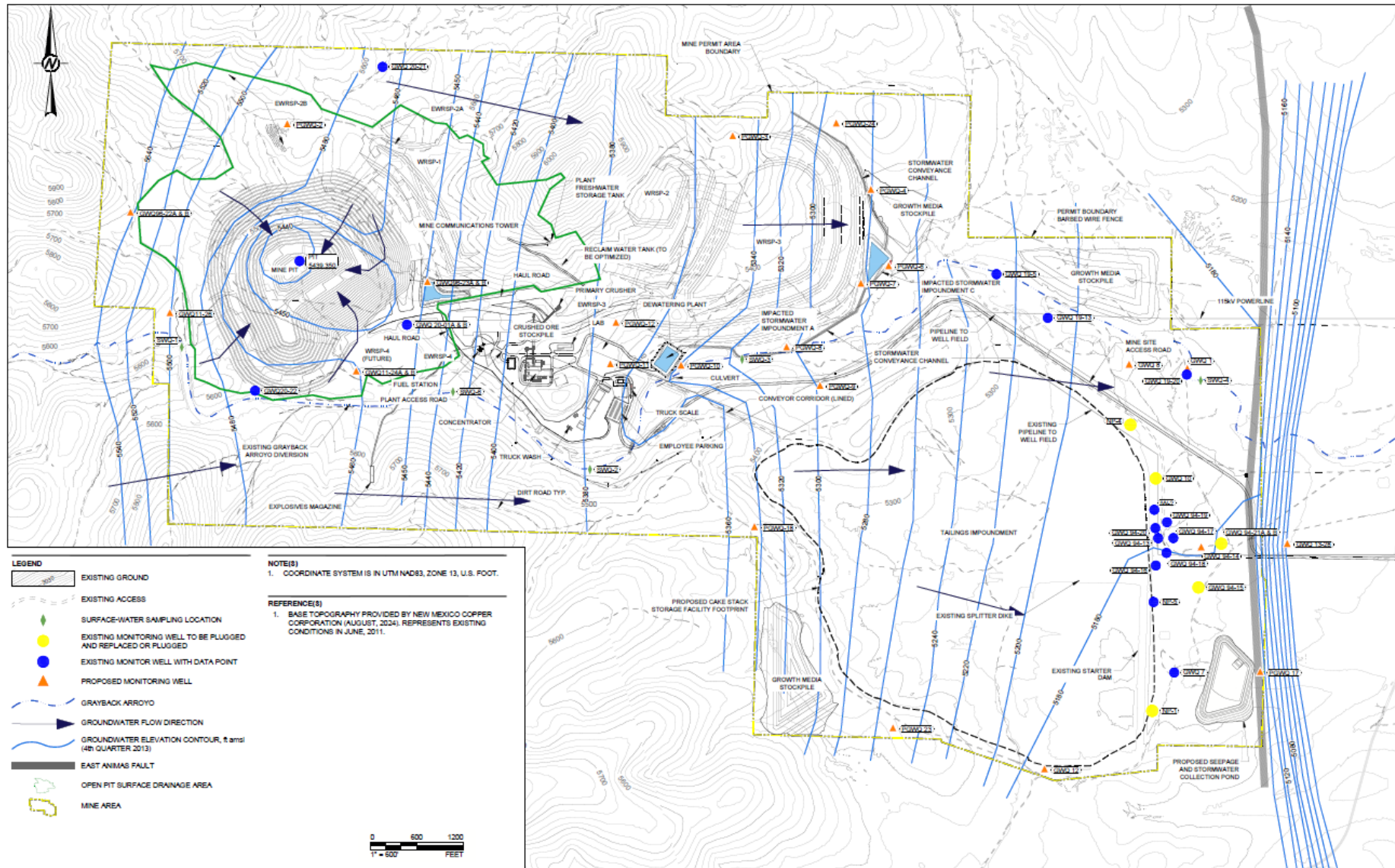


Figure 3 – Flow Meter and Process Water Sampling Locations

