



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 6, 2025

Randy B. Ellison, General Manager
Freeport-McMoRan Tyrone Mine
P.O. Box 571
Tyrone, NM 88065

RE: Draft Discharge Permit Renewal and Modification; DP-396, Tyrone Emma Expansion Project and Reclaimed 1C and 7A Waste Rock Stockpiles, Freeport-McMoRan Tyrone Inc.

Dear Randy B. Ellison:

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 396 (DP-396) for the Freeport-McMoRan Tyrone Mine Inc. (Applicant) Tyrone Emma Expansion Project and Reclaimed 1C and 7A Waste Rock Stockpiles has been proposed for approval (copy enclosed), pursuant to Subsection H of 20.6.2.3108 NMAC. 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.

Prior to making a final ruling on the proposed DP-396 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 brad.reid@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-396 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-396 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-396 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.E – The reason for this condition is to require the Applicant to properly manage construction of the Northern Emma Haul Road over the Reclaimed 7A Waste Rock Stockpile in such a manner to prevent the discharge of water contaminants above the water quality standards of Section 20.6.2.3103 NMAC.
2. Condition C103.D – The reason for this condition is to require that the Applicant maintain the water level in the Emma Pit Water Management Sump as low as practicable under standard operating conditions to minimize infiltration into the vadose zone beneath the open pit prior to development of the Area of Open Pit Hydrologic Containment as defined by Section 20.6.7.7 NMAC.
3. Condition C104.B – The reason for this condition is to ensure that all operational stormwater impoundments, conveyance channels and collection ponds are inspected after one inch rain events to maintain their integrity and function in a manner that is protective of groundwater quality.
4. Condition C105 – The reason for this condition is to require that the next update to the Emma Sitewide Water Management Plan be incorporated into the Tyrone Mine Sitewide Water Management Plan as a singular document.
5. Condition C106.B – The reason for this condition is to ensure the sources of water used for dust suppression meet water quality standards of Section 20.6.2.3103 NMAC.
6. Condition C108.C.1 – The reason for this condition is to require that the Applicant maintain monitoring submittals that align with current DP-396 Discharge Permit monitoring practices.
7. Condition C108.F – The reason for this condition is to require that the Applicant monitor stormwater quality downstream of rim of the Emma Open Pit and EMW Waste Rock Stockpile in order to ensure that the stormwater quality does not contain water contaminants at levels in excess of the water quality standards of 20.6.2.3103 NMAC.

8. Condition C108.G.1 – The reason for this condition is to require confirmation Acid/Base Accounting (ABA) testing to provide ongoing assurance that the proposed total sulfur threshold is correctly segregating Non-Potentially Acid Generating (NPAG) material from Potentially Acid Generating (PAG) material.
9. Condition C108.G.1.a – The reason to require five additional ABA tests at the total sulfur range requested is to provide ongoing assurance that mined materials are properly characterized and handled, and to further demonstrate compliance with applicable requirements of Subsection A of 20.6.7.18 NMAC and Section 20.6.7.21 NMAC.
10. Condition C109.B – The reason for this condition is to ensure that contingency plans and schedules are provided should an unforeseen circumstance occur that may have the potential to directly or indirectly impact groundwater quality. This condition is intentionally broad to cover an event or situation not foreseen or covered by Section 20.6.7.30 NMAC that may have the potential to impact groundwater quality.
11. Condition C110.A – The reason for this condition is to state that the Emma Project Closure/Closeout Plan and financial assurance cost estimate are the appropriate documents approved and referenced to condition closure requirements for DP-396. The reason for Condition C110.A.1 is to require that the next update to the Tyrone Mine Closure/Closeout Plan required pursuant to DP-1341 incorporate the Emma Project Closure/Closeout Plan and financial assurance cost estimate.
12. Condition C110.D.1 and 2 – The reason for these conditions are to ensure compliance, in part, with the requirements of Subparagraph (3) of 20.6.7.35.C NMAC by minimizing the size of the Emma Pit Water Management Sump at closure so that it will diminish hazards to public health or wildlife.
13. Condition C110.H.1 – The reason for this condition is to ensure adequate financial assurance is in place for post-closure monitoring. The time frame that post-closure monitoring may be required is uncertain. Providing financial assurance for a minimum period of 100 years for post-closure monitoring provides certainty for the State of New Mexico that financial assurance will be in place for as long as monitoring is necessary.
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-396.
15. Condition D105.B – The reason for this condition is to ensure that the Applicant submits consistent information supporting requests to plug and abandon monitoring wells.

16. Condition D106.A – The reason for this condition is to ensure that the Applicant properly notifies NMED in the event of any and all unauthorized discharges so that a determination of applicable reporting requirements can be made pursuant to Section 20.6.2.1203 NMAC and Subsection G of 20.6.7.30 NMAC.
17. Condition D106.B – The reason for this condition is to ensure that the Applicant submits consistent and accurate location information in the event that an unauthorized discharge occurs.
18. Condition D107.D – The reason for this condition is to assert NMED authority to require that the Applicant amend or modify DP-396 should NMED determine that the requirements of 20.6.2 NMAC are being or may be violated, or the water quality standards of Section 20.6.2.3103 NMAC are being or may be violated.

Please review the enclosed draft DP-396 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-396 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, 20.6.2 NMAC and 20.6.7 NMAC, are available online at <https://www.env.nm.gov/gwqb/gw-regulations>.

Any comments relating to this draft DP-396 Discharge Permit Renewal and Modification can be sent through the SmartComment portal at <https://nmed.commentinput.com/comment/search> or by email to brad.reid@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-396 Discharge Permit Renewal and Modification will become final. Thank you for your cooperation during the review process.

Sincerely,

Brad Reid
Mining Environmental Compliance Section
Ground Water Quality Bureau
New Mexico Environment Department

Randy B. Ellison, Freeport-McMoRan Tyrone Inc.
Draft Discharge Permit Renewal and Modification, DP-396
August 6, 2025

Page 5 of 5

Enclosure: Draft Discharge Permit Renewal and Modification, DP-396

Cc: Randy B. Ellison, Chino Mines Company (rellison@fmi.com)
Sherry Burt-Kested, Freeport-McMoRan Tyrone Mine (sburtkes@fmi.com)
Adam Offutt, Freeport-McMoRan Tyrone Mine (aoffutt@fmi.com)
Gila Resources Information Project (grip@gilaresources.info)
Joseph Fox, MECS (joseph.fox@env.nm.gov)
Sean Madden, MECS (sean.madden@env.nm.gov)
Clint Chisler, MMD (clinton.chisler@emnrd.nm.gov)



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

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

Certified Mail No:
Return Receipt Requested

Mine Facility Name: Tyrone Emma Expansion Project and Reclaimed 1C and 7A Waste Rock Stockpiles

GWQB Discharge Permit No.: DP-396
GWQB TEMPO AI No.: 571

Permittee Name/Responsible Party: Freeport-McMoRan Tyrone Inc.
Mailing Address: P.O. Drawer 571
Tyrone, NM 88065

Mine Facility Contact: Adam Offutt; (575) 912-5809
Mine Facility Location: Highway 90 South
Tyrone Mine Road
Tyrone, NM 88065

County: Grant County

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

NMED Permit Contact
E-mail Address [Brad Reid; \(505\) 372-8533
Brad.Reid@env.nm.gov](mailto:Brad.Reid@env.nm.gov)

Justin Ball, Chief
Ground Water Quality Bureau

Date

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

draft

This page intentionally left blank.

TABLE OF CONTENTS

Part A	GENERAL INFORMATION.....	1
A100	Introduction	1
A101	Applicable Regulations.....	1
A102	Permit Duration	2
A103	Terms of Permit Issuance.....	2
Part B	FACILITY SPECIFIC INFORMATION	3
B100	History and Facility Description	3
B101	Permit Modification	3
B102	Other Changes to DP-396	4
B103	Permitting History.....	4
B104	Facility Location, Groundwater, and Process Water Characteristics	4
B105	Authorized Mine Units.....	5
B106	Authorized Discharges	8
Part C	FACILITY SPECIFIC REQUIREMENTS	9
C100	Emma Open Pit	9
C101	Waste Rock Stockpiles	9
C102	Impoundments.....	11
C103	Tanks, Pipelines, Sumps, and Other Containment Systems	11
C104	Stormwater Management	12
C105	Sitewide Water Management Plan.....	13
C106	Dust Suppression	13
C107	Flow Measurement.....	13
C108	Monitoring and Reporting	13
C109	Contingency Plan	17
C110	Closure Plan	17
C111	Financial Assurance.....	19
Part D	GENERAL CONDITIONS.....	19
D100	Enforcement	19
D101	General Inspection and Entry Requirements.....	20
D102	General Engineering, Operational, and Setback Requirements.....	21
D103	General Record Keeping and Reporting Requirements.....	21
D104	General Sampling and Analytical Methods.....	22
D105	Monitoring Well Abandonment.....	22
D106	Reporting Requirements for Unauthorized Discharges.....	23
D107	Modifications and Amendments	23
D108	Compliance with Other Laws	24

LIST OF TABLES AND FIGURES

Table 1	Monitoring and Reporting Summary for DP-396.....	25
Figure 1	DP-396 Mine Units and Sampling Locations.....	27
Figure 2	Authorized Footprints of EMW, 6HW, and Emma Haul Roads.....	28

draft

Part A GENERAL INFORMATION

A100 Introduction

- A. The New Mexico Environment Department (NMED) issues this renewal and modification of Groundwater Discharge Permit, DP-396 (Discharge Permit or DP-396) to Freeport-McMoRan Tyrone Inc. (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978, §§ 74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, Part 20.6.2 (Ground and Surface Water Protection), and Part 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 Emma Expansion Project, Reclaimed 1C and 7A Waste Rock Stockpiles and associated infrastructure 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 57,600 gallons per day (gpd) of process water pumped from the Emma Open Pit. The Permittee is also authorized to manage discharges associated with the Oak Grove Pond, the 1C Stormwater Pond, and the Reclaimed 1C and 7A Waste Rock Stockpiles and associated seepage collection systems, and associated infrastructure. These discharges may move directly or indirectly into groundwater of the State of New Mexico that 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 discharges may contain water contaminants or toxic pollutants elevated above the water quality 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 20.6.2 NMAC and 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 “existing copper mine facility.” Sections 20.6.2.3000 through 20.6.2.3114 NMAC and 20.6.7 NMAC apply to discharges specific to copper mine facilities and their operations.

- B. The discharges from the facilities regulated pursuant to this Discharge Permit are not subject to any of the exemptions of Section 20.6.2.3105 NMAC., except as provided in B105.C of this Discharge Permit.
- C. Groundwater quality as observed in monitoring wells required by C108.E 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 to the WQA 74-6-5(l) and Subsection H of 20.6.2.3109 NMAC, the term of this Discharge Permit 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** - As a discharge permit associated with Freeport-McMoRan Tyrone Inc., the Permittee shall remit an annual permit fee payment equal to the applicable permit fee based on mine size listed in Subsection A of 20.6.7.9 NMAC on August 1 of each year until termination of all discharge permits for the Tyrone Mine. [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 Section 20.6.7.9, Section 20.6.7.10, and Section 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: Conditions, C101.E, C103.D, C104.B, C105, C106.B, C108.C.1, C108.F, C108.G.1, C108.G.1.a, C109.B, C110.A, C110.D.1 and 2, C110.H.1, D105.A, D105.B, D106.A, D106.B, and D107.D.

Part B FACILITY SPECIFIC INFORMATION

B100 History and Facility Description

- A. The Tyrone Mine is an open pit copper mine facility owned by Freeport-McMoRan Tyrone Inc. and covers an area of approximately 9,000 acres. The Tyrone Mine consists of several open pits, associated waste rock stockpiles, leach stockpiles, and a Solution Extraction and Electrowinning (SX/EW) Plant located in the northwestern portion of the mine, six reclaimed tailing impoundments in the northern portion of the mine, and other reclaimed facilities. The Tyrone Mine is regulated pursuant to multiple operational groundwater discharge permits, including DP-396, the Supplemental Discharge Permit for Closure DP-1341, the DP-27 Settlement Agreement, and an abatement plan.
- B. The DP-396 permit area encompasses approximately 855 acres including 337 acres for the Emma Expansion project. The Emma Expansion project includes construction of the Emma Open Pit and associated infrastructure, and conditionally exempt mine units (i.e., mine units not expected to generate water contaminants that exceed the water quality standards of Section 20.6.2.3103 NMAC) including the EMW Waste Rock Stockpile, 6HW Waste Rock Stockpile, a Soil Stockpile, and the Northern and Southern Emma Haul Roads.
- C. Reclamation of the 1C and 7A Waste Rock Stockpiles (approximately 287 acres combined) was completed in 2010 in accordance with closure plans approved by NMED and the New Mexico Energy, Minerals and Natural Resources Department - Mining and Minerals Division (MMD).
- D. The 1C and 7A Seepage Collection Systems are located along the southern perimeter of the Reclaimed 1C and 7A Waste Rock Stockpiles and collect seepage and perched impacted groundwater from the Reclaimed 1C and 7A Waste Rock Stockpiles.

B101 Permit Modification

- A. The modification of DP-396 consists of authorization to construct the 200-acre Emma Open Pit and supporting infrastructure. The modification also includes authorization to discharge up to 57,600 gallons per day of process water pumped

from the Emma Open Pit to the Tyrone process water circuit as needed for open pit water management.

B102 Other Changes to DP-396

- A. Additional changes to DP-396 include authorization for construction of conditionally exempt mine units including the EMW Waste Rock Stockpile, 6HW Waste Rock Stockpile, and the Northern and Southern Emma Haul Roads.

B103 Permitting History

- A. The Discharge Plan for DP-396 includes the Discharge Permit Application dated October 22, 2021, the *Emma Project Closure/Closeout Plan (CCP)* dated November 12, 2021, and materials contained in the administrative record prior to issuance of this Discharge Permit. As part of the application process the Permittee also provided a document dated May 12, 2023, referred to as the *Tyrone Master Document*, which addresses Copper Mine Rule application requirements and is applicable to all Tyrone Mine discharge permits, including DP-396. In addition, the Discharge Plan includes applicable information and materials submitted as part of the original Discharge Plan approved on July 21, 2000, and Renewed and Modified on May 18, 2007.

B104 Facility Location, Groundwater, and Process Water Characteristics

- A. The mine units regulated pursuant to DP-396 are located approximately 12 miles southwest of Silver City in Sections 25, 26, 35 and 36, T19S, R15W, Grant County.
- B. Groundwater beneath the mine units regulated pursuant to DP-396 ranges from approximately 10 to 332 feet beneath the ground surface and had a pre-discharge total dissolved solids concentration range of approximately 100 to 500 mg/L.
- C. Some areas of the Emma Open Pit walls 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 may contain metals and sulfate in elevated concentrations above the water quality standards of Section 20.6.2.3103 NMAC.
- D. Process water and impacted stormwater discharges regulated pursuant to DP-396 may be 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.

- E. Water quality of sources used for dust suppression in the DP-396 area meet 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. All mine units listed below meet the definition of “existing” mine units pursuant to the Copper Mine Rule unless otherwise noted. The location of authorized mine units regulated pursuant to DP-396 are displayed in Figures 1 and 2.

A. Emma Open Pit

- 1. The authorized open pit boundary of the Emma Open Pit is approximately 200 acres, reaching a depth approximately 500 to 600 feet below the original pre-mining surface, with a bottom elevation of approximately 5,700 feet above mean sea level (amsl). The 200-acre footprint includes an open pit buffer area surrounding an anticipated 118-acre open pit. The open pit is considered a “new” mine unit pursuant to the Copper Mine Rule. Approximately 6.3 acres of the northern portion of the Emma Open Pit area will be covered by the EMW Waste Rock Stockpile.

B. Waste Rock Stockpiles

- 1. Reclaimed 1C and 7A Waste Rock Stockpiles – The Reclaimed 1C and 7A Waste Rock Stockpiles are located along the southern flank of the Tyrone Mine and north of the Emma Open Pit. The Reclaimed 1C and 7A Waste Rock Stockpiles occupy approximately 110 and 177 acres, respectively. The 7A Stockpile is comprised of the 7A Far West Stockpile, the 7A West Stockpile, and the 7A East Stockpile. Seepage and impacted groundwater are collected in synthetically lined seepage collection systems located along the outer perimeter of the stockpiles.

C. Conditionally Exempt Waste Rock Stockpiles

- 1. EMW and 6HW Waste Rock Stockpiles – The EMW and 6HW Waste Rock Stockpiles will be constructed to footprints of approximately 54 acres each. Waste rock used to construct the stockpiles will come from the Emma Open Pit and will be characterized and handled in accordance with the NMED-approved document titled, *Material Characterization and Handling Plan for Two Non-Discharging Facilities: Emma Project*, dated December 2023 (Material Characterization and Handling Plan), and related correspondence in

the Discharge Plan. Pending adherence to the Material Characterization and Handling Plan, the stockpiles are not expected to generate water contaminants that exceed the water quality standards of Section 20.6.2.3103 NMAC and are conditionally exempt from applicable requirements listed in Subsection B of 20.6.7.21 NMAC.

2. Northern and Southern Emma Haul Roads – The Northern and Southern Emma Haul Roads (collectively, the Emma Haul Roads) will be constructed north of the Emma Open Pit and used to transport waste rock material to the EMW and 6HW Waste Rock Stockpiles, or to other locations at Tyrone Mine. The Southern Emma Haul Road will cross the Oak Grove drainage requiring installation of culverts under the road to allow stormwater to pass under the road. The haul roads will be constructed with Non-Potentially Acid Generating (NPAG) waste rock material. Pending adherence to the Material Characterization and Handling Plan, the Emma Haul Roads are not expected to generate water contaminants that exceed the water quality standards of Section 20.6.2.3103 NMAC and are conditionally exempt from applicable requirements listed in Subsection B of 20.6.7.21 NMAC.

D. Impoundments

1. Oak Grove Pond – The 60 mil HDPE lined Oak Grove Pond has a surface area of approximately 0.17 acres and a storage capacity of approximately 380,000 gallons. Seepage collected at the 7R2A Seepage Collection System flows to the Oak Grove Pond during normal operations. The 7R1A, 7R2A, 7R1B, 7R2B (DP-455) Seepage Collection Systems can be routed to Oak Grove Pond during upset conditions (i.e., during a power or pipeline shutdown event, or other upset), intense precipitation events or during maintenance and repair activities. Fluids from the Oak Grove Pond are removed as needed and pumped via HDPE pipeline to the 1A PLS Tank (DP-363).
2. 1C Stormwater Pond – The 1C Stormwater Pond is an unlined stormwater pond located at the toe of the transition from the Reclaimed 1C Waste Rock Stockpile and 1A Leach Stockpile. The 1C Stormwater Pond has a surface area of approximately 2.05 acres and a storage volume of approximately 9,744,000 gallons. Stormwater captured in the 1C Stormwater Pond is pumped to the 1A PLS Overflow Pond (DP-363). The 1C Stormwater Pond receives stormwater from the 1A Leach Stockpile.

E. Sumps, Tanks, Pipelines and Other Containment Systems

1. 1C Seepage Collection System –The 1C Seepage Collection System is located along the outer perimeter of the Reclaimed 1C Waste Rock Stockpile. Both the 1C and 7A Seepage Collection Systems (described below) collect seepage and impacted perched groundwater and convey it, via gravity or pumping through the 1C and 7A Seepage Conveyance System HDPE pipeline, to the 1A PLS Tank (DP-363) where it is returned into the Tyrone process water circuit. The 1C Seepage Collection System is comprised of nine synthetically lined seepage collection trenches including the 1C-1, 1C-2, 1C-3, 1C-3A, 1C-3B, 1C-3C, 1C-3D, 1C-3E, and 1C-4. The system is equipped with a series of vaults. Sediments are removed, as needed, from the vaults with a vacuum truck and transported to a permitted leach stockpile for disposal.
2. 7A Seepage Collection System – The 7A Seepage Collection System is located along the outer perimeter of the Reclaimed 7A Waste Rock Stockpile. It is comprised of six synthetically lined individual seepage collection trenches and/or concrete headwalls including the 7R1A, 7R1B, 7R2A, 7R2B (DP-455), 7R3A, and 7R4A Seepage Collection Systems. Solutions collected from the New 7R1A, 7R1B, 7R2A, and 7R2B (DP-455) Seepage Collection Systems can be discharged to the Oak Grove Pond during upset conditions using valves located proximal to Oak Grove Pond.
3. Emma Pit Water Management Sump – The unlined Emma Pit Water Management Sump is a dewatering system that will be installed near the bottom of the Emma Open Pit in the Main North area and will pump surface water and groundwater that accumulates within the pit sump during operations and post-closure. Fluids captured in the Emma Open Pit will be pumped through a high-density polyethylene (HDPE) pipeline (the Emma Pipeline) using a floating barge pump to the 1A PLS Tank (DP-363) via 1C and 7A Seepage Conveyance System Pipeline and returned to the Tyrone process water circuit. Pump operations will be automated and monitored remotely at the SX/EW Control Room. The Emma Pit Water Management Sump is considered a “new” mine unit pursuant to the Copper Mine Rule.
 - a. At closure, the Emma Pit Water Management Sump will have a maximum surface area range of approximately 0.62 – 0.85 acres. During the post-closure period, process water from the Emma Pit Water Management Sump will be pumped to and treated by the Tyrone Mine Closure Water Management and Treatment System (DP-1341).
4. Pipelines – Pipelines serving mine units regulated pursuant to DP-396 consist of HDPE material and range in size from 4 to 16 inches or greater in diameter. The Emma Pipeline is considered a “new” pipeline pursuant to the Copper

Mine Rule. The pipelines are described in Table 8 and Plate 1B of the Tyrone Master Document.

F. Flow Measurement

1. The Permittee utilizes flow meters to measure regulated discharge volumes pursuant to this Discharge Permit and as required by the Copper Mine Rule. Flow meters utilized by DP-396 are described in Table 10 of the Tyrone Master Document. A revision to Table 10, dated December 6, 2024, is included in 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 construct the Emma Open Pit to an operational footprint encompassing approximately 200 acres and deepening the pit floor to an elevation of approximately 5,700 feet amsl at full build out.
- B. The Permittee is authorized to discharge up to 57,600 gallons per day (gpd) of process water pumped from the Emma Open Pit Water Management Sump to the 1A PLS Tank (DP-363).
- C. The Permittee is authorized to operate the 1C and 7A Seepage Collection Systems to collect seepage and impacted perched groundwater from the Reclaimed 1C and 7A Waste Rock Stockpiles and discharge collected solutions (process water) to the 1A PLS Tank (DP-363).
- D. The Permittee is authorized to discharge process water from the 7R1A, 7R1B, 7R2A, and 7R2B (DP-455) Seepage Collection Systems to the Oak Grove Pond during normal operations or as needed during upset conditions.
- E. The Permittee is authorized to discharge process water from the Reclaimed 7A Waste Rock Stockpile, 1C Leach Stockpile, and contributing areas of Oak Grove Wash to the 1C Stormwater Pond.
- F. The Permittee is authorized to use water from various sources that meet Section 20.6.2.3103 NMAC groundwater standards for dust suppression within the DP-396 permit area.

- G. 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.

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 Emma Open Pit

- A. The Emma 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, construction of the Emma Open Pit shall remain in the authorized open pit boundary identified in the Discharge Plan and displayed on Figure 1 of this Discharge Permit.
- C. Pursuant to Subsection C of 20.6.7.24 NMAC, the Permittee shall dewater the open pit in accordance with the Emma Water Management Plan included with the Discharge Plan.
 - 1. NPAG waste rock mined from the Emma Open Pit shall be placed within the upper bench areas of the pit (Upper North, Upper South and Upper East areas) and within accessible portions of the South Main area during mine operations to promote surface water runoff toward the Emma Pit Water Management Sump.

C101 Waste Rock Stockpiles

- A. Design, construction, and location of 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.
- B. The Permittee shall comply with applicable operational requirements listed in Paragraphs (2) through (8) of 20.6.7.21.D NMAC including the requirement to place waste rock on waste rock stockpiles in a manner that considers implementation of the copper mine facility closure plan pursuant to Subsection A of 20.6.7.18 and Section 20.6.7.33 NMAC.

1. Pursuant to Paragraph (7) of 20.6.7.21.D NMAC, placement of waste rock shall be in accordance with an operating plan that describes the sequencing of waste rock deposition on an annual basis, operation of seepage collection systems, operation of interceptor systems, operation of systems to return water to the concentrator or other locations as appropriate, and any other water management features.
- C. Waste rock from the Emma Open Pit shall be characterized and handled in accordance with the Material Characterization and Handling Plan and applicable requirements of Subsection A of 20.6.7.18 NMAC, Section 20.6.7.21 NMAC, and Section 20.6.7.33 NMAC.
- D. In accordance with Subsection E of 20.6.7.24 NMAC, the EMW Waste Rock Stockpile shall be designed and located to minimize the extent of the Open Pit Surface Drainage Area (OPSDA) to the extent practicable.
- E. Northern Emma Haul Road - If the northern portion of the Northern Emma Haul Road (station 28+00 to 40+00) requires excavation into the Reclaimed 7A Waste Rock stockpile and exposing PAG waste rock, the Permittee shall salvage and store up to two feet of the existing reclamation cover material, for reuse as cover, from the cut sections. Excavated PAG waste rock shall be hauled to a permitted PAG waste rock stockpile or leach stockpile located at Tyrone Mine. To ensure compliance with Paragraph (2) of 20.6.7.21.A NMAC such that no discharge of impacted stormwater occurs during construction of this portion of the road, the Permittee shall:
1. Construct and place cover on the road (Stations 28+00 to 40+00) only during dry weather.
 2. Cover any exposed PAG cut section of road with a minimum of three feet of approved cover material prior to any precipitation event.
 3. Expose no more than 200-feet of road segment at a given time.
 4. Stockpile a sufficient volume of approved cover material for at least 200 feet of road segment with a minimum of three feet of approved cover material adjacent to the project site at all times while working from Station 28+00 to 40+00. If additional fill is required, it shall be obtained from agency-approved reclamation cover material locations.
 5. Document and retain daily records of weather conditions and construction activities (including a record of station segments with exposed PAG material)

between Stations 28+00 to 40+00 and submit reports in the semi-annual monitoring reports required by C108 of this Discharge Permit.

- F. Construction of new waste rock stockpiles, or expansion of waste rock stockpiles beyond footprints or locations identified in Figure 2 of this Discharge Permit or in the Discharge Plan, or for the purpose of facility closure as approved through the Emma CCP, 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 D107.

C102 Impoundments

- A. The design, construction, and location of all new impoundments shall be in accordance with the Discharge Plan, and applicable requirements of Subsection D of 20.6.7.17 NMAC.
- B. The Permittee shall operate all impoundments in accordance with the applicable requirements of Subsection F of 20.6.7.18 NMAC.
- C. Pursuant to Subsection B of 20.6.7.18 NMAC, the Permittee shall submit a construction certification report within 120 days of construction completion, when required, for all new impoundments that require a liner system.

C103 Tanks, Pipelines, Sumps, and Other Containment Systems

- A. Design, construction and location of all new pipelines, tanks, and sumps shall be in accordance with this Discharge Permit, and applicable requirements of Paragraphs (1) and (2) of 20.7.7.17.C. NMAC, Subsection C of 20.6.7.18 NMAC, and Subsections A and B of 20.6.7.23 NMAC.
- B. The Permittee shall submit information to NMED a minimum of 90 days prior to construction of the Emma Pipeline, that documents how the Emma Pipeline will meet the requirements of Paragraph (1) of 20.6.7.23.A NMAC.
- C. The Permittee shall operate all pipelines and tanks in accordance with applicable requirements of Subsection C of 20.6.7.23 NMAC and Paragraph (2) of 20.6.7.23.B NMAC.
- D. The water level in the Emma Pit Water Management Sump shall be maintained as low as practicable under standard operating conditions.
- E. Detailed and complete construction plans, specifications, and supporting design calculations for any proposed or required tanks, pipelines, sumps, or other

containment system including any replacements thereof, shall be submitted to NMED pursuant to Paragraph (2) of 20.6.7.17.C NMAC, Section 20.6.2.23 NMAC, and 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.

- F. 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.

C104 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 approved Emma Water Management Plan required by C105.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 all stormwater impoundments, conveyance channels and collection ponds located outside the operational OPSDA on a quarterly basis and as soon as practicable after precipitation events exceeding one inch in 24 hours for evidence of excessive sediment buildup and stormwater accumulation that exceeds design capacity or intended function of the facility. Facilities to be inspected following 24-hour one-inch precipitation events would be determined by the nearest appropriate rain gauge(s).

C105 Sitewide Water Management Plan

- A. The Emma Water Management Plan included with the Discharge Permit Application shall be incorporated into the next update to the Tyrone Sitewide Water Management Plan and updated annually as required by DP-286.

C106 Dust Suppression

- A. If at some time in the future the Permittee decides 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 implementation of a proposed change.
- B. Dust suppression water applied to conditionally exempt mine units shall be conducted using water sources that do not exceed the water quality standards set forth in Section 20.6.2.3103 NMAC.

C107 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 flow meters, used for compliance with Copper Mine Rule, 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.

C108 Monitoring and Reporting

- A. Water quality monitoring and reporting shall be in accordance with applicable requirements of Sections 20.6.7.28 and 20.6.7.29 NMAC. The Permittee shall identify, collect, preserve, transport, analyze, and report samples of groundwater, surface water, seepage water, and process water from the facility in accordance with the NMED-approved facility monitoring plan titled, *Facility Monitoring Plan - DP-396, Tyrone Mine* dated May 10, 2024, and any additional requirements listed in this Discharge Permit. Table 1 provides a summary of monitoring and reporting requirements. Figure 1 of this Discharge Permit displays sampling locations.
- B. Samples of stormwater, PLS, and process water, including seeps, shall be analyzed for total and dissolved concentrations in accordance with Table 1. Samples of groundwater and springs shall be analyzed for dissolved concentrations in accordance with Table 1.
- C. The Permittee shall submit monitoring reports to NMED in both electronic and hard copy format on a semi-annual schedule that contain all quarterly monitoring

data and information collected pursuant to the requirements of this Discharge Permit, and the applicable requirements and formats of Sections 20.6.7.18 and 20.6.7.29 NMAC. Semi-annual reports are due by February 28 and August 31 each year. Data or reports required to be submitted annually shall be submitted in the monitoring report due by February 28 each year.

1. The Permittee shall submit an electronic spreadsheet in the annual monitoring report that includes all available monitoring data to date for monitoring points described in Table 1.

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

E. 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 have been deemed appropriate by NMED for continued use as groundwater monitoring wells under this discharge permit. These groundwater monitoring wells, some of which were installed prior to the effective date of the Copper Mine Rule, have been identified to be located and constructed in accordance with the Copper Mine Rule.
3. Pursuant to Subsection G of 20.6.7.28 NMAC, the Permittee shall sample and analyze groundwater from the DP-396 monitoring wells in accordance with the schedule and parameters provided in Table 1, and applicable requirements of Subsection F of 20.6.7.28 NMAC. Analytical results shall be submitted in the semi-monitoring reports in the format specified by Subsection C of 20.6.7.29 NMAC.
4. The Permittee shall submit a plan for NMED approval in accordance with Subsection A of 20.6.7.28 NMAC prior to installation of Monitoring Well PMW-05.
5. Pursuant to Subsection L of 20.6.7.28 NMAC, the Permittee shall submit to NMED groundwater elevation contour maps semi-annually and Open Pit Surface Drainage Area maps annually for the Emma Open Pit. The maps shall be of appropriate scale, shall include land surface topographic contours with

appropriate contour intervals, and shall include the monitoring wells that the groundwater data is based on.

F. Surface Water

1. Stormwater Samplers

- a. Workplan – The Permittee shall submit a workplan for NMED approval within 90 days of this permit effective date (by DATE) to collect and analyze stormwater downstream of the Emma Open Pit and EMW Waste Rock Stockpile. The workplan shall propose the type of stormwater sampler to be used, and outline provisions for collection of samples as soon as practicable after one inch or greater rain events in 24 hours. The workplan shall also detail how the samplers will operate. The locations of the stormwater samplers are displayed in Figure 1.
 - b. Monitoring and Reporting – The stormwater samples shall be analyzed for the constituents listed in Table 1 of this Discharge Permit. No more than one sample per sampler may be collected in a 24-hour period and no more than one sample per sampler is required to be collected per quarter. The samplers shall be inspected at least once per quarter to ensure functionality and to check if water is present in the samplers. Analytical results and inspection results shall be reported in the DP-396 semi-annual monitoring reports.
2. The Permittee shall notify NMED in writing a minimum of two weeks prior to the anticipated destruction or removal of any stormwater sampler required pursuant to DP-396. In the event of unintentional destruction or damage requiring abandonment, the Permittee shall notify NMED as soon as possible. The notification shall propose a replacement stormwater sampler location for NMED approval. [20.6.2.3107 NMAC]

G. Waste Rock Stockpiles

1. To ensure compliance with Subsection A of 20.6.7.18 NMAC and Section 20.6.7.21 NMAC, one random blasthole sample for every 150,000 tons of waste rock material generated shall be sampled and submitted to an independent laboratory for Acid/Base Accounting (ABA) testing, which includes measurement of sample Acid Generating Potential (AGP) and Acid Neutralization Potential (ANP). Analytical results shall be reported in the DP-396 semi-annual monitoring reports.

- a. In addition to the ABA testing required above, the Permittee shall conduct ABA testing of the first five total sulfur analyses that fall between 0.0575 – 0.248 wt. % total sulfur. Results shall be reported in semi-annual monitoring reports as data becomes available.
2. For all waste rock handled from the Emma Open Pit, the Permittee shall submit a summary report with applicable laboratory data that documents compliance with the Material Characterization and Handling Plan described in C101.C and applicable requirements of Subsection A of 20.6.7.18 NMAC and Section 20.6.7.21 NMAC. The report shall be submitted semi-annually with the monitoring reports required by C108.C and include, at a minimum, the following:
 - a. The report shall indicate if additional ABA sampling, or other verification testing, is necessary based on the comparison of ABA analysis and total sulfur blasthole assay analysis.
3. The Permittee shall submit an annual Seepage Collection System Monitoring and Evaluation Report for the 1C and 7A Seepage Collection Systems, including Oak Grove Wash, that contain the information required by Subsection H of 20.6.7.29 NMAC. The report shall include recommendations for changes to optimize performance of the system(s) as applicable in accordance with Subparagraph (g) of 20.6.7.29.H(6) NMAC and be submitted with the DP-396 Annual Monitoring Report due on February 28 of each year.
 - a. The Permittee shall provide a status update on recommendations required by Subparagraph (g) of 20.6.7.29.H(6) NMAC as reported in previous Seepage Collection System Monitoring and Evaluation Reports.

H. Discharge Volumes

1. The Permittee shall measure and report average daily discharge volumes (unless otherwise noted) for process water and interceptor collection systems in accordance with Subsections B, E, F, and H of 20.6.7.29 NMAC using appropriate flow metering devices or calculation methods. In addition to discharge volume reporting required by Subsection B of 20.6.7.29 NMAC, the Permittee shall measure and report the following discharge volumes in semi-annual monitoring reports pursuant to Subsections B, E, F, and H of 20.6.7.29 NMAC for the following discharges:
 - a. The average daily volume (gpd) of process water pumped from the Emma Pit Water Management Sump to the 1C and 7A Seepage Conveyance System HDPE pipeline. Meter readings shall be recorded at intervals no less

than once per week and shall be reported in the semi-annual monitoring reports required by C108.C.

- b. The average daily volume (gpd) of fluids pumped from the 1C Stormwater Pond and Oak Grove Pond. Meter readings shall be recorded at intervals no less than once per week and shall be reported in the semi-annual monitoring reports required by C108.C.
- c. The average daily volume of fluids (gpd) transferred from the 1C and 7A Seepage Collection Systems to the 1A PLS Tank. Meter readings shall be recorded at intervals no less than once per week and shall be reported in the semi-annual monitoring reports required by C108.C.

I. Flow Measurement

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.

J. Meteorological Data

1. Meteorological data shall be measured as stipulated in the Tyrone Master Document. The data shall be submitted to NMED in the monitoring report due on February 28 of each year.

C109 Contingency Plan

- A. The Permittee shall comply with all applicable contingency requirements and submit to NMED all applicable information or documentation specified by Subsections A through J of 20.6.7.30 NMAC.
- B. 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]

C110 Closure Plan

- A. The closure requirements listed in this Discharge Permit remain enforceable until the Emma Project CCP is incorporated into the renewal of the Supplemental Discharge Permit for Closure, DP-1341.

1. The Emma Project CCP and financial assurance cost estimate shall be incorporated into the next update to the Tyrone Mine CCP required by DP-1341.
- B. Closure of facilities regulated under DP-396 shall be performed in accordance with the requirements of Section 20.6.7.33 NMAC and Section 20.6.7.34 NMAC; and in accordance with the Emma Project CCP or DP-1341, as applicable.
- C. Pursuant to Paragraph (4) Subsection F of 20.6.7.33 NMAC and Subsection F of 20.6.7.34 NMAC, the Permittee shall submit for NMED approval 60 days prior to closure construction, a Construction Quality Assurance/Construction Quality Control (CQA/CQC) plan for any mine units regulated pursuant to DP-396 where cover is applied under an approved closure plan.
- D. To ensure compliance with Subparagraph (3) of 20.6.7.35.C NMAC at closure and during the post-closure period, the Permittee shall implement management systems including, but not limited to, fencing, signage, and floating barriers to prevent unauthorized access by the public and wildlife to the Emma Pit Water Management Sump.
 1. The Emma Pit Water Management Sump shall be operated and maintained to minimize the size of the water body.
 2. NPAG backfill shall be placed in the Emma Open Pit Main North Area to minimize the surface area of the Emma Pit Water Management Sump.
- E. At closure, the remaining portion of the South Main area shall be backfilled with NPAG waste rock from the EMW Waste Rock Stockpile and then all backfill areas (Upper North, Upper South, Upper East, and South Main) shall be graded to drain toward the Emma Pit Water Management Sump.
- F. The Permittee shall implement the Closure Water Management and Treatment Plan as required by Subsection H of 20.6.7.33 NMAC and described in closure plan submitted for the Emma expansion project and DP-1341.
- G. 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 in accordance with Subsection G of 20.6.7.34 NMAC.
- H. Post-Closure Requirements

1. The Permittee shall perform post-closure monitoring until NMED determines that post-closure monitoring is no longer required. The financial assurance described in C111 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, status of post-closure activities, 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 discovered during the post-closure monitoring and inspections, including, but not limited to, the requirements for possible corrective action plans, abatement plans, monitoring well replacement, reporting and correction of unauthorized discharges, and significant erosion of, or ponding of water on, a cover system.

C111 Financial Assurance

- A. The Permittee shall maintain the existing and any revised 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 in accordance with the applicable requirements of this Discharge Permit and DP-1341. [20.6.2.3107 NMAC]

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. [NMSA 1978 Section 74-6-10, Section 74-6-10.1]

- 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, 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, 74-6-9(B) & (E) WQA]:
1. 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.

2. 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.
3. 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.
4. 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. New 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. Pursuant to Subsection A of 20.6.7.18 NMAC, to the extent practicable, mine units shall be designed and operated in a manner that contemplates the closure plan, including identifying and segregating suitable material to construct covers, when feasible, and consideration of closure grading and drainage plans in the design and construction of leach stockpiles, tailings impoundments, waste rock stockpiles, and other copper mine facilities.
- D. The Permittee shall meet all applicable setback requirements for any new mine units pursuant to Section 20.6.7.19 NMAC.
- E. The Permittee shall provide written notice to NMED of the commencement, or recommencement of operations in accordance with Subsection C of 20.6.7.18 NMAC.

D103 General Record Keeping and Reporting Requirements

- A. The Permittee shall retain written records at the copper mine facility of all data and information related to field measurements, sampling, and analysis conducted 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)]

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 in accordance with C108.D 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 Section 19.27.4 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 groundwater analytical results (i.e., minimum of the most recent eight quarters of data or as requested by NMED) from the monitoring well(s).
 - 5. Proposed replacement well(s), if applicable.
 - 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 or managed in an alternate manner acceptable to NMED. 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, the Permittee shall submit a figure to NMED by the end of the next business day that clearly displays the location (or locations) 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 WGS84. 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 P of 20.6.2.7 NMAC the Permittee shall submit for NMED approval an application for modification of this Discharge Permit pursuant to Section 20.6.7.10 NMAC and 20.6.7.11 NMAC. Plans and specifications shall be included in the request, 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 a request to NMED for amendment of this Discharge Permit pursuant to Section 20.6.7.14 NMAC of the Copper Mine Rule. 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-396**

Monitoring Report Schedule of Submittal (Subsection A of 20.6.7.29 NMAC)								
1	January 1 through June 30 (first and second quarter sample periods) Semi-annual report due by August 31 of each year							
2	July 1 through 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 C and E through H of 20.6.7.29 NMAC.							
2	Additional reporting as required in C108							
Monitoring Schedule								
Area	ID Number	Aquifer	Sampling				Notes	
			Type	Q1	Q2	Q3		Q4
Reclaimed 1C	396-2006-01	P	MW		A		ABCW	
	396-2006-03	P	MW		A		ABCW	
	396-2006-05	P	MW		A		ABCW	
	396-2006-06	P	MW		A		ABCW	
	396-2012-01	P	MW		A		ABCW	
	396-2006-02	R	MW		ABCW		ABCW	
	MB-15A	R	MW	A	ABCW	A	ABCW	
	MB-32	R	MW		ABCW		ABCW	
	MB-37	R	MW		ABCW		ABCW	
	1C1 – 1C-3E	-	SCT	A	A	A	ABCW	Collection Vault #2 = Composite sample of 1C-3, 1C-3A, 1C-3B, 1C-3C, and 1C-3E
	1C4	-	SCT	A	A	A	ABCW	
1C Stormwater Pond	-	PW	A	A	A	ABC		
Reclaimed 7A	1C-2	P	MW	AW	AW	AW	ABCW	
	1C-4	P	MW	AW	AW	AW	ABCW	
	1C-9	P	MW	AW	AW	AW	ABCW	
	MB-13	R	MW		A		ABW	
	396-2011-01	P	MW	AW	AW	AW	ABCW	
	396-2006-07 (7R1A)	-	SCT	AW	AW	AW	ABCW	
	396-2006-08 (7R1B)	-	SCT	AW	AW	AW	ABCW	
	396-2006-09 (7R2A)	-	SCT	AW	AW	AW	ABCW	
	396-2006-11 (7R3A)	-	SCT	AW	AW	AW	ABCW	
	396-2006-12 (7R4A)	-	SCT	AW	AW	AW	ABCW	
Emma Open Pit	MB-44	R	MW	ABCW	ABCW	ABCW	ABCW	
	396-2021-01	R	OB	ABCW	ABCW	ABCW	ABCW	

and EMW Stockpile	396-2021-02	R	MW	ABCW	ABCW	ABCW	ABCW	
	396-2022-01	R	MW	ABCW	ABCW	ABCW	ABCW	
	396-2022-02	R	MW	ABCW	ABCW	ABCW	ABCW	
	396-2023-01	R	MW	ABCW	ABCW	ABCW	ABCW	
	396-2023-02	R	MW	ABCW	ABCW	ABCW	ABCW	
	PMW-05	-	MW	ABCW	ABCW	ABCW	ABCW	See C108.E.4
	Emma East 1	-	SW	AC	AC	AC	ABC	See C108.F
	Emma East 2	-	SW	AC	AC	AC	ABC	See C108.F
	EMW Sampler 1	-	SW	AC	AC	AC	ABC	See C108.F
	EMW Sampler 2	-	SW	AC	AC	AC	ABC	See C108.F
	Emma Pit Water Management Sump	-	PW	AC	AC	AC	ABC	
Flow Meters used for Copper Rule Compliance (Revised Table 10, TMD)	Meter Number	Description						
	396SP01	1C Trench (Seepage)						
	396SP02	1C and Upper Oak Grove - measures combined flows from the 1C and 7A Seepage Collection						
	Emma Open Pit Flow Meter 1	Flow Meter ID to be determined at installation						

Sampling Analytical Suites:

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

B = Indicator parameters: Sulfate, total dissolved solids (TDS)

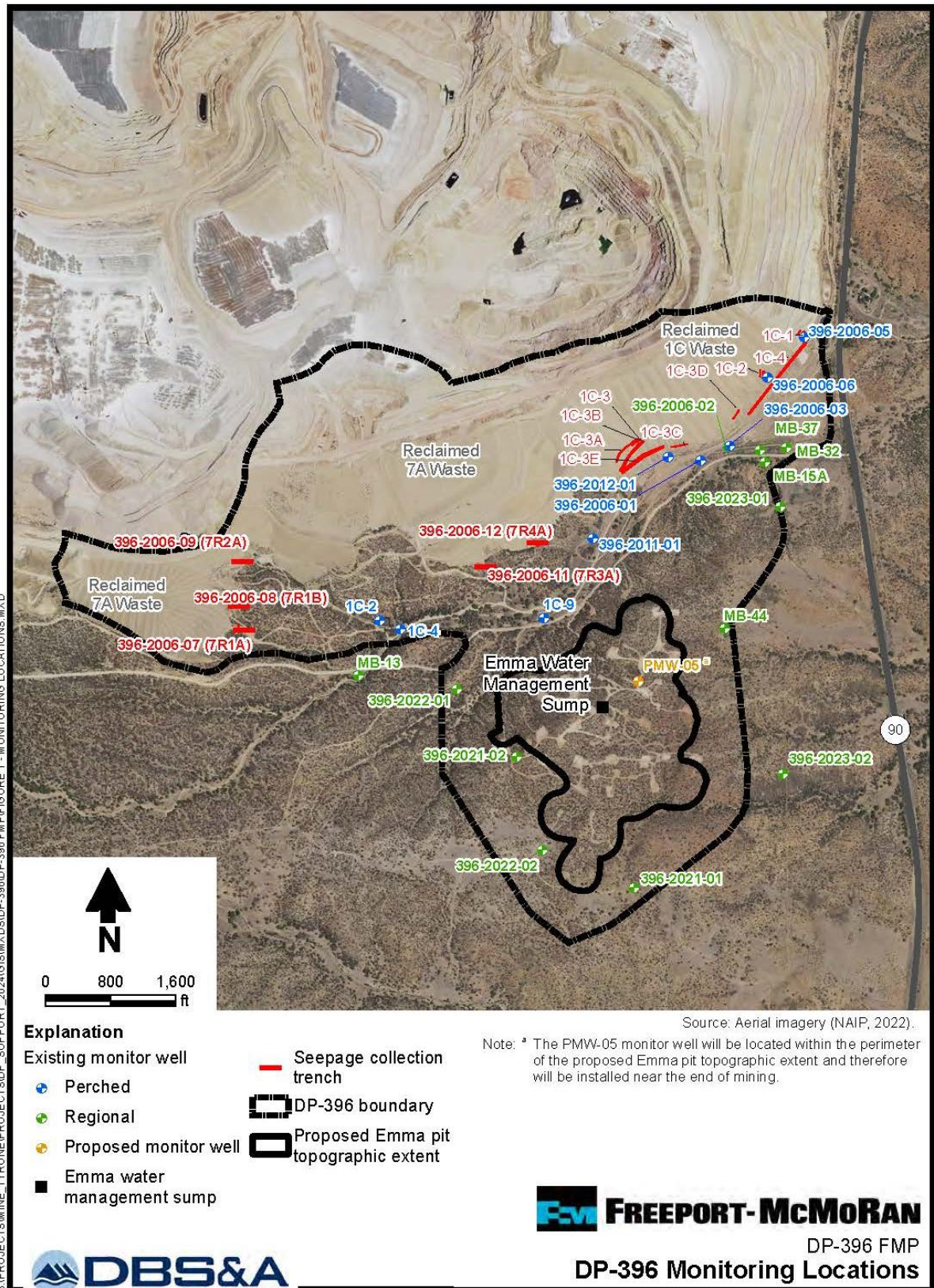
C = Metal and Inorganic parameters: alk-HCO₃, alk-CO₃, alk-Tot, Ca, Mg, Na, K, F, Cl, Al, As, Cd, Cr, Co, Cu, Fe, Pb, Mn, Ni, Se, Ag, U, Zn

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

Explanation of Abbreviations and Symbols

Aquifer P = Perched R = Regional	Type: MW = monitoring well OB = open borehole PW = process water SCT = seepage collection trench SW = stormwater	Sampling Quarter: Q1 = Jan-Mar Q2 = Apr-Jun Q3 = Jul-Sep Q4 = Oct-Dec	Sampling Analytes Suite C: alk-HCO ₃ = alkalinity-bicarbonate alk-CO ₃ = alkalinity-carbonate alk-Tot = alkalinity total Ca = Calcium Mg = Magnesium Na = Sodium K = Potassium F = Fluoride Cl ⁻ = Chloride Al = Aluminum As = Arsenic	Cd = Cadmium Cr = Chromium Co = Cobalt Cu = Copper Fe = Iron Pb = Lead Mn = Manganese Ni = Nickel Se = Selenium U = Uranium Zn = Zinc
---	--	--	---	---

Figure 1 DP-396 Mine Units and Sampling Locations



S:\PROJECTS\MINE_TYRONE\PROJECTS\DP-396\DP-396 FMP\FIGURE 1 - MONITORING LOCATIONS.MXD

Figure 1

Figure 2 Authorized Footprints of EMW, 6HW, and Emma Haul Roads

