NEW MEXICO ENVIRONMENT DEPARTMENT

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MEMORANDUM

To: David Ohori, Energy, Minerals and Natural Resources Department

From: David L. Mayerson, Ground Water Quality Bureau
Neal Schaeffer, Surface Water Quality Bureau
Neal Butt, Air Quality Bureau

Through: John Hall, New Mexico Environment Department

Subject: NMED comments on "*Request for additional comments, updated closeout plan, amended revision 10-1, Permit No. CI002RE, Mt. Taylor Mine*" (MMD, July 9, 2015)

Date: August 19, 2015

The New Mexico Environment Department (NMED) received correspondence from the Mining and Minerals Division (MMD) on July 9, 2015 requesting that NMED review and provide comments on the above-referenced MMD permitting action, which pertains to an application for renewal of standby status. MMD has provided NMED with comments submitted by Cavin and Ingram, P.A. on behalf of the Fernandez Company (Fernandez Letter). The Fernandez Letter included a letter titled "Comments of Fernandez Company, LTD. Regarding Rio Grande Resources Corporation's Mt. Taylor Permit Renewal Application for Standby Status, Amended Revision 10-1, Permit No. CI002RE" dated May 29, 2015 (May 29, 2015 letter); a copy of a letter titled, "Comments to Draft Discharge Permit DP-61 Renewal and Modification, Rio Grande Resources Corporation, Mt. Taylor Mine", dated July 28, 2014 including, " Technical Evaluation of Discharge Permit (DP-61) Renewal and Modification", dated July 28, 2014 (Attachment A); and "Attachment B, Technical Comments on Rio Grande Resources Corporation report", dated April 27, 2015 (Attachment B).

NMED previously provided an Environmental Determination dated March 25, 2015 that stated that NMED expects that the updated closeout plan for the Mt. Taylor Mine that MMD is processing under the amended Revision 10-1 will be expected to achieve compliance with all applicable air, water quality, and other environmental standards. MMD requested that NMED review the Fernandez Letter and provide comments. In particular, MMD requested that NMED review and evaluate any materials included in the Fernandez Letter that were generated after the NMED Environmental Determination was issued. MMD has requested comments within 30 days of receipt in accordance with 19.10.605.C NMAC.

Background

The Mt. Taylor Mine is an existing uranium mine that has been inactive since 1990. The primary mine facilities are located one-half mile northeast of the Village of San Mateo, with a discharge outfall for treated effluent located 4.3 miles northeast of this location.

Air Quality Bureau

The Air Quality Bureau has reviewed the above referenced documents and has no additional comments.

NMED Comments

The Fernandez Letter raised questions regarding potential surface impacts to areas downstream of the previous mine water discharge, indicating that this area should be addressed under the closeout plan. At this time it does not appear that the information provided in the Fernandez Letter applies to areas currently included within the Mining Act permit boundary. If MMD does determine that the areas downstream of the previous discharge of treated mine water are in fact "affected areas" as defined by the Mining Act, then additional investigation may be necessary to determine if any changes to the closeout plan are necessary.

Concerns raised in the Fernandez Letter related to the closeout plan being processed under the amended Revision 10-1 are generally related to potential exceedences of surface water criteria and possible impacts to sediments from the previous discharge. It should be noted that the data and comments being presented to MMD in the Fernandez Letter were collected in support of the renewal of DP-61. Therefore, those investigations were developed to provide information to demonstrate protection of ground water quality following resumption of mining operations and subsequent discharge of treated mine water. In order to determine if there is potential for exceedences of applicable surface water quality criteria today as a result of prior mine operations, a sampling proposal would need to be developed in accordance with the SWQB assessment protocol. In addition, it may be necessary to conduct a radiological survey of the area in accordance with the "Joint Guidance for the Cleanup and Reclamation of Existing Uranium Mining Operations in New Mexico" drafted by NMED and MMD.

The GWQB previously reviewed the information provided in the Fernandez Letter as part of the technical review of the DP-61 application for renewal and modification and determined that, based on the data provided there is no potential for exceedence of ground water standards. Based on available information and available data SWQB cannot conclude that any surface water quality standards are currently being exceeded as a result of prior mine operations.

Therefore, NMED asserts that based on the information provided, the March 25, 2015 Environmental Determination is still valid.

If you have any questions on this memorandum, please contact John Hall at (505) 827-1049 or by email at john.hall@state.nm.us.

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