

**NOTICE OF PUBLIC HEARING
NEW MEXICO ENVIRONMENT DEPARTMENT
CHANGE OF DATE NOTIFICATION**

The New Mexico Environment Department (NMED) will hold a public hearing beginning at 10:00 a.m. on January 12, 2010 at the Cibola County Building located at 515 West High Street in Grants, New Mexico, and continuing on January 13, 2010 at 10:00 a.m. at the same location, if necessary. The hearing originally scheduled on November 18, 2009 has been cancelled. The hearing will consider the proposed renewal and modification of ground water discharge permit DP-725 submitted by Homestake Mining Company.

Name of the Applicant: Homestake Mining Company of California - Alan D. Cox, Project Manager, Homestake Grants Millsite Reclamation Project, P.O. Box 98, Grants, NM 87020.

Location of the Discharge: The Homestake Grants Mill Site Reclamation Project site is located approximately 5 miles north of Milan on Highway 605 in Sections 22, 23, and 26, T12N, R10W, Cibola County.

Activities Which Produce the Discharge: The proposed DP-725 renewal and modification covers discharges of up to 1,166,000 gallons per day of contaminated water to two existing synthetically lined collection ponds and two existing and one proposed synthetically lined evaporation pond for disposal by evaporation. The evaporation ponds are part of a ground water remediation system that also includes treatment of ground water through a reverse-osmosis system, which is covered under a separate Discharge Permit (DP-200). This hearing will not cover remediation activities covered by DP-200.

Homestake constructed the East Collection Pond (ECP) and West Collection Pond (WCP), Evaporation Pond 1 (EP-1), and Evaporation Pond 2 (EP-2) in 1986, 1990 and 1996 respectively, and plans to construct Evaporation Pond 3 (EP-3) to supplement the evaporative capacity for the ground water remediation system.

Quality, Quantity, and Flow Characteristics of the Discharge: Homestake proposes to discharge up to 1,166,000 gallons per day of contaminated water, brine wastewater, and sludge from the Homestake Grants Mill Site Reclamation Project to two synthetically lined collection ponds and three synthetically lined evaporation ponds. Contaminated water is generated from dewatering of the large tailings pile, a sump collection system located at the toe of the large tailings pile, and brine wastewater and sludge generated from the Reverse Osmosis Plant which treats contaminated water from the large tailings pile and contaminated portions of the alluvial aquifer. The contaminated water, brine wastewater and sludge contain contaminants or toxic pollutants that exceed water quality standards set forth in WQCC Regulations 20.6.2.3103 NMAC such as, but not limited to chloride, molybdenum, radium 226/228, sulfate, total dissolved solids (TDS), selenium, and uranium.

Depth to Groundwater: Ground water beneath the Homestake Grants Mill Site Reclamation Project site ranges from 25-50 feet below the land surface with a TDS concentration of approximately 2,734 milligrams per liter (mg/l). Ground water in the alluvium generally flows towards the south-southwest and in the bedrock towards the north-northeast.

Hearing Procedures: The hearing will be conducted pursuant to the NMED Permit Procedures regulations, 20.1.4 NMAC, and the NMED Ground and Surface Water Protection regulations, 20.6.2.3110 NMAC. Any member of the public may attend the hearing and present relevant non-technical testimony, orally or in writing, and to examine witnesses testifying at the hearing. To be a party or to present technical testimony, a person must follow the procedures below:

Entry of Appearance Required to be Party. Any person who wishes to be a party shall file with the Hearing Clerk, and serve upon all other parties of record, including NMED and the Applicant, an **Entry of Appearance on or before December 18, 2009.**

Statement of Intent to Present Technical Testimony Required. Any person who wishes to present technical evidence, data, or testimony at the hearing shall file with the Hearing Clerk and serve on the Applicant, NMED, and all other parties of record a **Statement of Intent to Present Technical Testimony on or before December 18, 2009.** A timely filed Statement of Intent shall be considered an Entry of Appearance. The Statement of Intent must comply with the requirements in 20.1.4.300 NMAC, 20.6.2.3110.C NMAC, and an Order of the Hearing Officer dated October 30, 2009 and shall include: the name of the person filing the statement, whether the person filing the statement supports or opposes the proposed permit, the name/address/affiliation/work background/educational background of each witness, the estimated length of direct testimony of each witness, a list of exhibits to be offered into evidence at the hearing with a copy of each exhibit that is not already part of the Record Proper, a list of all technical materials – and information where the material can be obtained – relied upon by each witness in making a technical statement of fact or opinion and an explanation of the basis for such an opinion, and the full written direct testimony for each technical witness in narrative form, including any opinions to be offered by such witness and an explanation of the basis for that opinion, and the exhibits on which each technical witness shall rely.

Failure to file a timely Entry of Appearance or Statement of Intent to Present Technical Testimony shall preclude a person from being a party to the proceeding and from presenting technical testimony, but shall not preclude a person from presenting a general written or oral statement or non-technical testimony in the proceeding.

Final Determination on Permit by NMED: The Secretary of NMED will make a final determination approving, conditionally approving, or disapproving the renewal and modification of DP-725 based on the administrative record for the permit application, public comment, and the public hearing.

Documents Filed with Hearing Clerk and Hearing Information. For further information about the hearing and to file documents with the Hearing Clerk contact: Sally Worthington, Hearing Clerk, NMED, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2002.

Documents Served on NMED. All documents that need to be served on NMED shall be sent to: Leslie Barnhart, NMED Office of General Counsel, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502 – 5469.

Further Information and NMED Contact: For further information on DP-725 please contact Jerry Schoeppner, NMED Ground Water Quality Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502-5469, (505) 827- 0652.

The administrative record and copies of the proposed permit can be viewed at the NMED Ground Water Quality Bureau, Harold Runnels Building, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, (505) 827-2900. The administrative record can also be viewed at <http://www.nmenv.state.nm.us/gwb>.

Any person with a disability requiring assistance or auxiliary aid at this hearing should contact Judy Bentley at (505) 827-9778, or submit a written request to Ms. Bentley, at least ten (10) calendar days prior to the hearing at NMED, P.O. Box 5469, Santa Fe, New Mexico 87502. (TDD or TDY users may access Ms. Bentley via the New Mexico Relay Network. Albuquerque TDD users call (505) 257-7333; persons outside Albuquerque may call 1-800-659-1799.)

Any person requiring Spanish or Pueblo language translation may contact Sally Worthington at (505) 827-2002, or submit a written request to Ms. Worthington, at least thirty (30) calendar days prior to the hearing at NMED, P.O. Box 5469, Santa Fe, New Mexico 87502.

Transcripts of Hearing. NMED will record the hearing on audio tapes. Any person who would like a written transcript of the hearing will need to arrange and pay for a court reporter to attend the hearing.