FREEPORT-MCMORAN COPPER & GOLD

Chino Mines Company
Box 10
Bayard, NM 88023

August 8, 2011

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AUG 15 2011
SURFACE WATER QUALITY BUREAU

Pam Homer
Standards Coordinator
New Mexico Environment Department
Surface Water Quality Bureau
P.O. Box 5469
Santa Fe, New Mexico 87502

Re: Development of Site-Specific Copper Criteria Work Plan
Smelter Tailings Soils IU - Chino Administrative Order on Consent

Dear Ms. Homer:

Freeport-McMoRan Chino Mines Company (Chino) submits the attached *Development of Site-Specific Copper Criteria Work Plan* for New Mexico Environment Department review and approval.

The Smelter and Tailing Soil Investigation Unit (STSIU) is one of the investigation units within Chino Administrative Order on Consent (AOC) Investigation Area (IA). Surface water in STSIU drainages has been determined to be a media of concern and a candidate for potential risk management actions with respect to aquatic life. Under the AOC, provisions addressing the identification, site-specific modification and application of surface water quality criteria in New Mexico's Administrative Code (NMAC) (20.6.4.900 NMAC) have been identified as pre-Feasibility Study (FS) Remedial Action Criteria (RAC) for surface water. These pre-FS RAC are considered as Applicable or Relevant and Appropriate Requirements (ARARs) for the purposes of the FS and subsequent remedial actions for the Chino Mine IA.

A preliminary review of water chemistry data from the Chino Mine IA indicates that many STSIU surface waters have water chemistries within the range previously demonstrated to modify copper toxicity. Additionally, the results from preliminary studies have confirmed that the toxicity of copper in STSIU surface waters is likely influenced by site-specific water quality conditions. The default hardness-based criteria, therefore, are not considered appropriate for application as ARARs to support the FS, and Site-specific Criteria (SSC) for copper are needed to support the development of an FS for STSIU surface waters. The studies proposed in this work plan will provide information needed to determine whether SSC for copper can be developed in STSIU surface waters.

Please contact Mr. Ned Hall at (520) 229-6470 if you have any questions regarding this work plan.

Sincerely,

Timothy E. Eastep, Manager
Environment, Land and Water

TEE:pp
Attachment
20110804-005
c Phil Harrigan, NMED
Jerry Schoeppner, NMED
Russell Nelson, EPA
Mark Purcell, EPA
Ned Hall, Freeport-McMoRan Copper & Gold Inc. (*via email*)
Pam Pinson, Chino (*via email*)