

NOI EXHIBIT H: FIRST AMENDED PROPOSED RULE

20.6.4.902 SITE-SPECIFIC STANDARDS

A. A site-specific adjustment to copper criteria for the applicable aquatic life designated use for a segment of Lampbright Draw and certain of its tributaries and certain tributaries of Whitewater Creek located in the Mimbres River Closed Basin shall be applied as described in this subsection.

(1) the criteria adjustment for copper described in paragraph (2) of this subsection shall apply only to the portions of the surface waters located within an area known as the Smelter Tailings Soil Investigation Unit (“STSIU”) at the Chino Mines Company and described as follows:

(a) the mainstem of Lampbright Draw beginning at the confluence of Lampbright Draw with Rustler Canyon to the intersection of Lampbright Draw with the southern STSIU boundary and all tributaries thereof that originate west of Lampbright Draw, including Rustler Canyon and Martin Canyon;

(b) Lucky Bill Canyon and all tributaries thereof;

(c) Chino Mines property Subwatershed Drainages A, B, C, D-1, D-2, D-3, D-4, and all tributaries thereof, but excluding the portion of the northwest tributary in Subwatershed Drainage B containing Ash Spring and the Chiricahua Leopard Frog critical habitat transect, and reaches in Subwatershed Drainage C containing Bolton Spring and the Chiricahua Leopard Frog critical habitat transect; and

(d) Chino Mines property Subwatershed Drainages E and all tributaries thereof.

(2) For the waters listed in paragraph (1) of this subsection, the use-specific numeric criteria set forth in 20.6.4.900 NMAC are applicable to their designated uses, except that the following segment-specific criteria apply: the acute and/or chronic aquatic life criteria for copper set forth in Subsection I of Section 900 shall be determined by multiplying that criteria by the Water Effect Ratio (“WER”) adjustment expressed by the following equation:

$$WER = \frac{[10^{0.588+(0.703 \times \log DOC)+(0.395 \times \log Alkalinity)}] \times \left(\frac{100}{Hardness}\right)^{0.9422}}{19.31}$$

For purposes of this paragraph, DOC is dissolved organic carbon, expressed in units of mg C/L; alkalinity is expressed in units of mg/L as CaCO₃; and hardness is expressed in units of mg/L as CaCO₃. In waters that contain alkalinity concentrations greater than 250 mg/L, a value of 250 mg/L shall be used in the equation. In waters that contain DOC concentrations greater than 16 mg C/L, a value of 16 mg C/L shall be used in the equation. In waters that contain hardness concentrations greater than 400 mg/L, a value of 400 mg/L shall be used in the equation. The alkalinity, hardness and DOC concentrations used to calculate the WER value are those measured in the subject water sample.