

STATE OF NEW MEXICO  
BEFORE THE SECRETARY OF ENVIRONMENT



IN THE MATTER OF THE APPLICATION  
OF NEW MEXICO COPPER CORPORATION FOR  
A GROUNDWATER DISCHARGE PERMIT FOR  
THE COPPER FLAT MINE, DP-1840

No. GWB-18-06 (P)

NOTICE OF SUPPLEMENTATION OF ADMINISTRATIVE RECORD

Pursuant to Section 20.1.4 NMAC, and the Scheduling Order entered in this matter on June 15, 2018, the Ground Water Quality Bureau ("Bureau") hereby provides the attached documents to supplement the administrative record for draft discharge permit DP-1840. The Supplement consists of 58 pages of communications transmitted and received by the Bureau in the time since the Administrative Record was filed. Electronic copies of the Supplement have been transmitted to all parties, along with an updated index. The record now contains 18,735 pages in 443 documents.

NEW MEXICO ENVIRONMENT DEPT.

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**CERTIFICATE OF SERVICE**

The following persons were served electronically with a copy of the foregoing:

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State of New Mexico  
Energy, Minerals and Natural Resources Department

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Susana Martinez  
Governor

Ken McQueen  
Cabinet Secretary

Matthias Sayer  
Deputy Cabinet Secretary

Fernando Martinez, Director  
Mining and Minerals Division



July 13, 2018

Ms. Katie Emmer  
New Mexico Copper Corporation  
4253 Montgomery Blvd NE, Suite 130  
Albuquerque, NM 87109

**RE: Approvable Permit Application Package, Copper Flat Mine, Sierra County, Permit Tracking No. SI027RN**

The Mining and Minerals Division ("MMD") has reviewed the latest submittal from New Mexico Copper Corporation ("NMCC") dated July 5, 2018, regarding establishment of a pit water quality statistical performance standard, and has reviewed the Permit Application Package ("PAP") for the Copper Flat Mine, Sierra County, New Mexico. MMD has also prepared a Draft Environmental Evaluation in accordance with 19.10.6.605.D NMAC. After technical review of the PAP and Draft Environmental Evaluation, NMCC is hereby notified that the PAP is approvable in accordance with 19.10.6.605.E NMAC.

As required by 19.10.6.605.F NMAC, NMCC is hereby instructed to submit a proposal for financial assurance under 19.10.12 NMAC within 30-days after receipt of this letter.

Numerous requests for a public hearing have been received by MMD, therefore a public hearing on the PAP, Financial Assurance Proposal, and Draft Environmental Evaluation will be conducted by MMD in accordance with 19.10.9 NMAC. Details of the public hearing, such as date, time, duration, etc. will be forthcoming.

If you have any questions, please contact me at (505) 476-3434 or by email at [david.ennis@state.nm.us](mailto:david.ennis@state.nm.us).

Sincerely,

David J. ("DJ") Ennis, P.G.  
Reclamation Specialist/Permit Lead

cc: Holland Shepherd, Mining Act Program Manager  
Fernando Martinez, Mining and Minerals Director  
Brad Reid, NMED Permit Lead

**Reid, Brad, NMENV**

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**From:** candi Browne <candilight4u@gmail.com>  
**Sent:** Thursday, July 26, 2018 3:06 PM  
**To:** Reid, Brad, NMENV  
**Subject:** question from Candace Browne on tailings pond liner

26 July 2018

Hi Brad-

I left a message on your voice mail. This is to support that question & to give you my email so you can respond by email if you so chose.

My question is - has NMCC/THEMAC put out, for the public to review, any information on the LINER they propose to use to line the tailings pond?

HDPE LINER information, I would hope, should have all the specifics and details about the liner, the material, the manufacturer, the company that will be installing it, the company that will be doing the quality assurance checks, repair work, etc.

If this information is available, please let me know where I can find it so that I can take a look.

A large pdf will not work with my very old computer so I'd need it in some other form.

Have you read the book YELLOW DIRT, An American Story of a Poisoned Land and a People Betrayed by author Judy Pasternak. Briefly it is Ms Pasternak telling about the devastating health affects (still happening) to the Navajo from the uranium mine, Monument No. 2 begun in 1940s by the US government, but fronted by private mining companies. Uranium ---atom bomb.... 1940s .that's the picture.

It left the Navajo with poisoned land & a disease named Navajo neuropathy which cripples & is genetic and huge numbers of Navajos dying from all forms of cancer caused by....the yellow dirt.

Thanks for all that you are doing to protect our environment all who live here.

Candace Browne  
557 894-4495  
PO Box 3642

614A Charles St  
TorC NM  
87901

## Reid, Brad, NMENV

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**From:** Vollbrecht, Kurt, NMENV  
**Sent:** Thursday, July 26, 2018 11:26 AM  
**To:** Vollbrecht, Kurt, NMENV  
**Cc:** Reid, Brad, NMENV  
**Subject:** FW: Copper Flat Mine Discharge Permit hearing

Dear concerned citizen,

The New Mexico Environment Department (NMED) is sending this email in response to your comments regarding the proposed draft discharge permit for the Copper Flat Mine, DP-1840. NMED will hold a public hearing on the proposed discharge permit beginning on September 24<sup>th</sup> at 9:00 AM, continuing until September 28<sup>th</sup> as necessary. In the event the hearing is not completed by September 28<sup>th</sup> at 5:00 PM, the hearing will recommence on October 9<sup>th</sup>.

The public hearing will be held in Truth or Consequences at the Ralph Edwards Auditorium, 400 West Fourth Street. There will be multiple opportunities for public comment during the hearing, in addition to a specific public comment period between the hours of 5:00 PM and 10:00 PM on September 25, 2018. Any member of the public may provide comments during the times set aside for comment. No pre-hearing submittal or filing of a notice of intent is necessary to provide public comment.

In the event you would like to file a Notice of Intent to be a direct party to the proceeding, including providing direct technical testimony under oath, engaging in cross examination of witnesses, and being subject to cross examination by other parties, please contact Andrew Knight of the NMED at (505) 222-9540 or [andrew.knight@state.nm.us](mailto:andrew.knight@state.nm.us) for further information.

Your name and email address has been included on the site-specific mailing list for this permitting action and you will receive official notification via email of the hearing when the general public notice is issued.

NMED appreciates your interest in permitting for the Copper Flat Mine, and shares your interest in protection of human health and the environment.

Please contact me at the number listed below or by email, or the permit lead Brad Reid at (505) 827-2963 or by email at [Brad.reid@state.nm.us](mailto:Brad.reid@state.nm.us) if you have any questions.

Thank you,

Kurt Vollbrecht, Program Manager  
Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
(505) 827-0195



**Memorandum of Meeting or Phone Conversation**

<input checked="" type="checkbox"/> Telephone	<input type="checkbox"/> Meeting	<b>Time:</b> 3:30-3:45 pm	<b>Date:</b> 07-30-18
<b>Individuals Involved</b>			
Candi Browne, concerned citizen		<input checked="" type="checkbox"/> called	Brad Reid (NMED-MECS)
<b>Subject:</b> Discussion RE: DP-1840 Tailing Storage Facility (TSF) Liner			
<b>Discussion:</b> I discussed liner details for the proposed TSF with Candi Browne. Ms. Browne wants to know if the public will have a chance to comment on the CQA/CQC plan for the TSF liner installation and wants to see the details of the CQA/CQC plan. I informed Ms. Browne that the proposed draft DP-1840 and the Copper Rule contain requirements regarding design and construction of the TSF liner system, including CQA/CQC plans. I added that we are working on revising the draft DP-1840 and will consider whether adding additional language in DP-1840 will help clarify the issue regarding the CQA/CQC plan for the TSF liner.			
<b>Conclusions:</b>			
<b>Distribution:</b> DP-1840 folder			Initialed <span style="border: 1px solid black; padding: 2px;">BR</span>

## Reid, Brad, NMENV

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**From:** Katie Emmer <kemmer@themacresourcesgroup.com>  
**Sent:** Tuesday, August 07, 2018 4:36 PM  
**To:** Vollbrecht, Kurt, NMENV  
**Cc:** Reid, Brad, NMENV; Knight, Andrew, NMENV; Yurdin, Bruce, NMENV  
**Subject:** RE: Copper Flat hearing notice and fact sheet

Thanks Kurt. We will post these in the locations you listed below and I will confirm with you when it's done.

Katie

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**From:** Vollbrecht, Kurt, NMENV [mailto:kurt.vollbrecht@state.nm.us]  
**Sent:** Tuesday, August 7, 2018 3:42 PM  
**To:** Katie Emmer  
**Cc:** Reid, Brad, NMENV; Knight, Andrew, NMENV; Yurdin, Bruce, NMENV  
**Subject:** Copper Flat hearing notice and fact sheet

Hi Katie,

Attached are the documents as discussed. Let me know if you have any questions. Thank you very much for helping out with this.

Kurt Vollbrecht, Program Manager  
Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
(505) 827-0195

1 set of public notice and fact sheet, both English and Spanish at the municipal building in Elephant Butte  
1 at the Sierra County office in T or C  
1 at the City Clerk or City Manager office (they are within walking distance and use the same address) in T or C  
1 at the municipal building at the Village of Williamsburg  
1 at Hillsboro library with single page notice posted on glass enclosed board





SUSANA MARTINEZ  
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JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

*Ground Water Quality Bureau*

1190 South St. Francis Drive (87505)  
P.O. Box 5469, Santa Fe, New Mexico 87502-5469  
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BUTCH TONGATE  
Cabinet Secretary

J.C. BORREGO  
Deputy Secretary

**NOTICE OF AVAILABILITY OF FACT SHEET AND PUBLIC NOTICE  
RE: INTENT TO ISSUE A DISCHARGE PERMIT  
UNDER THE NEW MEXICO WATER QUALITY ACT TO  
New Mexico Copper Corporation, Copper Flat Mine  
DISCHARGE PERMIT NUMBER: 1840  
August 2018**

The intent of this posting is to provide notice that a public hearing on the proposed Copper Flat Mine groundwater Discharge Permit will be held at the Ralph Edwards Auditorium in Truth or Consequences beginning at 9:00 a.m. on September 24, 2018, and proceed through September 28, 2018 as necessary. In the event the hearing is not completed by September 28, the hearing will continue beginning October 9, 2018 and proceed through October 12, 2018 as necessary. A full version of the Public Notice for the hearing and an accompanying fact sheet about the proposed Copper Flat Mine are available in the Hillsboro Public Library, located at 158 Elanora St.

**AVISO DE DISPONIBILIDAD DE HOJA DE DATOS Y AVISO PÚBLICO  
ACERCA DE: INTENCIÓN DE EMITIR UN PERMISO DE DESCARGA  
BAJO LA LEY DE CALIDAD DEL AGUA DE NUEVO MÉXICO PARA  
New Mexico Copper Corporation, Copper Flat Mine  
NÚMERO DE PERMISO DE DESCARGA: 1840  
Agosto 2018**

La intención de esta publicación es notificar que se llevará a cabo una audiencia pública sobre el Permiso de Descarga de aguas subterráneas propuesto para Copper Flat Mine en el Auditorio Ralph Edwards en Truth or Consequences a partir de las 9:00 a.m., el 24 de septiembre de 2018 y continuará hasta el 28 de septiembre de 2018 según sea necesario. En caso de que la audiencia no se complete para el 28 de septiembre, la audiencia continuará a partir del 9 de octubre de 2018 y continuará hasta el 12 de octubre de 2018, según sea necesario. Hay disponible una versión completa del aviso público de la audiencia y una hoja informativa adjunta sobre la propuesta Copper Flat Mine en la Biblioteca Pública de Hillsboro, ubicada en 158 Elanora St.



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**HOJA DE DATOS ACERCA DE: INTENCIÓN DE EMITIR UN PERMISO DE DESCARGA  
BAJO LA LEY DE CALIDAD DEL AGUA DE NUEVO MÉXICO PARA  
New Mexico Copper Corporation, Copper Flat Mine  
NÚMERO DE PERMISO DE DESCARGA: 1840  
Agosto 2018**

**I. Antecedentes**

De acuerdo con la Ley de Calidad del Agua de Nuevo México, NMSA 1978, § 74-5-1 hasta -17, y los Reglamentos de Protección de Aguas Subterráneas y Superficiales de Nuevo México (20.6.2 Código Administrativo de Nuevo México ("NMAC")), y los Requisitos Suplementarios de Permisos para las Instalaciones de Minas de Cobre ("Reglamento de Minas de Cobre" 20.6.7 NMAC), el Departamento de Medio Ambiente de Nuevo México ("Departamento" o "NMED" por sus siglas en inglés) propone emitir un permiso de descarga de aguas subterráneas ("Permiso de Descarga" o "DP-1840") a New Mexico Copper Corporation ("NMCC" o "Solicitante"), para regular las descargas propuestas de la Copper Flat Mine de NMCC (la "Instalación") ubicada aproximadamente a 5 millas al NE de Hillsboro en el condado de Sierra, NM. Se requiere un permiso para descargas asociadas con la minería y las operaciones de procesamiento de minerales en la propuesta Copper Flat Mine, para garantizar que las descargas se gestionen adecuadamente y así poder proteger la salud humana y el medio ambiente.

**II. Instalación**

Copper Flat Mine consistirá en una fosa a cielo abierto, pilas de roca de desecho, embalses de aguas pluviales y sistemas de recolección, un Área de Procesamiento de la Instalación que consiste en un concentrador y unidades asociadas para procesamiento de minerales, una instalación de almacenamiento de relaves revestida sintéticamente ("TSF" por sus siglas en inglés) e infraestructura asociada. El proyecto minero perturbará aproximadamente 1.290 acres de los cuales aproximadamente 910 acres fueron previamente perturbados por operaciones mineras históricas en el sitio.

NMCC construirá y operará la Copper Flat Mine y el Concentrador utilizando circuitos convencionales de flotación de cobre y sulfuro de molibdeno y un circuito de recuperación de oro por gravedad con un rendimiento máximo de 38.000 toneladas secas por día de mineral, generando hasta 25.264.000 gpd de purines de relaves. Los concentrados de cobre y molibdeno producidos en el Área de Procesamiento de la Instalación serán empacados para el transporte fuera del sitio y para procesamiento adicional. Durante un período operativo estimado de once años, NMCC pretende explotar el mineral rico en cobre y procesar aproximadamente 125 millones de toneladas de mineral en el Área de Procesamiento de la Instalación y colocar 33 millones de toneladas de roca de desecho en tres delineadas pilas de roca de desecho periféricas a la fosa a cielo abierto.

La TSF revestida sintéticamente será construida al este del Área de Procesamiento de la Instalación. La suspensión de relaves (es decir, aguas de procesamiento y relaves de flotación) que contiene

aproximadamente 29% de sólidos en peso será transportada por gravedad desde el Concentrador a través de una Planta Ciclónica para separar el relave en fracciones gruesas y finas. El desbordamiento del ciclón de arena de relaves de fracciones gruesas será depositado en la presa de relaves y la fracción fina de los relaves del ciclón de limos se descargará al interior de la TSF.

Después de la cesación de la explotación minera, la fosa será rellenada rápidamente con agua dulce a la tabla de agua estática modelada, formando un cuerpo de agua de pozo. Las pilas de roca de desecho, la TSF y otras áreas impactadas serán reclamadas y se revertirán de acuerdo con el Plan de Cierre/Liquidación aprobado y los requisitos aplicables de los Reglamentos de Minas de Cobre.

### **III. Agua subterránea e hidrogeología**

El agua subterránea debajo de las unidades mineras reguladas de conformidad con DP-1840 se encuentra a una profundidad que varía aproximadamente entre 7 y 156 pies con una concentración de sólidos disueltos totales (“TDS” por sus siglas en inglés) antes del vertido que varía aproximadamente de 317 a 868 miligramos por litro. La geología del sitio consiste en una reserva de monzonita de cuarzo que alberga el cuerpo de minerales situado dentro de una secuencia de unidades de roca cristalina volcánica con baja permeabilidad en las proximidades de la fosa abierta y por debajo de las unidades de procesamiento de minerales y el almacenamiento de las rocas de desecho. El relleno de la cuenca del Grupo Santa Fe está presente debajo de la TSF revestida sintéticamente, y consiste en capas poco consolidadas, intercaladas de arena, limo, arcilla y conglomerado.

### **IV. Línea de tiempo del Permiso**

La solicitud de Permiso de Descarga inicial fue enviada a NMED por NMCC el 31 de marzo de 2011. En diciembre de 2015, NMCC presentó una solicitud de permiso de descarga revisada según lo requerido para cumplir con los requisitos de los Reglamentos de Minas de Cobre. El aviso público de la solicitud fue emitido el 15 de enero de 2016. Después de la revisión técnica de la solicitud, NMED creó un borrador de Permiso de Descarga, DP-1840. El Departamento publicó avisos del borrador de DP-1840 por un periodo de 90 días desde el 2 de febrero de 2018 hasta el 5 de mayo de 2018. El aviso público fue establecido inicialmente para el plazo mínimo requerido de 30 días, y después se extendió adicionalmente otros 60 días en respuesta a las peticiones de tiempo adicional para proporcionar comentarios por parte del público. En respuesta a los avisos públicos, el Departamento recibió comentarios y solicitudes para una audiencia pública de tres organizaciones no gubernamentales, dos organizaciones gubernamentales, el Solicitante y 46 personas.

De acuerdo con 20.6.2.3108.K NMAC, el Departamento determinó que existe un interés público sustancial en DP-1840 y, por lo tanto, se ha otorgado una audiencia pública. La audiencia se llevará a cabo en el Auditorio Ralph Edwards en Truth or Consequences comenzando a las 9:00 a.m., el 24 de septiembre de 2018 y continuará hasta el 28 de septiembre de 2018 según sea necesario. En caso de que la audiencia no se complete para el 28 de septiembre, la audiencia continuará a partir del 9 de octubre de 2018 y continuará hasta el 12 de octubre de 2018, según sea necesario. Habrá un intérprete de español durante la audiencia.

El aviso público de esa audiencia que identifica, entre otras cosas, la hora y el lugar de la audiencia y una breve descripción de los procedimientos de la audiencia, se proporcionó de acuerdo con 20.6.2.3108.L NMAC a través de la publicación en el Albuquerque Journal y en Truth or Consequences Herald



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BUTCH TONGATE  
Cabinet Secretary

J.C. BORREGO  
Deputy Secretary

**FACT SHEET RE: INTENT TO ISSUE A DISCHARGE PERMIT  
UNDER THE NEW MEXICO WATER QUALITY ACT TO  
New Mexico Copper Corporation, Copper Flat Mine  
DISCHARGE PERMIT NUMBER: 1840  
August 2018**

**I. Background**

In accordance with the New Mexico Water Quality Act, NMSA 1978, § 74-5-1 through -17, and the New Mexico Ground and Surface Water Protection Regulations (20.6.2 New Mexico Administrative Code ("NMAC")) and the Supplemental Permitting Requirements for Copper Mine Facilities ("Copper Mine Rule" 20.6.7 NMAC), the New Mexico Environment Department ("Department" or "NMED") proposes to issue a groundwater discharge permit ("Discharge Permit" or "DP-1840") to New Mexico Copper Corporation ("NMCC" or "Applicant"), to regulate discharges from NMCC's proposed Copper Flat Mine located approximately 5 miles NE of Hillsboro in Sierra County, NM. A permit is required for discharges associated with mining and mineral processing operations at the proposed Copper Flat Mine to ensure that the discharges are properly managed to protect human health and the environment.

**II. The Facility**

The Copper Flat Mine will consist of an open pit, waste rock stockpiles, stormwater impoundments and collection systems, a Process Facility Area consisting of a concentrator and associated mineral processing units, a synthetically lined tailing storage facility ("TSF"), and associated infrastructure. The mine project will disturb approximately 1,290 acres of which approximately 910 acres were previously disturbed from historic mining operations at the site.

NMCC will construct and operate the Copper Flat Mine and Concentrator using conventional copper and molybdenum sulfide flotation circuits and a gravity gold recovery circuit with a maximum throughput of 38,000 dry tons per day of ore, generating up to 25,264,000 gallons per day ("gpd") of tailings slurry. The copper and molybdenum concentrates produced at the Process Facility Area will be packaged for off-site transport and additional processing. Over an estimated eleven-year operational period, NMCC intends to mine the copper-rich ore body and process approximately 125 million tons of ore at the Process Facility Area, and place 33 million tons of waste rock on three delineated waste rock stockpiles peripheral to the open pit.

The synthetically lined TSF will be constructed due east of the Process Facility Area. Tailings slurry (i.e., process water and flotation tailings) containing approximately 29% solids by weight will be gravity conveyed from the Concentrator through a Cyclone Plant to separate the

tailings into coarse and fine fractions. The coarse fraction tailings sand cyclone underflow will be deposited at the tailing dam and the fine fraction tailings slime cyclone overflow will be discharged to the interior of the TSF.

After the cessation of mining, the pit will be rapidly re-filled with fresh water to the modeled static water table, forming a pit water body. Waste rock stockpiles, the TSF, and other impacted areas will be reclaimed and revegetated in accordance with the approved Closure/Closeout Plan and applicable Copper Mine Rule requirements.

### **III. Groundwater and Hydrogeology**

Ground water beneath the mine units regulated pursuant to DP-1840 is at a depth ranging from approximately 7 to 156 feet with a pre-discharge total dissolved solids ("TDS") concentration ranging from approximately 317 to 868 milligrams per liter. The geology of the site consists of a quartz monzonite stock that hosts the ore body situated within a sequence of volcanic crystalline bedrock units with low permeability in the vicinity of the open pit and beneath the mineral processing and waste rock storage units. The Santa Fe Group basin fill is present beneath the synthetically lined TSF, and consists of interbedded layers of poorly consolidated sand, silt, clay, and conglomerate.

### **IV. Permitting Timeline**

The initial Discharge Permit application was submitted to NMED by NMCC on March 31, 2011. In December of 2015, NMCC submitted a revised discharge permit application as required to meet Copper Mine Rule requirements. Public notice of the application was issued on January 15, 2016. Following technical review of the application, NMED created a draft Discharge Permit, DP-1840. The Department published notices of the draft DP-1840 for a 90-day period from February 2, 2018 until May 5, 2018. The public notice was initially established for the required minimum 30-day time frame, and then extended an additional 60 days in response to requests for additional time to provide comment by members of the public. In response to the public notices, the Department received comments and requests for a public hearing from three non-government organizations, two governmental organizations, the Applicant, and 46 individuals.

In accordance with 20.6.2.3108.K NMAC, the Department determined that there is substantial public interest in DP-1840, and therefore a public hearing has been granted. The hearing will be held at the Ralph Edwards Auditorium in Truth or Consequences beginning at 9:00 a.m. on September 24, 2018, and proceed through September 28, 2018 as necessary. In the event the hearing is not completed by September 28, the hearing will continue beginning October 9, 2018 and proceed through October 12, 2018 as necessary. There will be a Spanish language interpreter for the hearing.

Public notice of that hearing identifying, among other things, the time and place of the hearing and a brief description of the hearing procedures, was provided in accordance with 20.6.2.3108.L NMAC through publication in the Albuquerque Journal and the Truth or Consequences Herald.

**NOTICE OF PUBLIC HEARING  
NEW MEXICO ENVIRONMENT DEPARTMENT**

The New Mexico Environment Department (NMED) will hold a public hearing beginning at 9:00 a.m. on September 24, 2018, and proceed through September 28, 2018 as necessary, at the Ralph Edwards Auditorium in Truth or Consequences, New Mexico. In the event the hearing is not completed by September 28, the hearing will continue beginning October 9, 2018 and proceed through October 12, 2018 as necessary. The hearing will consider a proposed groundwater discharge permit (Discharge Permit or DP-1840) prepared by NMED in response to a permit application submitted by New Mexico Copper Corporation (NMCC or Applicant) for discharges from the proposed Copper Flat Mine (Facility). The Hearing Officer will provide opportunities for general oral statements or non-technical testimony from members of the public throughout the hearing at breaks in the presentation of technical testimony, and in a public comment session beginning at 5:00 p.m. on September 25, 2018 and continuing as long as there is comment to be given. A Spanish-language interpreter will be available at the hearing.

**Name of the Applicant:** New Mexico Copper Corporation

**Location of the Discharge:** The facility is located at 85 Copper Rock Road approximately 5 miles NE of Hillsboro, in Sections 30 and 31, T15S, R06W, Sections 25, 26, 35, and 36, T15S, R07W, and Section 6, T16S, R06W, Sierra County.

**Activities Which Produce the Discharge:** NMCC is proposing to construct and operate an open pit copper mine and associated mineral processing facilities. Regulated mine units will include an open pit, waste rock stockpiles, ore stockpiles, mineral processing units including a mill and concentrator, process water impoundments, and a synthetically lined tailing impoundment.

**Quality, Quantity, and Flow Characteristics of the Discharge:** The Applicant proposes to discharge a maximum of 25,264,000 gallons per day (gpd) of mill tailings, process water, impacted stormwater, and domestic wastewater to a synthetically lined tailing impoundment. In addition, discharge of impacted stormwater, process water, and leachate generated from waste rock stockpiles, mine units including a concentrator and associated mineral processing facilities, impoundments, sumps, tanks, and pipelines, and other areas within the permit area would be authorized pursuant to DP-1840.

The Copper Flat Open Pit walls, the waste rock stockpiles, the Tailings Storage Facility and other impacted areas at the mine facility 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 typically contains total dissolved solids (TDS), sulfate and certain metals in concentrations that exceed the water quality standards of Section 20.6.2.3103 NMAC. Process water and impacted stormwater discharges from the Copper Flat Mine, including ARD, are typically 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.

**Depth to Groundwater:** Ground water beneath the proposed Copper Flat Mine is at a depth of approximately 7 to 156 feet with a pre-discharge TDS concentration of approximately 317 to 868 milligrams per liter.

**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 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 a 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 Applicants, an *Entry of Appearance* on or before **August 24, 2018**.

**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 Applicants, NMED, and all other parties of record a *Statement of Intent to Present Technical Testimony* on or before **August 24, 2018**, pursuant to 20.6.2.3110.C NMAC. 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 and 20.6.2.3110.C NMAC and shall include: (1) the name of the person filing the statement; (2) a statement as to whether the person supports or opposes the proposed permit; (3) the name, address, affiliation, work background, and educational background of each witness; (4) the estimated length of direct testimony of each witness; (5) 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; (6) a list of all technical materials, including 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 (7) the full written direct testimony of each witness including any opinions to be offered by such witness and an explanation of the basis for that opinion.

**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 DP-1840 based on the administrative record for the permit application, public comment, and the public hearing.

**Documents Filed with Hearing Clerk:** All documents that need to be filed with the Hearing Clerk shall be submitted to: John Baca, Hearing Clerk, NMED, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2425.

**Documents Served on NMED:** All documents that need to be served on NMED shall be sent to: Andrew Knight, NMED Office of General Counsel, 1190 South St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico, 87502-5469, or [andrew.knight@state.nm.us](mailto:andrew.knight@state.nm.us).

**Further Information and NMED Contact:** For further information on DP-1840 and the public hearing, or to be placed on the facility-specific mailing list, please contact Brad Reid, NMED Ground Water Quality Bureau (GWQB), 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, at (505) 827-2963, or at [brad.reid@state.nm.us](mailto:brad.reid@state.nm.us). The administrative record and the proposed permit can be viewed at the GWQB, and on the NMED website at <https://www.env.nm.gov/gwqb/mecs/>.

If any person requires assistance, an interpreter, or auxiliary aid to participate in this process, please contact John Baca at (505) 827-2425, or submit a written request to Mr. Baca, at least ten (10) calendar days prior to the hearing at NMED, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, or [john.baca2@state.nm.us](mailto:john.baca2@state.nm.us).

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Pintado, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us). If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

**Transcripts of Hearing.** Pursuant to 20.6.2.3110.J NMAC, NMED will make an audio recording of the hearing. If any person requests a written transcript or certified copy of the audio recording, the requestor shall pay the cost of the transcription or audio copying.



**AVISO DE AUDIENCIA PÚBLICA**  
**DEPARTAMENTO DE MEDIO AMBIENTE DE NUEVO MÉXICO**

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) celebrará una audiencia pública a partir de las 9:00 a.m. del 24 de septiembre de 2018 y continuará hasta el 28 de septiembre de 2018 según sea necesario, en el auditorio Ralph Edwards en Truth or Consequences, Nuevo México. En caso de que la audiencia no se haya completado para el 28 de septiembre, la audiencia continuará a partir del 9 de octubre de 2018 y continuará hasta el 12 de octubre de 2018, según sea necesario. La audiencia considerará un permiso propuesto de descarga en aguas subterráneas (Permiso de Descarga o DP-1840) preparado por NMED en respuesta a una solicitud de permiso presentada por New Mexico Copper Corporation (NMCC o Solicitante) para las descargas de la propuesta Copper Flat Mine (Instalación). El Funcionario de Audiencias brindará oportunidades para declaraciones orales generales o testimonios de carácter no técnicos de miembros del público durante la audiencia durante los descansos en la presentación de testimonios de carácter técnico, y en una sesión de comentarios públicos que comenzará a las 5:00 p.m. el 25 de septiembre de 2018 y continuará mientras haya comentarios. Un intérprete de español estará disponible durante la audiencia.

**Nombre del solicitante:** New Mexico Copper Corporation

**Ubicación de la descarga:** la instalación está ubicada en 85 Copper Rock Road aproximadamente a 5 millas al NE de Hillsboro, en las Secciones 30 y 31, T15S, R06W, Secciones 25, 26, 35 y 36, T15S, R07W y Sección 6, T16S, R06W, condado de Sierra.

**Actividades que produce la descarga:** NMCC propone construir y operar una mina de cobre a cielo abierto e instalaciones asociadas para el procesamiento de minerales. Las unidades mineras reguladas incluirán una fosa a cielo abierto, pilas de desechos rocosos, pilas de minerales, unidades para el procesamiento de minerales que incluyen un molino y un concentrador, embalses de agua para el procesamiento y un embalse de colas con revestimiento sintético.

**Calidad, cantidad y características de flujo de la descarga:** el solicitante propone descargar un máximo de 25.264.000 galones por día (gpd) de escombreras, aguas de procesamiento, aguas pluviales impactadas y aguas residuales domésticas a un embalse de colas revestido sintéticamente. Además, se autorizaría la descarga de aguas pluviales impactadas, aguas de procesamiento y lixiviados generados a partir de pilas de rocas de desecho, unidades mineras incluyendo un concentrador y las instalaciones asociadas de procesamiento de minerales, embalses, sumideros, tanques y tuberías, y otras áreas dentro del área de permiso serían autorizadas de conformidad con DP-1840.

Las paredes del Copper Flat Open Pit, las pilas de rocas de desecho, la Tailings Storage Facility y otras áreas impactadas en la instalación de la mina pueden contener minerales de sulfuro que, cuando se oxidan, generan soluciones ácidas. Estas soluciones ácidas reaccionan con minerales in situ y producen drenaje ácido de roca (ARD) que típicamente contiene sólidos disueltos totales (TDS), sulfato y ciertos metales en concentraciones que exceden los estándares de calidad del agua de la Sección 20.6.2.3103 NMAC. Las aguas del procesamiento y las descargas de aguas pluviales impactadas de Copper Flat Mine, incluida el ARD, normalmente están fuera del rango

aceptable de pH y contienen TDS, sulfato y ciertos metales en concentraciones que exceden los estándares de calidad del agua de la Sección 20.6.2.3103 NMAC.

**Profundidad al agua subterránea:** El agua subterránea debajo de la propuesta Copper Flat Mine se encuentra a una profundidad de 7 a 156 pies aproximadamente con una concentración aproximada de TDS antes de la descarga de 317 a 868 miligramos por litro.

**Procedimientos de audiencia:** La audiencia se llevará a cabo en conformidad con los Reglamentos de Procedimientos de Permisos de NMED, 20.1.4 NMAC y las Normas de Protección de Aguas Subterráneas y Aguas Superficiales de NMED, 20.6.2.3110 NMAC. Cualquier miembro del público puede asistir a la audiencia y presentar testimonios pertinentes de carácter no técnico, en forma oral o por escrito, y examinar a los testigos que declaren en la audiencia. Para ser parte interesada o para presentar testimonio de carácter técnico, una persona debe seguir los procedimientos descritos a continuación:

**Registro de Comparecencia requerido para ser parte interesada:** Toda persona que desee ser parte interesada deberá presentar ante el Funcionario de Audiencia y notificar a todas las demás partes registradas, incluyendo NMED y los Solicitantes, un Registro de Comparecencia (*Entry of Appearance*) a más tardar el 24 de agosto de 2018.

**Declaración requerida de intención de presentar testimonio de carácter técnico:** Toda persona que desee presentar evidencias de carácter técnico, datos o testimonio en la audiencia deberá presentar, ante el Funcionario de Audiencia y notificar a los Solicitantes, NMED y todas las demás partes registradas, una Declaración de Intención de Presentar Testimonio Técnico a más tardar el 24 de agosto de 2018, de conformidad con 20.6.2.3110.C NMAC. Una Declaración de Intención presentada a tiempo se considerará un Registro de Comparecencia. La Declaración de Intención debe cumplir con los requisitos en 20.1.4.300 NMAC y 20.6.2.3110.C NMAC y deberá incluir: (1) nombre de la persona que presenta la declaración; (2) declaración sobre si la persona apoya o se opone al permiso propuesto; (3) nombre, dirección, afiliación, historial académico y laboral de cada testigo; (4) duración estimada del testimonio directo de cada testigo; (5) una lista de documentos y/u objetos de prueba que se ofrecerán como evidencia en la audiencia con una copia de cada documento y/u objeto que aún no forme parte del Registro Administrativo; (6) una lista de todos los materiales técnicos, incluida la información sobre dónde puede obtenerse el material en el que se basó cada testigo al hacer una declaración técnica de hechos u opinión y una explicación de la base para dicha opinión; y (7) el testimonio directo completo por escrito de cada testigo, incluido cualquier opinión que ofrecerá dicho testigo y una explicación de la base para esa opinión.

**La falta de la presentación a tiempo de un Registro de Comparecencia o una Declaración de Intención de Presentar un Testimonio Técnico** impedirá que la persona sea parte interesada en el procedimiento y de que presente un testimonio de carácter técnico, pero no impedirá que esa persona presente una declaración de carácter general por escrito o en forma oral, o un testimonio que no sea de carácter técnico en el procedimiento.

**Determinación final sobre el permiso por parte de NMED:** El Secretario de NMED hará una determinación final aprobando, aprobando condicionalmente o desaprobandando el DP-1840 en base

al registro administrativo de la solicitud del permiso, el comentario público y la audiencia pública.

**Documentos presentados ante el Funcionario de Audiencia:** Todos los documentos que necesitan ser archivados con el Funcionario de Audiencia deberán ser enviados a: John Baca, Hearing Clerk, NMED, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502, teléfono (505) 827-2425.

**Documentos entregados a NMED:** Todos los documentos que necesitan ser entregados a NMED deberán ser enviados a: Andrew Knight, NMED Office of General Counsel, 1190 South St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico, 87502-5469, o [andrew.knight@state.nm.us](mailto:andrew.knight@state.nm.us).

**Información adicional y contacto de NMED:** para obtener más información sobre DP-1840 y la audiencia pública, o para ser incluido/a en la lista de correo específica de la instalación, comuníquese con Brad Reid, NMED Ground Water Quality Bureau (GWQB), 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, llamando al (505) 827-2963, o por correo electrónico en [brad.reid@state.nm.us](mailto:brad.reid@state.nm.us). El registro administrativo y el permiso propuesto se pueden ver en la GWQB y en el sitio web de NMED en <https://www.env.nm.gov/gwqb/mecs/>.

Si alguna persona necesita ayuda, un intérprete o ayuda auxiliar para participar en este proceso, comuníquese con John Baca llamando al (505) 827-2425, o envíe una solicitud por escrito al Sr. Baca, con una antelación mínima de diez (10) días de calendario antes de la audiencia, en NMED, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, o [john.baca2@state.nm.us](mailto:john.baca2@state.nm.us).

El Departamento de Medio Ambiente de Nuevo México no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigido por las leyes y los reglamentos correspondientes. NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de Contaminación del Agua de 1972. Si usted tiene preguntas sobre este aviso o sobre cualquier programa, política o procedimiento de no discriminación de NMED, usted puede comunicarse con la Coordinadora de No Discriminación: Kristine Pintado, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us). Si usted piensa que ha sido discriminado/a con respecto a un programa o actividad de NMED, usted puede comunicarse con la Coordinadora de No Discriminación antes indicada.

**Transcripciones de la audiencia.** De conformidad con 20.6.2.3110.J NMAC, NMED hará una grabación de audio de la audiencia. Si alguna persona solicita una transcripción escrita o una copia certificada del audio grabado, dicha persona deberá pagar el costo de la transcripción o la copia del audio.

## Reid, Brad, NMENV

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**From:** Vollbrecht, Kurt, NMENV  
**Sent:** Friday, July 27, 2018 5:21 PM  
**To:** Knight, Andrew, NMENV; Yurdin, Bruce, NMENV; Reid, Brad, NMENV  
**Subject:** FW: Copper Flat Mine Discharge Permit hearing

Fyi.

Kurt Vollbrecht, Program Manager  
Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
(505) 827-0195

**From:** Stan Brodsky <[stanandrob@windstream.net](mailto:stanandrob@windstream.net)>  
**Sent:** Friday, July 27, 2018 5:08 PM  
**To:** Vollbrecht, Kurt, NMENV <[kurt.vollbrecht@state.nm.us](mailto:kurt.vollbrecht@state.nm.us)>  
**Subject:** RE: Copper Flat Mine Discharge Permit hearing

Thank you very much for your speedy and concise response. You told me things I was not aware of.

Again, I appreciate your help.

Stan Brodsky

**From:** Vollbrecht, Kurt, NMENV [<mailto:kurt.vollbrecht@state.nm.us>]  
**Sent:** Friday, July 27, 2018 4:58 PM  
**To:** Stan Brodsky <[stanandrob@windstream.net](mailto:stanandrob@windstream.net)>  
**Cc:** Reid, Brad, NMENV <[brad.reid@state.nm.us](mailto:brad.reid@state.nm.us)>; Knight, Andrew, NMENV <[Andrew.Knight@state.nm.us](mailto:Andrew.Knight@state.nm.us)>; Yurdin, Bruce, NMENV <[Bruce.Yurdin@state.nm.us](mailto:Bruce.Yurdin@state.nm.us)>  
**Subject:** RE: Copper Flat Mine Discharge Permit hearing

Dear Mr. Brodsky,

Thank you for your interest in the Copper Flat Mine permitting process. The schedule for the hearing was set by the Hearing Officer. There was discussion among the various parties who have indicated previously they intend to provide technical testimony at the hearing (legal counsel for the following: Elephant Butte Irrigation District, the Ladder Ranch and Pitchfork Ranch, NMED, and NMCC) regarding the possible dates for the hearing, and the Hearing Officer's decision was to hold the hearing on the dates of September 24-28, 2018.

Any further consideration for changing the date of the hearing would need to be addressed by contacting the Hearing Clerk for information on how to approach the Hearing Officer with a request for postponement. The Hearing Clerk is John Baca, and he can be reached at (505) 827-2425 or via email at [john.baca2@state.nm.us](mailto:john.baca2@state.nm.us)

Let me know if you have other questions or comments.

Thanks,

Kurt Vollbrecht, Program Manager

Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
(505) 827-0195

**From:** Stan Brodsky <[stanandrob@windstream.net](mailto:stanandrob@windstream.net)>  
**Sent:** Friday, July 27, 2018 12:37 PM  
**To:** Vollbrecht, Kurt, NMENV <[kurt.vollbrecht@state.nm.us](mailto:kurt.vollbrecht@state.nm.us)>  
**Subject:** RE: Copper Flat Mine Discharge Permit hearing

Mr. Vollbrecht,

The group of us who oppose the re-opening of the mine need more time. We do not have the resources NMCC has, which also include Themac resources. We are a handful of Hillsboro residents, without "big money" available to us, who will be affected dramatically, every day, by the mine. We also have to prepare for another hearing currently scheduled by EMNRD-MMD Director Martinez for August (we are asking for more time there too, since those hearings were originally scheduled for January, 2019). I hope you can see your way to giving us a few more months to prepare.

Thanks for your consideration.

Stan Brodsky  
39 Tulpia Trl  
Hillsboro, NM 88042

**From:** Vollbrecht, Kurt, NMENV [<mailto:kurt.vollbrecht@state.nm.us>]  
**Sent:** Thursday, July 26, 2018 11:16 AM  
**To:** Vollbrecht, Kurt, NMENV <[kurt.vollbrecht@state.nm.us](mailto:kurt.vollbrecht@state.nm.us)>  
**Cc:** Reid, Brad, NMENV <[brad.reid@state.nm.us](mailto:brad.reid@state.nm.us)>  
**Subject:** Copper Flat Mine Discharge Permit hearing

Dear concerned citizen,

The New Mexico Environment Department (NMED) is sending this email in response to your comments regarding the proposed draft discharge permit for the Copper Flat Mine, DP-1840. NMED will hold a public hearing on the proposed discharge permit beginning on September 24<sup>th</sup> at 9:00 AM, continuing until September 28<sup>th</sup> as necessary. In the event the hearing is not completed by September 28<sup>th</sup> at 5:00 PM, the hearing will recommence on October 9<sup>th</sup>.

The public hearing will be held in Truth or Consequences at the Ralph Edwards Auditorium, 400 West Fourth Street. There will be multiple opportunities for public comment during the hearing, in addition to a specific public comment period between the hours of 5:00 PM and 10:00 PM on September 25, 2018. Any member of the public may provide comments during the times set aside for comment. No pre-hearing submittal or filing of a notice of intent is necessary to provide public comment.

In the event you would like to file a Notice of Intent to be a direct party to the proceeding, including providing direct technical testimony under oath, engaging in cross examination of witnesses, and being subject to cross examination by other parties, please contact Andrew Knight of the NMED at (505) 222-9540 or [andrew.knight@state.nm.us](mailto:andrew.knight@state.nm.us) for further information.

Your name and email address has been included on the site-specific mailing list for this permitting action and you will receive official notification via email of the hearing when the general public notice is issued.

NMED appreciates your interest in permitting for the Copper Flat Mine, and shares your interest in protection of human health and the environment.

Please contact me at the number listed below or by email, or the permit lead Brad Reid at (505) 827-2963 or by email at [Brad.reid@state.nm.us](mailto:Brad.reid@state.nm.us) if you have any questions.

Thank you,

Kurt Vollbrecht, Program Manager  
Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
(505) 827-0195

**From:** [Vollbrecht, Kurt, NMENV](#)  
**To:** [Vollbrecht, Kurt, NMENV](#)  
**Cc:** [Reid, Brad, NMENV](#)  
**Subject:** NMED-GWQB: Notice of Public Hearing - Copper Flat Mine - DP-1840  
**Date:** Wednesday, August 08, 2018 4:06:34 PM

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Dear concerned citizen,

Below is official public notification regarding a hearing on the proposed Copper Flat Mine discharge permit, DP-1840. Links in this email provide access to the official public notice as well as a fact sheet associated with the permitting process.

Please do not hesitate to contact me or Brad Reid if you have any questions. Contact information for both of us is provided below.

Thank you for your interest.

Kurt Vollbrecht, Program Manager  
Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
(505) 827-0195

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NMED Banner



## Ground Water Quality Bureau

### Notice of Public Hearing - Copper Flat Mine - DP-1840

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The New Mexico Environment Department (NMED) will hold a public hearing beginning at **9:00 a.m. on September 24, 2018**, and proceed through September 28, 2018 as necessary, at the **Ralph Edwards Auditorium in Truth or Consequences, New Mexico**. In the event the hearing is not completed by September 28, the hearing will continue beginning October 9, 2018 and proceed through October 12, 2018 as necessary. The hearing will consider a proposed groundwater discharge permit (Discharge Permit or DP-1840) prepared by NMED in response to a permit application submitted by New Mexico Copper Corporation (NMCC or Applicant) for discharges from the proposed Copper Flat Mine (Facility). The Hearing Officer will provide opportunities for general oral statements or non-technical testimony from members of the public throughout the hearing at breaks in the presentation of technical testimony, and in a public comment session beginning at 5:00 p.m. on September 25, 2018 and continuing as long as there is comment to be given. A Spanish-language interpreter will be available at the hearing.

El Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) celebrará una audiencia pública a partir de las **9:00 a.m. del 24 de septiembre de 2018** y continuará hasta el 28 de septiembre de 2018 según sea necesario, en el **auditorio Ralph Edwards en Truth or Consequences, Nuevo México**. En caso de que la audiencia no se haya completado para el 28 de septiembre, la audiencia continuará a partir del 9 de octubre de 2018 y continuará hasta el 12 de octubre de 2018, según sea necesario. La audiencia considerará un permiso propuesto de descarga en aguas subterráneas (Permiso de Descarga o DP-1840) preparado por NMED en respuesta a una solicitud de permiso presentada por New Mexico Copper Corporation (NMCC o Solicitante) para las descargas de la propuesta

Copper Flat Mine (Instalación). El Funcionario de Audiencias brindará oportunidades para declaraciones orales generales o testimonios de carácter no técnicos de miembros del público durante la audiencia durante los descansos en la presentación de testimonios de carácter técnico, y en una sesión de comentarios públicos que comenzará a las 5:00 p.m. el 25 de septiembre de 2018 y continuará mientras haya comentarios. Un intérprete de español estará disponible durante la audiencia.

**Notice of Public Hearing (English)**

**Aviso de Audiencia Pública (Español)**

**Fact Sheet (English)**

**Hoja de Datos (Español)**

**Draft Permit**

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Pintado, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us). If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigido por las leyes y los reglamentos correspondientes. NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R., partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de Contaminación del Agua de 1972. Si usted tiene preguntas sobre este aviso o sobre cualquier programa, política o procedimiento de no discriminación de NMED, usted puede comunicarse con la Coordinadora de No Discriminación: Kristine Pintado, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us). Si usted piensa que ha sido discriminado/a con respecto a un programa o actividad de NMED, usted puede comunicarse con la Coordinadora de No Discriminación antes indicada o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender cómo y dónde presentar una queja de discriminación.

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**GWQB DISCHARGE PERMIT CONTACT:**

Brad Reid at [Brad.Reid@state.nm.us](mailto:Brad.Reid@state.nm.us) or 505-827-2963

<https://www.env.nm.gov/gwb/>

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## Reid, Brad, NMENV

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**From:** Katie Emmer <kemmer@themacresourcesgroup.com>  
**Sent:** Friday, August 10, 2018 10:40 AM  
**To:** Vollbrecht, Kurt, NMENV  
**Cc:** Reid, Brad, NMENV  
**Subject:** Copper Flat Public Notice posted in Sierra County  
**Attachments:** CopperFlat\_PN\_Posting8Aug2018.pdf

Hi Kurt,

The NMED Copper Flat public notice was posted in both English and Spanish this week in the following locations in Sierra County-

1. Elephant Butte Municipal Building
2. Truth or Consequences Clerk's Office
3. Sierra County Clerk's Office
4. Truth or Consequences Post Office (1507 N Date Street)
5. Williamsburg Village Municipal Office
6. Notice of notice in Hillsboro Post Office, Notice documents at Hillsboro Public Library

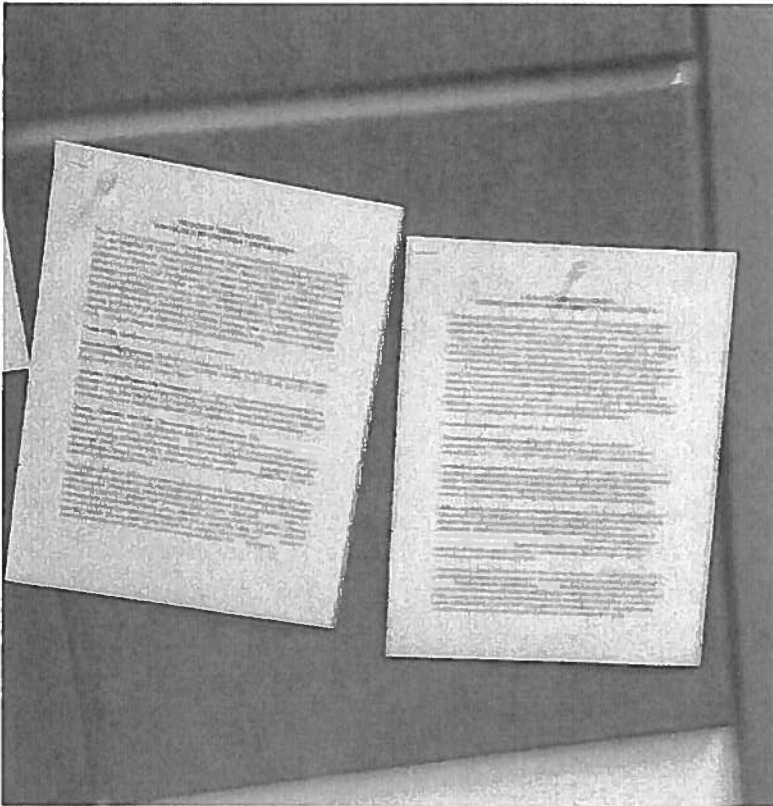
Photos attached.

Best regards,

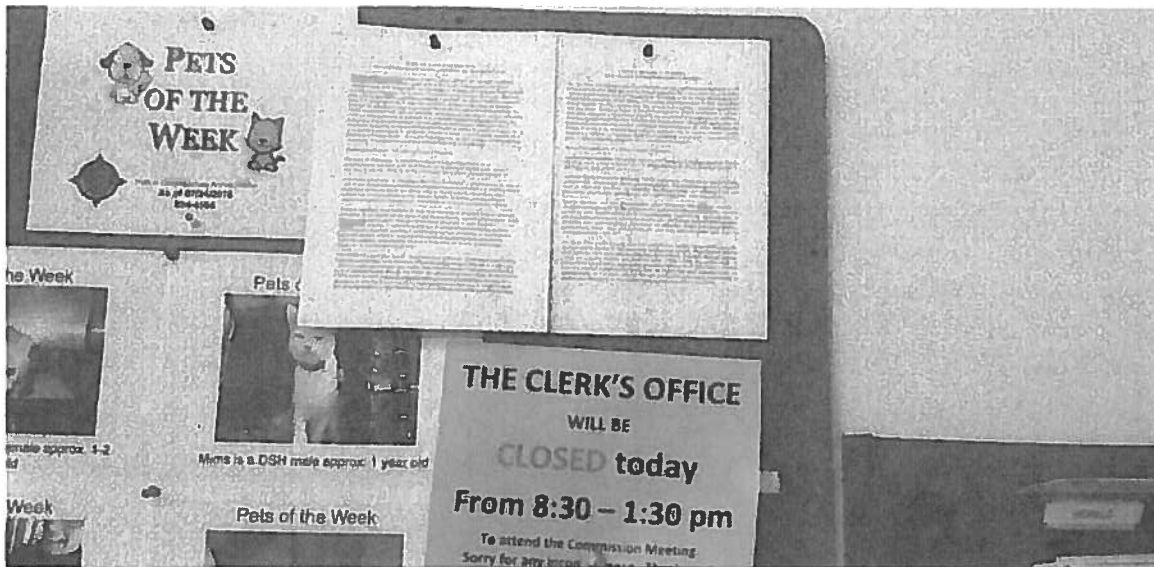
Katie

NMED Copper Flat Public Notice Posted in Sierra County 8 August 2018

Photos with captions below



Elephant Butte Municipal Building

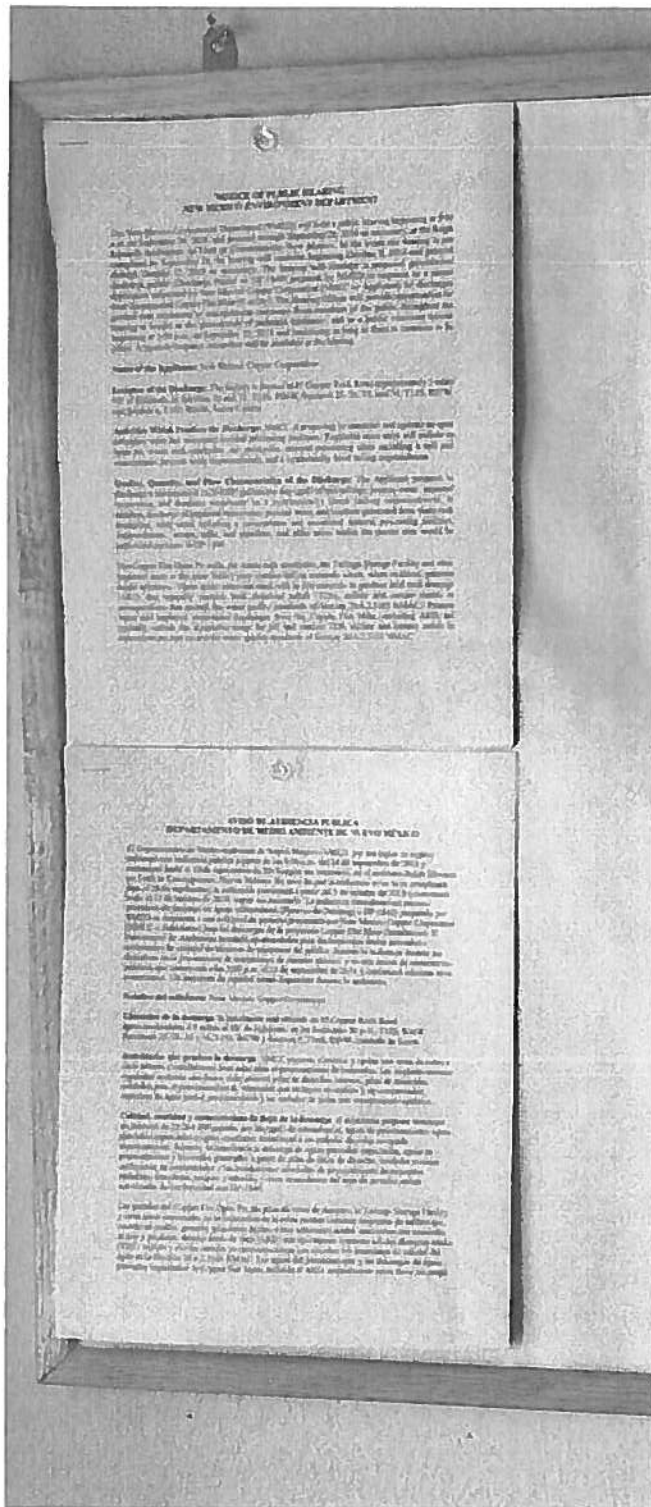


Truth or Consequences Clerk's Office



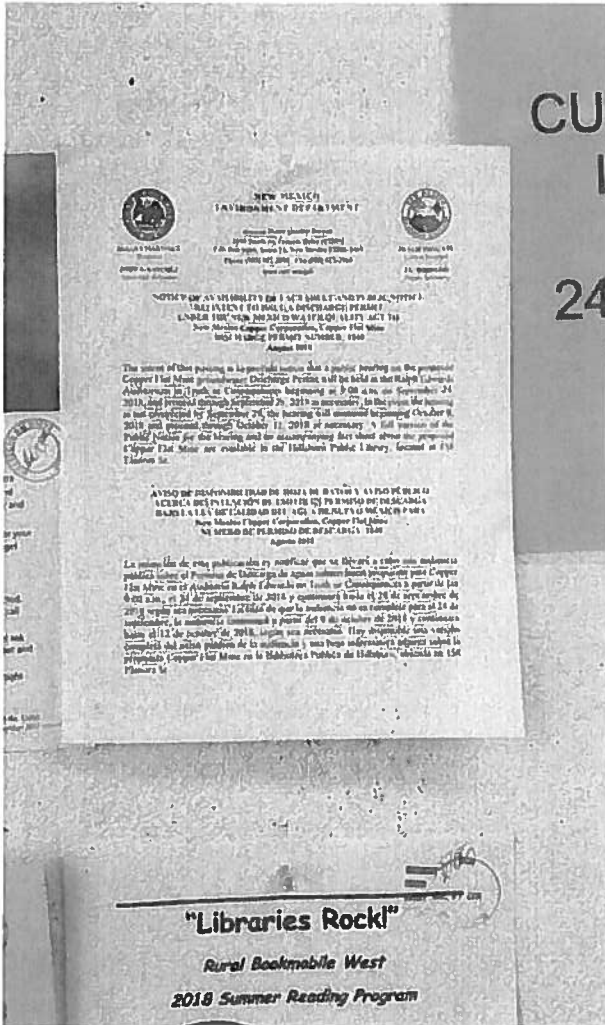


NMED Copper Flat Public Notice Posted in Sierra County 8 August 2018



Williamsburg Village Municipal Office

NMED Copper Flat Public Notice Posted in Sierra County 8 August 2018



Inside Hillsboro Post Office – Dropped off notice documents at Hillsboro Public Library

## Reid, Brad, NMENV

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**From:** Katie Emmer <kemmer@themasourcesgroup.com>  
**Sent:** Thursday, August 09, 2018 4:20 PM  
**To:** Reid, Brad, NMENV  
**Subject:** Copper Flat Map  
**Attachments:** CopperFlat\_Wells\_NMED\_Request9August2018.pdf

Hi Brad,

Here's the map you requested. Please let me know if you need anything else.

Regards,

**Katie Emmer | Permitting & Environmental Compliance Manager**

M: +1 505.400.7925 | F: +1 505.881.4616

A: 4253 Montgomery Blvd. NE, Suite 130, Albuquerque, NM 87109

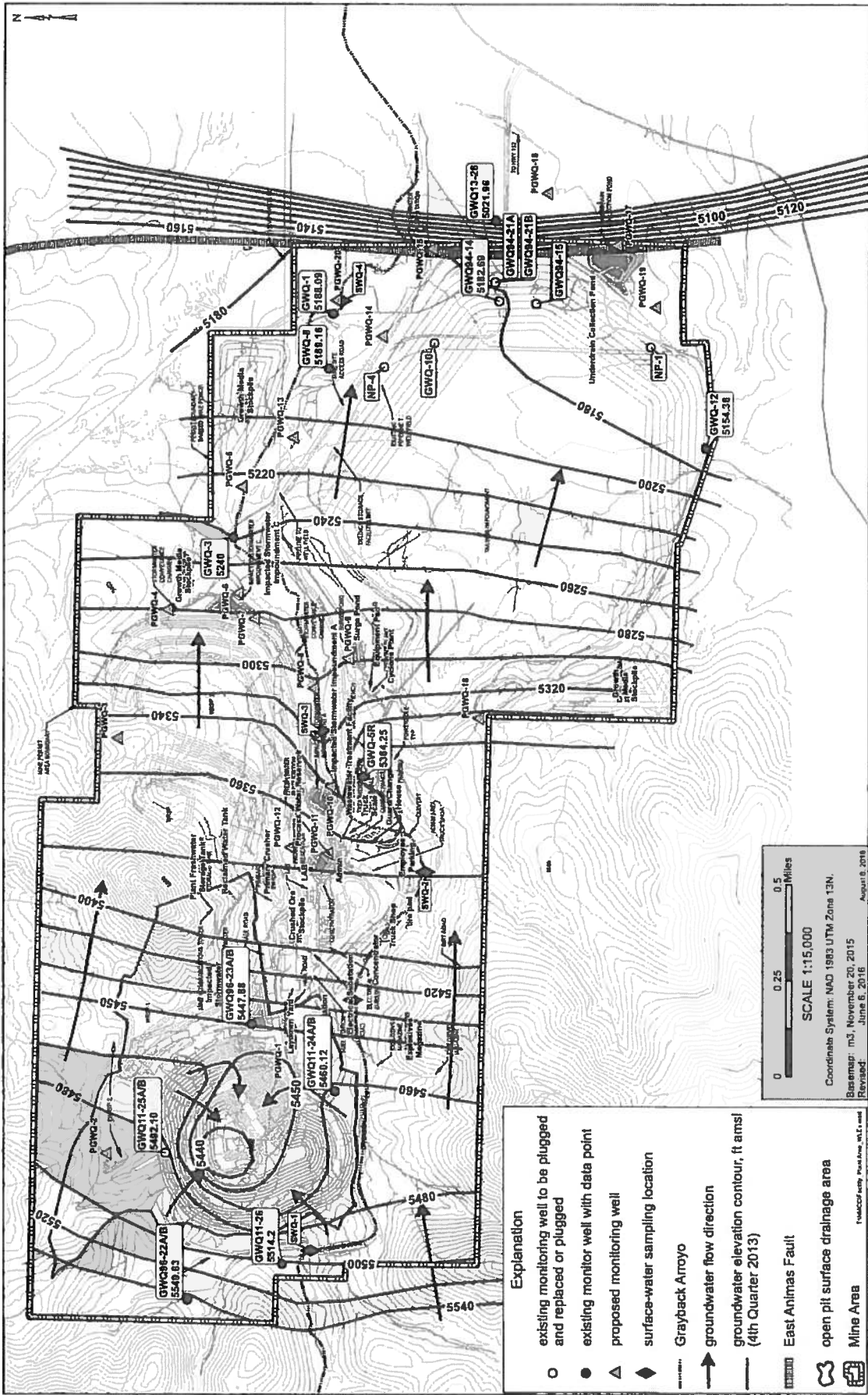
W: [themasourcesgroup.com](http://themasourcesgroup.com) | E: [kemmer@themasourcesgroup.com](mailto:kemmer@themasourcesgroup.com)



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- Explanation**
- existing monitoring well to be plugged and replaced or plugged
  - existing monitor well with data point
  - ▲ proposed monitoring well
  - ◆ surface-water sampling location
  - ▬ Grayback Arroyo
  - ➔ groundwater flow direction
  - groundwater elevation contour, ft amsl (4th Quarter 2013)
  - ▬ East Animas Fault
  - ⊞ open pit surface drainage area
  - ⊞ Mine Area

0 0.25 0.5 Miles  
**SCALE 1:15,000**  
 Coordinate System: NAD 1983 UTM Zone 13N  
 Basemap: m3, November 20, 2015  
 Revised: June 6, 2016  
 August 8, 2018

TrackDraw.mxd PostFlow.mxd

## Reid, Brad, NMENV

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**From:** Herald Herald <herald@torcherald.com>  
**Sent:** Saturday, August 11, 2018 10:07 AM  
**To:** Farrell, Lochlin, NMENV  
**Cc:** Vollbrecht, Kurt, NMENV; Reid, Brad, NMENV  
**Subject:** Re: NMED Ground Water Quality Bureau - Legal Ads - Public Notice  
**Attachments:** PROOF - English.pdf; PROOF - Spanish.pdf; INV#11517.pdf

**Importance:** High

**Legals will run 8-15-2018**

**THIS IS A PROOF CLIP ONLY**

Please review your legal. If you see any errors, bring it to our attention as soon as possible. You will receive your Notarized Proof of Publication as soon as payment in full is received and the legal notice has published the requested number of times in The HERALD, the official legal publication in Sierra County.

Thank you for trusting The HERALD with your legal publication needs.

THE HERALD

PO Box 752

T or C, NM 87901

575.894.2143 • Fax 575.894.7824

Email: [herald@torcherald.com](mailto:herald@torcherald.com)

Cindy Haro

Associate Publisher

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**From:** Farrell, Lochlin, NMENV <Lochlin.Farrell@state.nm.us>  
**Sent:** Friday, August 10, 2018 1:36:47 PM  
**To:** Herald Herald  
**Cc:** Vollbrecht, Kurt, NMENV; Reid, Brad, NMENV  
**Subject:** FW: NMED Ground Water Quality Bureau - Legal Ads - Public Notice

Good afternoon,

Thank you greatly for your follow-up today. I understand the initial submission of these notices were not received. Please publish the attached notices in the next publication of the Herald (1 time only). Please provide a quote, ad number, and a proof for review.

I will be out of the office at 3pm; however, please do contact me by cell at (505) 681-9073 to confirm that you have received this submission.

Please send invoices for the Ground Water Quality Bureau to:  
[GWQB.Invoices@state.nm.us](mailto:GWQB.Invoices@state.nm.us)  
Please provide the ad number on the invoice to help us process the invoice.

**PO# 66700-0000031947**

Please send affidavit to:  
STATE OF NEW MEXICO  
NMED / Ground Water Quality Bureau  
Harold Runnels Building, N2250  
1190 St. Francis Drive / PO Box 5469  
Santa Fe, NM 87502-5469

Thank you so much!

Lochlin Farrell  
Data Steward  
Ground Water Quality Bureau  
New Mexico Environment Department  
D:505.827.2905 F:505.827.2965  
[lochlin.farrell@state.nm.us](mailto:lochlin.farrell@state.nm.us)



**From:** Farrell, Lochlin, NMENV  
**Sent:** Friday, August 03, 2018 4:56 PM  
**To:** 'herald@torcherald.com' <herald@torcherald.com>  
**Cc:** Vollbrecht, Kurt, NMENV <kurt.vollbrecht@state.nm.us>  
**Subject:** NMED Ground Water Quality Bureau - Legal Ads - Public Notice dated 8/8/18

To whom it may concern (Legal Ad Dept.),

Please publish the attached Public Notice in the legal section of The Herald on or before **Wednesday (8/8/18)**, (1 time only).

Please provide a quote, ad number, and a proof for review.

Please send invoices for the Ground Water Quality Bureau to:

[GWQB.Invoices@state.nm.us](mailto:GWQB.Invoices@state.nm.us)

Please provide the ad number on the invoice to help us process the invoice.

**PO# 66700-0000031947**

Please send affidavit to:

STATE OF NEW MEXICO

NMED / Ground Water Quality Bureau

Harold Runnels Building, N2250

1190 St. Francis Drive / PO Box 5469

Santa Fe, NM 87502-5469

Thank you,

Lochlin Farrell

Data Steward

Ground Water Quality Bureau

New Mexico Environment Department

D:505.827.2905 F:505.827.2965

[lochlin.farrell@state.nm.us](mailto:lochlin.farrell@state.nm.us)



## LEGALS

### ENGLISH NOTICE OF PUBLIC HEARING NEW MEXICO ENVIRONMENT DEPARTMENT

The New Mexico Environment Department (NMED) will hold a public hearing beginning at 9:00 a.m. on September 24, 2018, and proceed through September 28, 2018 as necessary, at the Ralph Edwards Auditorium in Truth or Consequences, New Mexico. In the event the hearing is not completed by September 28, the hearing will continue beginning October 9, 2018 and proceed through October 12, 2018 as necessary. The hearing will consider a proposed groundwater discharge permit (Discharge Permit or DP-1840) prepared by NMED in response to a permit application submitted by New Mexico Copper Corporation (NMCC or Applicant) for discharges from the proposed Copper Flat Mine (Facility). The Hearing Officer will provide opportunities for general oral statements or non-technical testimony from members of the public throughout the hearing at breaks in the presentation of technical testimony, and in a public comment session beginning at 5:00 p.m. on September 25, 2018 and continuing as long as there is comment to be given. A Spanish-language interpreter will be available at the hearing.

**Name of the Applicant:** New Mexico Copper Corporation

**Location of the Discharge:**

The facility is located at 85 Copper Rock Road approximately 5 miles NE of Hillsboro, in Sections 30 and 31, T15S, R06W, Sections 25, 26, 35, and 36, T15S, R07W, and Section 6, T16S, R06W, Sierra County. **Activities Which Produce the Discharge:** NMCC is proposing to construct and operate an open pit copper mine and associated mineral processing facilities. Regulated mine units will include an open pit, waste rock stockpiles, ore stockpiles, mineral processing units including a mill and concentrator, process water impoundments, and a synthetically lined tailing impoundment. **Quality, Quantity, and Flow Characteristics of the Discharge:** The Applicant proposes to discharge a maximum of

25,264,000 gallons per day (gpd) of mill tailings, process water, impacted stormwater, and domestic wastewater to a synthetically lined tailing impoundment. In addition, discharge of impacted stormwater, process water, and leachate generated from waste rock stockpiles, mine units including a concentrator and associated mineral processing facilities, impoundments, sumps, tanks, and pipelines, and other areas within the permit area would be authorized pursuant to DP-1840.

The Copper Flat Open Pit walls, the waste rock stockpiles, the Tailings Storage Facility and other impacted areas at the mine facility 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 typically contains total dissolved solids (TDS), sulfate and certain metals in concentrations that exceed the water quality standards of Section 20.6.2.3103 NMAC. Process water and impacted stormwater discharges from the Copper Flat Mine, including ARD, are typically 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.

**Depth to Groundwater:**

Ground water beneath the proposed Copper Flat Mine is at a depth of approximately 7 to 156 feet with a pre-discharge TDS concentration of approximately 317 to 868 milligrams per liter.

**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 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 a 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 Applicants, an

Entry of Appearance on or before August 24, 2018. **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 Applicants, NMED, and all other parties of record a Statement of Intent to Present Technical Testimony on or before **August 24, 2018**, pursuant to 20.6.2.3110.C NMAC. 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 and 20.6.2.3110.C NMAC and shall include: (1) the name of the person filing the statement; (2) a statement as to whether the person supports or opposes the proposed permit; (3) the name, address, affiliation, work background, and educational background of each witness; (4) the estimated length of direct testimony of each witness; (5) 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; (6) a list of all technical materials, including 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 (7) the full written direct testimony of each witness including any opinions to be offered by such witness and an explanation of the basis for that opinion.

**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 DP-1840 based on the administrative record for the permit application, public comment, and the public hearing.

**Documents Filed with Hearing Clerk:** All documents that need to be filed with the Hear-

ing Clerk shall be submitted to: John Baca, Hearing Clerk, NMED, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2430.

**Documents Served on NMED:** All documents that need to be served on NMED shall be sent to: Andrew Knight, NMED Office of General Counsel, 1190 South St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico, 87502-5469, or [andrew.knight@state.nm.us](mailto:andrew.knight@state.nm.us).

**Further Information and NMED Contact:** For further information on DP-1840 and the public hearing, or to be placed on the facility-specific mailing list, please contact Brad Reid, NMED Ground Water Quality Bureau (GWQB), 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, at (505) 827-2963, or at [brad.reid@state.nm.us](mailto:brad.reid@state.nm.us). The administrative record and the proposed permit can be viewed at the GWQB, and on the NMED website at <https://www.env.nm.gov/gwqb/mecs/>. If any person requires assistance, an interpreter, or auxiliary aid to participate in this process, please contact John Baca at (505) 827-2430, or submit a written request to Mr. Baca, at least ten (10) calendar days prior to the hearing at NMED, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, or [john.baca2@state.nm.us](mailto:john.baca2@state.nm.us).

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Pintado, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050,

P.O. Box 5469, Santa Fe, NM  
87502, (505) 827-2855,  
nd.coordinator@state.nm.us. If  
you believe that you have been  
discriminated against with re-  
spect to a NMED program or  
activity, you may contact the  
Non-Discrimination Coordina-  
tor identified above.

**Transcripts of Hearing.** Pur-  
suant to 20.6.2.3110.J NMAC,  
NMED will make an audio re-  
cording of the hearing. If any  
person requests a written tran-  
script or certified copy of the  
audio recording, the requestor  
shall pay the cost of the tran-  
scription or audio copying.

**Pub: The Herald**

**Req: NMED/GWQB**

**August 15, 2018**

**This legal is posted at**

**[www.publicnoticeads.com](http://www.publicnoticeads.com)**

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**END OF RUN**



## LEGALS

### SPANISH AVISO DE AUDIENCIA PUBLICA DEPARTAMENTO DE MEDIO AMBIENTE DE NUEVO MEXICO

El Departamento de Medio Ambiente de Nuevo Mexico (NMED, por sus siglas en ingles) celebrara una audiencia publica a partir de las 9:00 a.m. del 24 de septiembre de 2018 y continuara hasta el 28 de septiembre de 2018 segun sea necesario, en el auditorio Ralph Edwards en Truth or Consequences, Nuevo Mexico. En caso de que la audiencia no se haya completado para el 28 de septiembre, la audiencia continuara a partir del 9 de octubre de 2018 y continuara hasta el 12 de octubre de 2018, segun sea necesario. La audiencia considerara un permiso propuesto de descarga en aguas subterранеas (Permiso de Descarga o DP-1840) preparado por NMED en respuesta a una solicitud de permiso presentada por New Mexico Copper Corporation (NMCC o Solicitante) para las descargas de la propuesta Copper Flat Mine (Instalacion). El Funcionario de Audiencias brindara oportunidades para declaraciones orales generales o testimonios de caracter no tecnicos de miembros del publico durante la audiencia durante los descansos en la presentacion de testimonios de caracter tecnico, y en una sesion de comentarios publicos que comenzara a las 5:00 p.m. el 25 de septiembre de 2018 y continuara mientras haya comentarios. Un interprete de espanol estara disponible durante la audiencia.

**Nombre del solicitante:** New Mexico Copper Corporation

**Ubicacion de la descarga:** la instalacion esta ubicada en 85 Copper Rock Road aproximadamente a 5 millas al NE de Hillsboro, en las Secciones 30 y 31, T15S, R06W, Secciones 25, 26, 35 y 36, T15S, R07W y Seccion 6, T16S, R06W, congado de Sierra.

**Actividades que produce la descarga:** NMCC propone construir y operar una mina de cobre a cielo abierto e instalaciones asociadas para el procesamiento de minerales. Las unidades mineras reguladas incluiran una fosa a cielo abierto, pilas de desechos rocosos, pilas de minerales, unidades

para el procesamiento de minerales que incluyen un molino y un concentrador, embalses de agua para el procesamiento y un embalse de colas con revestimiento sintético.

**Calidad, cantidad y características de flujo de la descarga:** el solicitante propone descargar un maximo de 25.264.000 galones por dia (gpd) de escombreras, aguas de procesamiento, aguas pluviales impactadas y aguas residuales domesticas a un embalse de colas revestido sintéticamente. Además, se autorizaría la descarga de aguas pluviales impactadas, aguas de procesamiento y lixiviados generados a partir de pilas de rocas de desecho, unidades mineras incluyendo un concentrador y las instalaciones asociadas de procesamiento de minerales, embalses, sumideros, tanques y tuberías, y otras áreas dentro del área de permiso serían autorizadas de conformidad con DP-1840.

Las paredes del Copper Flat Open Pit, las pilas de rocas de desecho, la Tailings Storage Facility y otras áreas impactadas en la instalacion de la mina pueden contener minerales de sulfuro que, cuando se oxidan, generan soluciones acidas. Estas soluciones acidas reaccionan con minerales in situ y producen drenaje acido de roca (ARD) que típicamente contiene solidos disueltos totales (TDS), sulfato y ciertos metales en concentraciones que exceden los estandares de calidad del agua de la Seccion 20.6.2.3103 NMAC. Las aguas del procesamiento y las descargas de aguas pluviales impactadas de Copper Flat Mine, incluida el ARD, normalmente estan fuera del rango aceptable de pH y contienen TDS, sulfato y ciertos metales en concentraciones que exceden los estandares de calidad del agua de la Seccion 20.6.2.3103 NMAC.

**Profundidad al agua subterránea:** El agua subterránea debajo de la propuesta Copper Flat Mine se encuentra a una profundidad de 7 a 156 pies aproximadamente con una concentración aproximada de TDS antes de la descarga de 317 a 868 miligramos por litro.

**Procedimientos de audiencia:** La audiencia se llevara a cabo en conformidad con los Reglamentos de Procedimien-

tos de Permisos de NMED, 20.1.4 NMAC y las Normas de Proteccion de Aguas Subterранеas y Aguas Superficiales de NMED, 20.6.2.3110 NMAC. Cualquier miembro del publico puede asistir a la audiencia y presentar testimonios pertinentes de caracter no tecnico, en forma oral o por escrito, y examinar a los testigos que declaren en la audiencia. Para ser parte interesada o para presentar testimonio de caracter tecnico, una persona debe seguir los procedimientos descritos a continuacion:

**Registro de Comparecencia requerido para ser parte interesada:** Toda persona que desee ser parte interesada debera presentar ante el Funcionario de Audiencia y notificar a todas las demas partes registradas, incluyendo NMED y los Solicitantes, un Registro de Comparecencia (Entry of Appearance) a mas tardar el 24 de agosto de 2018.

**Declaracion requerida de intencion de presentar testimonio de caracter tecnico:** Toda persona que desee presentar evidencias de caracter tecnico, datos o testimonio en la audiencia debera presentar, ante el Funcionario de Audiencia y notificar a los Solicitantes, NMED y todas las demas partes registradas, una Declaracion de Intencion de Presentar Testimonio Tecnico a mas tardar el 24 de agosto de 2018, de conformidad con 20.6.2.3110.C NMAC. Una Declaracion de Intencion presentada a tiempo se considerara un Registro de Comparecencia. La Declaracion de Intencion debe cumplir con los requisitos en 20.1.4.300 NMAC y 20.6.2.3110.C NMAC y debera incluir: (1) nombre de la persona que presenta la declaracion; (2) declaracion sobre si la persona apoya o se opone al permiso propuesto; (3) nombre, direccion, afiliacion, historial academico y laboral de cada testigo; (4) duracion estimada del testimonio directo de cada testigo; (5) una lista de documentos y/u objetos de prueba que se ofreceran como evidencia en la audiencia con una copia de cada documento y/u objeto que aun no forme parte del Registro Administrativo; (6) una lista de todos los materiales tecnicos, incluida la informacion sobre donde puede obtenerse el material en el que se baso cada testigo al

hacer una declaracion tecnica de hechos u opinion y una explicacion de la base para dicha opinion; y (7) el testimonio directo completo por escrito de cada testigo, incluido cualquier opinion que ofrecera dicho testigo y una explicacion de la base para esa opinion.

**La falta de la presentacion a tiempo de un Registro de Comparecencia o una Declaracion de Intencion de Presentar un Testimonio Tecnico impedira que la persona sea parte interesada en el procedimiento y de que presente un testimonio de caracter tecnico, pero no impedira que esa persona presente una declaracion de caracter general por escrito o en forma oral, o un testimonio que no sea de caracter tecnico en el procedimiento.**

**Determinacion final sobre el permiso por parte de NMED:** El Secretario de NMED hara una determinacion final aprobando, aprobando condicionalmente o desaprobando el DP-1840 en base al registro administrativo de la solicitud del permiso, el comentario publico y la audiencia publica.

**Documentos presentados ante el Funcionario de Audiencia:** Todos los documentos que necesitan ser archivados con el Funcionario de Audiencia deberan ser enviados a: John Baca, Hearing Clerk, NMED, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico 87502, telefono (505) 827-2430.

**Documentos entregados a NMED:** Todos los documentos que necesitan ser entregados a NMED deberan ser enviados a: Andrew Knight, NMED Office of General Counsel, 1190 South St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico, 87502-5469, o andrew.knight@state.nm.us.

**Informacion adicional y contacto de NMED:** para obtener mas informacion sobre DP-1840 y la audiencia publica, o para ser incluido/a en la lista de correo especifica de la instalacion, comuniquese con Brad Reid, NMED Ground Water Quality Bureau (GWQB), 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, llamando al (505) 827-2963, o por correo electronico en brad.reid@state.nm.us. El registro administrativo y el permiso propuesto se pueden ver en

la GWQB y en el sitio web de NMED en <https://www.env.nm.gov/gwqb/mecs/>. Si alguna persona necesita ayuda, un interprete o ayuda auxiliar para participar en este proceso, comuniquese con John Baca llamando al (505) 827-2430, o envíe una solicitud por escrito al Sr. Baca, con una antelacion minima de diez (10) dias de calendario antes de la audiencia, en NMED, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, o [john.baca2@state.nm.us](mailto:john.baca2@state.nm.us).

El Departamento de Medio Ambiente de Nuevo Mexico no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administracion de sus programas o actividades, segun lo exigido por las leyes y los reglamentos correspondientes. NMED es responsable de la coordinacion de los esfuerzos de cumplimiento y la recepcion de consultas relativas a los requisitos de no discriminacion implementados por 40 C.F.R. Partes 5 y 7, incluido el Titulo VI de la Ley de Derechos Civiles de 1964, segun enmendada; Seccion 504 de la Ley de Rehabilitacion de 1973; la Ley de Discriminacion por Edad de 1975, Titulo IX de las Enmiendas de Educacion de 1972 y la Seccion 13 de las Enmiendas a la Ley Federal de Control de Contaminacion del Agua de 1972. Si usted tiene preguntas sobre este aviso o sobre cualquier programa, politica o procedimiento de no discriminacion de NMED, usted puede comunicarse con la Coordinadora de No Discriminacion: Kristine Pintado, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us). Si usted piensa que ha sido discriminado/a con respecto a un programa o actividad de NMED, usted puede comunicarse con la Coordinadora de No Discriminacion antes indicada. **Transcripciones de la audiencia.** De conformidad con 20.6.2.3110.J NMAC, NMED hara una grabacion de audio de la audiencia. Si alguna persona solicita una transcripcion escrita o una copia certificada del audio grabado, dicha persona debera pagar el costo de la transcripcion o la copia del audio.

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Req: NMED/GWQB  
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DATE	DESCRIPTION	AMOUNT
	PO# 66700-0000031947	
	RE: NM Copper Corporation Legal Notices	
	publish: Aug 15, 2018	
	English 227	26
	Spanish 266	90
	total \$ 494	16
	*state Legal RATE	

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Mike O. Tooley, Publisher

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
Governor

**Ken McQueen**  
Cabinet Secretary

**Matthias Sayer**  
Deputy Cabinet Secretary

**Fernando Martinez, Director**  
Mining and Minerals Division



August 8, 2018

**RE: Notice of CANCELLED and RESCHEDULED Public Hearing for Copper Flat Mine, Sierra County, New Mexico**

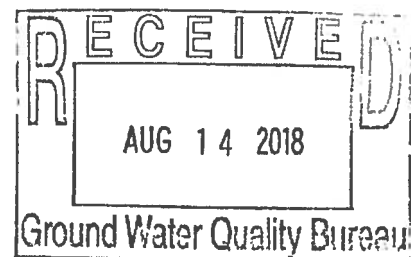
The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division ("MMD") hereby gives notice that the public hearing for the Copper Flat Mine originally scheduled for **August 21 and 22, 2018** is **CANCELLED**.

The public hearing is **RESCHEDULED** for **October 23 and 24, 2018, from 9:00 am to 7:00 pm** with two additional days scheduled for **October 25 and 26, 2018, from 9:00 am to 7:00 pm**, if needed, as determined by the Hearing Officer presiding over the public hearing.

The location of the public hearing is the **Albert J. Lyons Event Center, 2953 S. Broadway Street, Truth or Consequences, New Mexico, 87901**.

Please see the enclosed Public Notice for additional details.

Enclosure: Public Notice for Public Hearing on Copper Flat Mine



**Public Notice:  
Copper Flat Mine Public Hearing**

**CANCELLED & RESCHEDULED**

The New Mexico Energy, Minerals and Natural Resources Department, Mining and Minerals Division hereby gives notice that the public hearing for the Copper Flat Mine originally scheduled for **August 21 and 22, 2018** is **CANCELLED**.

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The location of the public hearing is the **Albert J. Lyons Event Center, 2953 S. Broadway Street, Truth or Consequences, New Mexico, 87901**.

The Permit Application Package and Draft Environmental Evaluation for the Copper Flat Mine are available for review at the MMD Office in Santa Fe, NM, and may also be viewed on the MMD website at <http://www.emnrd.state.nm.us/mmd/MARP/PermitSI027RN.html>

Comments regarding the Copper Flat Mine application for a New Mining Operation permit may be submitted to the Mining and Minerals Director at the following address:

Director, Mining and Minerals Division  
Energy, Minerals and Natural Resources Department  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

Or by email at: [EMNRD-MMD.Director@state.nm.us](mailto:EMNRD-MMD.Director@state.nm.us)

Any interested party may submit written comments regarding the application to the MMD Director. **The public comment period will be closed immediately after the public hearing and no further comments from the public will be considered after October 26, 2018.**

The public hearing is on the Permit Application Package and Draft Environmental Evaluation in consideration of issuing a new mine permit for the Copper Flat Mine, Sierra County, New Mexico. The applicant for the permit is New Mexico Copper Corporation ("NMCC"), a wholly owned subsidiary of THEMAC Resources Group Limited. The Copper Flat Mine is located in Sierra County, approximately 30 miles southwest of Truth or Consequences and 5 miles northeast of Hillsboro.

The purpose of the public hearing is to give the public an opportunity to learn about and comment on the requested New Mining Operation permit for the Copper Flat Mine. A hearing officer will conduct the hearing on behalf of MMD and, pursuant to NM Mining Act Rule 19.10.9.905 NMAC, will have authority to take all measures necessary for the maintenance of order and decorum, and for the efficient, fair and impartial presentation of the requested New Mining Operation permit for the Copper Flat Mine and the receiving of public comments. **The public hearing is not adjudicatory and no final decisions regarding the application will be made**

## Reid, Brad, NMENV

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**From:** Lewellin, Jeffrey, NMENV  
**Sent:** Thursday, August 16, 2018 8:15 AM  
**To:** Maurer, Anne, NMENV; Reid, Brad, NMENV; Vollbrecht, Kurt, NMENV  
**Subject:** Copper Flat Financial Assurance Review  
**Attachments:** 2018-08-15 MMD\_NMED Request for Comments\_Copper Flat FA.pdf

Anne, Brad and Kurt – Yesterday I received the attached MMD request for comments letter. I created a financial assurance folder and downloaded the fifteen files associated with the FA proposal. We have 60 days to respond with our review which has it back to me on 10/8/18 and to MMD by 10/12/18. I'll put one of our standard memos together for Kurt's review. The link to the folder on server share is ↓. Thanks, Jeff

[\\NMENV\ServerShares\\$\WPD\GWQB\MECS\Copper-Flat-Mine\DP-1840](\\NMENV\ServerShares$\WPD\GWQB\MECS\Copper-Flat-Mine\DP-1840)

Jeff Lewellin, Mining Act Team Leader  
Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
(505) 827-1049

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
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Cabinet Secretary

**Matthias Sayer**  
Deputy Cabinet Secretary

**Fernando Martinez, Director**  
Mining and Minerals Division



August 15, 2018

Mr. Jeff Lewellin  
NMED Ground Water Quality Bureau  
P.O. Box 5469  
Santa Fe, NM 87502-5469

**Re: Request for Agency Comments on Financial Assurance Proposal, Copper Flat Mine, Sierra County, New Mexico, Permit Tracking No. SI027RN:**


Dear Mr. Lewellin,

On August 10, 2018, the Mining and Minerals Division ("MMD") of the New Mexico Energy, Minerals, and Natural Resources Department received a Financial Assurance Proposal from New Mexico Copper Corporation ("NMCC") for the Copper Flat Mine, Sierra County, New Mexico, Permit Tracking No. SI027RN. The Financial Assurance Proposal utilizes the Standard Reclamation Cost Estimator ("SRCE"), Version 2.0.

Pursuant to §19.10.6.605.C of the New Mexico Administrative Code, MMD is requesting comments from your agency on the Copper Flat Financial Assurance Proposal, which can be downloaded from MMD's website at <http://www.emnrd.state.nm.us/mmd/MARP/PermitSI027RN.html>. Please provide any comments your agency may have within 60 days from the date of receipt of this letter.

If you have any questions, please contact me at (505) 476-3434 or by email at [david.ennis@state.nm.us](mailto:david.ennis@state.nm.us).

Sincerely,

  
David J. (DJ) Ennis, P.G., Permit Lead  
Mining Act Reclamation Program (MARP)

cc: Mine File (SI027RN)

**From:** [Michael Jensen](#)  
**To:** [Vollbrecht, Kurt, NMENV](#); [Reid, Brad, NMENV](#)  
**Cc:** [Knight, Andrew, NMENV](#); [cdesaillan@nmelc.org](mailto:cdesaillan@nmelc.org)  
**Subject:** RE: Copper Flat Mine DP public comment period  
**Date:** Tuesday, September 04, 2018 11:29:06 AM

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Kurt:

We assumed the HO would announce something during the hearing, but I was originally wondering if the Bureau would consider setting a firm date as MMD had. We're happy to wait for the HO and get the word out once a decision has been made.

Thanks again.

Michael

--- ---  
Michael Jensen  
Communications and Public Education Officer  
*New Mexico Environmental Law Center*  
[www.nmelc.org](http://www.nmelc.org)  
505.629.4420 (direct office)  
505.362.1063 (cell)

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**From:** Vollbrecht, Kurt, NMENV <[kurt.vollbrecht@state.nm.us](mailto:kurt.vollbrecht@state.nm.us)>  
**Sent:** Tuesday, September 04, 2018 11:25 AM  
**To:** [mjensen@nmelc.org](mailto:mjensen@nmelc.org); Reid, Brad, NMENV <[brad.reid@state.nm.us](mailto:brad.reid@state.nm.us)>  
**Cc:** Knight, Andrew, NMENV <[Andrew.Knight@state.nm.us](mailto:Andrew.Knight@state.nm.us)>; [cdesaillan@nmelc.org](mailto:cdesaillan@nmelc.org)  
**Subject:** RE: Copper Flat Mine DP public comment period

No problem Michael. I'll talk to Andrew but it is my understanding this is the H.O.'s decision. Charlie may know better than I as well...

Kurt Vollbrecht, Program Manager  
Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
(505) 827-0195

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**From:** Michael Jensen <[mjensen@nmelc.org](mailto:mjensen@nmelc.org)>  
**Sent:** Tuesday, September 4, 2018 11:21 AM  
**To:** Vollbrecht, Kurt, NMENV <[kurt.vollbrecht@state.nm.us](mailto:kurt.vollbrecht@state.nm.us)>; Reid, Brad, NMENV <[brad.reid@state.nm.us](mailto:brad.reid@state.nm.us)>  
**Cc:** Knight, Andrew, NMENV <[Andrew.Knight@state.nm.us](mailto:Andrew.Knight@state.nm.us)>; [cdesaillan@nmelc.org](mailto:cdesaillan@nmelc.org)  
**Subject:** RE: Copper Flat Mine DP public comment period

Kurt:

That's fine. The previous response seemed to preclude the HO's input, hence my follow-up in the below email and a second one asking if the Bureau would consider a fixed date at the end of the extended hearing timeline.

Thanks

Michael

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Michael Jensen  
Communications and Public Education Officer  
*New Mexico Environmental Law Center*  
[www.nmelc.org](http://www.nmelc.org)  
505.629.4420 (direct office)  
505.362.1063 (cell)

---

**From:** Vollbrecht, Kurt, NMENV <[kurt.vollbrecht@state.nm.us](mailto:kurt.vollbrecht@state.nm.us)>  
**Sent:** Tuesday, September 04, 2018 11:14 AM  
**To:** [mjensen@nmelc.org](mailto:mjensen@nmelc.org); Reid, Brad, NMENV <[brad.reid@state.nm.us](mailto:brad.reid@state.nm.us)>  
**Cc:** Knight, Andrew, NMENV <[Andrew.Knight@state.nm.us](mailto:Andrew.Knight@state.nm.us)>  
**Subject:** RE: Copper Flat Mine DP public comment period

Hi Michael,

I think this would be a question for the Hearing Officer to respond to. We can't speak on her behalf.

Thanks.

Kurt Vollbrecht, Program Manager  
Mining Environmental Compliance Section  
Ground Water Quality Bureau  
New Mexico Environment Department  
(505) 827-0195

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**From:** Michael Jensen <[mjensen@nmelc.org](mailto:mjensen@nmelc.org)>  
**Sent:** Tuesday, September 4, 2018 11:01 AM  
**To:** Reid, Brad, NMENV <[brad.reid@state.nm.us](mailto:brad.reid@state.nm.us)>  
**Cc:** Knight, Andrew, NMENV <[Andrew.Knight@state.nm.us](mailto:Andrew.Knight@state.nm.us)>; Vollbrecht, Kurt, NMENV <[kurt.vollbrecht@state.nm.us](mailto:kurt.vollbrecht@state.nm.us)>  
**Subject:** RE: Copper Flat Mine DP public comment period

Brad:

Thanks. Sometimes the Hearing Officer extends them beyond the hearing (generally announcing that during the hearing) so I was just curious if you thought that might be the case. But this sounds definitive.

Michael

-----  
Michael Jensen  
Communications and Public Education Officer  
*New Mexico Environmental Law Center*

[www.nmelc.org](http://www.nmelc.org)  
505.629.4420 (direct office)  
505.362.1063 (cell)

---

**From:** Reid, Brad, NMENV <[brad.reid@state.nm.us](mailto:brad.reid@state.nm.us)>  
**Sent:** Tuesday, September 04, 2018 10:54 AM  
**To:** [mjensen@nmelc.org](mailto:mjensen@nmelc.org)  
**Cc:** Knight, Andrew, NMENV <[Andrew.Knight@state.nm.us](mailto:Andrew.Knight@state.nm.us)>; Vollbrecht, Kurt, NMENV <[kurt.vollbrecht@state.nm.us](mailto:kurt.vollbrecht@state.nm.us)>  
**Subject:** RE: Copper Flat Mine DP public comment period

Michael:

I asked our attorney your question and this is his response:

All comments, written or otherwise, must be submitted by the end of the hearing, at which time the record will be closed (except for post-hearing submittals, such as proposed findings of fact, closing arguments, etc.).

Thanks, Brad

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Brad Reid, Geologist  
Mining Environmental Compliance Section / PO Box 5469 / Santa Fe, NM / 87502  
(505) 827-2963 / [brad.reid@state.nm.us](mailto:brad.reid@state.nm.us)

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**From:** Michael Jensen <[mjensen@nmelc.org](mailto:mjensen@nmelc.org)>  
**Sent:** Tuesday, September 04, 2018 10:01 AM  
**To:** Reid, Brad, NMENV <[brad.reid@state.nm.us](mailto:brad.reid@state.nm.us)>  
**Subject:** Copper Flat Mine DP public comment period

Mr Reid – I just left a phone message so if you see this first please disregard that.

Will there be a public comment period extending beyond the Copper Flat Mine DP hearing, or will all written comments have to get in by the last day of the hearing (whenever that is)?

Thanks

Michael

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Michael Jensen  
Communications and Public Education Officer  
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