



SUSANA MARTINEZ
Governor

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
Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary

J.C. BORREGO
Deputy Secretary

MEMORANDUM
ATTORNEY CLIENT PRIVILEGE

GWB 18-06(P)

To: Butch Tongate, Cabinet Secretary, NMED

Through: Bruce Yurdin, Director, Water Protection Division
Andrew Knight, Assistant General Counsel

From: Kurt Vollbrecht, Manager, Mining Environmental Compliance Section

Subject: Request for Hearing Determination for the Draft Discharge Permit, DP-1840,
Copper Flat Mine

Date: March 29, 2018

The Mining Environmental Compliance Section ("MECS") respectfully requests a hearing determination in the matter of a draft groundwater discharge permit addressing an application from New Mexico Copper Corporation ("Applicant") for groundwater discharges associated with the Applicant's proposed Copper Flat Mine. The Applicant proposes to discharge tailing slurry and other mine water discharges associated with open pit mining and milling operations in Sierra County, New Mexico.

Section 20.6.2.3108.K NMAC states that "a public hearing shall be held if the secretary determines there is substantial public interest." MECS believes that substantial public interest exists in this matter and that therefore a public hearing is warranted.

The significance of public interest^{is} based on the following:

- Interest is from a significant portion of the potentially affected population. The Public Notice for the Copper Flat Mine draft discharge permit, DP-1840 was issued on February 2, 2018. Within a matter of weeks NMED received four requests for an extension of the public comment period, and to date has received 22 requests for hearing even though the public comment period has been extended until May 5, 2018. The Copper Flat Mine has been subject of numerous Inspection of Public Records requests during the past several years, indicating significant public interest in the application process. Interest has come

from numerous residents living within close proximity to the proposed Copper Flat Mine, as well as several organizations including the Elephant Butte Irrigation District; the New Mexico Environmental Law Center representing Turner Ranch Properties, owner of the Ladder Ranch which is located adjacent to the proposed Copper Flat Mine, and the Hillsboro Pitchfork Ranch; and non-governmental organizations including Amigos Bravos and Gila Resources Information Project.

Hearing Request Determination:

The request for hearing on the Draft Discharge Permit DP-1840

Denied

Approved

Butch Tongate
Butch Tongate, Secretary
New Mexico Environment Department

Date: 3/30/18