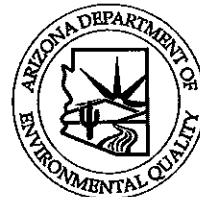




Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Benjamin H. Grumbles
Director

April 22, 2010

Ms. Rebecca Sawyer
Senior Environmental Engineer
Freeport-McMoRan Copper & Gold Inc.
Copper Queen Branch
36 West Highway 92
Bisbee, Arizona 85603

Received

APR 26 2010

Freeport McMoRan CQB

Re: Request to Modify Groundwater Monitoring Program
Mitigation Order on Consent No. P-127-07
Your Letter dated January 25, 2010

Dear Ms. Sawyer:

The Arizona Department of Environmental Quality (ADEQ) is in receipt of a letter from Freeport-McMoRan Corporation Copper Queen Branch (FMC-CQB), requesting a modification in the groundwater monitoring program approved in the Work Plan submitted July 3, 2008. ADEQ approves your requests to modify the groundwater monitoring program as described in your January 25, 2010, with the following exceptions:

1. Well TVI 875 should remain on a quarterly sampling schedule. Based on the Fourth Quarter 2009 groundwater data, TVI 875 had a sulfate concentration of 247 mg/l. ADEQ believes the more frequent monitoring schedule is warranted because the well is on the edge of the sulfate plume and very close to the established standard of 250 mg/l.
2. FMC-CQB proposes to reduce water level measurements from quarterly to semi-annually. ADEQ requests that FMC-CQB continue to measure water levels on a quarterly basis for those wells which will continue to be sampled on a quarterly basis.
3. FMC-CQB proposes to discontinue monitoring for fourteen (14) drinking water supply (DWS) wells whose owners receive bottled water from FMC-CQB as an interim mitigation action. FMC-CQB provides the following justification: "Water quality data from DWS wells receiving a mitigation action are no longer needed because the wells are known to be in the plume, are no longer used for DWS, and the data are not useful for mitigation planning." ADEQ disagrees with the conclusion that these wells should not be monitored, as well as the justification. Bottled water is an interim mitigation alternative, not final mitigation so further monitoring is necessary in preparing the final mitigation alternative and its impacts on these wells. In addition, human consumption is not the only recognized use of potable (drinking) water. Other uses include bathing and cooking, which presumably are not addressed by the provision of bottled water. FMC-CQB has

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not proposed eliminating from groundwater monitoring any other wells that are within the plume boundaries. Moreover, it appears that the sole justification for discontinuing the monitoring of these impacted wells is that FMC-CQB is providing bottled water to the owners. If FMC-CQB wishes to provide data or another justification to reduce the frequency of monitoring for these wells, ADEQ will consider such data, with the exception of a request to reduce the frequency of monitoring for NWC-03. Because NWC-03 is a public water supply well, ADEQ believes the frequency of monitoring (quarterly) should be consistent with that of other public water supply wells. With regard to the remaining thirteen (13) wells, ADEQ requests that these wells also continue to be monitored on a quarterly basis until FMC-CQB provides additional data to justify a reduction in monitoring.

4. Table 1 of the January 25, 2010 letter did not include the well Rogers 596. This well should continue to be sampled on a quarterly basis.

Per the terms of the January 25, 2010 letter, ADEQ looks forward to receiving a schedule for water quality sampling and water level measurements consistent with the terms of this letter. If you have any questions, please call me at (602) 771-2209.

Sincerely,



Cynthia S. Campbell, Manager
Water Quality Compliance Section

Cc: Mr. Stuart Brown
Senior Director, Remediation Projects
Freeport-McMoRan Copper & Gold Inc.
One North Central Avenue
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Michael Fulton, Director, Water Quality Division, ADEQ
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