



## **FREEPORT-McMoRAN**

Freeport-McMoRan Chino Mines Company  
P.O. Box 10  
Bayard, NM 88023

January 30, 2025

### **Certified Mail # 70221670000184286130**

Mr. Jonas Armstrong, Director  
New Mexico Environment Department  
Water Protection Division  
P.O. Box 5469  
Santa Fe, New Mexico 87502

Dear Mr. Armstrong:

### **Re: Freeport-McMoRan Chino Mines Company - AOC Quarterly Report, Fourth Quarter 2024**

This Administrative Order on Consent (AOC) Quarterly Report documents activities performed during the reporting period from October 1 through December 31, 2024. The report is submitted and organized as outlined in Article IX, Section E of the AOC between the New Mexico Environment Department (NMED) and Freeport-McMoRan Chino Mines Company (Chino). Chino also submits a copy of this report to the New Mexico Energy, Mineral and Natural Resources Department, Mining and Minerals Division (MMD), per its request.

#### **AOC Activities**

During the fourth quarter of 2024, the following major activities occurred:

- Chino submitted the Groundhog Interim Removal Action annual report, under the Hanover Whitewater Creek IU (HWC IU).
- Chino submitted a formal draft Feasibility Study (FS) for the Lampbright Investigation Unit (LIU) for NMED and stakeholder review.
- Chino provided an updated draft of the Smelter Tailing Soils IU (STS IU) FS for NMED informal review.
- The AOC Technical Group participated with their consultants in a quarterly conference call on December 17<sup>th</sup>. Additionally, Chino and NMED conferenced monthly to discuss current AOC activities.
- Chino conducted quarterly post remediation monitoring of the Interim Removal Action sites within the HWC IU and STS IU.

#### **Hanover/Whitewater Creeks Investigation Unit**

##### ***IRAs in the Groundhog Mine Area***

Groundhog Mine Site: As per the *Groundhog Mine Site Interim Remedial Action (IRA) Completion Report* and additional supplemental completion reports for the Groundhog Mine area, Chino continues to perform bi-annual ground water quality monitoring. Under the renewed Discharge Permit 484, the lower pond is now an operational tailing pipeline containment area, and the surface water is no longer under the AOC IRA sampling requirement. The monitoring data are included in the Groundhog Mine Site annual monitoring reports submitted at the end of October for each year of monitoring. Chino is working with NMED to update the AOC monitoring requirements to reflect this change within the IRA site. This effort is documented in the recently submitted annual Groundhog IRA monitoring report, dated October 30, 2024.

Lucky Bill Canyon: Reclamation construction is now complete for the Lucky Bill Groundhog Mine No. 5 site and is in post-reclamation monitoring as per Modification 14-1 to the MMD Permit GR009RE.

Current activities for the Groundhog No. 5 Stockpile site in sequencing reclamation requirements with the AOC:

- MMD approved the completed reclamation detailed in the Chino Lucky Bill Groundhog #5 Stockpile Reclamation Construction Quality Assurance Report in a letter dated August 2023.
- Chino continues to monitor and collect samples from the updated seepage collection system at the toe of the Groundhog No. 5 Stockpile in alignment with DP 1340 requirements. It has been noted that despite high precipitation events in 2022, no seepage is reporting into the collection system indicating that the stormwater diversions and soil cover are successfully limiting percolation into the stockpile.

- The reclaimed stockpile is currently inspected quarterly for stability to meet the MMD Permit GR009RE requirements and is no longer monitored under the AOC.

Bayard Canyon: Chino performed additional mass removal of stockpile material in Bayard Canyon in 2021 as a supplemental IRA to the 2019 HWC IU IRA. Chino performs quarterly inspections of the site as per the approved IRA completion report.

#### ***2019 Whitewater Creek IRA***

This HWC IU IRA completed a removal of impacted material from Whitewater Creek in 2019. Under DP-1340, Chino submitted in 2021 and in early 2022, two workplan proposals for sampling the base flow surface water and for sampling high flow stormwater runoff surface water, respectively, for Whitewater Creek. These workplans are in support of sitewide abatement activities but that would also document water quality following the recent IRAs in HWC IU. Chino implemented both workplans during the summer of 2022 and completed sampling in early October 2022. NMED is currently reviewing a draft of the first annual baseflow surface water data report. Chino anticipates submitting formally both sampling data result reports in the first quarter of 2025.

Chino submitted a revised residual risk assessment report (RRA) and received approval from NMED in 2023, as a follow up to the completed IRA. Chino and NMED discussed next steps for this IU in a conference call meeting on December 17, 2024.

#### **Hurley Soils Investigation Unit**

NMED is currently performing their second review as required by the Hurley Soils IU Record of Decision. The review will document the effectiveness of the 2007 IRA remedy in remediating copper above 5000 ppm. Following the posting of public notices to advise of the evaluation review of the remediation, NMED performed soil sampling of 13 selected sites in the town of Hurley in 2024. NMED is currently drafting their review assessment report and anticipates issuing the results in the second quarter of 2025.

#### **Lampbright Investigation Unit**

NMED provided Chino with their decision for the pre-FS RAC in a letter dated July 10, 2024. Chino submitted the formal draft FS for NMED and stakeholder review on November 5, 2024. NMED opened a public review and comment period on December 6, 2024 ending on January 20, 2025. NMED anticipates providing Chino review comments in March 2025.

#### **Smelter Tailings Soil Investigation Unit**

##### ***Interim Remedial Actions***

As an extension of the completed 2008 STS IU Golf Course IRA and utilizing the 2006 IRA workplan, Chino completed the Hurley Railroad IRA, the Razorback Ridge IRA, and the B-Ranch IRA, intermittently between 2008 and 2019. Chino performs quarterly erosion and revegetation monitoring of the B-Ranch site as per the approved IRA completion report.

Historical tailings material located in the Apache Tejo drainage was incorporated into the STS IU by NMED in 2009. Chino drafted a characterization report for the Apache Tejo drainage system per NMED request in 2020. Chino submitted a finalized updated survey and characterization report for Apache Tejo in May 2021. The pending draft FS for the STS IU discusses this drainage as a follow up to the Apache Tejo Characterization report.

##### ***Feasibility Study***

The STS IU Pre-Feasibility Study Remedial Action Criteria (RAC) was established by NMED in letters dated September 16, 2010, and March 2, 2011. Current activities and processes initiated by the 2011 feasibility study (FS) work plan are provided below:

1. Chino submitted an informal draft FS report to NMED in 2023.
2. NMED and Chino discussed the draft FS in a conference call on February 20, 2024 following provided informal regulatory review comments, and continued those discussions in meetings on April 11<sup>th</sup>, April 25<sup>th</sup>, and June 25, 2024.
3. NMED and their risk assessor Formation toured sites discussed in the draft FS with Chino on September 11, 2024.
4. Chino provided an updated informal draft via email on November 22, 2024 and received NMED's review comments in an email dated January 24, 2025.
5. Chino anticipates submitting a formal draft FS in early February 2025 for stakeholder review and presentation to the CWG on March 11, 2025.

### **Community Relations**

The Community Work Group (CWG) voted to have the next CWG meeting in January 2025 met on September 10, 2024, and were provided a presentation by the state risk assessor, Formation Environmental, LLC., on the NMED issued pre-FS RAC for the LBIU. The group also. The three local Chino AOC document repositories continue to be maintained and updated with current documentation. The online electronic document repository (<http://www.fcx.com/chino/>) is also up to date.

### **Next Quarter's Scheduled Activities**

The following work and activities have occurred or are projected for the first quarter of 2025:

- Chino will submit the draft Feasibility Study for the STS IU for NMED and stakeholder review.
- NMED will provide comments on the draft Feasibility Study for the LIU.
- Chino will submit the final FS for the LIU.
- Chino will conduct quarterly inspections of interim remediation sites within the HWC IU and STS IU.
- Community Work Group (CWG) met on 10<sup>th</sup> for a presentation on the LBIU FS.
- The AOC Technical Group plans to meet quarterly, and Chino and NMED will review AOC activities monthly.

### **Personnel Changes**

Personnel changes occurred for the AOC in the fourth quarter of 2024. Mr. Michael Boulay has assumed the NMED AOC Team Leader position, as a Water Resource Manager and is now participating as a member of the AOC Technical Group. Mr. Boulay reports to Mr. Joseph Fox, now the Program Manager for the NMED Mining Environmental Compliance Section.

### **Problems and Solutions**

There were no problems that adversely affected the AOC this quarter.

Please contact Ms. Pam Pinson at (575) 912-5213 with any questions or comments concerning this report.

Sincerely,

*Sherry BurtKested*

Sherry Burt-Kested, Manager  
Environmental Services

SBK:pdp  
Enclosures  
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