



ELECTRONIC DELIVERY

July 27, 2023

Adam Offutt, Chief Environmental Scientist
Freeport-McMoRan Tyrone Inc
P.O. Box 571
Tyrone, NM 88065

RE: Technical Completeness Determination, Renewal and Modification of Discharge Permit 396, Freeport-McMoRan Tyrone Inc.

Dear Adam Offutt:

The Mining Environmental Compliance Section (MECS) of the New Mexico Environment Department (NMED) received an application (DP-396 Application) for renewal and modification of Discharge Permit 396 (DP-396) from Freeport-McMoRan Tyrone Mine Inc (Applicant), dated October 22, 2021. The DP-396 Application was supplemented with the Emma Project Closure/Closeout Plan, dated November 12, 2021, and additional information on December 2, 2021. NMED determined the DP-396 Application administratively complete on November 5, 2022, and an *Administrative Completeness Determination* letter for the DP-396 Application was issued to the Applicant by NMED on February 7, 2022.

NMED deemed the DP-396 Application technically deficient and on May 9, 2022, issued a letter to the Applicant titled, *Request for Additional Information, Renewal and Modification of Discharge Permit 396, Emma Expansion Project, Freeport-McMoRan Tyrone Mine Inc*. On July 8, 2022, NMED received an email response with attached letter dated July 8, 2022, and titled, *Additional Information Requested for Renewal and Modification of Discharge Permit 396 (DP-396)*. NMED received the response by standard mail on July 15, 2022. On October 6, 2022, NMED issued a letter to the Applicant titled, *Second Request for Additional Information, Renewal and Modification of Discharge Permit 396, Emma Expansion Project, Freeport-McMoRan Tyrone Mine Inc*. On December 5, 2022, NMED received an email response with attached letter dated December 5, 2022, and titled, *Renewal and Modification to Discharge Permit 396 (DP-396); Request for Additional Information*. NMED received the response by standard mail on December 14, 2022. In addition, NMED received supplements to the DP-396 Application via email on January

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19, 2023 (via standard mail on January 26, 2023), and April 21, 2023 (via standard mail on April 28, 2023).

Pursuant to Subsection F of 20.6.7.10 NMAC of the Copper Mine Rule, NMED hereby determines that the DP-396 Application is technically complete. Pursuant to Subsection H of 20.6.7.10 NMAC, NMED will provide a draft discharge permit of DP-396 for public notice on or before October 25, 2023.

If you have any questions, please contact me at (505) 660-9060 or Brad Reid at MECS at (505) 372-8533.

Sincerely,

Joseph Fox, Program Manager
Mining Environmental Compliance Section
Ground Water Quality Bureau

BR:JF

cc: Adam Offutt, Freeport-McMoRan Tyrone Mine (aoffutt@fmi.com)
Tom Shelley, Freeport-McMoRan Tyrone Mine (tshelley@fmi.com)
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