

Freeport-McMoRan Chino Mines Company  
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**Certified Mail #70182290000160738679**

Ms. Rebecca Roose, Director  
New Mexico Environment Department  
Water Protection Division  
P.O. Box 5469  
Santa Fe, New Mexico 87502

Dear Ms. Roose:

**Re: Freeport-McMoRan Chino Mines Company  
AOC Quarterly Report, Third Quarter 2020**

This Administrative Order on Consent (AOC) Quarterly Report documents activities performed during the reporting period from July 1 through September 30, 2020. 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 third quarter of 2020, the following major activities occurred:

- NMED approved the *Chiricahua Leopard Frog Survey Report for the Lampbright Investigation Unit (LBIU)*.
- NMED approved the *Hurley Soils IU (HSIU) Remedial Addendum Completion Report*.
- Chino, with NMED participation, performed quarterly post-remediation monitoring of the Interim Remedial Action sites under the Smelter/Tailing Soils IU (STS IU) and the Hanover/Whitewater Creek IU (HWC IU).
- Chino provided to NMED for informal review two draft completion reports documenting the 2019 removal actions for HWC IU and STS IU.
- The AOC Technical Group participated in meetings and conference calls on July 28<sup>th</sup>, August 31<sup>st</sup>, and September 24<sup>th</sup> to review and plan AOC progress.

**Hanover/Whitewater Creeks Investigation Unit**

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

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 quarterly erosion monitoring of the various IRA sites as well as bi-annual water quality monitoring. The monitoring data are included in the Groundhog Mine Site annual monitoring reports submitted at the end of October for each year of monitoring.

The MMD has approved extension requests by Chino under Permit GR009RE to complete reclamation activities at the Lucky Bill Groundhog Mine No. 5 site. Chino requested to amend the 2018 Chino Mines Closure Closeout Plan Revision application to change the Groundhog No. 5 reclamation completion date from June 30, 2018, as per Modification 14-1 to MMD

Permit GR009RE, to December 31, 2024. This extension period is necessary for Chino to sequence the MMD reclamation process with the AOC. MMD approved the requested change to the reclamation schedule under Chino Closure/Closeout Plan, Revision 18-1, dated September 29, 2020.

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

- Chino continues to collect samples from the updated seepage collection system installed in 2014 which has been performing well to capture seepage for sampling at the toe of the Groundhog No. 5 Stockpile.
- NMED provided conditional approval supported by comments on the *Groundwater Pathway Evaluation Addendum to the Revised Technical Memorandum (TM) for the Groundhog No. 5 Stockpile Geochemical Evaluation* in a letter dated December 2019.
- Chino has met two of the letter's conditions by improving the drainage controls on the stockpile in early January and submitting the *Groundhog No. 5 Stockpile Construction Quality Assurance and Reclamation Completion Plan (CQAP)* dated February 2020 to NMED and MMD.
- MMD provided their approval of the CQAP in a letter dated May 2020.
- As discussed in a response letter dated June 16, 2020, Chino anticipates completing the work as soon as reasonably possible and will provide sixty day notice to MMD and NMED prior to implementing the CQAP. Chino initially proposed in the CQAP to perform the final closure activity in 2020. However, due to current restrictions and staffing limitations related to the COVID-19 pandemic this work has been postponed.

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

The HWC IU IRA for removing impacted material from Whitewater Creek was completed in June 2019. Chino implemented a monitoring program for the completed Whitewater Creek IRA during the fourth quarter of 2019. NMED is currently reviewing the draft IRA Completion Report provided informally by Chino in September 2020. Chino anticipates submitting the IRA completion report within the fourth quarter of 2020.

Additionally, Chino is reviewing a draft residual risk assessment report (RRA) in preparations for discussions with the AOC Technical Group. The associated quality control and quality assurance data validation reports will also be provided with the RRA.

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

Sampling and remediation results from an outreach program to the remaining 6 Hurley residential sites were documented in an addendum report to the 2014 Supplemental Completion Report on June 2, 2020. Chino remediated one of the remaining four residential sites that requires cleanup during the third quarter of 2019 based on sampling results. Chino submitted the *Hurley IU Addendum Supplemental Completion* report on June 2, 2020 to NMED which details the above additional sampling and remediation. NMED approved the supplemental report in a letter dated August 31, 2020.

#### **Lampbright Investigation Unit**

The NMED approved the revised 2018 *Lampbright IU (LIU) Ecological Risk Assessment (ERA)*. Chino performed a formal habitat and presence/absence survey for the Chiricahua Leopard Frog (CLF) in the vicinity of the LIU, in September 2019 with NMED participation, to address uncertainties identified in the ERA. Chino submitted the CLF survey results report to NMED on February 14, 2020. Chino provided an overview of the CLF survey results on April 1, 2020 to NMED, NM Game and Fish Department (NMGF), and the US Fish and Wildlife Department (USFWD). NMED approved the CLF survey report in a letter dated September 10, 2020 and determined that the ecological risk assessment process was complete.

## **Smelter Tailings Soil Investigation Unit**

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

As an extension of the 2008 STS IU Golf Course IRA and utilizing the 2006 IRA workplan, Chino implemented the B Ranch IRA in June 2019 to address 22 acres adjacent to Hurley Operations boundary, as well as the Golf Course IRA site and the Hurley Soils IU IRA site. Chino completed this IRA extension by the end of July 2019 with the removal of 16,000 cubic yards of impacted soil and revegetation at the B Ranch site. NMED is currently reviewing the draft IRA Completion Report provided informally by Chino in August 2020. Chino anticipates formally submitting the B Ranch IRA completion report to the NMED within the fourth quarter of 2020.

As documented in the *Razorback Ridge Area IRA STS IU Supplemental Completion Report* dated 2016, Chino is conducting quarterly post-remediation erosion and vegetation monitoring for those remediated sites. Following five years of this monitoring, a quantitative vegetation survey was performed in early October 2019. The draft survey results were provided May 18, 2020 for informal review to NMED and Chino anticipates formally submitting the report in the fourth quarter of 2020.

Historical tailings material located in the Apache Tejo drainage was incorporated into the STS IU by NMED in 2009. NMED requested that Chino submit a characterization report and an IRA work plan for the Apache Tejo drainage system. Chino submitted the draft updated survey and characterization report for Apache Tejo for informal review to NMED in early October 2020.

### ***Feasibility Study***

The STS IU Pre-Feasibility Study Remedial Action Criteria (RAC) were 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:

1. Chino, with NMED participation, performed vegetation and soil surveys for additional reference sites for use in the Feasibility Study (FS) in early October 2018.
2. Chino anticipates submitting the draft FS report in 2021, following incorporation of data obtained from interim remedial action completion reports such as the B Ranch IRA. Also includes the incorporation of the 2017 *Phytotoxicity and Vegetation Community Study* report and the five year monitoring reports for the amendment study and the white rain monitoring study, titled respectively, *Year 5 Monitoring Report for STS IU Amendment Study Plots* and the *Year 5 Report on pH Monitoring to Evaluate the Effect of the White Rain on the STS IU*, into the FS.

### **Community Relations**

The Community Work Group (CWG) cancelled all meetings for the year 2020 planned due to the current COVID-19 pandemic conditions. 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 are projected for the fourth quarter of 2020:

- Continue the monitoring program as needed for the completed Whitewater Creek IRA sites.
- Submit a finalized report for the 5 year quantitative vegetation survey for the Razorback Ridge IRA under the Smelter/Tailing Soils Investigation Unit (STS IU).
- Submit the finalized B Ranch Interim IRA completion report under STS IU.
- Submit the finalized HWC IU IRA completion report.
- Conduct quarterly inspections of interim remediation sites within the HWC IU and STS IU.

- The AOC Technical Group will meet monthly.

**Personnel Changes**

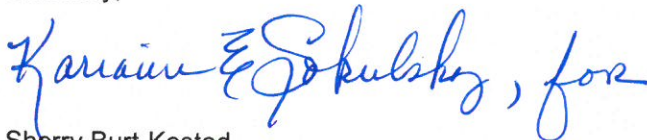
There were no personnel changes during the quarter

**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 Burt-Kested  
Manager, Environmental Services

SBK:pp  
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C (via email):  
David Mercer, NMED  
Joseph Fox, NMED  
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