



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Patrick J. Cunningham
Acting Director

January 26, 2008

Freeport McMoran Copper & Gold Inc.
Sierrita Operations
Attention: E. L. (Ned) Hall
6200 W. Duval Mine Road
P.O. Box 527
Green Valley, AZ 85622-0527

Re: Mitigation Order on Consent No. P-50-06
Recommended Groundwater Monitoring for Sulfate
Your Letter Dated December 23, 2008

Dear Mr. Hall:

The Arizona Department of Environmental Quality ("ADEQ") is in receipt of your letter dated December 23, 2008, requesting a change in the groundwater monitoring protocol being conducted pursuant to the above referenced Mitigation Order. ADEQ agrees that the current objectives of groundwater monitoring are to track the location of the plume edge and monitor drinking water supply wells near the plume. However, ADEQ also believes additional monitoring of the water levels in the aquifer is necessary in order to ascertain or track trends, as stated by Freeport in several of its Groundwater Monitoring Reports.

In accordance with the "Interim Action Identification Technical Memorandum" submitted by Freeport-McMoRan Sierrita ("Freeport") dated December 22, 2006, ADEQ believes that Freeport should continue to sample the following monitoring wells on a quarterly basis:

MO-2009-1, upgradient of Community Water ("CW") 10;
MO-2007-4A, B, C, upgradient of CW-6;
NP-2, MO-2007-3B, C, upgradient of CW-9; and
All production wells.

ADEQ expects that Freeport will install MO-2009-1 on or before the first week of March, 2009. In the event that MO-2009-1 is not installed by that time, MO-2007-5B, C should be monitored quarterly until MO-2009-1 is installed. Pursuant to the "Interim Action identification Technical Memorandum," Freeport should increase sampling frequency to monthly if any of these "sentinel" monitoring wells exceed 135 mg/l sulfate.

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(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
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Freeport should continue to measure water levels at all wells referenced in the approved Work Plan (approximately 75 wells) on a quarterly basis, and sample those wells not specifically identified in the previous paragraph on a semiannual basis. Based upon the statements made by Freeport in its most recent Groundwater Monitoring Report regarding the need for additional verification samples, ADEQ believes the further reduction in the number of wells sampled is not appropriate at this time.

ADEQ agrees that Freeport may analyze filtered groundwater samples for dissolved sulfate following the United States Environmental Protection Agency ("EPA) Method 300.0, eliminating the monitoring of total sulfate concentrations. ADEQ also agrees that Freeport may submit groundwater monitoring reports to ADEQ on the last day of the month in April and October, unless Freeport detects levels rising above 135 mg/l sulfate in the vicinity of identified drinking water sources. In that event, ADEQ expects that Freeport will notify ADEQ immediately in writing, providing the analytical results, as well as any interim actions taken in response to the increased levels of sulfate.

ADEQ expects that the sampling frequency and other protocols may change once Freeport begins implementation of the Mitigation Plan.

Sincerely,



Cynthia S. Campbell, Manager
Water Quality Compliance Section

cc: Stuart M. Brown, President
Bridgewater Group, Inc.
4500 SW Kruse Way Suite 110
Lake Oswego, OR 97035

Ray Lazuk, Freeport McMoran Gold & Copper Inc.

Joan Card, Director, WQD, ADEQ
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