

# LEGAL NOTICE

and

## Preliminary Determination for an Air Quality Permit for Freeport-McMoRan Chino Mines Co

Freeport-McMoRan Chino Mines Co, PO Box 10, Bayard, NM has submitted an air quality permit application to the Air Quality Bureau (AQB), New Mexico Environment Department (NMED) for an air quality permit to modify Chino Mine. The application file has been assigned Permit No. 0298-M5 and TEMPO Agency Interest ID No. 526. The exact location of the facility is/will be at latitude 32 deg, 41 min, 55.6 sec and longitude -108 deg, 7 min, 29.9 sec. To aid in locating this facility, the approximate location is adjacent to the town of Hurley in Grant County, New Mexico.

The proposed modification will consist of consolidating the following Construction Permits:

Cobre Mine - The only emission sources will be magnetite loading and hauling, two emergency generators, and the inactive tailings impoundment. Other operations currently contained in NSR 1089-M1 such as drilling, blasting, crushing, conveying, concentrating, and solvent extraction are not required for anticipated operations at Cobre and therefore are not required for the consolidated permit.

Chino Power Plant - The Continuous Emissions Monitoring System (CEMS) is not required by New Mexico or USEPA regulations and we are proposing that it be removed from the permit requirements for the Power Plant. In place of the CEMS, Chino proposes to conduct periodic emissions testing on the combustion turbine and HRSG to provide a reasonable assurance of compliance with emission limits.

Chino Screening Plant - This Screening Plant is currently permitted under General Permit GCP-2-3629. Chino is proposing to accept operating limits on the Screening Plant to incorporate it into the consolidated permit and cancel the current General Permit. Inclusion of the Screening Plant in the consolidated permit will eliminate the need to submit a Relocation Notice to NMED for operation of the plant anywhere in the Santa Rita Pit. Startup, Shutdown, and Maintenance emissions are included in the Potential-to-Emit emissions for both non-combustion sources such as material handling and combustion sources.

Total air pollutant emissions to the atmosphere are estimated to be approximately Nitrogen Oxides (NO<sub>x</sub>) at 330.8 tons per year (tpy)(203.5 from Non-Fugitive Sources (NFS)); Carbon Monoxide (CO) at 601.0 tpy (98.6 from NFS); Volatile Organic Compounds (VOC) at 17.1 tpy (15.5 from NFS); Sulfur Dioxide (SO<sub>2</sub>) at 16.8 tpy (2.1 from NFS); Total Suspended Particulate Matter (TSP) at 3899.4 tpy (32.7 from NFS), Particulate Matter 10 microns or less (PM<sub>10</sub>) at 1020.5 tpy (30.0 from NFS), and Particulate Matter 2.5 microns or less (PM<sub>2.5</sub>) at 60.4 tpy (22.7 from NFS). These emission estimates could change slightly during the course of the Department's review of the application.

The NMED has conducted a preliminary review of the information submitted with the permit application. The preliminary review and applicant's dispersion modeling analysis indicates that the facility's air emissions will meet the ambient air quality standards for NO<sub>x</sub>, CO, SO<sub>2</sub>, TSP, and PM<sub>10</sub>. A full review will evaluate the estimated emission rates and the air quality dispersion modeling analysis to determine compliance with ambient air standards.

Based on the applicant's analysis, a preliminary determination is that this facility will comply with the requirements of Title 20, New Mexico Administrative Code (NMAC), Chapter 2, Parts 3, 7, 22, 61, 72, and 73; 40 CFR 50; 40 CFR 60 Subparts Dc, Gg, and Ll; and the New Mexico Air Quality Control Act. Therefore, the preliminary intent of NMED is to issue the air quality permit on or before October 23, 2011. This source is a minor source according to 20.2.74 NMAC, PSD.

To ensure compliance with state and federal air regulations, the permit is expected to include conditions that limit the emissions, hours of operation, and production rate, and conditions that will require record keeping and reporting to the Department.

The permit application is available for review in electronic or hard copy at the Air Quality Bureau Office, 1301 Siler Road, Building B, Santa Fe, New Mexico. To arrange viewing of this application contact Teri Waldron, at 505-476-4355 or [teri.waldron@state.nm.us](mailto:teri.waldron@state.nm.us). The permit application is also available at the NMED Silver City Office, located at 3082 32nd Street By-Pass Rd, Suite D, Silver City, NM 8806 for public review.

All interested persons have thirty (30) days from the date this notice is published, to notify the Department in writing of their interest in the permit application. The written comments should refer to the company name, site name and Permit No. (or send a copy of this notice along with your comments). The written comments shall state the nature of the issues raised and how it relates to the requirements of applicable state and federal air quality regulations and the Clean Air Act. The written comments should be mailed to Joseph Kimbrell, New Mexico Environment Dept., Air Quality Bureau, Permit Section, 1301 Siler Road, Building B, Santa Fe, New Mexico 87507-3113.

The Department will notify all persons, who have provided written comments, as to when and where the Department's analysis may be reviewed. Although all written comments will be made part of the public record, any person who does not express interest in writing prior to the end of this first thirty (30) day period will not receive such notification.

If the Department receives written public comment prior to the end of the Department's thirty (30) day public notice, the Department's analysis will be made available for review for thirty (30) days at the NMED district or field office nearest to the source before the permit will be issued. Written comments on the analysis or permit application may be submitted to the Department during this second thirty (30) day period or at any time before the permit is issued or denied.

Questions or comments not intended to be part of the public record can be directed to Joseph Kimbrell at 505-476-4347. General information about air quality and the permitting process can be found at the Air Quality Bureau's web site. The regulation dealing with public participation in the permit review process is 20.2.72.206 NMAC. This regulation can be found in the "Permits" section of this web site.