



## ELECTRONIC DELIVERY

September 13, 2022

Daniel Lattin ([dlattin@barrick.com](mailto:dlattin@barrick.com))  
Homestake Mining of Company of California  
P.O. Box 98  
Grants, NM 87020

### **RE: Meeting Applicable Requirements, DP-200**

Dear Danial Lattin,

The Mining Environmental Compliance Section (MECS) of the New Mexico Environment Department (NMED) performed a file review of groundwater Discharge Permit 200 (DP-200) issued to Homestake Mining Company (HMC) on September 18, 2014. Based on a review of the administratively continued DP-200 and a review of the April 4, 2017 Confirmatory Order (ML17060A752) issued by the Nuclear Regulatory Commission (NRC), there are requirements in DP-200 that are no longer in effect. The purpose of this letter is to address the requirements in DP-200 that are no longer applicable given the NRC Confirmatory Order.

DP-200 defines "low-concentration injectate" as the following:

"Alluvial aquifer ground water, which has been impacted by seepage and/or discharge from mill operations such that the concentrations of molybdenum, selenium, and/or uranium exceed the respective applicable Alluvial aquifer Site ground water standards in Table 1 but are less than or equal to the respective concentrations in Table 3."

Condition 19 in DP-200 addresses the applicable standards for the low-concentration injectate shown in Tables 1 and 3. In addition, Condition 20 addresses the specific purpose of the low-concentration injectate. Table 1 in DP-200 lists the applicable Site standards. The applicable standards shown in Table 1 were established through analysis of background concentrations and promulgated by the NRC in Source Material License SUA-1471 amendment 47 in Condition 35.B. Table 3 in DP-200 lists the applicable standards for the low-concentration injectate, which are higher than the standards listed in Table 1 for uranium, selenium, and molybdenum.

The NRC issued the 2017 Confirmatory Order in response to multiple violations discovered during record inspections performed by the NRC in 2016. The violations included but are not limited to 1) implementation of the Reinjection Program in a manner inconsistent with the HMC's groundwater

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Corrective Action Program (CAP) and 2) discharge of liquid effluents from the Reverse Osmosis Plant in excess of the site groundwater protection standards established in the license. The NRC Confirmatory Order required that HMC cease injecting low-concentration injectate that did not meet NRC groundwater protection standards.

In order to be in compliance with the NRC Confirmatory Order, the maximum concentration standards for the low-concentration injectate listed on Table 3 of DP-200 no longer apply. The applicable standards listed in Table 1 of DP-200 apply to the low-concentration injectate.

All other requirements in DP-200 in addition to all other applicable state, federal and local laws and regulations must be met.

Please contact me at (505) 660-8878 or [anne.maurer@state.nm.us](mailto:anne.maurer@state.nm.us) for any questions.

Sincerely,

Anne Maurer  
Mining Act Team Leader  
Mining Environmental Compliance Section  
New Mexico Environment Department

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