

NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NEVADA ENVIRONMENTAL COMMISSION

HEARING ARCHIVE

FOR THE HEARING OF February 25, 2003

HELD AT: Carson City , Nevada

TYPE OF HEARING:

REGULATORY

YES APPEAL (Great Basin Mine Watch vs. BMRR)

FIELD TRIP

ENFORCEMENT

VARIANCE

RECORDS CONTAINED IN THIS FILE INCLUDE:

YES AGENDA

YES PUBLIC NOTICE

MINUTES OF THE HEARING

LISTING OF EXHIBITS

A M E N D E D
A G E N D A

NEVADA STATE ENVIRONMENTAL COMMISSION
PUBLIC HEARING

As provided by Nevada Revised Statutes (NRS) Chapter 233B and Nevada Administrative Code (NAC), inclusive, a panel of the Nevada State Environmental Commission will conduct an appeal hearing on **Tuesday February 25, 2003 beginning at 10:00 a.m.**, at 123 West Nye Lane, Room 217, Carson City, Nevada. This hearing, if not completed on February 25, 2003 will continue the next day, February 26th at 333 West Nye Lane, Room 223 (USGS Conference Room) and starting at 8:30 a.m.

This agenda has been posted at the Grant Sawyer State Office Building in Las Vegas, the Washoe County Library in Reno, the Department of Cultural Affairs (Division of Library and Archives), and the Division of Environmental Protection Offices in Carson City, Nevada.

The following items will be discussed and acted upon but may be taken in different order to accommodate the interest and time of the persons attending.

I. Settlement Agreement on Air Quality Violation * ACTION

A. Western Elite, Inc.; Notice of Alleged Violation #1732

II. Appeal Hearing - * ACTION

Great Basin Mine Watch, Tom Myers, Executive Director, 505 S. Arlington Street, Suite 110, Reno, Nevada 89510 appeals the decision dated November 12, 2002 by the Nevada Division of Environmental Protection regarding the Water Pollution Control Permit NEV90058 for the Newmont Mining Corporation, Lone Tree Mine.

The Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation on November 12, 2002, issued a renewal of Water Pollution Control Permit NEV90058 to the Newmont Mining Corporation for continued construction, operation and closure of the Lone Tree Mine located 34 miles east of Winnemucca, Nevada. The Division asserts that the permit was issued in accordance with Nevada Administrative Code 445A.350 through 445A.447 for continued discharge of groundwater. The Division asserts that the groundwater quality will not be degraded by this operation and that public safety and health will be protected.

III. General Commission or Public Comment

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of the Executive Secretary, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851; by facsimile to (775) 687-5856; or by calling (775) 687-9310 no later than 5:00 p.m. February 19, 2003.

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NEVADA STATE ENVIRONMENTAL COMMISSION NOTICE OF APPEAL HEARING

A three-member panel of the Nevada State Environmental Commission will conduct an appeal hearing in the matter of:

Great Basin Mine Watch, Tom Myers, Executive Director, 1 Booth Street, Reno, Nevada 89509 appeals the decision dated November 12, 2002 by the Nevada Division of Environmental Protection regarding the Water Pollution Control Permit NEV90058 for the Newmont Mining Corporation, Lone Tree Mine.

The Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation on November 12, 2002, issued a renewal of Water Pollution Control Permit NEV90058 to the Newmont Mining Corporation for continued construction, operation and closure of the Lone Tree Mine located 34 miles east of Winnemucca, Nevada. The Division asserts that the permit was issued in accordance with Nevada Administrative Code 445A.350 through 445A.447 for continued discharge of groundwater. The Division asserts that the groundwater quality will not be degraded by this operation and that public safety and health will be protected.

The appellant alleges that the renewal of the water pollution control permit NEV90058 was issued without first receiving and reviewing Newmont's Pit Lake Optimization Plan and Heap Leach and Tailings Impoundment Facilities Operation Plan. The appellant also alleges that the Division approved of Newmont's expansion of the tailings facility as a minor source modification when the facility is currently leaking. The appellant alleges that the Division has failed to order Newmont Mining Corporation to remedy or close the leaking tailings facility, which has the potential to degrade waters of the state.

The appellant alleges that the Division improperly issued the water pollution control permit without first reviewing, and making available for public review, Newmont's updated Heap Leach and Tailings Impoundment Facilities Operation Plan and Pit Lake Optimization Plan. The appellant alleges that Nevada Administrative Code (NAC) 445A.432 and 445A.433 were not followed when the Division did not have available the pertinent documents that governed the tailing impoundments, the pit lake and the heap leach facility at the time the permit was issued. The appellant alleges that the Division approved the permit when the permit application was incomplete due to the lack of the aforementioned plans. The appellant alleges that the permit was issued not using current information about leaking impoundments and the consequence of filling the pit lake with acidic rock.

NOTICE OF APPEAL HEARING – FEBRUARY 25, 2003 – PAGE 2

The appellant alleges the Division violated NRS 445A.590 and NAC 445A.402 by denying the public a meaningful opportunity to review and participate in the permitting process. The appellant alleges that critical documents governing the permit were not available for public review during the issuance of the permit. The appellant alleges that the Division should not have approved of Newmont's expansion impoundments since they were known to be leaking. The appellant alleges that NAC 445A.416 was violated when the Division issued the permit allowing a minor modification to the impoundments with that expansion having the potential to degrade waters of the state. The appellant alleges that the Division has not taken action to fix or close the leaking tailings facility prior to renewal of the water pollution control permit. The appellant alleges that NAC 445A.433 is being violated due to seeps at the tailing facility leaking process fluids, and the facility being unable to operate at zero-discharge.

The appellant referenced NRS 445A.490, 445A.590, 445A.605 and 445A.610. The appellant referenced NAC 445A.368, 445A.390, 445A.400, 445A.402, 445A.416, 445A.417, 445A.420, 445A.432 and 445A.433.

The hearing will be held: **February 25, 2003**
 10:00 a.m.
 123 West Nye Lane, Room 217
 DCNR Conference Room
 Carson City, Nevada

Note: If the hearing is not completed on February 25, 2003 it will be continued to February 26, 2003 at 333 West Nye Lane, Room 223, the USGS Conference room and starting at 8:30 a.m.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of the Executive Secretary, 333 West Nye Lane, Room 138, Carson City, Nevada, 89706-0851; by facsimile to (775) 687-5856; or by calling (775) 687-9310 no later than 5:00 p.m., February 19, 2003.

This notice is issued pursuant to Nevada Revised Statutes (NRS) Chapter 233B. The hearing will be held in accordance with Nevada Administrative Code, (NAC) 445B.875 to 445B.897, inclusive.

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