

**NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**NEVADA ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVE**

**FOR THE HEARING OF June 9 & 10, 2003 (Continued from Hearing scheduled March 17 & 18, 2003, that was postponed on March 14, 2003)**

**HELD AT: Elko, Nevada (Gold Quarry Mine water pollution control permit)**

**TYPE OF HEARING:**

**REGULATORY**

**YES APPEAL (Great Basin Mine Watch)**

**YES FIELD TRIP (Gold Quarry Mine)**

**ENFORCEMENT**

**VARIANCE**

**RECORDS CONTAINED IN THIS FILE INCLUDE:**

**YES AGENDA**

**YES PUBLIC NOTICE**

**MINUTES OF THE HEARING**

**LISTING OF EXHIBITS**

# 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 **Monday, June 9, 2003 beginning at 2:00 p.m.** Elko Chamber of Commerce, Conference Room, 1405 Idaho Street, Elko, 89801 Nevada. **The evidentiary part of the appeal hearing will be preceded by a field inspection** of the Gold Quarry Mine and Maggie Creek. This hearing and field inspection was originally scheduled for March 17 & 18, 2003 but was postponed on March 14, 2003.

Note: **If the evidentiary part of the hearing is not completed on June 9, 2003 it will be continued to June 10, 2003 at the same location as stated above, but starting at 8:30 a.m.** The appeal hearing will begin with an official and recorded field inspection of Newmont Mining Corporation's Gold Quarry Mine dewatering operations, then continuing down Maggie Creek to its confluence with the Humboldt River. The field inspection rendezvous point will be immediately north of the junction of State Route 221 and State Route 766, at the Pilot Truck Stop, directly off the I-80 exit 280 in Central Carlin, Nevada beginning at 9:15 a.m. and leaving at approximately 9:30 a.m. to the Mine site on June 9, 2003. The tour is expected to last from 3 to 4 hours. At the mine site, public participants of the field tour will be escorted and transported through the mine site by officials of Newmont Mining Corp.

This agenda has been posted at the Elko Chamber of Commerce in Elko, the Grant Sawyer State Office Building in Las Vegas, the Washoe County Library in Reno, and 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. Appeal Hearing - \* ACTION**

Great Basin Mine Watch, Tom Myers, Executive Director, 505 S. Arlington Street, Suite 110, Reno, Nevada 89510 appeals the decision dated September 20, 2002 by the Nevada Division of Environmental Protection regarding the Water Pollution Control Permit NV0022268 for the Newmont Mining Corporation's Gold Quarry Mine.

The Nevada Division of Environmental Protection, Bureau of Water Pollution Control on September 20, 2002, issued a renewal of Water Pollution Control Permit NV0022268 to the Newmont Mining Corporation for continued dewatering of the Quarry Gold Mine located six miles north of the town of Carlin. The Division asserts that the permit was issued in accordance with Nevada Administrative Code 445A.070 through 445A.447 for continued discharge of groundwater that is treated as required, to Maggie Creek and subsequently to the Humboldt River. The Division asserts that the discharge limitations are prescribed to meet water quality standards assigned to the lower reach of Maggie Creek and the Humboldt River.

**Page 2 – Agenda for SEC June 9 & 10, 2003 Appeal Hearing**

**II. 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, 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., June 2, 2003.

This hearing was originally scheduled for March 17 & 18, 2003 but was postponed on March 14, 2003 by the Commission. Those persons interested in attending the field inspection on June 9, 2003 should monitor the Environmental Commission's website to determine the status of the hearing, or call the aforementioned phone number by 5 p.m. on June 6, 2003. **Confirmation of hearing will be last posted as of 5 p.m. on June 6, 2003 at: <http://ndep.nv.gov/admin/public.htm>**

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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, 505 South Arlington Street, Suite 110, Nevada 89510 appeals the decision dated September 20, 2002 by the Nevada Division of Environmental Protection regarding the Water Pollution Control Permit NV0022268 for the Newmont Mining Corporation's Gold Quarry Mine at Carlin, Nevada.

The Nevada Division of Environmental Protection, Bureau of Water Pollution Control on September 20, 2002, issued a renewal of Water Pollution Control Permit NV0022268 to the Newmont Mining Corporation for continued dewatering of the Quarry Gold Mine located six miles north of the town of Carlin. The Division asserts that the permit was issued in accordance with Nevada Administrative Code 445A.070 through 445A.447 for continued discharge of groundwater that is treated as required, to Maggie Creek and subsequently to the Humboldt River. The Division asserts that the discharge limitations are prescribed to meet water quality standards assigned to the lower reach of Maggie Creek and the Humboldt River.

The appellant alleges that the renewal of the water pollution control permit NV0022268 does not insure compliance with Nevada water quality standards. The appellant alleges that standards for cadmium and total dissolved solids are not being complied with by the permit renewal. The appellant alleges the anti-backsliding provisions of the federal Clean Water Act and the regulations of the federal Environmental Protection Agency as referenced in 40 CFR, section 112.4(a), 122.44(l), and 123.25(a) are not being complied with. The appellant further alleges that the Department of Conservation and Natural Resources has issued the permit renewal in violation of their duty to insure that the "holder of the permit is in full and substantial compliance with all the requirements... of the expired permit." The appellant referenced Nevada Administrative Code 445A, including NAC 445A.126, 445A.144, 445A.204, 445A.240, 445A.243, 445A.250, 445A.258, 445A.295, 445A.296 - .302, 445A.355, 445A.425, 445A.490, 445A.495, 445A.500 445A.565. References to the federal code of regulations (CFR) include: 40 CFR 122.4(a), 122.44(l), 123.25(a). and 131.10. References to the federal statutes includes 33 U.S.C. 1342(o)(1)&(2), 33 U.S.C. 13423, and 33 U.S.C. 1343(o)(2).

The appellant alleges that the permit does not insure compliance with Nevada Water Quality standards for the discharge of cadmium in Class C streams. The appellant alleges that the new permit relaxes the standards for Total Suspended Solids (TSS) and Total Dissolved Solids (TDS) and therefore, violates the anti-backsliding provision of the federal Clean Water Act. The appellant alleges that the permit's TDS limitation violates the state's anti-degradation standard and does not insure compliance with water quality standards in the Humboldt River.

## SEC Public Notice – Page 2 – June 9, 2003

The appellant further alleges that the permit's standard for temperature violates established water quality standards for Maggie Creek, as well as the federal Clean Water Act's prohibition on anti-backsliding. The appellant asserts that the permit provides for a mixing zone that was not properly applied for by Newmont Mining Corporation nor was the mixing zone properly approved by the Nevada Division of Environmental Protection. The appellant alleges that the permit renewal is invalid because Newmont Mining Corporation has not been in full or substantial compliance with its preexisting permit. The appellant asserts that the permittee, Newmont Mining Corporation, violated water quality standards for arsenic, cadmium, selenium, mercury, TDS and TSS during the term of the original permit.

The appellant asserts that the permit authorizes the permittee to discharge water into Maggie Creek a cadmium level that exceeds the aquatic life standard. The appellant asserts that the renewed NPDES permit has effluent discharge limitations and monitoring for TDS and TSS that are less stringent than comparable limitations contained in the original permit. The appellant asserts that this contravenes the anti-backsliding provisions of the federal Clean Water Act. The appellant asserts that the discharge of TDS concentrations into Maggie Creek by the permittee exceeds the background TDS concentrations of Maggie Creek resulting in a violation of the State's anti-degradation policy for both the Creek and the Humboldt River. The appellant asserts the permit renewal allows water discharges by Newmont Mining Corporation that will result in temperature levels that violates the state water quality standards for Class C streams. The appellant asserts that the permit renewal creates a zone of mixing in the Humboldt River due to the modification of the monitoring points from the original permit to the renewed permit. The appellant asserts that the zone of mixing was not properly authorized by the Division of Environmental Protection during the permit renewal process.

The hearing will be held:       **June 9, 2003**  
  **2:00 p.m. (no earlier than this time)**  
  **Elko Chamber of Commerce**  
  **Sherman Station Conference Room**  
  **1405 Idaho Street**  
  **Elko, Nevada 89801**

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### **SEC Public Notice – Page 3 – June 9, 2003**

The public is responsible for traveling in their own vehicles to the mine site and Maggie Creek. Persons in attendance must have the following attire: pants, sturdy boots, and protective glasses or sunglasses. Attendees will be processed through Newmont's mining security which includes a safety briefing and waiver for the participants. The field inspection will encompass the Gold Quarry Pit, dewatering wells and pipeline, the bypass reservoir, the old arsenic water treatment facility, cooling towers, the old and new water quality monitoring points on Maggie Creek and its confluence with the Humboldt River. The inspection will view bank stabilization along Maggie Creek from the Gold Quarry Mine to confluence with the Humboldt River.

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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.899, inclusive.

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