

BRIAN SANDOVAL
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
Telephone (775) 687-9374
Fax (775) 687-5856
www.sec.nv.gov

Leo Drozdoff, P.E.
Director



CHAIRMAN
Eugene Gans
Las Vegas, NV

VICE CHAIRMAN
Tom Porta
Reno, NV

MEMBERS

Bob Roper
State Forester
Division of Forestry

Vacant
State Board of Health
Las Vegas, NV

Jason King
State Engineer
Division of Water
Resources

Kathryn Landreth
Reno, NV

Jim Barbee
Director, Department of
Agriculture

Tony Wasley, Director
Department of Wildlife

Rich Perry
Administrator
Division of Minerals
Commission on Mineral
Resources

Mark Turner
Carson City, NV

Cary Richardson
Carson City, NV

COUNSEL
Jennifer Chisel

STAFF
Valerie King
Executive Secretary

Misti Gower
Recording Secretary

January 5, 2016

Andy Cole
General Manager
Barrick Goldstrike Mines, Inc.
PO Box 29
Elko, Nevada 89803

RE: Notice of Alleged Air Quality Violation and Order Nos. 2561 and 2562

Class I Air Quality Operating Permit AP1041-0739.02 (FIN A0005)

Dear Mr. Cole:

On September 15, 2015, the Nevada Division of Environmental Protection (NDEP) held an enforcement conference with Barrick Goldstrike Mines, Inc. (Barrick) to discuss supporting information regarding the draft Notice of Alleged Violation and Order (NOAV) Nos. 2561 and 2562. As a result of that meeting, NDEP formally issued the above NOAVs. See attached.

NDEP sent NOAV Nos. 2561 and 2562 via certified mail on November 5, 2015, notifying Barrick of its appeal rights pursuant to NRS 445B.340 and NRS 445B.360. Barrick did not appeal the NOAVs. Therefore, the State Environmental Commission (SEC) will determine the appropriate penalty for the violations contained in the above referenced NOAVs on **Wednesday, February 10, 2016 at 9:00 a.m. at the Bryan Building located at 901 South Carson Street, Tahoe Conference Room, second floor.**

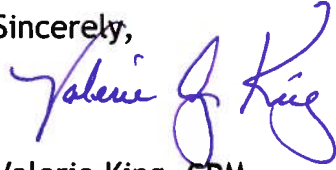
Pursuant to NRS 445B.640(1), the SEC may approve an administrative penalty of not more than \$10,000 per day per violation. During the February 10 meeting, NDEP will provide the SEC with a brief overview of the NOAVs and its recommendation for an administrative penalty of \$55,192.50. This recommended penalty was calculated using a penalty matrix previously approved by the SEC.

Although your presence is not required at this meeting, you or a representative may wish to attend to speak on behalf of Barrick.

The SEC may, without further notice, take administrative action against Barrick if the SEC determines that such administrative action is warranted after it considers NOAV Nos. 2561 and 2562.

If you have any questions regarding this notice, please contact me at (775) 687-9374.

Sincerely,



Valerie King, CPM
Executive Secretary

Certified Mail # 9171 9690 0935 0012 2753 70

cc: Dave Emme, Administrator
Jeffrey Kinder, Chief, BAPC
Travis Osterhout, Supervisor, BAPC
Jennifer Chisel, SEC/DAG



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources
Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
David Emme, Administrator

November 5, 2015

Andy Cole
General Manager
Barrick Goldstrike Mines, Inc.
PO Box 29
Elko, Nevada 89803

**RE: Notice of Alleged Air Quality Violation and Order Nos. 2561 and 2562
Class I Air Quality Operating Permit AP1041-0739.02 (FIN A0005)**

Dear Mr. Cole:

The Nevada Division of Environmental Protection – Bureau of Air Pollution Control (BAPC) alleges that Barrick Goldstrike Mines, Inc. (Barrick) has violated conditions of Class I Air Quality Operating Permit AP1041-0739.02 (FIN A0005).

The attached Notice of Alleged Air Quality Violation and Order (NOAV) Nos. 2561 and 2562 allege that Barrick has violated conditions of Class I Air Quality Operating Permit AP1041-0739.02. Specifically, it is alleged that Barrick failed to comply with permitted emission limits during two compliance source test programs required by the air permit. As defined by Section 1 (c) of NAC 445B.275 **Violations: Acts constituting; notice.**, NOAV Nos. 2561 and 2562 constitute major violations.

As was discussed during the enforcement conference held on September 15, 2015, the BAPC makes recommendations to the Nevada State Environmental Commission (SEC) as to what an appropriate penalty may be for an air quality violation. The BAPC will be recommending penalties of **\$8,250.00** related to NOAV No. 2561 and **\$46,942.50** related to NOAV No. 2562, for a total penalty recommendation of **\$55,192.50** to the SEC. The penalty recommendation is based on use of the Administrative Penalty Table for emission violations related to source tests and adjusted by the Penalty Matrix.

An appeal of NOAV Nos. 2561 and 2562 may be requested pursuant to **NRS 445B.360 Appeals to Commission: Appealable matters; action by Commission; regulations.** and SEC administrative rules. A copy of SEC Appeal Form #3 is enclosed. Appeals must be received within 10 days of receipt of this notice, pursuant to **NRS 445B.340 Appeals to Commission: Notice of appeal.** Appeals are processed through Valerie King, the Executive Secretary for the SEC, at 901 South Stewart Street, Suite 4001, Carson City, Nevada, 89701-5249. Mrs. King can be reached at 775-687-9374, or by fax at 775-687-5856. Please provide me with a copy of any correspondence your company may have with the SEC.

Barrick Goldstrike Mines, Inc.
November 5, 2015
Page 2

If you have any questions regarding the violations, please call Ryan Fahey at (775) 687-9546 or myself at (775) 687-9530.

Sincerely,



Travis Osterhout, P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

TO/rf

Enc. 1. Notice of Alleged Air Quality Violations and Order Nos. 2561 and 2562
2. SEC Appeal Form #3

cc (w/enc. 1): Valerie King, SEC
Eureka County Board of Commissioners
Travis Osterhout, BAPC
FIN A0005 (Certified Copy)

E-copy: Jeffrey Kinder, Chief, BAPC (via email)
Lisa Kremer, BAPC (via email)
Ryan Fahey, BAPC (via email)

Certified Mail No.: 9171 9690 0935 0037 8614 73

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2561

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Andy Cole, General Manager

Company Name: Barrick Goldstrike Mines, Inc.

Address: PO Box 29, Elko, Nevada 89803

Permit Number: AP1041-0739.02 **FIN:** A0005

Site of Alleged Violation: Barrick Goldstrike Mine, 27 miles north of Carlin, Nevada

Date of Observation: 6/15/15 **Arrival:** N/A **Departure:** N/A

Ambient Temperature: N/A °F **Clear:** N/A **Cloudy:** **Rain:** **Snow:**

Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3689, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

It is alleged that the following act or practice constitutes the violation:

Exceeded permitted emissions limit during compliance source testing.

Evidence:

On March 26, 2015 Barrick Goldstrike Mines, Inc. (Barrick) conducted permit required source testing on the exhaust stack of System 15 – Roaster Mill Circuit Mill #1. Test runs number 1 and 2 were conducted as required by state and federal regulations. Test run number 3 was stopped prior to the completion of the required time and volume collection to be accepted as a valid test run and has been deemed invalid by the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (BAPC). Test runs number 1 and 2 were used to calculate emissions from System 15 and were found to exceed the permit limit for this unit. Class I Air Quality Operating Permit AP1041-0739.02 limits the emissions of PM/PM10 to 12.60 pounds per hour. During testing, emissions from System 15 were measured at 13.77 pounds per hour of PM/PM10.

On September 15, 2015 the BAPC and Barrick held an enforcement conference to determine whether this violation was or was not warranted. Prior to this conference Barrick also contacted the BAPC to present their findings of the internal investigation as to why this system failed to comply with permitted emission limits during testing. Based on the information provided by Barrick at both meetings, and the data that was submitted, the BAPC determined that poor bag handling and lack of oversight of the bag change-out program was a major factor in the failed source tests. The BAPC is issuing Notice of Alleged Air Quality Violation and Order (NOAV) No. 2561 as a major violation.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2561

Evidence (cont.)

In accordance with NAC 445B.281 Violations: Classification; administrative fines., failing to meet permit limits for emissions during source testing constitutes a major violation. This NOAV and NOAV No. 2562 mailed under the same cover represent Barrick's third and fourth air quality violations in the past 60 months.

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: \$ _____

To take corrective action: Ensure that baghouses are properly maintained at all times to limit possible excess emissions during testing.

_____ To appear for an enforcement conference at:
Date: _____ Time: _____

_____ To conduct a Supplemental Environmental Project specified by the NDEP-BAPC

_____ This notice is a warning.

Signature 
Issued by: Travis Osterhout P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9530 Date: November 5, 2015

TO/rf

Certified Mail No.: 9171 9690 0935 0037 8614 73

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR POLLUTION CONTROL
901 SOUTH STEWART ST., SUITE 4001
CARSON CITY, NEVADA 89701-5249

NO. 2562

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER

NOTICE OF ALLEGED AIR QUALITY VIOLATION

Person(s) to Whom Served: Andy Cole, General Manager

Company Name: Barrick Goldstrike Mines, Inc.

Address: PO Box 29, Elko, Nevada 89803

Permit Number: AP1041-0739.02 **FIN:** A0005

Site of Alleged Violation: Barrick Goldstrike Mine, 27 miles north of Carlin, Nevada

Date of Observation: 8/31/15 **Arrival:** N/A **Departure:** N/A

Ambient Temperature: N/A °F **Clear:** N/A **Cloudy:** **Rain:** **Snow:**

Wind Speed: N/A mph **Wind Direction:** N/A

It is alleged that the following regulation was violated by the person named in this notice:

NAC 445B.275 Violations: Acts constituting; notice. 1. Failure to comply with any requirement of NAC 445B.001 to 445B.3689, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the Director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

It is alleged that the following act or practice constitutes the violation:

Exceeded permitted emissions limit during compliance source testing.

Evidence:

On July 7, 2015 Barrick Goldstrike Mines, Inc. (Barrick) conducted permit required source testing on the exhaust stack of System 11 – Roaster Secondary Crushing and Conveyance. Class I Air Quality Operating Permit AP1041-0739.02 limits the emissions of PM/PM10 to 1.29 pounds per hour for System 11. During testing emissions from System 11 were measured at 6.05 pounds per hour of PM/PM10.

On September 15, 2015 the BAPC and Barrick held an enforcement conference to determine whether this violation was or was not warranted. Prior to this conference Barrick also contacted the BAPC to present their findings of the internal investigation as to why this system failed to comply with permitted emission limits during testing. Based on the information provided by Barrick at both meetings, and the data that was submitted, the BAPC determined that poor bag handling and lack of oversight of the bag change-out program was a major factor in the failed source tests. The BAPC is issuing Notice of Alleged Air Quality Violation and Order (NOAV) No. 2562 as a major violation.

In accordance with **NAC 445B.281 Violations: Classification; administrative fines.**, failing to meet permit limits for emissions during source testing constitutes a major violation. This NOAV and NOAV 2561 mailed under the same cover represent Barrick's third and fourth air quality violations in the past 60 months.

NOTICE OF ALLEGED AIR QUALITY VIOLATION AND ORDER NO. 2562

ORDER

Under the authority of NRS 445B.100 to 445B.640, inclusive, the person named in this notice is ordered:

_____ To pay the following administrative fine in accordance with 445B.281.1: \$ _____

To take corrective action: Ensure that baghouses are properly maintained at all times to limit possible excess emissions during testing.

_____ To appear for an enforcement conference at:
Date: _____ Time: _____

_____ To conduct a Supplemental Environmental Project specified by the NDEP-BAPC

_____ This notice is a warning.

Signature 
Issued by: Travis Osterhout P.E.
Supervisor, Compliance and Enforcement Branch
Bureau of Air Pollution Control

Phone: 775-687-9530 Date: November 5, 2015

TO/rf

Certified Mail No.: 9171 9690 0935 0037 8614 73

This order becomes final unless appealed within ten (10) days after receipt of this notice or ten (10) days after a required enforcement conference. The person named in this order may appeal this notice by submitting a written request for a hearing to the Chairman of the Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. An administrative fine may be levied by the Environmental Commission of not more than \$10,000 per day of violation.



State of Nevada
 Dept. of Conservation & Natural Resources
State Environmental Commission SEC.nv.gov
 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

FORM 3: FORM FOR REQUESTING AN APPEAL HEARING
 (Provide attachments as needed)

1. Name, address, telephone number, and signature of appellant:

Name: _____

Physical Address: _____

E-mail Address: _____

Telephone Number: _____

Signature: _____

Representative capacity (if applicable): _____

2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.

3. Specify grounds of appeal: (check all that apply)

- Final decision in violation of constitutional or statutory provision;
- Final decision made upon unlawful procedure;
- Final decision was affected by other error of law;
- Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- Final decision was arbitrary or capricious or characterized by abuse of discretion;

4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or or regulations that give the State Environmental Commission jurisdiction to hear the appeal.

5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

Date of Request: _____.

Send Form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701