

**Subject:**  
**Attachments:**

FW: Ms. Valerie King -  
To J Walker, NV-SEC, et al re Chemetall Pollution Permit NEV0070005-Evidence-091913-  
u1.pdf; ATT00001..htm

**From:** Dehnert Queen <[dehnertqueen@desertamerican.com](mailto:dehnertqueen@desertamerican.com)>

**Date:** September 25, 2013, 9:58:41 AM PDT

**To:** Valerie King <[vking@ndep.nv.gov](mailto:vking@ndep.nv.gov)>, Paul Rupp <[silverpeakitis@msn.com](mailto:silverpeakitis@msn.com)>

**Subject:** Ms. Valerie King -

**Our Motions, Testimony and Evidence  
For Our Appeal of  
Rockwood's NEV007003 2012 Permit  
at the  
NV-SEC Hearing Set for  
September 25, 2013**

**Dehnert Queen and Paul Rupp**

**See Attachments**

[Faint, illegible text covering the majority of the page, likely bleed-through from the reverse side.]

**Our Testimony and Evidence  
For Our Appeal of  
Rockwood's NEV007003 2012 Permit  
at the  
NV-SEC Hearing Set for  
September 25, 2013**

**PART II  
History, Testimony  
acts and Video Evidence**

**Regarding a flawed Processing System that consistently  
produces "Production Errors" resulting in:**

**Process Liquor  
in the range of Tons and Thousands of Gallons  
and  
Normal Production Solids and Process Water  
in the range of Tons and Millions of Gallons  
being dumped onto private, industrial and federal lands and  
NOT WHOLLY WITHIN THE BOUNDARY OF THE PLAYA**

**First Notice Received**  
**NEV0070005 Permit Renewal**  
**Web Posting April 11, 2012**  
**Notice Received by Paul Rupp, April 20, 2012**  
**Comments DUE May 19, 2012**

The Chemetall Foote facility is always cited in the literature as being "near the town of Silver Peak, Nevada, which is not true as it is located in and adjacent to town; the Processing Plant is UPWIND and West of town, and the Evaporation Ponds lie East and Northeast of town.

Mr. Paul Rupp's family home is the closest residence to the Processing Plant, situated directly East and less than a 1,000 feet from the Processing Plant, i.e., DOWNWIND of the Processing Plant and the Boiler.

Subject "Kid's Playground and Swimming Pool" area, on land owned by Chemetall Foote that also is located due East and DOWNWIND of the Processing Plant.

Was (is) Mr. Kuczynski the "Administrator" of subject permit process?  
If not, who was (is) the designated "Administrator"?

1. Subject Notice did not provide the relevant NRS code as to the permit process procedure, etc.,
2. Referenced a vapid "How and where to file a request for public hearing," i.e., "... pursuant to Nevada Administrative Code (NAC) Chapter 445A, which is a very large file.
3. Referenced the Administrator shall schedule a public hearing in accordance with the requirements NAC 445A.405

**NAC 445A.405 Notice of hearing: Publication: contents.** (NRS 445A.425, 445A.465, 445A.595)

The Department shall cause to be published a notice for a hearing at least 30 days before the hearing in the manner prescribed by NAC 445A.402. In addition to the information required by NAC 445A.402, the notice must include:

1. The date on which the previous public notice was given concerning the permit pursuant to NAC 445A.402;
  2. The date, time and place of the hearing; and
  3. A brief description of the nature and purpose of the hearing and the applicable rules and procedures.
- (Added to NAC by Environmental Commission, eff. 9-1-89) (Substituted in revision for NAC 445.2431)

**NAC 445A.402 Notice of intent to issue permit or deny application.** (NRS 445A.425, 445A.465, 445A.590)

1. The Department shall, at least 30 days before the issuance of a permit or denial of an application:

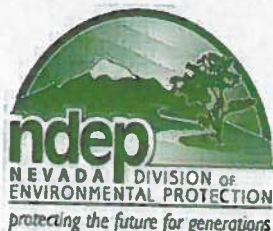
- (a) Circulate a public notice in a manner intended to inform interested and potentially interested persons.
- (b) Cause to be published in a newspaper of general circulation within the geographic area of a proposed facility, a notice of the intent to issue the permit or deny the application.
- (c) Mail to the applicant and the landowner, if other than the applicant, members of the board of county commissioners of the county in which the facility is to be located, the Division of Minerals, the Division of Water Resources of the Department, and any other person or group who so requests, written notice of the intent to issue a permit or deny the application.

2. Notice given pursuant to subsection 1 must include:

- (a) The name, address and telephone number of the Department;
- (b) The name and address of the applicant;
- (c) The location of the proposed facility;
- (d) The tentative decision of the Department to issue a permit or deny the application;
- (e) A description of the procedure for:
  - (1) Making a final decision, which must include 30 days for interested persons to submit to the Department written comments on the tentative decision to issue a permit or deny the application; and
  - (2) Requesting a public hearing, if one has not been scheduled; and
- (f) The specific location where interested persons may obtain further information or inspect and copy the draft permit, statement and fact sheet, and other relevant forms or documents.

(Added to NAC by Environmental Commission, eff. 9-1-89) (Substituted in revision for NAC 445.24304) NAC 445A.





# STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

## Notice of Proposed Action - Bureau of Mining Regulation and Reclamation

Web Posting: 04/11/2012

Deadline for Comments: 05/19/2012

The Administrator of the Division of Environmental Protection gives notice that an application for a renewal of a Water Pollution Control Permit for the **Silver Peak Lithium Project**, a solution mining and beneficiation facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for the renewal of Water Pollution Control Permit **NEV0070005** (Permit) is:

**Chemetall Foote Corporation**  
**P.O. Box 98**  
**Silver Peak, Nevada 89047**

The facility is located on public and private land in Esmeralda County, within portions of Sections 26 through 28, Township 1 South, Range 40 East; Sections 1, 12, 13, and 21 through 25, Township 2 S, Range 39 E; and Sections 1 through 11, 15 through 20, and 29 through 32, Township 2 S, Range 40 E, Mount Diablo Baseline and Meridian, approximately 40 miles southwest of Tonopah, near the town of Silver Peak.

The project consists of a solution mining and chemical process facility, designed to extract lithium from brines beneath the Clayton Valley playa, with a maximum permitted production rate of 6,000 tons of equivalent lithium carbonate per year. The facility is comprised of numerous deep wells, solar evaporation ponds, lime sludge pond, process plants, stockpiled salt dumps, and appurtenances such as the lime slaker. Facilities are required to be designed, constructed, operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event.

The Administrator is constrained to either issue the renewal Permit or to deny the application. The Administrator has made the tentative decision to issue the renewal Permit.

Persons wishing to comment upon the proposed Permit, to recommend terms and conditions for consideration of incorporation into the Permit, or who request a public hearing pursuant to Nevada Administrative Code (NAC) Chapter 445A, must submit their written comments, objections, or requests by hand delivery or US Postal Service, or by facsimile or e-mail transmittal (with the original to be received within five (5) days of transmittal date), no later

than 5:00 PM on the 30<sup>th</sup> day following the date of publication of this notice (submittal end date May 19, 2012) to:

Division of Environmental Protection  
Bureau of Mining Regulation and Reclamation  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249

All comments, objections, or requests received during the public notice period will be considered in the final determination regarding the Permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The draft Permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Rob Kuczynski, P.E. at (775) 687-9441 or visit the Bureau of Mining's website at <http://ndep.nv.gov/bmrr/bmrr01.htm>

1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It also mentions the results of the various committees and the work of the various departments.

2. The second part of the report deals with the work of the various committees and the work of the various departments. It also mentions the results of the various committees and the work of the various departments.

3. The third part of the report deals with the work of the various committees and the work of the various departments. It also mentions the results of the various committees and the work of the various departments.

4. The fourth part of the report deals with the work of the various committees and the work of the various departments. It also mentions the results of the various committees and the work of the various departments.

## FACT SHEET

(Pursuant to NAC 445A.401)

Chemetall Foote Corporation

NEV007003 (Permit Renewal 2007, Rev.01)

Rev. 00 - Bob Carlson, March 23, 2007

Rev. 01 - Tom Gray, R.G. and Rob Kuczynski, P.E., March 18, 2011

Incorporate Petroleum-Contaminated Soil (PCS) Management Plan into Fact Sheet

Approved as Design Change (EDC) on March 18, 2011

Renewal 2007, 2011

Pg 2

The **secondary containment** required under Nevada Administrative code (NAC) 445A.436 is provided for the **post-regulation lithium hydroxide** plant and lower tank farm (including acid tanks), **but not the pre-regulation lithium carbonate plant.**

NOTE: IT IS THE LAST SENTENCE ABOVE THAT STARTED OUR CAMPAIGN TO STOP THE "LEAKS" FROM REACHING THE KIDS' PLAY GROUND, PAUL RUPP'S HOME, AND THE FRESH WATER SYSTEM IN MAY 2012. It is not known if this sentence was added in 2007 or 2011, or by whom. See signatory page, below.

The R-2 pond, which is **asphalt-lined**, receives process water (CaCO<sub>3</sub> solution) that is pumped to the playa as needed.

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In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime [dqSynonym: Hydrated lime, Slaked Lime, Calcium Hydroxide. Calcium Oxide, hydrated - See MSDS, following].

The [dq precipitated] calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.

Questions: Is the R2 Pond REQUIRED to allow UNREACTED compounds in the Process Liquor to "Complete" before transport to the Playa? Does a "spill" leave UNREACTED Calcium Hydroxide, etc., pooling and drying at the KIDS' PLAYGROUND requiring immediate mitigation measures to be undertaken?



**FACT SHEET**  
(pursuant to NAC 445A.401)

Permittee Name and Address:

**Chemetall Foote Corporation  
Silver Peak Lithium Project  
P.O. Box 98, Highway 265  
Silver Peak, Nevada 89047**

Permit Number:

**NEV0070005 (Permit Renewal 2007, Rev. 01)**

**A. Description of Facility**

**Location:** This project is located in Esmeralda County near the town of Silver Peak, Nevada within Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32 MDB&M.

**Characteristics:** The Silver Peak Lithium Facility consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, Clayton Valley is considered the final destination for groundwater from surrounding areas.

**B. Synopsis**

Chemetall Foote Corporation, formerly Cyprus Foote Mineral Company, has been in operation since 1965. The original water pollution control application was permitted in 1978. In 1994, a proposal was made to construct a lithium hydroxide monohydrate production facility. The expansion was completed by April of 1996. In 1998, another proposal was made to NDEP to construct an expansion to the lower tank farm in the lithium hydroxide monohydrate plant.

The groundwaters of the Clayton Playa are the "ore" for this facility, averaging more than 139,000 ppm total dissolved solids (TDS). Subsurface brines are pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. At approximately a third of the way through the concentration circuit, slaked lime treatment results in the production of a semi-solid sludge, consisting primarily of magnesium hydroxide and calcium sulfate, which is deposited in a lime solids pond. Decant and further evaporation of the treated brine results in the continued deposition of salts in the pond bottoms. Where it is economically efficient, the salts are removed from the ponds and stockpiled in one of three piles located adjacent to the pond area. The salts primarily consist of sodium chloride with a minor fraction of potassium chloride and traces of borates and sulfates.

The brine ponds were built directly on top of native clay of the playa that has a coefficient of permeability of  $1 \times 10^{-6}$  cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability. However, the most concentrated brine pond is lined, in addition to the naturally occurring clay, with 20-mil polyvinylchloride (PVC). The ponds are designed to operate with a brine depth of one to two feet. The resulting freeboard (nominal one foot) will accommodate wave action and accumulation of meteoric waters resulting from more than the 100-year, 24-hour event.

The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. In the plant, the brine is treated with lime and soda ash to remove any remaining magnesium and calcium, which would interfere with the precipitation of lithium carbonate. This treatment results in the production of a semi-solid sludge composed primarily of magnesium hydroxide and calcium carbonate. This sludge is removed periodically from the treatment tanks and discharged to the playa surface. The polished brine is then heated with steam provided by a fire-tube boiler and the lithium precipitated as carbonate by the addition of soda ash. The lithium carbonate product is then dried and packaged, or used as head feed for the lithium hydroxide facility (see below). The spent liquor is then returned to the pond system via the plant waste ditch, which carries it and other plant waste waters (e.g. pump packing coolant, emergency shower and eyewash supply, floor washing) to the playa surface near the western edge of the pond system.

In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime. The calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.

The process fluids in the lithium carbonate plant are contained in lined steel tanks, which are covered so they are not affected by meteoric events. Fluids in the lithium hydroxide plant are contained in steel and fiber-reinforced plastic tanks, which are contained within the building so they too are not affected by meteoric events. The secondary containment required under Nevada Administrative Code (NAC) 445A.436 is provided for the post-regulation lithium hydroxide plant and lower tank farm (including acid tanks), but not the pre-regulation lithium carbonate plant.

The R-2 pond, which is asphalt-lined, receives process water ( $\text{CaCO}_3$  solution) that is pumped to the playa as needed.

*Petroleum-Contaminated Soil (PCS) Management Plan.* A PCS Management Plan was approved as an Engineering Design Change (EDC) on March 18, 2011, authorizing on-site disposal of PCS at a PCS disposal pad constructed on the Clayton Valley playa 4.5 miles east of the town of Silver Peak. Prior to management under the plan, hazardous waste determinations must be performed to demonstrate that the PCS is not hazardous waste. Hazardous waste must be managed and disposed in accordance with applicable

regulations. On-site disposal of PCS is also contingent on the results of periodic screening analyses, which must show that the PCS does not exceed screening levels established via risk assessment for various organic constituents. Otherwise, the PCS must be properly disposed off-site. PCS may be stored on an approved PCS temporary holding pad while screening analyses are performed. The PCS temporary holding pad includes a soil liner that meets the requirements at NAC 445A.438. The liner is protected by a 6-8" thick layer of drain rock and a 6-8" thick sand marker bed.

A schedule of compliance (SOC) item requires documentation by June 1, 2011, of construction of the on-site PCS disposal pad, removal and proper disposal of all PCS from the PCS temporary holding pad, and a demonstration that the soil liner in the PCS temporary holding pad complies with the permeability requirements at NAC 445A.438. If the soil liner does not comply with NAC 445A.438, the SOC item requires documentation by July 31, 2011 that the liner was recompacted/retested and brought into compliance or an EDC must be submitted to construct a new PCS temporary holding pad.

**C. Site Hydrology/Hydrogeology and Background Groundwater Quality**

Extensive exploration drilling has occurred to define the naturally occurring brine ore body and hydrogeology of the playa and areas surrounding the playa. The dual-tube drilling method is used to define a vertical profile of the hydrogeologic conditions of the subsurface as well as the groundwater chemistry. Freshwater does not exist near the pond system of the playa. However, upgradient of the playa margin yields groundwater that is potable. A monitoring well is located between the R-2 process pond and the freshwater wells (located upgradient) to define the groundwater quality between the playa aquifer and the freshwater aquifer. The topographic surface at the freshwater wells is about 120 meters (390 feet) higher in elevation than the playa surface and the direction of the groundwater flow is clearly toward the playa.

The groundwater pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids (TDS) concentrations, averaging 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). The article goes on to say "Since Clayton is a hydrologically closed valley..."

Stormwater runoff and accumulation is directed to the closed hydrogeologic system of the Clayton Valley.

**D. Procedures for Public Comment**

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate and close, subject to the conditions within the permit, is being sent to the **Tonopah Times-Bonanza & Goldfield News** for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of

public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator of EPA Region IX, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

**E. Proposed Determination**

The Division has made the tentative determination to issue the permit.

**F. Proposed Effluent Limitations, Schedule of Compliance, Special Conditions**

See Section I of the permit.

**G. Rationale for Permit Requirements**

The facility is located in an area where annual evaporation is greater than annual precipitation. The groundwaters of the Clayton Valley Playa do not currently serve as a source of drinking water, produces a mineral fluid that is capable of commercial production, as evidenced by a 40 year history of lithium production from the fluid, and it would be economically or technologically impractical to render the water fit for human consumption. In addition, the total dissolved solids in the groundwater averages 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). Therefore, an exemption of playa groundwater from standards in subsection 1 of Nevada Administrative Code 445A.424 is applicable.

The primary method for identification of escaping process solution from components on the playa margin and upgradient thereof, where groundwater quality meets or exceeds Profile I standards, will be placed on required routine monitoring and sampling of monitoring well(s) and inspections. Specific monitoring requirements can be found in the Water Pollution Control Permit.

**H. Federal Migratory Bird Treaty Act**

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory



birds using toxic ponds. The Federal list of migratory birds (50 CFR 10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by:  
Date:  
Fact Sheet Rev. 00:  
Permit Revision 00:

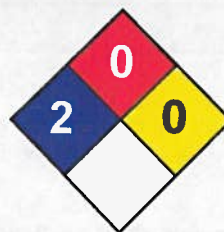
Bob Carlson  
March 23, 2007  
Renewal 2007

Prepared by:  
Date:  
Fact Sheet Rev. 01:  
Permit Revision 01:

Tom Gray, R.G. and Rob Kuczynski, P.E.  
March 18, 2011  
EDC for the incorporation of the approved PCS Management Plan incorporation into the Fact Sheet.

# **Material Safety Data Sheet - MSDS**

**Slaked Lime = Calcium Hydroxide**



Health	2
Fire	0
Reactivity	0
Personal Protection	J

## Material Safety Data Sheet

### Calcium hydroxide MSDS

#### Section 1: Chemical Product and Company Identification

**Product Name:** Calcium hydroxide

**Catalog Codes:** SLC4525, SLC1732, SLC3523, SLC5311

**CAS#:** 1305-62-0

**RTECS:** EW2800000

**TSCA:** TSCA 8(b) inventory: Calcium hydroxide

**CI#:** Not applicable.

**Synonym:** Hydrated lime; Slaked Lime; Calcium Oxide, hydrated

**Chemical Name:** Calcium Hydroxide

**Chemical Formula:** Ca(OH)<sub>2</sub>

#### Contact Information:

**Sciencelab.com, Inc.**

14025 Smith Rd.

Houston, Texas 77396

US Sales: **1-800-901-7247**

International Sales: **1-281-441-4400**

Order Online: [ScienceLab.com](http://ScienceLab.com)

**CHEMTREC (24HR Emergency Telephone), call:**  
1-800-424-9300

**International CHEMTREC, call:** 1-703-527-3887

**For non-emergency assistance, call:** 1-281-441-4400

#### Section 2: Composition and Information on Ingredients

##### Composition:

Name	CAS #	% by Weight
Calcium hydroxide	1305-62-0	100

**Toxicological Data on Ingredients:** Calcium hydroxide: ORAL (LD50): Acute: 7340 mg/kg [Rat.], 7300 mg/kg [Mouse].

#### Section 3: Hazards Identification

##### Potential Acute Health Effects:

Very hazardous in case of eye contact (irritant). Hazardous in case of skin contact (irritant), of eye contact (corrosive), of ingestion, of inhalation. Corrosive to eyes and skin. The amount of tissue damage depends on length of contact. Eye contact can result in corneal damage or blindness. Skin contact can produce inflammation and blistering. Inhalation of dust will produce irritation to gastro-intestinal or respiratory tract, characterized by burning, sneezing and coughing. Severe over-exposure can produce lung damage, choking, unconsciousness or death. Inflammation of the eye is characterized by redness, watering, and itching.

##### Potential Chronic Health Effects:

Hazardous in case of skin contact (irritant). **CARCINOGENIC EFFECTS:** Not available. **MUTAGENIC EFFECTS:** Not available. **TERATOGENIC EFFECTS:** Not available. **DEVELOPMENTAL TOXICITY:** Not available. Repeated exposure of the eyes to a low level of dust can produce eye irritation. Repeated skin exposure can produce local skin destruction, or dermatitis. Repeated inhalation of dust can produce varying degree of respiratory irritation or lung damage.

#### Section 4: First Aid Measures

**Eye Contact:**

Check for and remove any contact lenses. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Cold water may be used. Get medical attention immediately.

**Skin Contact:**

In case of contact, immediately flush skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Cover the irritated skin with an emollient. Cold water may be used. Wash clothing before reuse. Thoroughly clean shoes before reuse. Get medical attention immediately.

**Serious Skin Contact:**

Wash with a disinfectant soap and cover the contaminated skin with an anti-bacterial cream. Seek medical attention.

**Inhalation:**

If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention immediately.

**Serious Inhalation:** Not available.

**Ingestion:**

Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. Loosen tight clothing such as a collar, tie, belt or waistband. Get medical attention if symptoms appear.

**Serious Ingestion:** Not available.

#### Section 5: Fire and Explosion Data

**Flammability of the Product:** Non-flammable.

**Auto-Ignition Temperature:** Not applicable.

**Flash Points:** Not applicable.

**Flammable Limits:** Not applicable.

**Products of Combustion:** Not available.

**Fire Hazards in Presence of Various Substances:** Not applicable.

**Explosion Hazards in Presence of Various Substances:**

Risks of explosion of the product in presence of mechanical impact: Not available. Risks of explosion of the product in presence of static discharge: Not available.

**Fire Fighting Media and Instructions:** Not applicable.

**Special Remarks on Fire Hazards:** Alkaline hydroxides boiled with phosphorus yields mixed phosphines which may ignite spontaneously in air.

**Special Remarks on Explosion Hazards:** Not available.

#### Section 6: Accidental Release Measures

**Small Spill:**

Use appropriate tools to put the spilled solid in a convenient waste disposal container. If necessary: Neutralize the residue with a dilute solution of acetic acid. Finish cleaning by spreading water on the contaminated surface and dispose of according to local and regional authority requirements.

**Large Spill:**

Corrosive solid. Stop leak if without risk. Do not get water inside container. Do not touch spilled material. Use water spray to reduce vapors. Prevent entry into sewers, basements or confined areas; dike if needed. Call for assistance on disposal. Neutralize the residue with a dilute solution of acetic acid. Finish cleaning by spreading water on the contaminated surface and



allow to evacuate through the sanitary system. Be careful that the product is not present at a concentration level above TLV. Check TLV on the MSDS and with local authorities.

## Section 7: Handling and Storage

### Precautions:

Keep container dry. Do not ingest. Do not breathe dust. Never add water to this product. In case of insufficient ventilation, wear suitable respiratory equipment. If ingested, seek medical advice immediately and show the container or the label. Avoid contact with skin and eyes. Keep away from incompatibles such as acids.

**Storage:** Keep container tightly closed. Keep container in a cool, well-ventilated area. Do not store above 25°C (77°F).

## Section 8: Exposure Controls/Personal Protection

### Engineering Controls:

Use process enclosures, local exhaust ventilation, or other engineering controls to keep airborne levels below recommended exposure limits. If user operations generate dust, fume or mist, use ventilation to keep exposure to airborne contaminants below the exposure limit.

### Personal Protection:

Splash goggles. Synthetic apron. Vapor and dust respirator. Be sure to use an approved/certified respirator or equivalent. Gloves.

### Personal Protection in Case of a Large Spill:

Splash goggles. Full suit. Vapor and dust respirator. Boots. Gloves. A self contained breathing apparatus should be used to avoid inhalation of the product. Suggested protective clothing might not be sufficient; consult a specialist BEFORE handling this product.

### Exposure Limits:

TWA: 5 (mg/m<sup>3</sup>) from ACGIH (TLV) [United States] TWA: 5 (mg/m<sup>3</sup>) [Canada] TWA: 5 (mg/m<sup>3</sup>) from NIOSH Consult local authorities for acceptable exposure limits.

## Section 9: Physical and Chemical Properties

**Physical state and appearance:** Solid. (Powdered solid.)

**Odor:** Odorless.

**Taste:** Bitter. Alkaline. (Slight.)

**Molecular Weight:** 74.1g/mole

**Color:** White.

**pH (1% soln/water):** 14 [Basic.]

**Boiling Point:** Not available.

**Melting Point:** 580°C (1076°F)

**Critical Temperature:** Not available.

**Specific Gravity:** 2.24 (Water = 1)

**Vapor Pressure:** Not applicable.

**Vapor Density:** Not available.

**Volatility:** Not available.

**Odor Threshold:** Not available.

**Water/Oil Dist. Coeff.:** Not available.

**Ionicity (in Water):** Not available.

**Dispersion Properties:** See solubility in water.

**Solubility:**

Very slightly soluble in cold water, hot water. Insoluble in alcohol. Soluble in ammonium salts, glycerol, sugar or ammonium chloride solution, soluble in acids with evolution of much heat. Solubility in water: 0.185 g/100 ml @ 0 deg. C; 0.077 g/100 ml @ 100 deg. C; 1.73 g/1000 ml @ 20 C

## Section 10: Stability and Reactivity Data

**Stability:** The product is stable.

**Instability Temperature:** Not available.

**Conditions of Instability:** Incompatible materials, air

**Incompatibility with various substances:** Reactive with acids.

**Corrosivity:** Non-corrosive in presence of glass.

**Special Remarks on Reactivity:**

Incompatible with maleic anhydride, phosphorous, nitroethane, nitromethane, nitorparaffins, nitropropane, polychlorinated phenols + potassium nitrate. When chlorinated phenols are heated for analytical purposes with calcium hydroxide-potassium nitrate mixtures, chlorinated benzodioxins analagous to extremely toxic tetrachlorodibenzodioxin may be formed. Readily absorbs CO<sub>2</sub> from air forming calcium carbonate.

**Special Remarks on Corrosivity:** Not available.

**Polymerization:** Will not occur.

## Section 11: Toxicological Information

**Routes of Entry:** Absorbed through skin. Inhalation. Ingestion.

**Toxicity to Animals:** Acute oral toxicity (LD<sub>50</sub>): 7300 mg/kg [Mouse].

**Chronic Effects on Humans:** Not available.

**Other Toxic Effects on Humans:**

Extremely hazardous in case of eye contact (irritant) Hazardous in case of skin contact (irritant), of eye contact (corrosive), of ingestion, inhalation Slightly hazardous in case of skin contact (corrosive, permeator).

**Special Remarks on Toxicity to Animals:** Not available.

**Special Remarks on Chronic Effects on Humans:** Mutagenicity: Cytogenic analysis [Rat]: Cell type: Ascities tumor; Dose: 1200 mg/kg

**Special Remarks on other Toxic Effects on Humans:**

Acute Potential Health Effects: Skin: Causes skin irritation. Alkalies penetrate skin slowly. The extent of damage depends on the duration of contact. Eyes: Causes severe irritation of the eyes. Can cause "Lime Burns" of the eye. Clumps may lodge deep in the recesses of the eye, releasing calcium hydroxide over a long period of time. Severe burns of the cornea with possible damage to corneal nerves can occur. Ingestion: Causes gastrointestinal tract irritation with vomiting, diarrhea, severe pain. Vomitus may contain blood and desquamated mucosal lining. May cause delayed gastrointestinal burns and perforation (gastric or esophageal) with severe abdominal pain and rapid fall in blood pressure. Inhalation: Causes severe irritation of the respiratory tract (nose, throat, lungs), and mucous membranes with coughing, wheezing and/or shortness of breath. Material is destructive to tissue of the mucous membranes and upper respiratory tract. Chronic Potential Health Effects: Prolonged or repeated skin contact may produce severe irritation or dermatitis.

## Section 12: Ecological Information

**Ecotoxicity:** Not available.

**BOD5 and COD:** Not available.

**Products of Biodegradation:**

Possibly hazardous short term degradation products are not likely. However, long term degradation products may arise.

**Toxicity of the Products of Biodegradation:** The product itself and its products of degradation are not toxic.

**Special Remarks on the Products of Biodegradation:** Not available.

### Section 13: Disposal Considerations

**Waste Disposal:**

Waste must be disposed of in accordance with federal, state and local environmental control regulations.

### Section 14: Transport Information

**DOT Classification:** Not a DOT controlled material (United States).

**Identification:** Not applicable.

**Special Provisions for Transport:** Not applicable.

### Section 15: Other Regulatory Information

**Federal and State Regulations:**

Illinois toxic substances disclosure to employee act: Calcium hydroxide Rhode Island RTK hazardous substances: Calcium hydroxide Pennsylvania RTK: Calcium hydroxide Minnesota: Calcium hydroxide Massachusetts RTK: Calcium hydroxide New Jersey: Calcium hydroxide California Director's list of Hazardous Substances: Calcium hydroxide TSCA 8(b) inventory: Calcium hydroxide

**Other Regulations:**

OSHA: Hazardous by definition of Hazard Communication Standard (29 CFR 1910.1200). EINECS: This product is on the European Inventory of Existing Commercial Chemical Substances.

**Other Classifications:**

**WHMIS (Canada):** CLASS E: Corrosive solid.

**DSCL (EEC):**

R34- Causes burns. R41- Risk of serious damage to eyes. S24/25- Avoid contact with skin and eyes. S26- In case of contact with eyes, rinse immediately with plenty of water and seek medical advice. S28- After contact with skin, wash immediately with plenty of water. S36/37/39- Wear suitable protective clothing, gloves and eye/face protection. S45- In case of accident or if you feel unwell, seek medical advice immediately (show the label where

**HMIS (U.S.A.):**

**Health Hazard:** 2

**Fire Hazard:** 0

**Reactivity:** 0

**Personal Protection:** j

**National Fire Protection Association (U.S.A.):**

**Health:** 2

**Flammability:** 0

**Reactivity:** 0

**Specific hazard:**

**Protective Equipment:**

Gloves. Synthetic apron. Vapor and dust respirator. Be sure to use an approved/certified respirator or equivalent. Wear appropriate respirator when ventilation is inadequate. Splash goggles.

## Section 16: Other Information

**References:**

-Hawley, G.G.. The Condensed Chemical Dictionary, 11e ed., New York N.Y., Van Nostrand Reinold, 1987. -Material safety data sheet emitted by: la Commission de la Santé et de la Sécurité du Travail du Québec. -SAX, N.I. Dangerous Properties of Industrial Materials. Toronto, Van Nostrand Reinold, 6e ed. 1984. -The Sigma-Aldrich Library of Chemical Safety Data, Edition II.

**Other Special Considerations:** Not available.

**Created:** 10/10/2005 08:16 PM

**Last Updated:** 05/21/2013 12:00 PM

*The information above is believed to be accurate and represents the best information currently available to us. However, we make no warranty of merchantability or any other warranty, express or implied, with respect to such information, and we assume no liability resulting from its use. Users should make their own investigations to determine the suitability of the information for their particular purposes. In no event shall ScienceLab.com be liable for any claims, losses, or damages of any third party or for lost profits or any special, indirect, incidental, consequential or exemplary damages, howsoever arising, even if ScienceLab.com has been advised of the possibility of such damages.*



**Objection To Mr. Rob Kuczynski's Response**

**"Chemetall's Pollution Is Of No Consequence"**

**Delivered To**

**Mr. Rob Kuczynski, PE  
Esmeralda County Supervisors  
Esmeralda County District Attorney  
Nevada Clearinghouse**

**May 18, 2012**

## NOTICE

VIA FAX and USPS Certified Mail # 7007 0710 0001 5249 4377

May 18, 2012

Mr. Rob Kuczynski, PE and Other Involved Parties  
Division of Environmental Protection (NV-DEP)  
Bureau of Mining Regulation and Reclamation  
901 South Stewart Street  
Suite 401 Carson City, Nevada 89701-5249

**Re: 1. Your response, "Chemetall's Pollution Is Of No Consequence,"**  
**2. Formal Information Request Regarding Chemetall Foote Corp,**  
**Renewal of Water Pollution Control Permit NV0070005**

Dear Mr Kuczynski, PE

As a Physical Engineer representing NV-DEP, you know or should should know that:

1. About 75,000 acre feet of potable water flows INTO Clayton Valley / Silver Peak annually from Fish Lake Valley (Dyer).
2. Silver Peak's flowing Potable Municipal Water source sits atop Silver Peak's "non-potable saline Playa water" within and enclosed by the parameters of Silver Peak's "Aquifer."
3. And since Silver Peak's Municipal water supply is regularly polluted by Chemetall's "production errors" and Chemetall's on-site "Holding Ponds," plus the series of huge, unlined "Evaporation Ponds," which "leak" and flow onto and into the ground, including land areas outside of Chemetall's "Containment Berm" -- that includes Silver Peak's only Play Ground[where a "pond" forms and dries out leaving Chemetall's "Chemical Soup" in the dirt where the children play every day over the years they go through school), and these large-volume "overflows" leach deeply into the ground and effectively "sprinkle" said pollutants onto the surface of Silver Peak's "Potable" water source that flows on the top of the "Unpotable" saline waters within the aquifer wherein said "Potable Water" is then pumped by the County into Silver Peak's Municipal Water System.
4. Also, there was a period of three years **2002-2005** after the County's drilling of a new "Backup Well" for the Municipal Water system that was so polluted with uranium and toxic volcanic compounds the residents suffered with skin lesions, etc., and whatever else these pollutants may have done INSIDE everyone's body, especially CHILDRENS' bodies.

Thus, since you state that "Chemetall's pollution is of no consequence," I am going to bottle a case of Silver Peak's Municipal Water and send it to you every week with the understanding that you and your family will happily drink the bottled water every day until I receive a memo asking me to cease shipments.

I ask that you please provide me with your home address at your earliest convenience so I can ship the first case within the week.

You get the point of this memo, right?

Clearly, "Chemetall's Pollution Is Most Certainly of Significant Consequence," but has long been IGNORED by local, county, state and federal officials and monitoring systems, which raises the relevant question: WHY?

**Formal Information Request Regarding Chemetall Foote Corp.**  
**Renewal of Water Pollution Control Permit NV0070005**

Information is requested regarding the Lithium Metal Recycling Processing activities at the Chemetall Foote Corporation, Silver Peak Lithium facility near Silver Peak Nevada in the form of copies of information for me to study, review, analyze and prepare comments to submit no later than the due date, May 19, 2012

1. What are the source(s), types and quantities of the Metal Lithium that are or will be transported to Silver Peak for recycling into Chemetall's ponds, and as they are unlined, reach the ground waters of Silver Peak's aquifer?
2. Metal Lithium is transported to Chemetall's Silver Peak Lithium Operation to be introduced into Silver Peak's air or Playa pond waters, apparently as a means of disposal from Chemetall's South Carolina facility, and from what other industrial sites and suppliers, domestic and foreign?
3. What are the contamination/pollution/toxic factors and risks generated by burning Metal Lithium at the Silver Peak Lithium Operations?
4. What formal operating procedures and permits are or will be in place to protect Silver Peak residents from toxic smoke and residues of Lithium Metal Recycling that are emitted into the air, fall to earth, and are deposited, dried upon the ground and dispersed onto and into Silver Peak's aquifer via wind currents and water supplies pumped from Silver Peak's aquifer(s) and the potable water supplied to Silver Peak's Lithium Processing facilities as well as Silver Peak's Municipal Water System?
5. Exactly how is the Air and Water Quality monitored by whom and how often and where are the regular monitoring reports available on the Internet, and/or at Chemetall's facility so that I and the people of Silver Peak know they are protected from the known toxic, corrosive metal(s), by-products and chemicals used to extract

the lithium, etc., generated at and/or near the Silver Peak Lithium Operation?

6. What corrective measures are now in place to prevent recurrence of an explosion that occurred during Metal Lithium Recycling on or about January 29, 2009 that caused a fire and power outage for Nevada Energy customers in and near Silver Peak Nevada?

Please be advised that from time to time the industrial chemical liquor "soup" that flows through the plant is "dumped" because of a production error that contains Industrial chemicals that flows OUT of the designated Containment Area, travels 300 feet, crosses the NV Highway 265 and settles ON Silver Peak's ONLY PLAYGROUND DURING THE YEARS THE CHILDREN USE THE PLAYGROUND as they go through school years, starting at kindergarten, and as they grow up.

Further, it is our position that Parcel Owners and Residents HAVE A RIGHT TO KNOW the details regarding subject issues that we have raised in written notices in a precise, tangible form even if NV-DEP has to take the time to scan the relevant documents into a "multi" pdf file and deliver to me, the County Commissioners and post on the County Website BEFORE the County Supervisors can adopt them as law and policy because keeping facts and information, positive or negative, behind closed doors is unlawful thereby exacerbating quality of life and health issues for people living in homes within 300 feet and beyond where chemical soup(s) released by production errors flow and gather, saturate into the ground, dry upon the earth near our homes PLUS particulate dust from the plant AND the boiler facility blowing in the strong winds towards our homes, lawns, animals, garden areas, and persons.

It is our position that subject requested Information must be timely provided as to what dangers are present from chemical pollution to ALL persons and parcel owners living within 1500 feet of Rockwood Lithium processing facilities and pollution containment areas so people can fully assess any and all health risks associated from Rockwood Lithium Operations near Silver Peak Nevada.

Also, why is subject permit being issued in the name of "Chemetall Foote Corporation" when the correct name is now "Rockwood Lithium?"

Therefore, please scan and produce pdf files of the necessary requested documents and related information and timely deliver to me, the County Supervisors and post on the County's Website because the NV NDEP WEB-SITE is not user friendly, with a Hearing Date being set that provides adequate time for all involved to study, review, analyze, and timely deliver Public Comments on or before the submittal date currently set for May 19, 2012

Sincerely,

---

Paul Rupp and Family  
Box 125  
Silver Peak Nevada 89047  
silverpeakitis@msn.com

---

Dehnert Queen  
10500 Christenson Rd  
Lucerne Valley, CA 92356  
dehnertqueen@desertamerican.com



cc: Esmeralda County Supervisors  
Esmeralda County District Attorney  
Distribution List

**We delivered the above Cover Letter at the  
front of a 40-page document that also displayed  
high-resolution PICTURES showing examples of  
LARGE-SCALE "LEAKS" that occurred over a four year period.**

**Chemetall Foote Plant's  
Process Liquor  
That Escaped  
to  
Silver Peak's  
Park & Playground**

**September 25, 2009**

**MAY 22, 2010**

**January 9, 2011**

**April 28, 2012**

**May 4, 2012**

**Follow-up Inquiry to Mr. Kuczynski, PE**  
**May 22, 2012**

**Notice**  
**May 22, 2012**

**Mr. Rob Kuczynski, PE and Other Involved Parties**  
**Division of Environmental Protection (NV-DEP)**  
**Bureau of Mining Regulation and Reclamation**  
**901 South Stewart Street**  
**Suite 401 Carson City, Nevada 89701-5249**

**April 11, 2009 Chemetall Silver Peak Operations Melissa Jennings reported a major spill that escaped confinement that ran down NV SR265 into the playground and surrounding areas. A NVDEP inspection finally showed up on April 14, 2009 Why did the NVDEP inspector bother to come at all as people living near the Silver Peak Lithium processing plants Health and Safety continues to be nonexistent, see no violations, inspect no violations, and showing to care less about people living near an unsafe environment hazard?**

**Where is the chemical list contained in the pollution with-in 300 feet of myfamily s home?**

**Have any soil samples ever been taken in the children s play ground/park in Silver Peak?**

**Do any of the 8000lbs of Lithium Carbonate listed as Chemetall fugitive dust releases endanger my home or animals, plants, or people living on my parcels?**

**Is the R2 a prop that is just for looks as the spent liquor is dumped by my home and into the pond system?**

**Why is our family s health not important to NVDEP , who s health is important to youguy s?**

**After 55 years of dumping pollution near my house, is this why Chemetall is listed as a Brownsfield site?**

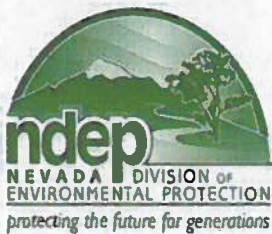
**Is NVDEP mission statement to cause harm to people s health and safety BY NEGLIGENCE ?**

**How does Silver Peaks water not become polluted after 50 plus years of chemical pollution?**

**Paul Rupp and Family**  
**B125**  
**Silver Peak NV 89047**

**[We have NEVER received any ANSWERS to these KEY QUESTIONS!]**

**NOTICE OF DECISION**  
**Bureau of Mining Regulation and Reclamation**  
**To Issue NOTICE OF DECISION and PERMIT**  
**Silver Peak Lithium Project**  
**Web Posting: 06/07/2012**  
**Deadline To Appeal: 06/17/2012**



# STATE OF NEVADA

Department of Conservation & Natural Resources

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

DIVISION OF ENVIRONMENTAL PROTECTION

Colleen Cripps, Ph.D., Administrator

## NOTICE OF DECISION - Bureau of Mining Regulation and Reclamation

Web Posting: 06/07/2012

Deadline for Appeal: 06/17/2012

Silver Peak Lithium Project  
WPC Permit No. NEV0070005

Chemetall Foote Corporation  
PO Box 98  
Silver Peak, NV 89047

The Nevada Division of Environmental Protection has decided to issue a renewal Water Pollution Control Permit (Permit) NEV0070005 to Chemetall Foote Corporation. This permit authorizes the construction, operation, and closure of an approved physical separation facility at the Silver Peak Lithium Project site in Esmeralda County. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through NAC 445A.447, to assure the Division that the groundwater quality will not be degraded by this operation, and that public safety and health will be protected.

The Permit will become effective June 22, 2012. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, June 17, 2012, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Rob Kuczynski, P.E. at (775) 687-9441 or visit the Division's Bureau of Mining Regulation website at [www.ndep.nv.gov/bmrr/bmrr01.htm](http://www.ndep.nv.gov/bmrr/bmrr01.htm).

Electronic and written comments (E-mail and letters dated April 30, 2012 and May 19, 2012) were received during the public comment period from Mr. Paul Rupp, a resident of Silver Peak. Mr. Rupp has parcels and homes within 800 feet of the Silver Peak facility.

The Division acknowledges the assistance of Mr. Joseph Dunn, General Manager, Chemical Foote Corporation in preparing responses to several of Mr. Rupp's comments.

**Comment 1:** "Information is requested for Lithium Metal Recycling Processing at Silver Peak Lithium Operation...in the form of copies of information to study, review, analyze and prepare comments to submit no later May 19, 2012"... "I am requesting...a copy of the current permit and a copy of the new permit with all changes and add-ons that will be issued...copies of monitoring well data...for processing plants"... "[A] Copy of [all] chemicals used at Silver Peak



NV Lithium facility processing plants used in production of ALL LITHIUM [Mr. Rupp's emphasis] processes is also requested as these chemicals' are the pollution, correct?"... "Information (copies of) also requested for all sources of water provided and used by the Silver Peak Lithium Facility"... "Information (copies of) all soil samples taken within 500 feet of Silver Peak Residents..."

**Division Response:** *The Division provided electronic copies of the Draft Permit Renewal and Factsheet and the current Permit and Factsheet to Mr. Rupp on Monday, April 30, 2012.*

*On Monday April 30, 2012 and on Wednesday, May 2, 2012, the Division informed Mr. Rupp via E-mail and telephone conversation that the information, documents, and monitoring reports in question were not available electronically, but available for review at the Division's Carson City Office. Because of the volume of information and size of the documents, Mr. Rupp was informed that he was welcome to view information and documentation residing in the Division offices during office hours (8:00 am - 5:00 pm, Monday through Friday) and/or arrange to have copies made by any one of several local vendors in the Carson City area.*

*On Friday, May 18, 2012, Mr. Rupp E-mailed the Division, requesting that the information be forwarded electronically immediately. On Monday, May 21, 2012, Mr. Rupp was again reminded via E-mail that he was welcome to view information and documentation residing in the Division offices during office hours and arrange to have copies made by any one of several local vendors in the Carson City area. As of Tuesday, May 29, 2012, Mr. Rupp had not contacted the Division to make any arrangements.*

**Comment 2:** "...Chemetall Foote recently change[d] their corporation name to Rockwood Lithium Specialties ... Question, is this permit being issued to the correct Lithium producer at the Silver Peak Lithium Operation?"

**Division Response:** *Since 2004, Rockwood Holdings, Inc. has been the parent company of Chemetall Foote. Both Rockwood and Chemetall are registered with the Secretary of State. The Division is aware that Chemetall Foote is undergoing a corporate name change to Rockwood Lithium and has notified the Permittee of the administrative requirements and actions that need to be taken. As of Tuesday May 29, 2012, several Bureaus' within the Division had yet to receive any formal notification. Until the Bureau of Mining Regulation and Reclamation receives confirmation, Chemetall Foote Corporation will continue as the Permittee of Record.*

**Comment 3:** "What is source(s) and condition of Metal Lithium transported to Silver Peak for recycling into waters near Silver Peak Lithium Operation...?"..."Metal Lithium is transport[ed]...for disposal in the playa pond (water) system from what other industrial sites and industrial users"... "What standard operating procedures are in place to protect Silver Peak residents from toxic smoke and residues of Lithium Metal Recycling that are emitted into the air and fall (deposited) to earth, dried upon the ground and dispersed into Silver Peak upon/within wind currents and water supplies-aquifers and water supplied to Silver Peak



Lithium Processing facilities?”...“What corrective measures are now in place to prevent recurrence of an explosion that occurred during Metal Lithium Recycling on or about January 29, 2009 that caused a fire and power outage for Nevada Energy customers in and near Silver Peak Nevada?”

**Division Response:** *The Facility receives scrap lithium metal from the Permittee's Kings Mountain, North Carolina facility and from a toll producer for the purpose of producing lithium hydroxide solution. Scrap lithium metal is added to the non-potable brine ponds where it reacts to produce lithium hydroxide solution. The chemical reaction is exothermic (i.e. releases heat) causing the brine to boil and eventually off-gas hydrogen, which does have the potential to self-ignite at the brine surface. Because of the elevated brine temperatures, steam is released in place of the hydrogen. Hydrogen in itself is not considered a hazardous pollutant.*

*The scrap lithium recycling station is located more than 3 miles from Silver Peak on a peninsula in the middle of one of the largest brine ponds.*

*The Silver Peak Operation extracts lithium-rich brines from several non-potable aquifers. The water supply source for the town of Silver Peak is from an alluvial well southwest of the town and up gradient from the playa. A network of faults prevents communication between the freshwater supply and the playa brines.*

*The incident that occurred on or about January 29, 2009 was the result of a small scale test conducted by the Permittee at the lithium recycling station. During the testing, brine splashed onto one of the Permittee's electrical power poles. The splashing short circuited and tripped the circuit breakers for the electrical distribution system at the Facility and the Nevada Energy circuit breakers for the town of Silver Peak and surrounding area. All circuit breakers and switching devices functioned as designed and power was restored shortly. The Permittee has since revised operating procedures to eliminate any reoccurrence.*

**Comment 4:** “...[W]hat is considered containment area for water pollution at the Silver Peak NV Lithium facility processing plants?”

**Division Response:** *Containment areas are located around tank farms and wet area of the process facilities. Effluent discharge from the carbonate facility is permitted to return to the closed playa basin through open discharge southeast of the process facility. The brine is allowed to return to the closed basin aquifers which contain non-potable brines.*

**Comment 5:** “What are contamination/pollution/toxic factors and risks from burning Metal Lithium Recycling at Silver Peak Lithium Operations?”...“Air quality is monitored how, in Silver Peak Nevada to protect Silver Peak residents and others from toxic corrosive metal(s) and by-products and other water pollution/contamination generated at and or near Silver Peak Lithium Operation?”...“Oil Boilers at Chemetall are used to heat water making steam for lithium production. What are requirements/specifications of Oil that is burned in the boilers?”

**Division Response:** *Air quality permitting and monitoring concerns are the purview of the Division's Bureau of Air Pollution Control and not the subject of this Permit renewal.*

**Comment 6:** "About 75,000 acre feet of potable water flows INTO [Mr. Rupp's emphasis] Clayton Valley / Silver Peak annually from Fish Lake Valley (Dyer) and Silver Peak's flowing Potable Municipal Water source sits atop Silver Peak's "non-potable saline Playa water" within and enclosed by the parameters of Silver Peak's "Aquifer". And since Silver Peak's Municipal water supply is regularly polluted by Chemetall's "production errors" [Mr. Rupp's quotations] and Chemetall's on-site "Holding Ponds," plus the series of huge, unlined "Evaporation Ponds" which "leak" [Mr. Rupp's quotations] and flow onto and into the ground, including land areas outside of Chemetall's "Containment Berm" -- that includes Silver Peak's only Play Ground where a "pond" forms and dries out leaving Chemetall's "Chemical Soup" [Mr. Rupp's quotations] in the dirt where the children play every day over the years they go through school [sic], and these large-volume "overflows" leach deeply into the ground and effectively "sprinkle" said pollutants onto the surface of Silver Peak's "Potable" water source that flows on the top of the "NON-potable" saline waters within the aquifer wherein said "Potable Water" is then pumped by the County into Silver Peak's Municipal Water System."

**Division Response:** *Pursuant to data provided by the Permittee and the Nevada Division of Water Resources (NDWR), recharge to the Clayton Valley is between 19,000 to 20,000 acre feet per year with most of the recharge coming from the Smoky Valley Corridor and the Paymaster Corridor, northwest and northeast of Silver Peak. The Silver Peak town water supply is located on the alluvium southwest of Silver Peak and is isolated from the Permittee's lithium brine resource by a naturally occurring faulting system. All of the lithium ponds are located within the non-potable region of the Clayton Valley. The Permittee maintains a monitoring well located between the Facility pond system and the town water supply. A Permit requirement requires this well to be sampled quarterly and all analytical results submitted to the Division.*

**Comment 7:** "Also, there was a period of three years 2002-2005 after the County [Esmeralda County] drilling [sic] a new "Backup Well" for the Municipal Water system that was so polluted with uranium and toxic volcanic compounds the residents suffered with skin lesions, etc., and whatever else these pollutants may have done INSIDE everyone's body, especially CHILDRENS' [sic] bodies [Mr. Rupp's emphasis]."

**Division Response:** *The Esmeralda County water well in question is located on an alluvial fan southwest of the town of Silver Peak within Clayton Valley. The well has no hydraulic connection with the Facility due to the naturally occurring faulting system.*

**LAST ENTERED DOCUMENT**

**Paul Rupp Requested "Form 3"  
To Be Timely Delivered to Him ASAP  
In Time to Deliver Appeal to NV-SEC**

**Due June 17, 2012**

**June 14, 2012**

**June 14, 2012**

**Rob Kuczynski P. NVDEP**

**Via e-mail and USPS Certified Mail # 7007 0710 001 5249 4360**

**RE: Form 3 to Appeal Chemetall Water Pollution Control Permit NEV NEV0070005**

**I object to 10 day Appeal process using only Appeal Form 3 to Appeal Chemetall  
Water Pollution Control Permit NEV0070005**

**Send Appeal Form 3 for Chemetall Water Control Pollution permit NEV0070005 as sc  
possible WITHOUT DELAY, so I may fill out and return before June 17, 2012. E-mail  
the Appeal Form 3, if not possible to timely e-mail the form, an extension of the end  
June 17, 2012 to receive Appeal form 3 is appropriate so that I have the opportunity at  
process right to Appeal Chemetall Water Pollution Control Permit NEV NEV0070005.**

**Sincerely**

**Interested and effected Silver Peak Nevada parcel owner living within 300 feet of Che  
water pollution, within 800 feet of Chemetall Processing Facilities, with 46 years of  
accumulated Water Pollution near Silver Peak Nevada.**

---

**Paul Rupp and family  
using P.O. Box 125  
Silver Peak NV 89047**

**Paul Rupp E-Mail @ [silverpeakitis@msn.com](mailto:silverpeakitis@msn.com)**

**P.S. Happy Flag Day**

**CC: Dist. List**

Paul Jones  
The Paul Jones  
The Paul Jones  
The Paul Jones

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**Delivery of Our  
First (Original) Form # 3  
As Notice and Objection Regarding  
Our Appeal  
Regarding the Proposed Adoption of  
Silver Peak Lithium Project (Chemetall Foote)  
WPC Permit No. NEV0070005  
to the  
NV Environmental Commission  
June 18, 2012**

**It is Our Position That  
The Commission by summarily adopting it's  
Notice of Decision  
to Issue the 1012 Permit  
WITHOUT addressing the serious problem of  
Production Errors, "leaks", etc.,  
escaping confinement  
and  
1,000's of gallons of Process Liquor  
making its way to the  
"Kids' Playground and Swimming Pool Facility  
is unconscionable  
conveying  
utter disregard for Hman Life.**

NOTICE

June 18, 2012

VIA E-Mail and USPS Certified Mail #

Nevada Environmental Commission  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249

[jbwalker@ndep.nv.gov](mailto:jbwalker@ndep.nv.gov)

[jboomhower@ndep.nv.gov](mailto:jboomhower@ndep.nv.gov)

[rkuczyns@ndep.nv.gov](mailto:rkuczyns@ndep.nv.gov)

Re: 1. **Notice and Objection, Proposed Adoption of  
Silver Peak Lithium Project (Chemetall Foote)  
WPC Permit No. NEV0070005**  
2. **NV Environmental Commission Appeal Form # 3**

Dear Commissioners,

Please find FOLLOWING our NV Environmental Commission Appeal Form # 3.

Our intention was to attach our supporting evidence today that includes photographs, excerpts from NDEP documents, NRS, NAC codes, etc., along with copies of evidentiary documents delivered to Mr. Rob Kuczynski, P.E. at NDEP on June 3, 2012, but TODAY we are experiencing Windows XP preventing us from "copy" and "paste" due to no "permission" regarding OUR OWN FILES!

We will deliver said evidence documents as soon as we can.

Sincerely,

---

Paul Rupp, Ana C. Rupp  
Box 125  
Silver Peak Nevada 89047  
[silverpeakitis@msn.com](mailto:silverpeakitis@msn.com)

---

Dehnert Queen  
10500 Christenson Rd  
Lucerne Valley, CA 92356  
[dehnertqueen@desertamerican.com](mailto:dehnertqueen@desertamerican.com)

cc: Arthur Wehrmeister, Esmeralda County District Attorney  
Esmeralda County Highway Commission  
Esmeralda County Land Use Advisory Committee  
Distribution List

Ref: Appeal Form #3 to Mr Walker-061812-Sent.wpd-061712

**FORM # 3**

**FORM FOR REQUESTING AN APPEAL HEARING  
BEFORE THE NEVADA STATE ENVIRONMENTAL COMMISSION**

**1. Name, address, telephone number, and signature of applicant:**

Name:	Paul Rupp	Dehnert Queen
Address:	P.O. Box 125	10500 Christenson Rd.
	Silver Peak, NV	Lucerne Valley, CA 92356
Telephone:	775-770-4245 Cell	214-500-6544 Cell
Signature:	See following attachments	

**Representative Capacity (if applicable):**

Paul Rupp, Founder Silver Peak Ad Hoc Advisory Committee

**2. Specify type of applicant: Individual, Partnership, Corporation, or Other:**

As individuals and Members of the Silver Peak Ad Hoc Committee

**3. Other person or persons authorized to receive service of notice: n/a**

**4. Complete description of the business or activity and the location of the activity involved in the request:**

Paul and Ana Rupp, Parcel Owners, Residents, live within about 1,000 feet from the Chematall Foote Lithium Plant, and about 100 feet from the Play Ground

**5. Nature of the appeal and grounds thereof:**

**Objection to adoption of:**

- A. The two Environmental Assessment Documents
- B. No Full EIS/EIR Report performed though we presented a substantial body of evidence Justifying that a Full EIS/EIR Report MUST be produced per NEPA

1. The EA's improperly COMBINED Chemetall Foote's Silver Peak, Nevada and Kings Mountain, South Carolina projects.

2. The evidence that follows and the Notice-Demand documents deliverer to Rob Kuczynski, P.E., State Environmental Commission, Esmeralda County Board of Commissioners, et al

6. Section or sections of the State Air Quality Regulations, Water Pollution Control Regulations, Hazardous Waste Regulations, Solid Waste Management Regulations, or NRS section involved in the appeal:
7. Approximate time in hours and minutes necessary for delivery of oral testimony and reading of prepared statements as admissible evidence to be entered in the record:

As the hearing may be in Carson City, NV, and Paul Rupp has to likely work, we therefore can deliver our timely testimony for consideration AND DISCUSSION at the scheduled Public hearing conducted by the Nevada Environment Commission.

Date of Request: June 17, 2012

Send Form To: John B. Walker, State Environmental Commission, 901 South Stewart Street,  
Suite 4001, Carson City, NV 89701-5249

**NV-SEC Unilaterally Rejected  
Our 40-Page Evidence and  
"Form 3" Appeal Document  
Delivered to the NV-SEC on  
June, 19, 2012  
and  
Summarily Returned It to Us on  
June 25, 2012**

**The NV-SEC asserted that we must re-file our Appeal regarding  
Rockwood's pending Pollution Permit via the NV-SEC's newly revised  
"Rules of Practice" procedure and restrictive new "Form 3"  
regarding our position that Rockwood Plant's  
"Leaks" are poisoning the nearby  
"Kids Playground & Swimming Pool" facility  
Which is Contrary to the U.S. Constitution**

**Ex Post Facto Laws**

**[Latin, "After-the-fact" laws.]Laws that provide for the infliction of punishment  
upon a person for some prior act that, at the time it was committed, was not  
illegal.**

**Ex post facto laws retroactively change the rules of evidence in a criminal case,  
retroactively alter the definition of a crime, retroactively increase the punishment for a criminal act,  
or punish conduct that was legal when committed. They are prohibited by Article I, Section 10,  
Clause 1, of the U.S. Constitution. An ex post facto law is considered a hallmark of tyranny because it  
deprives people of a sense of what behavior will or will not be punished and allows for random  
punishment at the whim of those in power.**

**thefreedictionary.com**

**In the instant case, the NV-SEC's act of adopting it's new Rules of Practice legal  
procedure and it's new "Form 3" which both defines and limits arguments, the NV-SEC has effectively  
changed the process from a neighbor merely filing an Objection and presenting arguments at an  
Administrative Oversight Hearing conducted by NDEP to that of a Quasi-Judicial Hearing before the  
NV-SEC that involves not only Rockwood via its attorney, but also the Nevada Attorney General  
"defending" both NV-SEC and the NDEP.**

**It is our position that the new "Form 3" process effectively has a  
"chilling effect" by denying Free Speech and Americans' ability to  
voice dissent before a quasi-judicial panel and  
possibly being encumbered by  
large legal bills because of "Slap Suits."**



BRIAN SANDOVAL  
Governor



STATE OF NEVADA  
STATE ENVIRONMENTAL COMMISSION

901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249  
Telephone (775) 687-9308  
Fax (775) 687-5856  
[www.sec.nv.gov](http://www.sec.nv.gov)

Leo Drozdoff, P.E.  
Director



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Cary Richardson  
Carson City, NV

COUNSEL  
Rose Marie Reynolds

STAFF  
John B. Walker  
Executive Secretary

Electronic Memorandum

Date: June 25, 2012

To: Paul Rupp & Ana C. Rupp - [dehnertqueen@desertamerica.com](mailto:dehnertqueen@desertamerica.com)

From: John B. Walker, Executive Secretary

Subject: Appeal of Nevada Division of Environmental Protection's Water  
Pollution Control Permit for the Silver Peak Lithium Project -  
NEV00070005

On June 19, 2012 I received a faxed copy of the above referenced appeal, see attached. For the reasons discussed below and as in reference to our recent phone conversation, I am returning your appeal and requesting that you re-file the appeal on the newly revised State Environmental Commission (SEC) Form 3.

Effective May 30, 2012, the SEC revised its "Rules of Practice" and these new rules impart redefined and expanded SEC Form 3. Accordingly, please complete the new form and return it within 10 days to:

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

If you prefer you can fax the form (775) 687-5856 or you can email to:  
[jbwalker@ndep.nv.gov](mailto:jbwalker@ndep.nv.gov)

ecc: Bruce Holmgren NDEP/Bureau Chief BMRR  
Dave Gaskin NDEP/Deputy Administrator  
SEC/DAG

**Delivered Our Notice-Demand to the  
State Environmental Commission (NV-SEC)  
Regarding Our  
Objection  
to the Appeal Process  
and to the  
NV-SEC's NEW "FORM 3"  
July 5, 2012**

**Objection is made as to a completely absurd arbitrary and capricious NV  
appeal process of NEV 00070005 under flawed Nevada State Environmental  
Commission Rules of Practice**

**Our Appeal of NEV00070005 is timely sent and rejected by NEVADA STATE  
ENVIRONMENTAL COMMISSION'S arbitrary and capricious practice to change  
FORM 3 AFTER our Appeal is filed with the NV-SEC continues to deny due  
process by failure to post ALL FORM 3's for comment by any and all people  
including interested members of the public whose lives and property are  
impacted by issuance of Nevada Water Pollution Control Permits without due  
process contrary to settled law and the health and safety of people living in  
harm s way.**

**NOTICE DEMAND OBJECTION, APPEAL PROCESS NEV0007005**

**July 5, 2012**

**Via FAX, E-MAIL, U.S.P.S. Certified Mail# 7007 0710 0001 5249 3097**

**RE: New NEVADA STATE ENVIRONMENTAL COMMISSION Appeal Form 3**

**Executive Secretary-John B Walker**

**NEVADA STATE ENVIRONMENTAL COMMISSION**

**901 South Stewart Street, Suite 4001**

**Carson City Nevada 89701-5249**

**Fax 775.687.5856 e-mail [www.sec.nv.gov](http://www.sec.nv.gov) , [jbwalker@ndep.nv.gov](mailto:jbwalker@ndep.nv.gov)**

Objection is made to a completely absurd arbitrary and capricious NV appeal process of NEV 00070005 under flawed Nevada State Environmental Commission "Rules of Practice"

Our Appeal of NEV 00070005 is timely sent and rejected by NEVADA STATE ENVIRONMENTAL COMMISSION arbitrary and capricious practice to change FORM 3 after Appeal is made continues to deny due process by failure to post FORM 3 for comment by any and all people including interested members of the public whose lives and property are impacted by issuance of Nevada Water Pollution Control Permits without due process contrary to settled law and the health and safety of people living in harm's way.

Demand is made to provide an appeal process having Form 3 with proper NOTICE provided to all filing appeals underway for any type of changes to form 3 appeal process with lawful 30 day comment period for all people to study research and make cogent written statements regarding any changes to any new form used by NEVADA STATE ENVIRONMENTAL COMMISSION in Appeals of Water Pollution Control Permits.

A new form 3 provided after Appeal process timely filed is unfair and plain wrong denying due process rights and being due on July 4, 2012 is un-American and un-Nevada?

10 days to respond to a new and previously unseen Form 3 is completely unacceptable for Paul Rupp, Ana C Rupp and Dehnert Queen as 10 days is too short

NOTICE with family activities previously planned around Americas birthday July 4, 2012, and Dehnert Queen sick with Flu and pressing dental issues/computer program issues . A new appeal date for appealing must be set after Form 3 has been NOTICED and 30 day comment period for all people including Paul Rupp, Ana C Rupp and Dehnert Queen is provided.

Sincerely,

---

**Paul Rupp, Ana C Rupp,**

**Using P.O. Box 125 Silver Peak NV 89047  
Christenson Rd**

**92356**

**Dehnert Queen**

**10500**

**Lucerne Valley, CA**

**Cc: Distribution List**

**Mr. Watson Responded to Our  
June 19, 2012  
"40-Page and Evidence and Objection" Notice  
and Our  
July 5, 2012 "Letter of Dissent"  
and  
Again Requests we Prepare and File the  
New "Form 3" with the NV-SEC by August 18, 2012  
July 18, 2012**

**Essentially, Mr. Walker responded that he  
"had followed the (new) law" per the  
Commission's new "Rules of Practice" that  
apparently allows TESTIMONY and EVIDENCE  
to be summarily  
IGNORED AND DISCARDED  
with IMPUNITY.**



**BRIAN SANDOVAL**  
Governor



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**STATE ENVIRONMENTAL COMMISSION**

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**Leo Drozdoff, P.E.**  
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Las Vegas, NV

Jason King  
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Division of Water  
Resources

Kathryn Landreth  
Reno, NV

Jim Barbee  
Director, Department of  
Agriculture

Ken Mayer, Director  
Department of Wildlife

Tom Porta  
Reno, NV

Mark Turner  
Carson City, NV

Cary Richardson  
Carson City, NV

**COUNSEL**  
Rose Marie Reynolds

**Memorandum**

**Date:** July 18, 2012

**To:** Paul Rupp and Ana C. Rupp  
P.O. Box 125 Silver Peak NV 89047

Dehnert Queen  
10500 Christenson Rd.  
Lucerne Valley, CA 92356

**From:** <sup>JBW</sup><sub>4/5</sub> John B. Walker, Executive Secretary

**Subject:** Appeal of Nevada Division of Environmental Protection's Water  
Pollution Control Permit for the Silver Peak Lithium Project -  
NEV00070005

On June 19, 2012 I received the above referenced appeal, which I reviewed and then returned on June 25, 2012. When I returned your appeals, I asked you to re-file the appeals on a recently revised State Environmental Commission (SEC) Appeal Form 3 (see attached).

On July 5, 2012 you responded to my request by submitting a document titled "Notice Demand Objections, Appeal Process NEV00070005." Your document raised various questions about the process implemented by the SEC to amend its Rules of Practice, which subsequently lead to issuance of the newly revised SEC Appeal Form 3.

Please be advised that the SEC complied with all rule making procedures defined under state statutes (NRS 233B) regarding recent amendments to the Commission's Rules of Practice. Documentation to that effect is available on the SEC website at: [http://www.sec.nv.gov/main/hearing\\_0212.htm](http://www.sec.nv.gov/main/hearing_0212.htm) (see agenda item #10).

With respect to your above referenced appeal, I am once again requesting that you complete the attached newly revised SEC Appeal Form 3 and return it by August 18, 2012 to:

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

If you prefer you can fax the form (775) 687-5856 or you can email to  
[jbwalker@ndep.nv.gov](mailto:jbwalker@ndep.nv.gov)

cc: Bruce Helmer, NDEP/Director, Chief RUPP



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 regulations that give the State Environmental Commission jurisdiction to hear the appeal.**

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\_\_\_\_\_

\_\_\_\_\_

**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

**Rockwood via Atty Zimmerman  
Requests to Intervene in  
NV-SEC's Silver Peak Appeal Process  
Case # NEV00070005**

**October 19, 2012**



**RECEIVED**

OCT 22 2012

ENVIRONMENTAL PROTECTION

John R. Zimmerman



A PROFESSIONAL  
LAW CORPORATION

50 W. Liberty Street  
Suite 750  
Reno, NV 89501  
Telephone 775.323.1601  
Facsimile 775.348-7250

Direct Dial  
(775) 789-8548  
E-Mail  
JZimmerman@parsonsbehle.com

October 19, 2012

**By E-mail [ibwalker@ndep.nv.gov] and U.S. Mail**

Mr. John B. Walker  
Executive Secretary  
Nevada State Environmental Commission  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701

**Re: Petition to Intervene in Appeal of Permit No. NEV0070005,  
Rockwood Lithium Inc. (formerly known as Chemetall Foote  
Corporation) Water Pollution Control Permit**

Dear Mr. Walker:

I understand that the Nevada State Environmental Commission ("SEC") has received an appeal of the Nevada Division of Environmental Protection's ("NDEP") decision to approve the renewal of Chemetall Foote Corporation's Water Pollution Control Permit, Permit No. NEV0070005, from three individuals, Paul and Ana Rupp and Dehnert Queen. Chemetall Foote Corporation changed its name to Rockwood Lithium Inc., and therefore, this petition is filed on behalf of Rockwood Lithium Inc.

Rockwood is the owner and operator of the Silver Peak Lithium Project in Esmeralda County and hereby files this petition for leave to intervene in the appeal proceedings before the SEC. In support of this petition, Rockwood provides the following information as required by NAC 445B.8915(2).

- a. Identification of the proceedings in which the petitioner requests to intervene.

Petitioner requests leave to intervene in the appeal of NDEP's June 7, 2012 decision to renew Water Pollution Control Permit (NEV0070005). The current appeal before the SEC was filed by Paul and Ana Rupp and Dehnert Queen.



Mr. John B. Walker  
Executive Secretary  
Nevada State Environmental Commission  
October 19, 2012  
Page Three

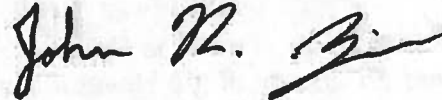
f. Reason for delay in filing petition to intervene.

Rockwood did not receive formal written notice of the appeal from NDEP and the appeal was not posted to NDEP's or SEC's official websites. Rockwood learned of the appeal through informal communications with NDEP and was not aware of the timing requirements for petitioning the SEC for leave to intervene. Rockwood respectfully requests that the SEC exercise its discretion under NAC 445B.8915 and allow Rockwood to intervene in this appeal to protect its rights and interests regarding NEV0070005.

Thank you for your consideration of this petition. If you have any questions, please contact me by telephone at (775) 323-1601 or by e-mail at [jzimmerman@parsonsbehle.com](mailto:jzimmerman@parsonsbehle.com).

Sincerely,

Parsons Behle & Latimer



John R. Zimmerman

JRZrls

Copy [by e-mail and U.S. Mail] to:

Cassandra Joseph, Deputy Attorney General  
Paul and Ana C. Rupp  
Dehnert Queen