



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

Web posting 10/21/2009

Notice of Decision

Permit #NEV2008107

EDEN Research Facility

EDEN Research, LLC

The Nevada Division of Environmental Protection (Division) has decided to issue Water Pollution Control Permit NEV2008107 to EDEN Research, LLC (Permittee). This permit authorizes the construction, operation, and closure of approved beneficiation research facilities in Lyon 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 waters of the State will not be degraded by this operation, and that public safety and health will be protected.

The permit will become effective November 5, 2009. 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, October 31, 2009, 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 and Reclamation website at www.ndep.nv.gov/bmrr/bmrr01.htm.

A Public Notice for the draft Water Pollution Control Permit (WPCP) was published on July 1, 2009 in the Nevada Appeal and the Dayton Courier. Following the required 30-day public comment period, the Division Administrator determined there was sufficient public interest in the draft permit to warrant a public hearing. A Notice of Public Hearing (NPH) was published on August 12, 2009 in the Nevada Appeal and the Dayton Courier and the Hearing was scheduled for September 9, 2009 at Dayton High School. In addition, a copy of the NPH was mailed and E-mailed to the interested public, businesses, schools and other public facilities within a one-half mile radius of the proposed facility and others wishing to be notified.

Interested individuals were invited to attend this hearing and provide comments and information that are pertinent to the WPCP. Comments not related to water quality issues were not considered. All relevant comments submitted in writing at the hearing and information received in writing during the public notice period were considered in the final determination regarding

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this permit.

Written and E-mailed comments received during the 30-day public comment period are listed below. Written comments received during the September 9, 2009 Public Hearing, follow the comments received during the public comment period. No written comments were received during the period following the 30-day public comment period up to the Public Hearing.

1. **The Citizens of Dayton and Dayton Valley (Edward A. Messineo, Spokesman)**: “We the citizens of Dayton, NV and Dayton Valley are opposed to the issuance of a Water Pollution Control Permit to EDEN Research, LLC”...“It is our contention that this facility has the strong potential of endangering not only the surrounding communities with the chemicals they are proposing to use in their operation but pollute the environment”...“[T]he local streets and roads...are not designed to handle to handle the weight of the large trucks the plan to employ”...“We request that a public hearing be held to air the public’s written and oral comments”. (Mr. Messineo included a petition signed by 460 residents of Dayton and Dayton Valley opposing the permit issuance with his comment letter).

Division Response: *A Public Hearing was held at Dayton High School on Wednesday, September 9, 2009. Approximately 45 people attended the hearing along with the Permittee, their engineering consultant, and staff members from the Division.*

The Division was only involved in processing the WPCP and Air Quality Control Permit applications and not involved in the process of locating the EDEN Research Facility to Dayton.

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 waters of the State will not be degraded by this operation. The proposed Facility is required by the Division to be designed, constructed, operated and closed as a “Zero Discharge Facility”, which means the facility is required to contain all process fluids within the building. No contaminated wastewater will be released into the sanitary sewer system or the environment.

2. **Aerostar Properties, LLC (Joseph Moran, President)**: “We are land owners in the Dayton Valley area adjacent to the proposed EDEN Research facility and are deeply concerned about the impacts of this facility’s processes to our property and the surrounding environment.”...“We purchased this land...have long term plans for development.”...“Introducing a facility that utilizes Sodium Cyanide...in an area of family communities, a golf course and Nevada wildlife is absurd.”...“Sodium Cyanide and other chemicals utilized...are deadly to humans and animals.”...“EDEN’s assertion that their facility will have no impact on the local ecology and water quality is without merit.”...“EDEN submitted... applications under the guise of a “research” facility and “soil enhancement” provider...skirted the actual nature of their business...”...“If EDEN had been factual [about their business] there is no possible way a Special Use Permit (SUP) would have been issued.”...“This type of facility does not belong anywhere near Dayton Valley and I implore you help preserve our community and its environment.”

Division Response: *Refer to the Division response to comment letter 1.*

3. **Airpark Estates Homeowners Association (Sandra Duncan, President):** “We have always been told...Business Park...zoned and planned for light industry...[has] little chance of negatively affecting quality of life due to noise, pollution, dust or traffic.”...“[P]lans by EDEN Research...[do not] meet these standards.”...“Every member of our Association is opposed to project.”... “[O]pposed to EDEN’s use of hazardous chemicals...building is located in an area subject flooding...chemicals may be released during floods or other storm events...may exceed design storm event.”...“[P]otential dangers posed by this company...too great to be located so close to many homes and schools.”...“[R]equest either...application for a Water Pollution Control Permit...be denied or that a public hearing be held...”

Division Response: Refer to the Division response to comment letter 1. During the Public Hearing, Ms. Duncan provided written comment (Public Hearing Comment 2) stating that her initial concerns were addressed and the application seemed to be in order.

4. **Johnny and Diana Arausa:** “[T]his is NOT a good idea this close to a residential area. PLEASE STOP THIS PERMIT. Many lives can be effected long range. We can see the proposed site from our front yard. This is way too close. Find an area outside and downstream from a populated area.”

Division Response: NAC 445A.433.3 requires that no new process component containing process fluids be located within 1,000 feet of any occupied dwelling that is not part of the facility. There is no occupied dwelling within 1,000 feet of the facility.

5. **Joseph and Kathy Arnote:** “[We]...are NOT in favor of the State of Nevada, County of Lyon, proposal of the gold and silver refinery, EDEN Research, LLC to locate in the Dayton Valley Air Park area”...“EDEN Research is a CHEMICAL PROCESSING facility...will be a hazard to the Dayton residential area”...“We live in the Dayton golf course area...[and will be] affected by this decision...[we] vehemently appose [sic] EDEN Research to locate in the Industrial Air Park, trucking in over 36,000 tons of ore using the Dayton Valley Road, and the use of CYANIDE and other chemicals to process the gold and silver reclamation so close to many residential areas here in the Dayton Air Park area.”...“We have signed a petition...but are writing you as our elected officials, Responsible Engineers for Eden Research and local newspapers to represent the opposing voice in this item.”...“As elected officials we expect you to do the right and safe thing for our community...”

Division Response: Comments noted. Refer to the Division response to comment letters 1 and 4.

6. **C.E. Bauer:** “I would like to add my name to the long list of those objecting to the EDEN Research, LLC establishment of an ore processing plant at the Air-Park in Dayton.”...“I am primarily concerned for the health and safety of the families in our community.”...“[T]his would be a harmful venture and would additionally deteriorate the value of the homes in the area.”...“This must not be allowed...”... “I am hoping you will consider the grave consequences of such action and let our citizen’s voices prevail.”

Division Response: Comments noted.

7. **S. Wray Brett and David R. Smith:** “Troublesome issues include...chemicals used [Methyl Alcohol, Sodium Cyanide, and Sodium Sulfide etc.]...seriously jeopardize the safety of those who live in close proximity to this proposed company site.”...“[E]arthquake and/or other catastrophic disaster such as a flood...would endanger all who live in this area including Dayton High School.”...“[O]utside environment comingling with the inside [building] environment...air quality negatively compromised...possible contamination of Dayton ground water supply.”...“[Trucks and truck traffic] will leave dirt, mud and debris on the roadways...will raise dust...causing increased air pollution...extremely noisy and disruptive...will affect tourism...persons living in the truck route areas...exposed to excessive groundborne [sic] vibration and/or groundborne [sic] noise levels...traffic will...compromise future development...causing an extreme economic crisis for those who have already purchased homes in the Dayton Legado and Air-Park Communities.”...“EDEN Company stated...some minor odor.”...“The people of this community should not have to deal with any odor.”...“[A]n environmentally negative impact to the community.”...“[R]elocating this company to a less populated area...most appropriate solution to this dilemma.”...“[Request] the Nevada [Division of] Environmental Protection not issue the Water pollution Control Permit.”

Division Response: *Refer to the Division response to comment letter 1.*

8. **Calvin W. Burr and Barbara M. Burr:** “I have several concerns...[T]he stockpiling of the ore at the processing plant prior to it being crushed...[S]tockpiling of cyanide tainted tailings...[E]vaporation of the sodium cyanide once in solution in tailings into the atmosphere... [S]torage of hydrochloric acid after dissolving the steel wool to obtain the gold/silver doré...[M]ercury handling while being used in the way gold/silver is eluted from the carbon...[D]ust generated by the equipment operation at the plant be it frontend [sic] loaders, ball mills, trucks or forklifts. The natural trace elements i.e. asbestos, copper, arsenic that are inherent in the ore and released by the process to move about the atmosphere in a residential area...[O]bvious wear and tear on the infrastructure; be it roads, bridge, potable water system and sewage/waste system.”...“[F]inal approval of the application process of NV2008107 is a severe injustice to to [sic] the residents of all of Dayton and its communities.”...“I would appreciate hearing about the outcome of this matter.”

Division Response: *Refer to the Division response to comment letter 1. Stockpiling and processing at the Facility will be conducted indoors within containment. Air emission control devices are regulated by the Division’s Bureau of Air Pollution Control (BAPC). All solid and liquid residues generated will be returned to the process circuit for reuse where practical, depending on the concentration of constituents present. Solids and liquids that can no longer be recycled or reused will be characterized and removed by a licensed hauler off-site for disposal at a permitted waste facility. The location and disposal must be approved or permitted by applicable federal, state, or local authorities. The permitting of the Facility has been in compliance with the appropriate regulations.*

9. **Roseann Cram:** “I oppose and object to not only the location that EDEN Research has chosen for their mineral beneficiation and chemical processing facility but also to the fact that their process will contain a byproduct using Sodium Cyanide and other reagents in their operation.”...“The types of chemicals are extremely hazardous to humans and animals.”...“I don’t care how many so called precautionary measures are taken to contain

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the chemicals and prevent them from getting into the water and soil in Lyon County.”...“The chance that there could be overflows, leaks, mishandling of materials, cracks or broken pipes, improper installation or maintenance, or any other type of situation that may result in contamination of or soil or water system is too much of a risk for the residents of Lyon County.”...“Not only are there environmental and physical disasters that we have to consider with EDEN Research being so close to our homes...the value of our property and homes will drop significantly.”...“This type of 24-hour operational company with its large capacity dump trucks will damage our roads for which we already pay way too much in taxes to repair”...“[N]oise will also effect the quality of life that we all so enjoy in Dayton.”

Division Response: *Refer to the Division response to comment letters 1 and 4.*

10. **Gayle M. and Raymond H. Cyrek:** “We wish to go on record as being opposed to the building of a manufacturing plant in Dayton just behind a residential community for the purpose of extracting gold and silver using cyanide.”...“There is an abundance of open land space that would be a better location for such a plant.”

Division Response: *Comment noted.*

11. **Debra and Robert Darnell:** “I oppose and object to not only the location that EDEN Research has chosen for their mineral beneficiation and chemical processing facility but also to the fact that their process will contain a byproduct using Sodium Cyanide and other reagents in their operation.”...“The types of chemicals are extremely hazardous to humans and animals.”...“I don’t care how many so called precautionary measures are taken to contain the chemicals and prevent them from getting into the water and soil in Lyon County.”...“The chance that there could be overflows, leaks, mishandling of materials, cracks or broken pipes, improper installation or maintenance, or any other type of situation that may result in contamination of or soil or water system is too much of a risk for the residents of Lyon County.”...“Dayton does not need this type of company in close proximity to its residents”...“Not only are there environmental and physical disasters that we have to consider with EDEN Research being so close to our homes...the value of our property and homes will drop significantly.”...“This type of 24-hour operational company with its large capacity dump trucks will damage our roads for which we already pay way too much in taxes to repair”...“[N]oise will also effect the quality of life that we all so enjoy in Dayton.”...“If EDEN Research is able to continue with its plans, it would negatively impact the entire community...as well as the ambiance of what Lyon County citizens and businesses have been trying to build.”...“I ask for your help in Stopping EDEN Research from being able to move forward with its current plans or any other plans to operate in Lyon County.”

Division Response: *Refer to the Division response to comment letters 1 and 4.*

12. **Dayton Valley Investors, LLC (Joseph Wade, CEO):** “Dayton Valley Investors (DVI)...feels very strongly that NDEP should not issue this new water pollution control permit.”...“DVI owns a large portion of the remaining undeveloped acreage within the Dayton Valley Business Park...most of the remaining undeveloped lands within the Dayton Valley Master Planned Community”...“[A]spects of this proposed operation are of very serious concerns to DVI on behalf of these operations on Dayton Valley Business Park, the properties within the

Dayton Valley Master Planned Community and the many residents and businesses in the immediate area.”

“[T]he use proposed by EDEN Research, LLC for its facility within the Dayton Valley Business Park would be an unacceptable nuisance...offensive and detrimental to the other properties subject to the Declaration [of Covenants, Conditions and Restrictions of the Dayton Valley Business Park] and their occupants...NDEP should not issue a water pollution control permit for this proposed operation.”...“[U]se of sodium cyanide and other chemical reagents...used in this extraction process...endanger the health and lives of everyone in this region.”...“[U]se of these chemicals...would expose the groundwaters in this area...serious and deadly contamination.”...“It is imperative [because of their use as drinking water and irrigation] that these waters not be contaminated from these chemicals.”...“No risk of discharge of sodium cyanide...should be allowed to occur in this developed residential and commercial area.”...“We also are concerned...about odors...emitted from the operation...an unacceptable nuisance...in the area impacted by these odors”...“[T]ruck traffic would seriously...impact streets in the area...”...“We also are very concerned...emptying and loading of the ore and soils...would generate a serious amount of dust in the area...”

Division Response: *Refer to the Division response to comment letter 1. Prior to the transportation of any ore from its source to the process facility, the Permittee must perform Meteoric Water Mobility Procedure (MWMP), Toxicity Characteristics Leaching Procedure (TCLP-8) for metals, and AGP/ANP analytical characterization tests for representative samples from each ore source. The WPCP does not authorize the transport, stockpiling, or processing any material that is determined to be hazardous.*

13. **Cindy De Haven:** “As a resident of Dayton...I am very concerned about the potential hazards a new permit allowing this company to increase truck traffic, possible danger of chemical spills, possible water contamination, and reduced property values in the area.”...“[T]his particular industry does not need to operate in a residential area and around schools.”...“Please put me down for strongly opposing permits to Eden Research.”

Division Response: *Refer to the Division response to comment letters 1 and 4.*

14. **Elizabeth J. “Betsie” Diamond:** “[H]as EDEN provided the Bureau [of Mining Regulation and Reclamation] its written procedures on how it will meet Nevada’s Water Quality Standards in its first-of-its-kind process?”...“[W]hat criteria and/or documentation has the Bureau received from EDEN to demonstrate that the water effluent from the *soil enhancement procedures* will be in compliance with the Clean Water Act of 1972 (CWA) and with the Bureau’s procedures for prevention of water pollution?”...“[W]hat will the Bureau require from the Facility to determine that the “testing” process will be in continuing compliance with the CWA and the Bureau’s procedures for the prevention of water pollution?”...“[H]as the Bureau inspected the facility to determine whether the structure is adequately secure in preventing the contamination of the water system from the release of any pollutants as a result of either the “soil enhancement procedures”, or the secondary benefit, “the process of the gold and silver extraction?”...“[H]as EDEN filed any documentation with the Bureau stating their procedure of how they intend “to make safe and deactivate cyanide?”...“Has EDEN provided the Bureau with a written plan of how it intends to dispose of and/or release any residue pollutants as a result of “soil

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enhancement procedure” or from the “gold and silver extraction process?”...“Will the Bureau continue to monitor EDEN to assure it is in compliance with the CWA and with the Bureau’s water quality criteria for the release of pollutants to water?”...“Will the Bureau release a regular notice to Dayton residents that the Facility is in compliance with the Bureau’s water quality criteria? If not, how will the residents of Dayton know that water quality standards have been monitored and adequately upheld according to the CWA and the Bureau’s water quality standards?”...“What exactly is “soil enhancement”? Has the Bureau received any written documentation from EDEN giving a summary of what “soil enhancement” is?”

“I am hereby requesting that the Bureau schedule a public hearing regarding this matter. I am also requesting that, until such a hearing is held that the Bureau delay its issuance of the Water Pollution Control Permit No. NEV2008107 to EDEN Research, LLC.”

Division Response: Refer to the Division response to comment letters 1, 8, and 12. With respect to the comments related to the CWA, the Facility is a “Zero Discharge Facility” and is therefore not permitted to discharge any effluent to any Waters of the U.S. Therefore, it is not subject to the CWA. The facility will be inspected at least quarterly during the first several years of the WPCP. If the Permittee is found to be in violation, they will be required to regain compliance or halt operations.

Any determination as to the efficacy of the soil amendment product is out of the purview of the Division. Routine chemical characterization of the product will be required by the Permit.

Bureau staff personnel have inspected the Facility and a Nevada-Licensed Professional Engineer has certified that the containment meets the regulatory requirements.

After physical and chemical treatment, the ore slurry will be conveyed into a proprietary atomizer device which destroys cyanide to a concentration less than the 0.20 mg/L WAD cyanide Profile I reference value. Upon exiting the atomizer, the slurry is conveyed to a natural gas-fired dryer to further reduce moisture content and destroy any residual cyanide.

Unless information is specifically designated as proprietary or confidential by the Permittee, all information submitted by the Permittee to the Division is considered public record and is available to the public for viewing during normal business hours. The Division will not notify Dayton residents directly regarding the Facility’s compliance with the water quality reference values. The public will be notified of proposed significant changes to the Permit (e.g. Major Modifications) and for Permit renewals.

15. **Richard “Doc” Dolan:** “If they abandon this company, as they have so many others - WHO WILL PAY FOR THE HAZMAT CLEANUP?”...“This operation is a purely MINING ACTIVITY...it has no business in a populated area like Dayton.”...“[H]ave them 'truck it in' to a remote area where there is no population center nearby; just like the other mining companies in Nevada that use similar processes to extract precious metals from ore are currently doing.”...“There is no reason...that demands this facility be placed in this particular location.”...“I have no problem with the 'new process' they claim to have, or the chemicals they use - if they obtain, store and use them legally and properly, I just don't think it

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should be allowed in a populated area.”...“I request that your office PERMANENTLY DENY this permit, saving the Taxpayers of our county, state and nation from the added expenses I am reasonably certain will emerge if this permit is granted.”...“In the alternative to PERMANENT DENIAL, I would like to request an open public hearing on the matter, with emphasis on what plans and financial resources EDEN RESEARCH, LLC and the current LLC Members are willing to personally guarantee and place in 'irrevocable bond' with the County and/or State to insure the taxpayers will not be called upon to clean up their mess, when they abandon this project as they have so many others.”...“This kind of business located in a POPULATION CENTER concerns me greatly. I have a certain amount of research I will be happy to make available to you, should you wish to use it to start your own investigation.”

Division Response: *Comments noted. Refer to the Division response to comment letter 1.*

16. **Brent Gates:** “The noise and traffic (damage to roads, etc.) alone is enough for me to say no [to EDEN Research]...the use of thousands of gallons of sodium cyanide to process the ore is definitely out of the question!”...“The damage that could and/or probably will be done to me, my family and the entire community is totally unacceptable!”...“There are many desolate acres in Nevada that they can acquire to run their ore processing plant.”...“[They don’t] need to process their ore near any housing developments, schools or populous areas at all.”...“[C]ertain businesses...have to be in or near a community to survive and flourish...this is [not] one of them.”...“[A] plant like this will not make people want to move to this area.”...“Not only is that bad right now with our current foreclosure problems, but we need steady growth in the area to make our little town grow and flourish in the years to come not become another ghost town.”...“[D]o something to stop this from happening in my community or ANY Community!”...“It could and probably would be a health and safety risk to me, my family and the entire Dayton community if it [EDEN Research] is allowed to operate here.”

Division Response: *Refer to the Division response to comment letters 1 and 4.*

17. **Archie Gayer:** “I am requesting that the Water Pollution Control Permit NEV2008107 for EDEN Research, LLC 10 Air Park Vista, Dayton, Nevada 89403 be disapproved.”...“I request a Public Hearing be held to discuss these reasons for disapproval of the Permit prior to any action by the NDEP/BMRR.”...“Thousands of people live within a very few miles of this facility and there is a High School, Middle School and Elementary School all within a mile of where they plan to refine Gold and Silver 36,000 tons of ore a year using SODIUM CYANIDE AND OTHER CHEMICAL REAGENTS.”...“PLEASE help us keep this danger away from all these people and children.”...“The EDEN Research, LLC will be a CHEMICAL PROCESSING facility, designed to extract gold and silver from various ores.”...“36,000 TONS of ore is going to be TRUCKED into the Industrial Park each year. All trucked over Dayton Valley Rd. and Lake Blvd. 24/7.”...“THOUSANDS OF GALLONS OF SODIUM CYANIDE AND OTHER CHEMICAL REAGENTS ARE TO BE USED IN THE EXTRACTION. ONE DROP OF CYANIDE CAN KILL MANY PEOPLE AND CHILDREN.”...“No one knows what EDEN Research, LLC is going to do with the 36,000 TONS of tailings and spoils contaminated with CYANIDE from the refinery, is it going to be piled up in our backyards?”...“The CYANIDE laced water is to be processed and then DISCHARGED into the PUBLIC water disposal systems.”...“EDEN Research, LLC will be allowed to release CYANIDE and other chemicals in EXCESS legal standards established in regulations EXCEPT for meteorological events exceed the design storm event.”...“[F]looding of Homes along Lakeview Dr. and the resoluting [sic] lake unfinished

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part of Lakeview Dr. That would be CYANIDE and other Reagents in the Homes if EDEN Research, LLC was there.”

Division Response: *Refer to the Division’s response to comment letters 1, 4 and 14.*

18. **Marc Gould:** “I think I speak for most of us who live in Dayton.”...“NO to granting a business permit to Eden Research because they are planning the business of processing gold and silver ore in a residential area where they could pollute groundwater.”

Division Response: *Refer to the Division response to comment letters 1 and 4.*

19. **Fred Holzel (BLM Winnemucca, NV):** “[I]n July 2008...it was decided that the operation, as proposed [for the Mopung Hills, in the BLM Winnemucca District], appeared less a 3809 operation and more a mineral materials (sand and gravel-type) activity. They [EDEN] were told, given the proposed area, they would need to perform a cultural survey before any permit could be granted.”...“To the best of my knowledge...[no] representatives of EDEN...[have] contacted this office since July 2008.”...“EDEN Reseach [sic] LLC does not have any authorization to remove materials (other than by casual use) for enhancement or other purposes from public lands within the Winnemucca District Office boundary.”...“[L]et me know if they have indicated/stated to NDEP that they have already received authorization to excavate materials from public lands, especially within the Winnemucca District.”

Division Response: *Comments noted. The Permit will authorize processing of ore from facilities within Nevada that have active Water Pollution Control Permits or from out-of-state. A public notice process will be required to incorporate a mine into this Permit or for a new mine to be authorized to transport ore to the Facility.*

20. **Michelle and Brian Jaquish:** “[Dayton] will no longer be a quiet, low noise, & low traffic community once Eden Research opens & begins running their ore processing plant.”...“Thousands of gallons of Sodium Cyanide and other chemical reagents [sic] are to be used...one drop of Cyanide can kill many people, children, pets, & wildlife in the Dayton Valley area.”...“Cyanide laced water is to be processed and then discharged into the Public Water disposal system.”...“The potential damage that may and will most likely incur to the community, including my family is totally unacceptable!!!”...“This will also have a major affect on property value and on the housing market in Dayton.”...“An ore processing plant...will not most certainly not encourage people to move to this area.”...“[T]he potential for chemical hazards to our community is enormous!!!”...“[S]top Eden Research from opening an ore processing plant in Dayton.”...“[M]any nearly uninhabited areas in Nevada...are much better suited & could be obtained by Eden Research.”

Division Response: *Refer to the Division response to comment letters 1 and 14.*

21. **Roland Krug:** “[M]any are already concerned that our local officials have move this thing forward WITHOUT public input.”...“This proposed plant is within three miles of seven thousand five hundred people and less than one mile from three schools.”...“Those of us who live here are not going to permit this without a fight!”...“This proposed plant is to close to our homes, business, schools and water both recreational and drinking.”...“There

are any number of remote or isolated areas that would be significantly better suited for this type of recovery plant.”

Division Response: Refer to the Division response to comment letter 4.

22. **Dianne Lucius:** “I recently relocated to the Dayton Valley Country Club [DVCC], a gated community, because when I retire I wanted to feel safe in my own home.”...“I DO NOT want trucks going in and out 24/7...the noise that this plant will generate, wear and tear on our roads and I certainly don't want sodium cyanide anywhere near where I or other residents reside.”...“[W]hat are these "OTHER REAGENTS" that will be used in this process?”...“This facility may be located on private land BUT this private land is adjoining my backyard.”...“With all the desert area available in Nevada, where there are no neighboring towns...Eden Research can look elsewhere to open their facility.”...“[I]f there were to be an accident...you cannot guarantee me that this would not impact the air we breathe or the quality of life that we have.”...“I would like to know...other towns Eden Research or similar facilities have located...and what the long-term outcome affects were.”...“[W]hat does this facility plan to do with the tailings...bury them in the ground or barrels so that the contaminants can slowly seep into the earth and our drinking water?”...“DVCC uses reclaimed water that will eventually come from this plant for its lakes and watering of its golf course.”...“When this water is sprayed, it goes onto lawns where children and pets play.”...“What kind of health hazards will this create, maybe not this generation, but eventually we will see them show up.”...“[We do not] need jobs bad enough to sacrifice our health and lives to allow this to happen in our community.”...“I want this issue to be given much more consideration before allowing Eden Research to open this plant so close to any housing community.”

Division Response: Comments noted. Refer to the Division response to comment letters 1, 4, 8, and 14.

23. **Sandra and Steven Markoe:** “[W]e are adamantly against Eden Research LLC doing any type of business located in the Airpark Industrial complex in Dayton.”...“This plant...is not an industry that belongs or should be allowed this close to housing and community living.”...“The process for making this "soil enhancement" involves almost if not the same process and chemicals used in the processing of gold and silver from ore.”...“A major concern...potential...for accidental spills and the spewing of potential contamination into the atmosphere.”...“[F]looding... could potentially have our lakes contaminated with these chemicals.”... “Sodium Cyanide...is deadly to animals and humans. Should [sodium cyanide] get into the lakes...it would be a disaster since the sprinklers that water the course are fed from lakes.”...“Another concern is the wear and tear of ...community roads and are not designed for constant large, heavy truck traffic.”...“This is not only dangerous to people and animals but is detrimental to the environment.”...“WE ARE AGAINST THIS COMPANY DOING BUSINESS IN DAYTON.”

Division Response: Refer to the Division response to comment letters 1 and 4.

24. **Edward A. and Janet Messineo:** “The [manufacturing process for the soil enhancement product]...involves the same process and chemicals used in the processing of gold and silver from ore....chemicals that are very detrimental to the environment and dangerous to humans.”...“This plant...is not an industry that belongs or should be allowed this close to

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housing and community living.”...“A major concern...potential...for accidental spills and the spewing of potential contamination into the atmosphere.”...“[F]looding...could potentially have our lakes contaminated with these chemicals.”...“Sodium Cyanide...is deadly to animals and humans. Should [sodium cyanide] get into the lakes...it would be a disaster since the sprinklers that water the course are fed from lakes.”...“[C]ommunity roads...are not designed for constant large, heavy truck traffic. They will deteriorate in no time.”...“The citizens of this community and in Dayton as a whole...do not want this type of industry.”...“[B]esides being potentially dangerous to humans and the environment it [EDEN Research Facility] will have a further negative effect on home and property values.”...“Please...do not approve and issue to EDEN Research, LLC a Water Pollution Control Permit...help us prevent EDEN Research LLC from operation of this facility in our Community.”

Division Response: *Refer to the Division response to comment letters 1 and 4.*

25. **Timothy and Carol Nielsen:** “We are against EDEN Research LLC gaining the Division of Environmental Protection Permit”...“The building [EDEN Research Facility]...is approximately 1300 yards from the Dayton High School...and less than 600 yards from a residential area”...“Dayton Valley Road...cannot withstand large trucks...[trucks] will cause noise and dust in a residential area.”...“[P]roperty values have already taken a hit in the bad economy...this business [EDEN] will guarantee our values will never rebound”...“[C]hemicals used in the ore extraction are extremely hazardous to humans and animals.”...“Accidents...manmade or a natural disaster...how will thousands of people get out safely if there is a problem?”...“The initial creation of jobs for 3 or more people...in no way justifies the potential health hazard and ground contamination for over 7500 people...not to mention the wear and tear on the infrastructure.”...“I am writing to ask for your help in denying EDEN Research from being able to move forward with its current location when there are many locations within Lyon County where this would be far more appropriate....far away and away from residential areas, schools etc.”

Division Response: *Refer to the Division response to comment letters 1 and 4.*

26. **Fred P. Rudek:** “[T]he referenced permit should not be granted to EDEN Research, LLC until further studies are completed and details of the proposed processing operations are defined by EDEN Research.”...“[A] lack of details in the application for the Special Use Permit [SUP] granted by the Lyon County Commissioners.”...“The processing of soil to remove gold and silver was not disclosed.”...“Use of potentially dangerous chemicals for the process does not appear to have been highlighted by the SUP request.”...“Conducting a mining operation in close proximity to populated areas and schools appear to be inconsistent with land use restrictions.”...“Processing operations are to comply with all emission regulations, that is unless there is an abnormal weather condition...the [EDEN] building is in a flood plain.”...“Further concerns revolve around trucking in 100 tons a day of ore and trucking out the same amount of enhanced soil on local roads not designed for traffic”...“There will be a maintenance expense burden for the county and ultimately the residents.”...“The case for an in-depth review before granting any operating permit or licenses is justified by the concerns of the residents of Dayton and the lack of substantive information in documentation submitted by EDEN Research to date.”

Division Response: *Refer to the Division response to comment letter 4.*

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27. **Roxanne Starbuck**: “I am highly concerned...about an application for EDEN Research to refine Gold and Silver in my home town of Dayton Nevada.”...“I have a huge problem...Cyanide and other chemical reagents will be released into our environment where I raise my children.”...“[A]ll I see in the future is Fallon [Nevada] Leukemia clusters.”...“If the foreclosures haven’t run many people out, this [EDEN] surely will.”...“I think this needs to be looked into and the citizens of the area notified and not by a little notice in the paper when many don’t read the paper.”...“Please look into this and save our rural community and our children.”

Division Response: *Refer to the Division response to comment letters 1 and 14.*

28. **Andrew Swann**: “I strongly oppose this kind of operation for the safety of my children [sic] and the welfare of the citizens of Dayton Nevada.”... “Please deny the request based on the extreme danger EDEN Research LLC for processing Sodium Cyanide at the facility.”...“Have them move the processing plant to USA Parkway.”...“What happens if there’s [sic] a sodium cyanide gas leak and it’s [sic] raining or snowing?”...“There are three schools within a two mile range...Dayton does not have a hazmat team to respond”

Division Response: *Comments noted.*

Public Hearing Written Comments:

1. **Leslie Sexton**: “No reason NDEP should not issue this permit. The company has complied with all requirements. The Dept. has exercised due diligence in writing the proposed permit and has addressed relevant concerns to my satisfaction.”

Division Response: *Comments noted.*

2. **Sandra Duncan**: “My initial concerns were mostly in regard to the water pollution control permit stating that the main product would be gold and silver ore whereas their Lyon County Permit is for a soil amendment. Questions regarding this discrepancy have been answered. The application seems to be in order.”

Division Response: *Comment noted.*

3. **Bob Reed**: “I went to EDEN Research and observed it was up to Special Use Permit.”

Division Response: *Comment noted.*

Public Hearing Spoken Comments:

1. **Elizabeth J. “Betsie” Diamond**
2. **Bob Reed, DRAC (Dayton Regional Advisory Council)**
3. **Dean C. Rallis**
4. **John Childress**

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