



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Kenny C. Guinn, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

August 3, 2006

NOTICE OF DECISION

WATER POLLUTION CONTROL PERMIT NUMBER NEV0095112

Newmont Mining Corporation Trenton Canyon Project

The Nevada Division of Environmental Protection has decided to renew Water Pollution Control Permit NEV0095112 to Newmont Mining Corporation. This permit authorizes the construction, operation, and closure of approved mining facilities in Humboldt and Lander Counties. 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 August 18, 2006. 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, August 28, 2006, 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, at (775) 687-9441 or visit the Division website at www.ndep.nv.gov/bmrr/bmrr01.htm.

One Letter was received during the public comment period. The letter, dated July 10, 2006, was received from Mr. Greg Holley, Administrator, Battle Mountain Band Council (BMBC). Division responses to the received comments are attached to this Notice of Decision.

Special Note: At the request of BMBC, representatives of Newmont Mining Corporation (Newmont) and NDEP met with the BMBC on Thursday, July 27, 2006 at the Band Council's offices in Battle Mountain, to discuss their comments regarding Trenton Canyon Project and Permit renewal.

BMBC Comment #1: "We have contacts with past mining employees stating that there is a major hole in the liner. This would lead us to believe there will be water pollution beneath the project."

NDEP RESPONSE: *As stated during the July 27 meeting at the BMBC offices, leakage from Trenton Canyon Project--Heap Leach Facility, Cell 4 was properly reported to the Division in August 2003. Since the initial discovery of process solution in the Cell 4 Leak Detection Sump, Newmont proactively investigated the situation to determine the source and/or cause of the leakage and ensure the stability of the leach pad. The Division subsequently required the*

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submittal of a corrective action plan and Cell 4 was taken off-line on November 17, 2003 (i.e. no longer actively leached). After submittal of a mitigation and closure plan, Cell 4 was covered with 2 feet of oxide material, soil and seed mix. In order to prevent any crossover of leaching solution onto Cell 4, the Division will require Newmont to minimize leach solution application rates to neighboring Cell 3.

Vadose monitoring wells directly under the leach pad have shown no indication of impact. The Division will require Newmont to continue monitoring leakage from Cell 4 in addition to the other fluid management system components until the facility is permanently closed.

BMBC Comment #2: “We also have reason to believe there are frequent water line breaks at this particular site.”

NDEP RESPONSE: *As explained during the July 27 meeting, the pipelines in question are fresh water pipelines and they are not permitted to carry any process solution. These pipelines have since been repaired.*