



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

Notice of Proposed Action

The Administrator of the Division of Environmental Protection gives notice that an application for the renewal of a Water Pollution Control Permit for the Mule Canyon Mine, a mining facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for renewal of Water Pollution Control Permit NEV0094110 is:

Newmont Mining Corporation
P.O. Box 388
Valmy, Nevada 89438-0388

The facility is located on both public and private lands in Lander County, within all or portions of Township 31N, Range 47E, Sections 1-5 and 8-17; and Township 32N, Range 47E, Sections 28 and 32-34 - all Mount Diablo Baseline and Meridian (MDB&M) - approximately 14 miles east- southeast (by air) of the town of Battle Mountain.

The Mule Canyon Mine was initially designed and permitted to process gold ore by both milling and cyanide heap leaching. However, the proposed processing facilities were never constructed. The site currently consists of six small open pits -five of which now contain persistent pit lakes, five waste rock dumps, one shop building, three lined ponds, and associated haul and access roads. The site is entering permanent closure.

The Administrator is constrained to either issue the Water Pollution Control Permit renewal or to deny the application. The Administrator has made the tentative decision to renew the permit.

Persons wishing to comment upon the proposed Water Pollution Control 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 no later than 5:00 PM on the 30th day following the date of publication of this notice (19 November, 2008) to:

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

All comments or objections received during the public notice period will be considered in the final determination regarding this Water Pollution Control Permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the

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Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The draft Water Pollution Control 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 Kurt F. Kolbe at (775) 687-9405 (kkolbe@ndep.nv.gov) or visit the Bureau of Mining Regulation and Reclamation's website at <http://ndep.nv.gov/bmrr/bmrr01.htm>

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