



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 9/8/2009
September 8, 2009

Notice of Decision

Water Pollution Permit Number NEV0087011

Newmont Mining Corporation

Rain Project

The Nevada Division of Environmental Protection has decided to renew Water Pollution Control Permit NEV0087011 for the Rain Project. This permit authorizes the closure of approved mining facilities in Elko 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.

This renewed permit will become effective September 23, 2009. The final determination of the administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statutes 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, September 18, 2009 on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 90701-5249. For more information, contact Karl McCrea at (775) 687-9407 or visit the Division's Bureau of Mining Regulation website at www.ndep.nv.gov/bmrr/bmrr01.htm.

One comment was received during the public comment period.

RESPONSE TO COMMENTS

10 July 2009 Letter from John Hadder, Executive Director Great Basin Resource Watch, supplemented by detailed comments by Tom Myers, Hydrologic Consultant, also dated 10 July 2009.

(NDEP Responses in bold *italics*)

Comment 1 - NDEP should require Newmont to perform a detailed flow path analysis of the tailings impoundment as a schedule of compliance item. An improved understanding of the sources and pathways of the water reaching each trench and monitoring well is essential for both understanding whether the plume is passing the trenches and for planning permanent closure (especially of the trenches).

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NDEP Response: The Fact Sheet (page17) identifies the underdrain water (UW) as being representative of the plume chemistry. Dr. Myers' also concludes that the underdrain is the source of the plume. As also stated in the Fact Sheet (Table 8, page 17), the plume chemistry appears to have improved significantly by the time it reaches the Downstream Trench Drain (DTD). In addition, the overall chemistry of UW has improved over time. The DTD chemistry currently (2Q09) and seasonally meets Nevada Profile I reference values for all parameters.

Reduction, via active evaporation, of impoundment solution has occurred seasonally since cessation of the milling operations. This reduction in solution has reduced hydraulic head on the liner system, leading to a reduced plume signature downgradient of the impoundment. Except in extreme precipitation events, solution does not now typically impound at or near the face of the dam where the initial seepage was first discovered. It is Newmont's intent to minimize solution inventory into the long term. Should plume characteristics (volume and or chemistry) change, then a detailed flow path analysis may become necessary.

Comment 2 - Increased groundwater monitoring between the NWRD and Emigrant Springs as a schedule of compliance to clarify whether there is seepage from the NWRD impacting that spring and hence the "Waters of the State."

NDEP Response - The Water Pollution Control Permit (WPCP) will include a new surface water sampling point located in the stream approximately one-quarter mile downgradient of Emigrant Springs. This intermittent stream has been sampled since June 2005 as part of the baseline studies for a future proposed project (Emigrant) as EMI-D1-A. Review of this data indicates, that with the exception of occasional exceedances for Al and Fe, the water meets all NDEP Profile I reference values.

Table 1 below provides a summary of the data for EMI-D1-A Intermittent Stream Water Quality. EMI-D1-A AVERAGE CONCENTRATION RANGE (mg/L) is based on a simple average of all available analyses (maximum of 16 sampling events - 6/2005 through 7/2009). The range reflects the lowest and highest values from all sampling events.

Table 1. - Intermittent Stream Water Quality, (EMI-D1-A, as Total Recoverable Metals))

CHEMICAL CONSTITUENT	NDEP PROFILE I REFERENCE VALUES	EMI-D1-A AVERAGE CONCENTRATION RANGE (mg/L)
Alkalinity (Total as CaCO ₃)	---	193 (82 - 266)
Aluminum	0.05 - 0.2	1.14 (<0.080 - 4.65)
Arsenic	0.05	0.006 (0.003 - 0.013)
Iron	0.3 - 0.6	1.14 (0.03 - 3.76)
Mercury	0.002	<0.00020
pH (± 0.1	6.5 - 8.5	8.42

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<i>standard units)</i>		<i>(8.29 - 9.07)</i>
<i>Sulfate</i>	<i>250 - 500</i>	<i>196 (79 - 310)</i>
<i>Total Dissolved Solids (TDS)</i>	<i>500-1000</i>	<i>505 (242 - 700)</i>

Review of the data indicates that the highest concentration of aluminum and iron coincide with the highest level of total suspended solids. Comparison of the intermittent stream data to the NWRDF solution (TRTIN) suggests that the ARD solution has not migrated to this monitoring point.

Comment 3 - Require Newmont to submit monitoring data quarterly analyzing the quality of the water after treatment of the ARD to evaluate the effectiveness of the treatment and the composition flowing into the tailings facility.

NDEP Response - A single annual analysis of the treated ARD solution will be added to the WPCP.

Comment 4 - As part of the closure plan require Newmont to determine the respective flow rates of the groundwater and process water that contributes to the French drains under the heap leach pad.

NDEP Response - Schedule of Compliance (SOC) Item 4 (Page 2 of WPCP Renewal) requires the retrofitting of the existing heap leach pad draindown system, French Drain collection ports and French drains to allow for the discreet sampling of both water quality and flow of each individual source at a single 'junction' box located downgradient of the outfall of all leach pad sources but upgradient of the RTSF-DC sampling point.

Comment 5 - We strongly recommend that NDEP work to facilitate a more detailed assessment, by Newmont, of the flow paths through the NWRD.

NDEP Response - To date Newmont and consultants have conducted multiple investigations which included 10 test pits, 13 boreholes and three resistivity studies in an effort to locate and quantify water flow through/under the NWRDF and continues to assess the situation. A summary report is expected to be submitted by the end of the year.

Schedule of Compliance (SOC) Item 3 (Page 2 of WPCP Renewal) requires the submittal of a comprehensive site-wide Final Permanent Closure Plan (FPCP) that shall specifically address the North Waste Rock Storage facility and its associated ARD solution collection system. SOC Item 5 (Page 3 of WPCP Renewal) requires the submittal of a comprehensive report that provides details and results of all activities completed and/or currently in progress related to the NWRDF. Both the FPCP and comprehensive summary report shall include details and timeframes for future investigations as well as plans for the long-term mitigation and management of the NWRDF and ARD solutions.

Comment 6 - Given the potential for the need for very long-term management of the Rain site GBRW suggests that NDEP make a reassessment of the bond.

NDEP Response - Comment noted.

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Comment 7 - Page 7 - “Data from the Ferdelford Springs, FSPR-2 and -3, may also reflect the influence of tails water; monitoring reports from 2001 and 2008/9 indicate that aluminum and iron concentrations are high, with values occasionally exceeding standards.”

NDEP Response - Ferdelford Springs -2 and -3, when sampled, are analyzed for Total Recoverable Metals, as is standard protocol for surface waters. As such, the levels of aluminum and iron are typically elevated. Additionally, review of historic data, prior to mine construction and operation in 1988, indicated that these constituents, along with manganese, are naturally elevated and are representative of the natural shallow background groundwater. (See Fact Sheet page 23)

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