NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION

A division of the
Nevada Department of Conservation & Natural Resources

STATE OF NEVADA
Joe Lombardo, *Governor*
Vinson Guthreau, *Director*
Jennifer L. Carr, *Administrator*

901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701
p: 775-687-4670 f: 775-687-5856
ndep.nv.gov

NOTICE OF DECISION – Bureau of Mining Regulation and Reclamation

Date of Posting: 07/09/2026

Deadline for Appeal: 07/19/2026

Robinson Nevada Mining Company
Robinson Operation
WPCP NEV0092105

The Administrator of the Nevada Division of Environmental Protection (NDEP) has decided to issue a modified Water Pollution Control Permit NEV0092105 to Robinson Nevada Mining Company (RNMC). This Permit authorizes the construction, operation, and closure of approved mining facilities in White Pine County, Nevada. The NDEP has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through 445A.447, to assure 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 24 July 2026. 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, 19 July 2026, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Keith Johnson, P.E. at (775) 687-9441 or visit the Division public notice website at https://ndep.nv.gov/posts/category/land.

Written comments were received during the public comment period from John Hadder, Director, Great Basin Resource Watch (GBRW); Katie Simper; and Maeve Moynihan, Resident of Ely, Nevada. The text of all comments, in some cases excerpted, and the Division responses (in *italics)* are included below as part of this Notice of Decision.

GBRW, Written Comment 1:

Great Basin Resource Watch (GBRW) appreciates the Division extending the comment period to allow GBRW to review the application. We recommend that BMRR provide a link to permit applications as part of the public notifications. In this way the public can access the application promptly and eliminate the need for BMRR staff to respond to separate application requests.
We appreciate the permit writer providing a table of contents in the factsheet that does help to find any BMRR discussion of aspects of the mine.
GBRW also recommends that the application have an overall table of contents that lists all supporting documents and appendices. This will aid the public in seeing what it contains in the application and where to find the various attachments.

GBRW, Written Comment 2:
LONG-TERM MANAGEMENT/TREATMENT
GBRW remains very concerned about the trajectory of this mine as it moves toward closure. There exists significant acid mine drainage and groundwater degradation from the Giroux tailings facility. The Division responded to GBRW comments from 2022 in regards to issue of treatment in perpetuity, "While there are some aspects of the project that will require long term monitoring and management, treatment is not currently determined to be necessary. "What time frame does the Division consider is long-term? Is this anything that is post-closure? Does the Division have a time frame or definition of perpetual management?

Division Response 2:

The Fact Sheet has extensive detail regarding the site's geochemical nature and discussion of how these materials are handled based on modeling results. There is also extensive detail in the Fact Sheet about the Giroux Wash TSF, its impacts to groundwater, and the steps being taken to mitigate the sulfate plume. The Division requires mitigative measures to be implemented and financial assurances, through other programs, to protect waters of the State.

The Division does not have a regulatory time frame or definitions for long-term or perpetual management within NRS 445A and NAC 445A. The Division's intent was to convey that monitoring will continue as long as necessary to evaluate site conditions and ensure that appropriate management and mitigation measures are implemented.

The Division retains authority to impose requirements related to the stability and management of these facilities as needed, including during and after site closure. The Division also requires implementation of mitigation measures and financial assurances, through other applicable programs, to ensure protection of the waters of the State.

GBRW, Written Comment 3:
LANE VALLEY AREA CONTAMINATION
(1) The continued exceedances and instability observed at monitoring well W-19 for pH, sulfate, TDS, and other constituents warrant additional investigation and clarification by KGHM and NDEP. KGHM has previously asserted, including in the 2021 Q3 monitoring report, that W-19 is not representative of groundwater conditions but instead reflects surface water contamination, and therefore should be abandoned from the monitoring network. However, despite these assertions, KGHM has continued reporting analytical results from W-19 within subsequent monitoring reports and permit materials. This raises questions regarding the actual hydrogeologic interpretation of the well and the significance of the water quality trends being observed.
The Division responded to our comments in 2022 that W-19 is to be replaced, and we do not see that this well has been replaced. What is the status and expected time for this well to be replaced?
KGHM has also argued that W-19 cannot represent groundwater because nearby alluvial wells are dry. However, nearby well W-10 (also shows significant exceedances), identified as a bedrock well, reports groundwater elevations of approximately 6,575 feet, compared to approximately 6,556 feet at W-19 despite their close spatial proximity. These differing elevations raise unresolved questions regarding hydraulic relationships between alluvial and bedrock units in this area and whether W-19

may in fact be monitoring a connected or transitional groundwater system rather than isolated surface water contamination alone.
Given the persistent constituent exceedances and the uncertainty surrounding the hydrogeologic interpretation of W-19, GBRW requests additional investigation to be added as a schedule of compliance into what these monitoring results actually indicate regarding alluvial versus bedrock groundwater conditions, including whether both wells may be sampling hydraulically connected features or similar groundwater-bearing zones.
In addition, GBRW requests as a schedule of compliance that the investigation identify the sources of the groundwater contamination and develop and action plan to arrest the continued contamination.
(2) There was a reported acid mine drainage (AMD) in the Second Quarter 2023 Monitoring Report. The report indicates that the area of staining was remediated. GBRW did not see a discussion of the source of the AMD although the report did say that it was at the toe of the Jupiter Waste Rock Dump. Was the Jupiter Waste Rock Dump the source? Has AMD appeared elsewhere from the Jupiter Waste Rock Dump? Has there been an investigation of the incident including analysis of the possibility of future AMD and how to address it?

Division Response 3:

Lane City/Valley and W-19 are not part of this permit modification. The Division continues to work with the Permittee on this issue.

GBRW, Written Comment 4
GEOCHEMICAL AND WATER QUALITY ASPECTS
GBRW submitted comments in 2022 regarding the Major Modification posting on 5/02/2022. In our comment letter in 2022ii we submitted a number of comments regarding geochemical analysis. The Division response, in part, to our comment;
"The model used to estimate groundwater degradation from waste-rock assumes, incorrectly, that laboratory weathering tests indicate directly pollutant concentration under field conditions,"
was
"A drilling campaign was completed in the North and South Tripp Dumps in October and November of 2021 to collect waste rock geochemical data. Collected data will be summarized and submitted to the Division for review. This will assist in determining the adequacy of the predicted seepage chemistry as outlined in the Division's 02 March 2022 response to Comment 13 (NDEP, 2022)
What were the results of the drill campaign and the Division assessment? Please provide to GBRW documentation associated with the drilling campaign and any analysis.

Division Response 4:
The Waste Rock Management Plan is not part of this permit modification. Results of the drilling campaign were included in the Comprehensive Waste Rock Management Plan #8 submitted in 2023 can be found in our Public Document Viewer.

GBRW, Written Comment 5:
GIROUX WASH TAILINGS STORAGE FACILITY
(1) GBRW remains concerned about the long-term drainage and groundwater contamination from the tailings facility. We see that the current estimate is that seepage/draindown will continue past 100 years with an anticipated drainage rate of 58 GPM (gallons per minute) at 100 years. The Application

states that the pump back system will continue to operate "until the sulfate plume is remediated." GBRW assumes remediated to mean until elevated sulfate no longer detected. Since drainage will be for at least 100 years, is the pump back system anticipated to remain in operation during this time frame?

Division Response 5:

Correct. The pump back system will continue to operate until the water does not have elevated levels of contamination. The pump back system will be maintained and monitored under a Water Pollution Control Permit until the plume has been mitigated and will continue to be monitored per NAC 445A.446.3.

GBRW, Written Comment 6

(2) The predicted seepage from the tailings is expected to decrease due to "increased tailings height and reduced tailings permeability due to tailings consolidation. "Consolidation and compaction of the tailings can also result in an increase in saturation and effectively "squeeze out" water and allow more saturated flow in the tailings, so it seems as though that could increase seepage. GBRW is concerned that the seepage model is ignoring that factor.

Division Response 6:

The Division understands the concerns that raising impoundment will increase the seepage from "squeezing out" water stored in the pore space in the exiting tailings. However, this concern is based on a premise that does not reflect current conditions within the impoundment. The existing tailings are already highly consolidated and exhibit low permeability. The existing impoundment is closer to that of a sponge that is already compressed and filled with fine-grained material which minimizes the flow of water downward. Due to the low permeability, the additional load from the new tailings should not result in vertical seepage. Instead, the water will flow laterally to the lowest point in the impoundment, which is the lined northern end of the facility, further mitigating the potential for seepage to propagate. From there the solution is collected and pumped to the mill to be used in the process, again reducing the use of additional water and removing the driving head on the impoundment, mitigating the potential to propagate the seepage.

GBRW, Written Comment 7

(3) Giroux Wash Tailings Storage Facility continues to contaminate groundwater and thus is degrading waters of the state. GBRW is aware that NRS 445A.465 does provide the Division the authority to allow degradation in the permit. In addition, NAC 445A.424 requires the permittee to submit to the Division a "request for an exemption to the groundwater standards and the supporting information is submitted as part of the application for the permit." GBRW did not find this request of exemption and supporting documentation in the application. If this request exists, please update the application to include the request with supporting documentation, and update the permit to include the Division decision with explanation on the request. If the request does not exist then GBRW views the application as incomplete and the Division should require KGHM to withdraw the current application and resubmit the application with the request and supporting documentation for public review.

Division Response 7:

The permittee has not requested an exemption to Waters of the State for the Robinson Operation pursuant to NAC 445A.424. The Division is not requiring such an exemption for this permitting action because the permittee is actively mitigating and remediating contamination originating from the Giroux Wash Tailings Storage Facility through an established pump back system and monitoring network. These systems, along with the associated financial assurance mechanisms, are being updated to support the proposed expansion and to ensure that no additional groundwater degradation results from the project, and that current degradation is sufficiently addressed.

GBRW, Written Comment 8:
(4) GBRW does not support the continued use of a facility that is contaminating groundwater. A primary responsibility of the Water Pollution Control Permit is to prevent degradation of Waters of the State. GBRW urges NDEP to require KGHM to develop an alternative tailings disposal plan and proceed to close the existing Giroux Wash Tailings Storage Facility.

Division Response 8:

Comment noted- see response 7.

GBRW, Written Comment 9:
ALTERNATIVES TO PERPETUITY TREATMENT IS NEEDED
There must be a detailed analysis of scientifically sound (Because of the errors in the estimation of water pollution the correct non-perpetual care mine plan is not technically sound) approaches to close the mine site without the need for perpetual treatment, even if these alternatives seem infeasible on the surface. It is important for the public to be informed about this option and decide for themselves if perpetual care is acceptable. Federal law requires that the mine operator "must minimize uncontrolled migration of leachate; and … Long-term, or post-mining, effluent capture and treatment are not acceptable substitutes for source and migration control, and you may rely on them only after all reasonable source and migration control methods have been employed," (43 CFR Part 3809.420) consistent with Nevada statues and regulations are in line with this federal regulation.
Since there knowingly exists significant acid mine drainage at this mine NDEP needs to carefully assess whether this project may require treatment inter-generationally. NDEP needs to directly address the possibility of Robinson becoming a treatment in perpetuity (100, 200, 300, etc years) site.

Division Response 9:

The Division acknowledges the concern regarding long term water quality management and the need to evaluate alternatives that minimize the potential for intergenerational treatment. The mitigation and source control measures for the Robinson Operation are detailed in the Fate and Transport Predictive Scenario Addendum submitted to NDEP-BMRR on November 25, 2025, and in the January 30, 2026, Reclamation Cost Estimate for Long Term Water Management for the Giroux Wash Tailings Storage Facility at the Robinson Nevada Mining Company–Robinson Operation, BMRR Reclamation Permit #0021, BLM Case No. NVN068654. These submittals outline the approach for controlling contaminate migration and limiting the potential for long term groundwater degradation.

An adaptive management strategy will be implemented under the Water Pollution Control Permit to ensure that mitigation measures remain effective over time. This approach includes ongoing monitoring, periodic reassessment of groundwater conditions, and adjustments to the pump back system as needed to meet mitigation objectives. Continued evaluation of long-term performance will ensure that source control and hydraulic control measures remain protective.

GBRW, Written Comment 10:

CONCLUSION

We do appreciate the requirements imposed by NDEP existing in the permit to better understand the potential for short and long-term water pollution at the Robinson mine site.

GBRW does not support this major modification and the revised permit as written. GBRW views the expansion as increasing the degradation of groundwater as a result of the Giroux Wash Tailings Facility, which seems counter to the goals of protection of the waters of the state.

With such large and long-standing consequences at stake, it is even more vital that the company be transparent about these possibilities for perpetual treatment and degradation of surrounding groundwater and that they and NDEP adequately inform the community how their environment is expected to be affected. NDEP must ensure that the surrounding community is made aware of these possible long-term impacts before the expansion occurs. Furthermore, there is a need to specifically address and disclose the effects the future expansion plans will have on the community of Ruth and residents of Robinson Canyon.

Division Response 10:

Comment noted. NDEP believes in transparency and documentation is available for public review.

Katie Simper, Written Comment 11:

I would like to submit the following comments regarding the Robison mine expansion. We all have a public duty to protect the water quality is something everyone can agree on

1)The Robinson Mine has a decades-long history of groundwater contamination and largescale seepage from the Giroux Wash Tailings Storage Facility (TSF). NDEP documents show seepage increased from approximately 1,480 gpm in 1996 to as high as 4,500 gpm during operations, while sulfate-contaminated groundwater plumes already require active pumpback management.

2)Monitoring data and prior technical reviews have identified elevated sulfate, total dissolved solids (TDS), metals, and acidic groundwater conditions at multiple areas of the site, including concerns about acid mine drainage and long-term groundwater degradation.

3)The draft permit renewal still projects significant seepage for decades into closure, including approximately 500–700 gpm even ten years after closure, with contamination modeling extending far beyond mid-century.

4)Continued expansion and raising of the Giroux Wash TSF risks increasing seepage volumes, changing groundwater flowpaths, and extending contamination timelines. Previous NDEP analyses noted that seepage decreased most dramatically only during temporary shutdown conditions, raising serious questions about continued expansion of the facility.

5)Robinson increasingly resembles a site that may require perpetual or intergenerational groundwater management and treatment. Long-term pit lake management, seepage capture,

pumpback systems, and water treatment may be necessary for many decades or longer after mining ends.
6)Nevada regulators should require stronger long-term financial assurance, updated seepage and water quality modeling tied to future TSF expansion, and full public disclosure of potential perpetual treatment obligations before approving permit renewal.

Division Response 11:

The Division's review of the permittee's predictive modeling, mitigation planning, and current performance indicates that effective control of existing contaminant plumes remains achievable under the expanded facility design. The Division emphasizes that this expansion does not authorize any additional groundwater degradation. Mitigation and monitoring requirements for the Giroux Wash Tailings Storage Facility are being strengthened to ensure continued protection of waters of the State, with all measures required to be updated and reassessed as new data become available.

To ensure this level of protection, the Water Pollution Control Permit requires regular evaluation of monitoring results and the effectiveness of mitigation strategies. For example, under Part II.N.4 of the permit, the permittee must submit an updated groundwater Fate and Transport model by the end of the third quarter of every other year. These requirements provide continuous oversight, transparent reporting, and adaptive management so that groundwater protection remains the priority throughout operations, closure, and long term management.

Maeve Moynihan, Written Comment 12:

As an Ely Resident, here are my public comments on the thought of the Robinson mine expanding.
The Robinson Mine has a decades-long history of groundwater contamination and large-scale seepage from the Giroux Wash Tailings Storage Facility (TSF). NDEP documents show seepage increased from approximately 1,480 gpm in 1996 to as high as 4,500 gpm during operations, while sulfate-contaminated groundwater plumes already require active pumpback management.
Monitoring data and prior technical reviews have identified elevated sulfate, total dissolved solids (TDS), metals, and acidic groundwater conditions at multiple areas of the site, including concerns about acid mine drainage and long-term groundwater degradation.
The draft permit renewal still projects significant seepage for decades into closure, including approximately 500–700 gpm even ten years after closure, with contamination modeling extending far beyond mid-century. Continued expansion and raising of the Giroux Wash TSF risks increasing seepage volumes, changing groundwater flowpaths, and extending contamination timelines. Previous NDEP analyses noted that seepage decreased most dramatically only during temporary shutdown conditions, raising serious questions about continued expansion of the facility.
Robinson increasingly resembles a site that may require perpetual or intergenerational groundwater management and treatment. Long-term pit lake management, seepage capture, pumpback systems, and water treatment may be necessary for many decades or longer after mining ends.
Nevada regulators should require stronger long-term financial assurance, updated seepage and water quality modeling tied to future TSF expansion, and full public disclosure of potential perpetual treatment obligations before approving permit renewal.
It doesn't make sense to expand a leaky site, where it is essentially a perpetual pollution site. Hundreds of years for waste management is basically forever. It is nonsensical to expand a site that does not have clean history.

Division Response 12:

The Division's review of the permittee's predictive modeling, mitigation planning, and current performance indicates that effective control of existing contaminant plumes remains achievable under the expanded facility design. The revised permit includes enhanced monitoring requirements, tighter performance expectations for the pump back system, and updated financial assurance provisions to support long term mitigation obligations. It also requires regular submittals evaluating monitoring results, pump back system performance, and any necessary refinements to the groundwater protection strategy. These enforceable measures ensure continuous evaluation, and adaptive oversight throughout operation, closure, and long term management, confirming that the expansion will not increase groundwater impacts and remains protective of the surrounding community.