NOTICE OF DECISION - Bureau of Mining Regulation and Reclamation

Date of Posting: 06/30/2022

Deadline for Appeal: 07/10/2022

WATER POLLUTION CONTROL PERMIT NUMBER NEV2015119
McEwen Mining Inc.
Gold Bar Project 2

The Administrator of the Nevada Division of Environmental Protection (the Division) has decided to issue modified and renewed Water Pollution Control Permit NEV2015119 to McEwen Mining Inc. This Permit authorizes the construction, operation, and closure of approved mining facilities in Eureka County, Nevada. The Division 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 15 July 2022. 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, 10 July 2022, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Natasha Zittel at (775) 687-9413 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 J.J. Goicoechea DVM, Chairman, Eureka County Board of Commissioners. 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.

J.J. Goicoechea, Written Comment 1:

Eureka County has reviewed the Notice of Proposed Action for the McEwen Mining Inc. Water Pollution Control Permit (WPCP) NEV2015119 and the supporting Fact Sheet prepared by the Nevada Division of Environmental Protection (NDEP). Through our review, it is our opinion the permit foers a long way toward protecting water resources in Eureka County from being degraded to the fullest extent practicable. It does not guarantee against a release of hazardous substances, but if a release does occur it should be detected in time to allow remedial measures to be actively implemented. As such, we believe granting of the WPCP is warranted and request you do so.

Division Response 1:

Comment noted.
J.J. Goicoechea, Written Comment 2:

In our experience, we have seen other WPCP renewals (e.g., Newmont) discuss any releases that occurred under prior permits and how they were remediated or otherwise addressed. We do believe it is appropriate and warranted to discuss the release from the Gold Bar event pond that occurred a few years ago and how it was dealt with and how the new permit would address similar potential releases.

Division Response 2:

The Division has updated the Fact Sheet to include the following text:

“In April 2019 the release of approximately 1.4 million gallons of treated process solution down existing channels towards Roberts Creek occurred. The releases were due to frequent 100-year, 24-hour storm events. The released solution contained elevated antimony, arsenic, cadmium, cyanide, mercury, nitrogen, and pH. Initial soil testing in the impacted area showed elevated concentrations of aluminum, arsenic, and cyanide. Initial testing of the surface water (creek and reservoir) did not show any constituents above Profile I reference values. The soils within the solution release channel may have elevated arsenic and nitrogen as a result of the released solution. The nitrogen is anticipated to be utilized by the plants and the arsenic is expected to attenuate with depth therefore the waters are not expected to be impacted. Based on the testing completed, the elevated constituent concentrations are not mobilizing to Roberts Creek. The Permittee monitored Roberts Creek quarterly until the end of 2021 and found the water was not degraded by the release. Additionally institutional controls (e.g., no camping signs) were utilized.”