



Working with Communities to Protect Their Land Air and Water

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January 17, 2018

Joe Sawyer, Administrator
Division of Environmental Protection
Bureau of Mining Regulation and Reclamation
901 South Stewart Street, Room 4001
Carson City, Nevada 90701-5249

Re: *WPCP NEV87061 renewal, Greater Phoenix Mine*

Dear Mr. Sawyer,

Great Basin Resource Watch appreciates the assistance of your staff in our acquiring data on this and other mine projects.

We want to give an advanced clarification on our position regarding the renewal of the Phoenix Mine Water Pollution Control Permit before we send in official comments.

As you are aware GBRW is very concerned about the expansion of this mine. Newmont's current plan for "closure" involves treatment of poor quality water for at least 500 years, which BLM deems treatment in perpetuity. Therefore, the site will never really be closed.

Treatment in perpetuity puts the Phoenix mine in a special category. In fact, GBRW does not trust that Newmont or institutions that exist now will be viable in 500 years, and we view a closure plan such as proposed by Newmont or any perpetuity plan as purely theoretical. As a public interest organization we must assume that the treatment operations will fail before the toxic drainage ceases. The critical question is: what will be the affect on the environment and communities assuming failure at some point?

GBRW recognizes that long-term and even perpetual treatment may be the only recourse. Newmont needs to explore all options that will close the site in a meaningful timeframe and without requiring perpetuity treatment. GBRW will oppose any changes to the mine plan that will result in a greater amount of waste or toxic solutions that will require treatment in perpetuity. In our view it is irresponsible and should be illegal for a mining operation (or any facility) to propose an expansion or other change resulting in an increased burden to future untold generations with no end in sight.

Our analysis to date indicates that the proposed action will result in a greater amount of toxic water to be treated forever. However, we have not been able to conduct a side-by-side analysis

Great Basin Resource Watch is a tax-exempt (501(c)3) organization

under the current Plan of Operations and proposed expansion Plan of Operations. It seems as though your agency is also awaiting critical data from Newmont to conduct a similar analysis.

GBRW will not support a renewal of the water pollution control permit until the questions from above are addressed and Newmont has proven in verifiable terms that the proposed expansion **will** result in **less toxic solution** to be treated in perpetuity as well as better containment.

Corroborating data must be made available before and well in advance of the issuance of a renewal. In this case, due to the special nature of the "closure plan," i.e. perpetuity treatment, we will also not support schedule of compliance items that relate to the corroborating data needed to prove that the proposed expansion **will** result in **less toxic solution** to be treated in perpetuity as well as better containment.. We are prepared to appeal this renewal vigorously if the necessary data and case on the amount of waste to be treated in perpetuity is not made available and clear up front.

We look forward to reviewing new data and analysis from Newmont as it is available.

Please feel free to follow up with our office if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "John Hadder". The signature is written in a cursive, flowing style with a large initial "J" and "H".

John Hadder
Director, Great Basin Resource Watch

Bob Fulkerson,
State Director, Progressive Leadership Alliance of Nevada

Cc: Senator Catherine Cortez-Masto, Senator Dean Heller, Governor Brian Sandoval, Greg Lovato (Administrator, Nevada Division of Environmental Protection), Joel Donalson (P.E., Senior Environmental Manager, Phoenix & Lone Tree, Newmont Mining Corp.)