

Working with Communities to Protect their Land, Air, and Water

Great Basin Resource Watch

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Great Basin Resource Watch Appeals State of Nevada Thacker Pass Lithium Mine Permit

Reno, Nev. — March 7, 2022 Great Basin Resource Watch (GBRW) [filed an appeal to the Nevada State Environmental Commission](#), challenging the Nevada Division of Environmental Protection's Water Pollution Control Permit for the Thacker Pass Lithium Mine. The mine was fast tracked by the Trump Administration with federal permitting way ahead of the state of Nevada's review process. The mine plan approved by the federal government is different from the plan allowed by the state of Nevada.

Despite some constraints imposed by the state of Nevada, under the [state permit](#) Lithium Nevada Corp will be allowed to dump at least 60 million tons of wet acidic mine tailings on Nevada's landscape, and this will likely increase to 300 million tons with later permit modifications. Any water draining from the tailings is expected to be very toxic, so the Nevada Division of Environmental Protection (NDEP) will require an HDPE (high density polyethylene) under the tailings dump – called a clay filtered tailings stack (CTFS).

The GBRW appeal is raising the following issues with the permit:

- ◆ There is no requirement for all of the tailings to be neutralized.
- ◆ The permit is based on incorrect and incomplete analysis.
- ◆ The permit requires a tailings water content that has not been demonstrated as achievable.
- ◆ Credible data and analysis exist that the design specifications of the tailings facility including the seepage management is inadequate.

"Lithium Nevada Corp has not provided clear, well developed, and complete information to the public on all aspects that are needed to permit the mine. We will not look the other way to allow the Thacker Pass mine to skate through permitting without a clear picture of the consequences." says John Hadder at GBRW.

In response to public comment the state of Nevada stated, "... NDEP agrees that neutralization of all tailings material prior to filtration is a more benign option..." The agency claims that it does not have authority to require neutralization, and that, "...CTFS is designed in accordance with the applicable regulations and will be constructed as a zero-discharge facility."

According to Hadder, "Zero-discharge does not mean that there will not be seepage from the tailings, but that seepage will be captured and not discharged directly to the environment. The company has been talking about neutralization for at least a year, but it's just talk. Analysis on neutralization should have been part of the analysis

submitted to NDEP, but it has yet to happen. Furthermore, liners fail eventually, so neutralization is an important environmental and public protection."

According to the permit the tailings facility is designed to handle a maximum drainage rate of 74 gallons per minute (GPM), but GBRW's independent tailings expert's analysis shows that drainage is likely to exceed this rate to hundreds of gallons per minute. The appeal contends that at such a rate the facility will be overwhelmed with toxic water in violation of Nevada law and will pollute Thacker Pass.

Ultimately it is the directly affected communities that will pay the greatest price for allowing an inadequate and rushed mine plan to go forward. Below are voices from those communities:

"Nevada Division of Environmental Protection should protect people, animals, and plants around/on Peehee Mu'huh. Instead they issued permits to Lithium Nevada to contaminate Indigenous sacred land, air, and water for Generation after Generation for hundreds of years at Peehee Mu'huh. NDEP is not doing what their name stands for, it's Heartbreaking. NDEP is blatantly misleading the public, and needs to be held accountable for their actions," said Day Hinkey with Atsa Koodakuh Wyh Nuwu (People of Red Mountain) and McDermitt Tribal Member.

"We are a farming/ranching community on either side of this mine, there is a lot of commerce happening here and if they contaminate the water, they will destroy the ranching community and if they do, who will be accountable, the state or the operator. If these sulfates leak it can be detrimental. I don't see where the plan for the dry stack will hold. I don't see how it won't fail with the slope and the rain events we see here, I mean we are dry now but what about tomorrow when the floods come like we had in 1984. Our aquifer could be destroyed, we have been here a while but they could destroy us! A leak would destroy our land and make our animals sick. We would lose our farm because the water is too toxic," farmer/rancher Jean Williams.

"According to public documents the mining company will use roughly 2,900 tons of sulfuric acid per day, the resulting sulfate waste, from processing, will be dumped on public lands. I am deeply concerned about the long term consequences of dumping and storing this much waste, near our ranch," said area rancher, Edward Bartell.

Thacker Pass is critically important to wildlife because it connects the Double H Mountains to the Montana Mountains and provides lower-elevation habitat that wildlife needs to survive the winter. It contains thousands of acres of the most important type of greater sage-grouse habitat and two pronghorn migration corridors. Golden eagles nesting in the nearby cliffs and canyons forage there for food to feed their chicks. Local springs are the only place in the world where the Kings River pyrg, a rare type of springsnail, are known to live.

According to Lithium Nevada Corporation's Plans of Operation, the mine would entail:

- excavation of a large open pit roughly 2.3 miles long by about half a mile at the widest
- removal of 17.2 million tons of rock and ore per year (phase 2)
- direct surface disturbance of 5,694 acres (total project size would be 17,933 acres)
- on-site sulfuric acid plant - 5,800 tons of acid per day during phase 2
- ultimately pumping up to 1.7 billion gallons of water per year
- estimated lifetime of 41 years and 5 years of reclamation

Great Basin Resource Watch is a nonprofit public interest organization that works with communities to protect their health, land, air, water, and wildlife of the Great Basin from the adverse effects of mining and resource extraction.

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