



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources
Steve Sisolak, Governor
Bradley Crowell, Director
Greg Lovato, Administrator

23 July 2021

NOTICE OF DECISION

**WATER POLLUTION CONTROL PERMIT
NUMBER NEV0093114**

**Don Jung/New Pass Mine
New Pass Mine**

RECEIVED

JUL 26 2021

CHURCHILL COUNTY
COMMISSIONERS

The Administrator of the Nevada Division of Environmental Protection (the Division) has decided to issue renewed Water Pollution Control Permit NEV0093114 to Don Jung/New Pass Mine (Permittee). This Permit authorizes the operation of approved mining facilities in Churchill and Lander Counties, 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 22 August 2021. 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, 2 August 2021, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Lisa A. Kreskey at lkreskey@ndep.nv.gov (775) 687-9415 or visit the Division public notice website at <https://ndep.nv.gov/posts>.

No comments were received during the public comment period.

STATE OF NEVADA
Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Mining Regulation and Reclamation
Water Pollution Control Permit

Permittee: **Donald E. Jung**
New Pass Mine
2271 Enterprise Road
Reno, Nevada 89521

Permit Number: **NEV0093114**
Review Type/Year Revision: **Renewal 2021, Revision 00**

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this Permit authorizes the Permittee to construct, operate, and close the **New Pass Mining Project**, in accordance with the limitations, requirements and other conditions set forth in this Permit. The Permittee is authorized to process, by gravity separation methods without the use of chemicals, up to **1,000 tons** of ore per year.

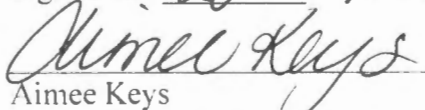
The facility is located in Lander and Churchill Counties, on private and public land within portions of Sections 9, 10, 15 and 16, Township 20 North, Range 40 East, Mount Diablo Baseline and Meridian, approximately 27 miles northwest of the town of Austin, Nevada.

The Permittee must comply with all terms and conditions of this Permit and all applicable statutes and regulation.

This Permit is based on the assumption that the information submitted in the application of 16 August 1993, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or Permit conditions.

This Permit is effective as of **22 August 2021**, and shall remain in effect until **20 August 2026**, unless modified, suspended, or revoked.

Signed this 20th day of **July 2021**.


Aimee Keys
Chief, Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

A. In accordance with operating plans and facility design plans reviewed and approved by the Division the Permittee shall:

1. Construct, operate, and close the facility in accordance with those plans;
2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
3. Not release or discharge any process or non-process contaminants from the fluid management system

B. Permit Schedule of Compliance:

1. By **22 October 2021**, identify and label all drums on the property and ensure any with chemicals are stored on secondary containment.
2. By **22 February 2022**, remove all petroleum-contaminated soil from the property and dispose of it with a facility permitted to receive it. Copies of disposal receipts are required by the due date.

The schedule of compliance items above are not considered completed until approved in writing by the Division.

C. The fluid management system covered by this Permit consists of the following process components:

1. The gravity mill, mill building, and all tanks, basins, sumps, pumps, and piping necessary to interconnect the components within the building; and
2. The unlined tailings storage facilities identified as '1st Tails Pond' and '2nd Tails Pond' and all transfer pipelines, valves, and pumps used in conveyance, control or detection of process fluids between the process components.

D. Monitoring Requirements

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
1. Water Supply Well (WS)	Profile I ⁽¹⁾	Annually
2. <u>Process Materials</u> Tailings solids (TS)	MWMP-Profile I ^(1,2) and ANP/AGP ^(3,4)	Semi-annually (2 nd and 4 th quarters), when generated
3. <u>Mined Materials</u> Waste rock (WR)	MWMP-Profile I ^(1,2) and ANP/AGP ^(3,4)	Semi-annually (2 nd and 4 th quarters), when generated

The Permittee may request a reduction of the monitoring frequency after four quarters of complete monitoring based on justification other than cost. Such reductions may be considered modifications to the Permit and require payment of modification fees.

Abbreviations:

ANP/AGP = Acid Neutralizing Potential : Acid Generation Potential ratio; ASTM = American Society for Testing and Materials; CaCO₃ = calcium carbonate; mg/L = milligrams per liter; MWMP = Meteoric Water Mobility Procedure; μS/cm = micro-Siemens per centimeter; NAC = Nevada Administrative Code; NDEP = Nevada Division of Environmental Protection; N = nitrogen; PCS = petroleum-contaminated soil; SU = standard units;

Footnotes:

(1) Profile I:

Alkalinity (as CaCO ₃) Bicarbonate Total	Cadmium	Magnesium	Silver
	Calcium	Manganese	Sodium
	Chloride	Mercury	Sulfate
Aluminum	Chromium	Nitrate + Nitrite (as N)	Thallium
Antimony	Copper	Nitrogen, Total (as N)	Total Dissolved Solids
Arsenic	Fluoride	pH (+ 0.1 SU) ⁽⁶⁾	Zinc
Barium	Iron	Potassium	-
Beryllium	Lead	Selenium	-

(2) The Meteoric Water Mobility Procedure (MWMP) shall be performed by a Nevada-approved laboratory, in accordance with ASTM Method E 2242 (or the most current method).

(3) When static testing⁽⁴⁾ characterization of Mined Materials shows the potential for acid generation as set forth in the current version of the Division guidance document “Waste Rock, Overburden, and Ore Evaluation,” the Permittee shall, as applicable, notify the Division in writing and initiate kinetic testing⁽⁵⁾ within 10 days.

If the kinetic test⁽⁵⁾ results indicate acid generation conditions exist, the Permittee shall submit in writing, within 30 days, the methods proposed for providing containment of these materials and the anticipated impact this acid generation potential may have on final stabilization of all components affected as defined in Nevada Administrative Code (NAC) 445A.359.

(4) Acid Neutralizing Potential/Acid Generating Potential (ANP/AGP, also known as static testing or acid-base accounting) shall be performed by a Nevada-certified laboratory, using a LECO-type analysis, with full sulfur speciation, in accordance with the most recently updated Nevada Modified Sobek Procedure (see the Division website).

(5) Kinetic testing (humidity cell testing) shall be performed by a Nevada-approved laboratory, in accordance with ASTM Method D 5744-07 Option ‘A’ (or the most current approved method); tests shall be run for a minimum of 20 weeks and for a longer duration if warranted or recommended by the analytical laboratory or required by the Division; samples shall be collected weekly (all weeks) and

measurements shall be recorded for redox potential, pH, specific conductance ($\mu\text{S}/\text{cm}$), acidity and/or alkalinity (as deemed appropriate by the laboratory), sulfate, iron (total, plus ferric and ferrous speciation if total iron $> 0.6 \text{ mg}/\text{L}$ and $\text{pH} < 5 \text{ SU}$), and dissolved calcium and magnesium; weekly filtered extracts per the method will be digested and analyzed for total recoverable concentrations during week 0, 1, 2, 4, 8, 12, 16, and 20; 4-week extracts thereafter (i.e., week 24, 28, 32, etc.) shall be analyzed by a Nevada-certified analytical laboratory for Profile I⁽¹⁾ parameters, and specific conductance ($\mu\text{S}/\text{cm}$) and acidity and/or alkalinity shall be recorded as recommended by the analytical laboratory; final results reported shall include initial and final static test results⁽⁴⁾, a Profile I⁽¹⁾ analysis of the final leachate, all kinetic test results above, and any additional analyses required by the Division.

(6) All sample analyses resulting in a pH value less than or equal to 5.0 SU shall also be analyzed for acidity (mg/L, as CaCO_3 equivalent).

E. Semi-annual and annual monitoring reports and release reporting shall be in accordance with Part II.B.

F. All sampling and analytical accuracy shall be in accordance with Part II.E.

G. Permit Limitations

1. The use of any chemical or flocculant in the beneficiation process is prohibited without prior written approval from the Division.

Exceedances of these limitations may be Permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall maintain an automated or a manual calibrated rain gauge, which shall be monitored at least daily to record precipitation (inches of water) every day that the site is manned. A written and/or electronic record of daily accumulations of precipitation shall be maintained on site.

I. The Permittee shall inspect all control devices, systems, and facilities weekly and during (when possible) and after major storm events. These inspections are performed to detect evidence of:

1. Deterioration, malfunction, or improper operation of control or monitoring systems;
2. Sudden changes in the data from any monitoring device;
3. The presence of liquids in leak detection systems; and
4. Severe erosion or other signs of deterioration in dikes, diversions, closure covers, or other containment devices.

J. Prior to initiating permanent closure activities at the facility, or at any process component or other source within the facility, the Permittee must have an approved final permanent closure plan.

K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this Permit and every year

thereafter until the Permit is terminated or the facility has received final closure certification from the Division.

- L. The Permittee shall not dispose of or treat Petroleum-Contaminated Soil (PCS) on the mine site without first obtaining from the Division approval of a PCS Management Plan.
- M. When performing dust suppression activities, the Permittee shall use best management practices and appropriate selection of water source and additives to prevent degradation of waters of the State. If a dust suppressant exceeds a water quality standard and the corresponding natural background water concentration in the area where dust suppression will occur, the Permittee shall demonstrate no potential to degrade waters of the State.
- N. Continuing Investigations: None required.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the Permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued Permit if he or she determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, and systems installed or used by the Permittee to achieve compliance with the terms and conditions of this Permit.
- 3. Whenever the Permittee becomes aware that he or she failed to submit any relevant facts in the Permit application or submitted incorrect information in a Permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this Permit and appropriate enforcement action.

B. Reporting Requirements

- 1. The Permittee shall submit semi-annual reports (following the 2nd and 4th quarters) in Division-approved electronic format, which are due on or before the 28th day of the month following the quarter and must contain the following:
 - a. Analytical results of the MWMP-Profile I and ANP/AGP testing for the materials identified in Parts I.D.2 and I.D.3, reported on an Excel spreadsheet;
 - b. A record releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent; and

- c. For any kinetic test initiated, continued, or terminated with Division approval during the quarter, provide a brief report of the test status and an evaluation of the results to date, which shall include all analytical data generated from the date testing was initiated through the reporting quarter.

Facilities which have not initiated mining or construction or are in temporary closure, must submit a monitoring report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

2. The Permittee shall submit an annual report, in Division-approved electronic format, by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Analytical results of a water quality sample collected from the water supply well, identified in Part I.D.1 reported on an Excel spreadsheet;
 - b. A synopsis of releases on NDEP Form 0390 or equivalent;
 - c. A brief summary of site operations, including the number of tons of ore milled during the year, construction and expansion activities, and any problems with the fluid management system;
 - d. A table of total monthly precipitation amounts recorded in accordance with Part I.H, reported for either a five-year history previous to the date of submittal or the history since initial Permit issuance, whichever is shorter;
 - e. An updated version of the facility monitoring and sampling procedures and protocols;
 - f. An updated evaluation of the closure plans using specific characterization data for each process component with respect to achieving stabilization; and
3. Release Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all releases must be reported as per NAC 445A.347 or NAC 445A.3473, as appropriate.
 - a. A release of any quantity of hazardous substance, as defined at NAC 445A.3454, to surface water, or that threatens a vulnerable resource, as defined at NAC 445A.3459, must be reported to the Division as soon as practicable after knowledge of the release, and after the Permittee notifies any emergency response agencies, if required, and initiates any action required to prevent or abate any imminent danger to the environment or the health or safety of persons. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within 10 days in accordance with Part II.B.4.b.
 - b. A release of a hazardous substance in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 Code of Federal Regulations (CFR) Part 302 must be reported as required by NAC 445A.3473 and Part II.B.3.a.

- c. A release of a non-petroleum hazardous substance not subject to Parts II.B.3.a. or II.B.3.b., released to soil or other surfaces of land, and the quantity is equal to or exceeds 500 gallons or 4,000 pounds, or that is discovered in or on groundwater in any quantity, shall be reported to the Division no later than 5:00 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within 10 days in accordance with Part II.B.4.b. Smaller releases, with total quantity greater than 25 gallons or 200 pounds and less than 500 gallons or 4,000 pounds, released to soil or other surfaces of land, or discovered in at least 3 cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.
 - d. Petroleum Products and Coolants: If a release is subject to Parts II.B.3.a. or II.B.3.b., report as specified in Part II.B.3.a. Otherwise, if a release of any quantity is discovered on or in groundwater, or if the total quantity is equal to or greater than 100 gallons released to soil or other surfaces of land, report as specified in Part II.B.3.c. Smaller releases, with total quantity greater than 25 gallons but less than 100 gallons, released to soil or other surfaces of land, or if discovered in at least 3 cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.
4. The Permittee shall report to the Administrator any noncompliance with the Permit.
- a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5:00 P.M. of the next regular workday from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. If reportable hazardous substances were released, identify material and report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;
 - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.
 - b. A written summary shall be provided within 10 days of the time the Permittee makes the oral report. The written summary shall contain:
 - i. A description of the incident and its cause;
 - ii. The periods of the incident (including exact dates and times);

- iii. If reportable hazardous substances were released, the steps taken and planned to complete, as soon as reasonably practicable, an assessment of the extent and magnitude of the contamination pursuant to NAC 445A.2269;
 - iv. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
 - v. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
- i. Determine the effect and extent of each incident;
 - ii. Minimize any potential impact to the waters of the State arising from each incident;
 - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each incident.
- d. If required by the Division, the Permittee shall submit, as soon as reasonably practicable, a final written report summarizing any related actions, assessments, or evaluations not included in the report required in Part II.B.4.b. and including any other information necessary to determine and minimize the potential for degradation of waters of the State and the impact to human health and the environment. Submittal of the final report does not relieve the Permittee from any additional actions, assessments, or evaluations that may be required by the Division.

C. Administrative Requirements

- 1. A valid Permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, and termination of the Permit has been approved in writing by the Division, the Permittee shall apply for Permit renewal not later than 120 days before the Permit expires.
- 2. Except as required by NAC 445A.419 for a Permit transfer, the Permittee shall submit current Permit contact information described in paragraphs (a) through (c) of subsection 2 of NAC 445A.394 within 30 days after any change in previously submitted information.
- 3. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 4. All reports required by this Permit, including, but not limited to, monitoring reports, corrective action reports, and as-built reports, as applicable, and all applications for Permit modifications, shall be submitted in Division-approved electronic format.

5. The Permittee shall submit any new or updated Universal Transverse Mercator (UTM) location data for all monitoring points specified in Part I.D, expressed in meters and decimals of a meter, using the Nevada Coordinate System of 1983 (also known as the North American Datum of 1983 or NAD83, ref NRS 327.005), with each Permit renewal, as-built report, and monitoring plan update, as applicable. Data shall be submitted electronically to the Division in Excel format.
6. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this Permit, or to determine compliance with this Permit.
7. The Permittee shall maintain a copy of, and all modifications to, the current Permit at the Permitted facilities at all times.
8. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart or data logger recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
9. The provisions of this Permit are severable. If any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not thereby be affected.
10. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this Permit. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this Permit. NRS 445A.675 provides that any person who violates a Permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division Authority

1. The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:
2. Enter the premises of the Permittee where a regulated activity is conducted or where records are kept per the conditions of this Permit;
3. Have access to and copy any record that must be kept per the conditions of this Permit;
4. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this Permit; and
5. Sample or monitor for any substance or parameter at any location for the purposes of assuring Permit and regulatory compliance.

E. Sampling and Analysis Requirements

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. For each measurement or sample taken pursuant to the conditions of this Permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
3. Samples must be taken, preserved, and labeled according to Division approved methods.
4. Standard environmental monitoring chain of custody procedures must be followed.
5. Samples shall be analyzed by a laboratory certified or approved by the State of Nevada, as applicable for the method(s) being performed. The Permittee must identify in all required reports the certified and approved laboratories used to perform the analyses, analytical methods performed (electronic version of report only), laboratory reference number, sample dates and laboratory test dates.
6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and be reliable to at least two significant digits. The analytical methods used must have a practical quantitation limit (PQL) equal to or less than one-half the reference value for Profile I parameters. Laboratories shall report the lowest reasonable PQL based on in-house method detection limit studies. Samples for Profile I parameters shall be filtered and analyzed for the dissolved fraction, unless otherwise required by the Division. Unless otherwise approved by the Division, analytical results that are less than the PQL shall be reported quantitatively by listing the PQL value preceded by the "<" symbol.

F. Permit Modification Requirements

1. Any material modification, as defined at NAC 445A.365, plan to construct a new process component, or proposed change to Permit requirements must be reported to the Division by submittal of an application for a Permit modification, or if such changes are in conformance with the existing Permit, by submittal of a written notice of the changes. The Permit modification application must comply with NAC 445A.391 through 445A.399, 445A.410, 445A.412, 445A.414, 445A.4155, 445A.416, 445A.417, 445A.440, and 445A.442, as applicable. The construction or modification shall not commence, nor shall a change to the Permit be effective, until written Division approval is obtained.
2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in a previously submitted application or report, the Permittee shall submit to the Division a report which identifies the locations of the proposed

mine areas and waste disposal sites and characterizes the potential of mined materials areas to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as Permit modification.

3. The Permittee shall notify the Division in writing at least 30 days before the introduction of process solution into a new process component or into an existing process component that has been materially modified, or of the intent to commence active operation of that process component. Before introducing process solution or commencing active operation, the Permittee shall obtain written authorization from the Division.
4. The Permittee must obtain a written determination from the Administrator of any planned process component construction or material modification, or any proposed change to Permit requirements, as to whether it is considered a Permit modification, and if so, what type.
5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the Permitted facility that may result in noncompliance with Permit requirements.

Prepared by: L. A. Kreskey
Date: 18 June 2021

Revision 00 2021 Renewal effective 22 August 2021