



## NOTICE OF DECISION - Bureau of Mining Regulation and Reclamation

**Date of Posting: 01/27/2023**

**Deadline for Appeal: 02/06/2023**

**Robinson Nevada Mining Company  
Robinson Gleason Creek Discharge Project  
WPC Permit NEV2010111**

The Administrator of the Nevada Division of Environmental Protection (the Division) has decided to issue renewed Water Pollution Control Permit NEV2010111 to Robinson Nevada Mining Company. This Permit authorizes the construction, operation, and closure of approved water management facilities in White Pine 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 **11 February 2023**. 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, **06 February 2023**, 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 Mr. Leo Cahoon, Ely City Attorney, and from Mr. John Hadder, Great Basin Resource Watch. The text of all comments and the Divisions responses (in *italics*) are included below as part of this Notice of Decision.

### **City of Ely, Comment 1:**

The City of Ely ("City") was not directly notified of Robinson Nevada Mining Company's ("RNMC") renewal application for the Robinson Gleason Creek Discharge Project, Permit No. NEV2010111 ("Permit"). As the party who suffers the greatest impact from RNMC's dewatering activities through Gleason Creek, the City should receive notice of all future applications and developments involving RNMC's mining and reclamation activities.

**Division Response 1:**

*The Division has added Mr. Emil W. (B.J.) Almberg, the City Engineer for the City of Ely, and Mr. Leo Cahoon, Ely City Attorney, to its mailing list. Both will be informed of all future notices of proposed action and notice of decisions for the Robinson Mine (WPCP NEV0092105) and the Robinson Gleason Creek Discharge (WPCP NEV2010111).*

**City of Ely, Comment 2:**

As discussed more fully below, RNMC has failed to monitor creek flow and manage or cease discharge to Gleason Creek during severe storm events in accordance with the Permit. This deficiency created the potential for damage to City drainage control structures, surrounding properties, and serious safety hazards to the citizens of our community. As a result, the City requests certain terms and conditions be required as a condition precedent to the granting of the Permit.

**Division Response 2:**

*Please see Division responses below.*

**City of Ely, Comment 3:**

RNMC's Gleason Creek Discharge Project sends water through the City of Ely storm drain system to the Georgetown Ranch property located northeast of the City into land owned by the City of Ely. The National Weather Service issued a Severe Storm Warning on August 10th of 2022, for the Ely, Nevada area. The City does not have an onsite RNMC contact to reach in the event of an emergency.

**Division Response 3:**

*Contact between the City and Robinson Nevada Mining Company is outside of the purview of this Permit.*

**City of Ely, Comment 4:**

The City's engineer emailed RNMC's environmental manager the next day stating the August 10<sup>th</sup> storm runoff event "resulted in some high-water flows for the downstream property owners." RNMC's response was "the 2500 going into Gleason is relatively small." The City experienced a second severe weather event three days later and discovered afterward that RNMC did not shut off their pumps. The City sent a letter to RNMC on September 1, 2022, further voicing its concerns about their failure to decrease or cease discharge activities and notify the City thereof in accordance with an Emergency Action Plan prepared by RNMC for the City ("EAP"). RNMC responded by stating that the EAP "does not create any legally enforceable obligations on the part of Robinson."

**Division Response 4:**

*The EAP that was developed by RNMC and the City of Ely and is outside of the purview of this Permit.*

**City of Ely, Comment 5:**

Sections I(G)(6)-(7) of the Permit requires RNMC to monitor weather forecasts and manage discharge during storms. Because this is not being done, the City requests the following conditions to the Permit renewal: (1) the City receive notice of all future applications, permits, renewals, and developments involving RNMC's mining and reclamation activities as it relates to the Gleason Creek Discharge and any other activity that would affect the City and/or its residents;...

**Division Response 5:**

*Please see the Division response 1.*

**City of Ely, Comment 6:**

...(2) the City receive copies of RNMC's annual and quarterly reports pursuant to Section II(B)(1)-(2) of the Permit;...

**Division Response 6:**

*Section II.B.1-2 pertains to the Division receiving quarterly and annual monitoring reports. If the City of Ely would like to obtain and review submitted quarterly and annual reports, they will need to fill out a Request for Public Records. This form is available on the Division website at: <https://ndep.nv.gov/resources/public-records-request>*

**City of Ely, Comment 7:**

...(3) NDEP review RNMC's "Gleason Creek Pipeline Shut Down Log Book;"...

**Division Response 7:**

*The "Gleason Creek Pipeline Shut Down Log Book" is part of the EAP, and is not a requirement of this Permit. However, the Division has reviewed the 2022 reporting on dates of discharge, duration of discharge, and discharge volume and there had been no shutting down of the pipeline over the course of the year or on the dates the storm events occurred.*

**City of Ely, Comment 8:**

...(4) RNMC comply with the Permit provisions, particularly pertaining to discharge management during storm events;...

**Division Response 8:**

*Permit Limitation I.G.6 states that “The Permittee shall monitor, as may be necessary, weather forecasts, weather conditions, and creek flow and appropriately manage or cease the authorized discharge to minimize the potential for excessive channel erosion or damage to downstream drainage control structures.” While this is a beneficial limitation to have in the Permit, there is difficulty in enforcing this Permit Limitation due to “minimize” being at the opinion of the interpreter.*

*The City of Ely stormwater system is designed to manage 81,000 gpm that results from a 10-year, 24-hour storm event, the capacity of which has the probability to be exceeded once every 10 years. While the 2,500 gpm being discharged to Gleason Creek is certainly a contributing factor to the high-water levels that were observed on 10 and 13 August 2022, Murray Creek and other tributaries appear to have been the larger contributing factors.*

*Due to the possible delay in response from the Division in the event of reporting non-compliance with the Permit, the Division encourages the City of Ely and RNMC to work together on these issues. This would be the most expedient way to minimize the possibility of erosion, damage, or flooding. The Division, however, requests that the City of Ely document and report any observed non-compliance with the Permit as soon as possible after the event. If the Division, based on these reports, determines that RNMC is not in compliance with the Permit, the Division will peruse corrective action and possibly enforcement actions.*

**City of Ely, Comment 9:**

...(5) RNMC manage the flow of water far enough in advance to allow time for Gleason Creek to decrease flow prior to the storm event;...

**Division Response 9:**

*Please see Division response 8.*

**City of Ely, Comment 10:**

...and (6) provide the City with a secondary emergency contact who the City can call to ensure discharge has been slowed or halted during a storm event.

**Division Response 10:**

*Please see Division response 3.*

**City of Ely, Comment 11:**

With these conditions in place, the City's concerns will be addressed, and the City will recommend the renewal of RNMC 's Permit. Thank you for your time and consideration.

**Division Response 11:**

*Please see Division responses 1 through 9.*

**GBRW, Comment 12:**

Great Basin Resource Watch appreciates your assistance in gathering materials to review this permit renewal. We do have some questions regarding this project and the permit as written.

**Division Response 12:**

*Comment noted.*

**GBRW, Comment 13:**

The results of sampling for monitoring reports throughout 2021 show elevated alkalinity and dissolved oxygen through each quarter at two sample locations (Gleason Creek Outfall and US 50 Box Culvert). It is unclear at this time whether these values are a natural characteristic of the receiving waters or being affected by discharge from dewatering wells.

**Division Response 13:**

*The alkalinity and dissolved oxygen concentrations are results of the discharge, as Gleason Creek is generally dry. Gleason Creek Outfall is where the discharge water leaves the discharge pipeline and US 50 Box Culvert in approximately 2,800 feet downgradient of the discharge pipeline outfall. The alkalinity and oxygen concentrations meet the discharge standards established by Nevada Administrative Code (NAC) 445A.1236 and NAC and 445A.2032. These standards are listed in Part I.G.15 of the Permit.*