UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

DEC 16 2013

Miles Kreidler
Bureau of Land Management
Ely Field Office
HC33 Box 33500
Ely, NV 89301

Subject: Pan Mine Project Final Environmental Impact Statement, White Pine County, Nevada [CEQ# 20130335]

Dear Mr. Kreidler:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementation Regulations at 40 CFR 1500-1508, and our NEPA review authority under Section 309 of the Clean Air Act.

In our comments on the Draft EIS, EPA expressed concerns about the quality of the geochemical characterization conducted for this project and the need for additional water quality monitoring at the mine. We recommended that the Final EIS include a detailed adaptive management plan for geochemical characterization, a commitment to monitor waste rock disposal areas for seepage, and more detail on the heap leach evapotranspiration (ET) cell and the power transmission line. We appreciate the addition of clarifying information in the Final EIS regarding these issues.

We note that the Supplemental Waste Rock Characterization Program for the North Pit Phase of the Pan Mine Project has been added to the Waste Rock Management Plan in the Final EIS (Appendix 2A, Attachment 1). We understand that, before the North Pan Pit is mined, this plan will be implemented to identify waste rock with low neutralizing potential, which may need to be selectively handled in the North Waste Rock Disposal Area. It is unclear how the protocol, as it is currently written, differs from the protocol used to conduct the original humidity cell tests (HCT) and why future tests would be expected to provide more reliable results. For example, the supplemental program indicates that HCTs would be run for a minimum of 20 weeks, and in some cases longer, if samples have not reached equilibrium production rates for key indicators such as pH, sulfate, alkalinity/acidity, and major metals. If samples generate a consistent trend of un-buffered leachate with significant titrateable acidity, criteria will be developed (e.g., four consecutive weeks with pH below 5.5, titrateable acidity greater than 10 mg/L as $CACO_3$, and no measureable alkalinity) to identify and separate these materials during mining. EPA recommends

that the supplemental program be designed to ensure that the HCTs are run long enough to preclude erroneous dismissal of Potentially Acid Generating designations, particularly for samples with both low neutralization potential and low acid potential, which may take a very long time to generate acid in humidity cells.

We appreciate the opportunity to review this Final EIS. We respectfully request a copy of the Record of Decision when it is signed. If you have questions, please call me at (415) 972-3521 or contact Jeanne Geselbracht at 415-972-3853.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Office

cc: Bruce Holmgren, NDEP