

Date: June 26, 2013

To: Nevada Mining Oversight and Accountability Commission

From: Gayle Sherman, Comstock Residents Association

Subject: Public Comment Regarding the Carson River Mercury Superfund Site

Good Morning, my name is Gayle Sherman. I am with the Comstock Residents Association. At the last meeting, information was provided to the Commission regarding the deleterious effects of open pit mining on the Virginia City National Historic Landmark. Today I would like to bring to your attention my concerns regarding the permitting of open pit mining and milling within the Carson River Mercury Superfund Site.

The Superfund Site was established by the federal Environmental Protection Agency (EPA) in 1990 as a result of the discovery of high levels of mercury in fish in the Carson River. The EPA determined that historic mining practices in the Comstock discharged over 15,000,000 pounds of mercury into environment. That mercury found its way into the water, land and air via waterways and the disturbance of the toxic soil.

It should be noted that Comstock Mining currently operates its mill and its pit mine within the boundaries of the Superfund Site. Open pit mining and milling by definition requires the disturbance of millions of tons of ore and waste rock. Digging, crushing and blasting are the descriptors of the work they do all day long, every day.

The EPA has delegated its protective and management authority of the Superfund Site to the Nevada Department of Environmental Protection; specifically to the Bureau of Corrective Actions (BCA). The BCA is very active in outreach, providing Superfund Site information to the public. In addition BCA, via the delegation agreement with the EPA, has required Comstock Mining to perform extensive testing for mercury, arsenic and lead prior to the disturbance of any soil. Thanks to Jeff Collins of the BCA and Todd Process who oversees reclamation permits, my community and the



Comstock in general is a safer place to live and work and I am very grateful to them.

My concerns lie with the other NDEP permits issued within the Superfund Site. From my perspective, after reviewing many permits and supporting documents and participating in public hearings, I have found permitting within NDEP to be a very compartmentalized process. Even though the environmental dangers inherent in mining in a Superfund site are readily apparent, there is no formal division-wide protective protocol in place that would ensure that all permits granted are done so with the unique Superfund site issues considered as a part of the permitting process.

The different departments within NDEP share information on an informal basis and that is a very good practice. However, it is not adequately protective. I am suggesting that before any NDEP permit is issued to an entity operating in a Superfund Site, that the BCA provide written clearance of the specific area(s) slated to be disturbed and that the written clearance be made a part of the permit. This would provide a more integrated, transparent, and protective permitting process.

Comstock Mining has been operating in its current location, with all NDEP permits in place since the year 2000. All of the water, air quality and reclamation permits issued prior to 2011 were done so without any testing to determine if the soils to be disturbed were toxic, or with any clearance provided (written or informal) from the Bureau of Corrective Action. Since 2011, modifications to air and water permits have been issued without regard to CMI's Superfund Site location.

Currently, Comstock Mining is applying for more modifications to air, water and reclamation permits. Without a mandatory written release by BCA attached to each of these permits for the specific area(s) to be disturbed, there is no guarantee that each air or water permit review will factor in the important safety issues that are inherent in the location of an operation within a Superfund Site.