

Date: June 26, 2013

To: Nevada Mining Oversight and Accountability Commission

From: Robin Cobbey, Resident of Gold Hill, Storey County

Subject: Public Comment on Violations by Plum/Comstock Mining Inc within the Carson River Superfund Site.

At the last meeting one of the commissioners asked if Comstock Mining aka Plum Mining had any violations. I want to answer that question.

Yes there have been many for the past 6 or 7 years. As Plum Mining there were numerous violations, some serious as reported by NDEP. What is troubling is that in some cases of hazard materials spilling or leaking on to unprotected ground, it took up to 4 citations before the violation was mitigated.

There was a serious violation with a spill in 2006, 100,000 gallons overflowed the containment area. This was in part due to above average precipitation. About every 7 - 10 years the area gets above average precipitation causing flooding, land and mud slides. There does not appear to be any plan for this in the current mining operation.

Many violations go unnoticed by the regulatory agencies and authorities. However, the public has observed and reported a number of violations with state and local laws and ordinances.

The most serious in which a cease and desist was issued in May, 2011 from NDEP for introducing pollutants into the waterway. This happened in an area where Comstock Mining was in violation of a county ordinance and shouldn't have been exploring in the first place as they had already exceeded the amount of earth they could disturb.

Residents had reported to the county that Comstock was exceeding the disturbed acreage allowance on the east side of Highway 342 where they were exploring. Their SUP stipulated "less than one acre". County ordinance allowed up 1,000 cubic feet. (They disturbed about 13,000 cubic feet). However the county did not investigate because they were told by Dennis Anderson, Senior Engineer of Comstock Mining, Inc., in a letter dated April 6, 2011 to the county Development Director, that the Law of Apex in the Mining Law of 1872, allowed them the right to follow mineralized ore. This is patently false information because this law applies to federal land and Comstock Mining was exploring on private land. This misinformation, whether intentional or due to ignorance, was particularly egregious because the county relied upon it erroneously.

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As a result of this false information, Comstock Mining disturbed acres of earth where they had no permit to explore and they introduced pollutants into the waterway in violation of NRS 445A.465.

It was the community who recognized and reported the violation to both the county and the state regulators. But took months before the county and the mining company acknowledged that the Law of Apex did not apply and that Comstock Mining had provided false information.

By a similar estimation, it appeared that CMI had exceeded the amount of disturbance allowed by their NDEP permits. When this was reported to NDEP we were told that the agency didn't have the tools or manpower to more accurately estimate the disturbance to see if it was a violation.

There has been no consequence for any of these violations, nor any consequence for repeated violations. In Storey County, the laws and ordinances are not enforced. So where does the public turn?

For the last three years since Comstock Mining assumed the Plum Mining operation, the public has been put at risk and the regulatory bodies have increased their liability and complicity in any environmental, safety or health-threatening event which might result.

There must be consequences for violations, not just more time to correct them. Our communities lie within both the Superfund site and the National Landmark. (CMI CEO stated at a public meeting that he didn't know this was a Superfund site.) Reckless behavior and ignorance are not acceptable in this unique situation. Our regulatory agencies need to have the resources required to monitor mining operations in order to protect the environment and the public.

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