

# CONSTITUENT CORRESPONDENCE

JULIE PATTERSON HUNTER  
CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF NEVADA  
950 Maidu Avenue, Suite 200  
Nevada City, CA 95959-8617

RECEIVED

OCT 20 2015

NEVADA COUNTY  
BOARD OF SUPERVISORS

cc: All BOS  
Planning  
Counsel  
CEO

October 17<sup>th</sup>, 2015

RE: Appeal; Northstar Water Treatment Permit

Dear Members of the Board,

It with grave concern that I submit this for the record; my name is Jason Petersen and my wife and two daughters live at 12575 Allison Ranch Road (corner of Allison and Homeward). The proposed water treatment facility would be just beyond my backyard.

Though there are a host of issues that my fellow neighbors have brought to the table, I believe the two central issues are **safety and effect on property values**. Though we have had opportunities to discuss some safety concerns and the overview of the plan with Newmont, it seems more appropriate to have a fair and balanced dialog with the City/County with respect to Newmont's plan – the first and only opportunity that I'm aware of was at the initial Public Hearing that took place on Sept. 24<sup>th</sup> 2015. The proposed plan has been in the making for years; it would seem in everyone's best interest to have been holding this "public" discussion far sooner than we have.

While Newmont and the Planning Department have provided some assurances as to the safety of the residents immediately surrounding the proposed project (HDPE double-lined ponds, sensors notifying of breach, etc.), it appears less than appropriate that a 3<sup>rd</sup> party with experience in such projects is not a part of the review process, as I don't believe the Planning Department has expertise in these specific areas. While I'm sure under normal to slightly elevated circumstances the proposed plan is solid and even "10-year events" have been planned into the equation; however I find it hard to believe that mankind has found a way to outsmart Mother Nature and submit a "bullet proof plan". As a resident and more importantly as a Father, it is my responsibility to ensure the safety and well-being of my family and as a result; play Devil's Advocate. **Do Newmont and the City of Grass Valley have an Emergency Preparedness Plan at the ready for a catastrophic event?** What are the details of that plan? Are residents to be notified immediately? Will our wells be tested as often as necessary to ensure safety?

The other issue looming for me is this projects' influence on our home values. This seems rather nebulous to extrapolate with concrete figures, as there is no exact benchmark in our immediate area with which to compare to. Further it is rather difficult to get into the head of any prospective buyer to know how they will perceive the situation. Further if a lender is involved

the appraisal could be affected as a result, regardless if the prospective buyer is "ok" with the situation. Though I signed on for typical market fluctuations when I purchased my home, this project was not a part of the disclosures. **I believe it is the responsibility of Newmont and the City to determine a fair and balanced means of assessing property values and making things right with those homeowners.**

Quite frankly the fact that Newmont spent years and years to come up with a single plan to move tainted mine waters numerous miles from origin into our neighborhood because 7-8 acres out of 760 acres are conducive to this plan is ludicrous. It appears the criteria was strictly cost effective and low maintenance and in the best interest for Newmont in order to meet their obligation to the city and the Water Board. **I believe the Board of Supervisors has an obligation to the taxpayers to ensure that those of us that will be affected do not get the short end of the stick.**

Respectfully,

Jason Petersen  
12575 Allison Ranch Rd. (corner of Allison & Homeward)  
Grass Valley, CA 95949  
[jasonpetersen23@gmail.com](mailto:jasonpetersen23@gmail.com)  
[jpetersen@bestsanitizers.com](mailto:jpetersen@bestsanitizers.com)  
530-575-1901

October 11, 2015

RECEIVED

OCT 16 2015

Julie Patterson Hunter  
Clerk of the Board of Supervisors  
County of Nevada  
950 Maidu Avenue, Suite 200  
Nevada City, California 95959

NEVADA COUNTY  
BOARD OF SUPERVISORS

cc: All BOS

Planning  
Council  
CEO

Re: OBJECTIONS to the North Star Mine PONDS

Please include the following OBJECTIONS to the North Star Mine Ponds Project:

1. I object to any of the ponds, with known a failure rate, holding millions of gallons of water and toxic substances, being built in close proximity to a residential neighborhood and homes.
2. The loss of home values in the entire area, having to disclose the existence of a permit to build these ponds and the ponds themselves, has not been PROPERLY addressed by professional appraisers. The visual impact on our neighborhood, as well as the danger from failure of the ponds, needs to be calculated and presented to each homeowner and then compensation needs to be made to those owners.
3. I take exception to the County of Nevada pulling the permit instead of Newmont Mining applying and getting the permit, because the liability should rest with Newmont, not the planning department or an LLC.

4. I take exception to Newmont mining not being required to BOND its project.
5. I object to the location of the ponds when Newmont Mining owns approximately 740 undeveloped acres where the water sources are. Ponds should be placed in the middle of those 740 undeveloped acres, cleaned and an UNDERGROUND clean water culvert should be used to transport the clean water to its destination, wolf creek.
6. I object to the City of Grass Valley being allowed to sell a portion of a Certified Toxic Lot, Assessors Parcel Number 29-290-26, to Newmont Mining, a well documented and known as The Worlds Second Largest Mining violator.
7. I object to no Environmental Impact Report being ordered for this project, in violation of the Clean Water Act.
8. I object to the potential risk this project puts all residences, citizens, habitat, wolf creek and surrounding areas in, due to failure rates of these ponds and the known mining violations of Newmont Mining, who is about to be allowed into our well established residential community.
9. I object to Worthington Engineers reports not properly addressing Certified Toxic APN 29-290-26 in their report under the guise that Newmont Mining does not own the lot yet.
10. I object to no one doing a FAILURE REPORT of these ponds, in other words, what would happen if these ponds fail in their proposed location. Show us what millions of gallons of toxic water looks like coming out of failed ponds (see Colorado).

11. I object to the proposed method of removing toxic wastewater from the mineshaft. There are two electrical stations proposed in the project, I suggest pumping the water to a central location on 740 undeveloped acres, cleaning it, then transporting it through a clean water underground culvert to it's final destination.
12. No report has been done, showing the possible destruction level, when the ponds fail, will there be loss of life, habitat, pollution.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in cursive script that reads "Judith Connolly". The signature is fluid and includes a long, sweeping horizontal line at the end.

Judith Connolly  
Resident

## Julie Patterson-Hunter

---

**From:** judy connolly <judyconnolly@msn.com>  
**Sent:** Monday, October 12, 2015 10:39 AM  
**To:** kbrenner@theunion.com; Jessica Hankins; icalderon@aol.com; lbtourguide@gmail.com; Sallyka@gmail.com; ldebbie.blakemore@gmail.com; judy connolly; ZORA BIAGINI; jim@orionsgate.org; linda@orionsgate.org; lindatrouble49@gmail.com; deonjonutz@gmail.com; lisajonutz@gmail.com; laketahoeman@comcast.net; suehollen@comcast.net; strtwin@yahoo.com; bockchiropractic; cordellrunion; karmawize@gmail.com; wils100; Dan Miller; leroy@reliabrite.com; jpetersen@bestsanitizers.com; Brian Foss; Clerk of Board  
**Subject:** BOARD OF SUPERVISORS, North Star Mine Ponds  
**Attachments:** judy to Board of Supervisors.docx

Attached is what I sent to the Clerk of the Board of Supervisors, I objected to 12 issues.

1. Failure Rate
2. Loss of Home Values
3. county of Nevada pulled the permit, Not Newmont.
4. No Bond Requirement for Newmont
5. Location of Ponds
6. Toxic Lot being sold APN 29-290-26 to a known mining violater (Newmont)
7. No EIR, violation of Clean Water Act.
8. Worthington not addressing Ceretified Toxic APN 29-290-26
9. Potential Risk millions of gallons of water would cause when the ponds fail.
10. No demonstration on Actual pond failure.
11. Proposed method of removing toxins. - No Clean Water Culvert was proposed.
12. Potential loss of life calculations due to failure.

Judy Connolly  
Resident

10/18/2015

RECEIVED

OCT 21 2015

PLANNING  
BOARD OF SUPERVISORS

To The Board of Supervisors,

cc: All BOS

I am a VERY concerned taxpaying and voting resident of Grass Valley. My home will be SEVERALLY impacted by the proposed "solution" that Newmont is currently trying to sneak into our front yard. Please understand that unless there is further studies that answer my questions below my neighbors and I will seek legal action.

Planning  
Council  
CEO

This started in 2000 As the record shows Newmont has not been responsive or acted in a responsible manner over the years. It's been 14 years of foot dragging by Newmont.

It's important for the adjoining property owners that this is done right, that alternative location options are adequately explored to safeguard the adjoining residential neighborhood. Alternative locations have not been adequately analyzed.

My family supports a treatment plant to address Newmont's toxic mine water discharge. Our issue is the proposed location.

Newmont is the largest mining company in the world. Newmont owns the Northstar Mine property which is 760 acre? Why place the propose the treatment facility 20' from our property line?

Why propose a location closest to the existing residential uses? What is the factual basis for placing the facility were currently proposed? The Initial study fails to provide a factual basis for not locating the facility at other locations on the Northstar property. Alternative locations have not been adequately analyzed.

If Newmont says the system can only go where currently proposed that must be proven. What factual basis is provided that the proposed location is the only location option?

The current proposal and Initial Study fails to adequately review and analyze placing the facility in other locations. Other location options exist on site. The proposed location has the greatest possible impact to existing residential uses.

The best mitigation to reduce impacts to the existing, adjoining residential uses is to locate the facility away from the residential uses.

Sally Bakelmun

*Sally Bakelmun*

10545 Homewood Lane  
Grass Valley CA 95949



KATHRYN Marie CONNOLLY  
109493 KING WAY  
GRASS VALLEY, California 95949-9400  
(530)575-0501 Cell/Text/Email (530)477-7888 Fax

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October 25, 2015

RECEIVED

OCT 30 2015

NEVADA COUNTY  
BOARD OF SUPERVISORS

Nevada County Board of Supervisors  
Nevada County Government Center  
950 Maidu Avenue  
Nevada City, California 95959

cc: All BOS  
Planning  
counsel  
CEO

ATTN: ALL SITTING MEMBERS OF the  
NEVADA COUNTY BOARD OF SUPERVISORS

RE: NORTH STAR WATER TREATMENT PLANT Use Permit:  
SCH#: 2015072018; (U14-009); Management Plan (MGT14-015);  
and Mitigated Negative Declaration (EIS14-012)

SUBJECT Planner Jessica Hankins's Repeated Failure to Correct Her Omissions  
of information to Federal/State Regulatory Agencies that the Pumping Station for  
North Star Mine Water Treatment Project is to be located on a portion of APN #: 29-  
290-26, Owned by the City of Grass Valley, and is under the DTSC'S JURISDICTION  
IN PERPITUITY due to a "Covenant and Agreement to Restrict Use of Property"  
recorded 12/05/1995 ("COA" see Exhibit 1 attached).

Honorable Members of the Board:

Pursuant to the Nevada County Land Use and Development Code Title 3, Chapter  
II, Article 5, Section L-II 5.11 ("NCC" see Exhibit 2 attached) you, the currently  
sitting members of the Nevada County Board of Supervisors have the authority and  
the obligation to Revoke the recently approved, above referenced Use Permit,  
Management Plan and Mitigated Negative Declaration filed by Nevada County  
Planning Department on Behalf of New Verde Mining Company, Inc., and Newmont

38 USA Limited. (see **Exhibit 3 attached** Nevada County Planning Commission  
39 Meeting Minutes 9/24/2015)<sup>1</sup>

40

41 The Governor's State Clearing House ("SCH" **Exhibit 4 attached**) *did not originally,*  
42 *nor since,* receive complete or correct information that Nevada County Planning  
43 Department, as well as Newmont and Senior Planner Hankins are personally  
44 responsible for [not] providing decisively relevant and inflammatory information<sup>2</sup> to  
45 the State Clearing House, on behalf of Newmont and its Proposed North Star Water  
46 Treatment Plant, ensuring that the SCH's list of State Agencies (see **SCH Director**  
47 **Scott Morgan August 11, 2015 to Planner Hankins, Exhibit 4 attached**<sup>3</sup>) to review  
48 Planner Hankins' documents *would Not* include the Department of Toxic  
49 Substances Control <sup>4</sup> results based upon the information contained in Applicant's (in  
50 this case, Nevada County Planning Department on behalf of Newmont) Request for  
51 a State Clearing House Number.

52

53 **Nevada County Code**

54 **TITLE 3 LAND USE AND DEVELOPMENT CODE**

55 **CHAPTER II: ZONING REGULATIONS**

56 **ARTICLE 5 ADMINISTRATION AND ENFORCEMENT**

57

58 **SECTION L-II 5.11 Permit Revocation**

59

60 **A. Purpose.** To provide procedures for Securing revocation of previously  
61 approved land use permits.

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<sup>1</sup> Planning Commission Meeting of 9/24/15, contain the discussion and approval vote, as well as Senior Planner Jessica Hankins' repeated falsehoods to the Public and the Commission leading to her Permit being approved by the Commission at this meeting. See notes written in Minutes margins. **Exhibit 3**

<sup>2</sup> The Project Location is missing APN #29-290-26, which is where Newmont wants to put its pumping station,. DTSC ENVIROSTAR ID # 29100009 see **Exhibit 5 attached**), and which is Restricted from Public Works use due to its toxic soil containing mercury, lead, arsenic, etc.

<sup>3</sup> ~~The County called and spoke with Director Morgan on 9/23/15 and verified that APN# 29-290-26 was not provided as being part of the Project Location, nor was the Longitude and Latitude for that APN # provided either, or even a street address. (see **Exhibit 6 attached, Planner Hankins' NOTICE OF COMPLETION & ENVIRONMENTAL DOCUMENT TRANSMITTAL, signed by her July 9, 2015, to the State Clearing House**).~~ Director Morgan *was not happy* about the omission of such important information by Planner Hankins.

<sup>3</sup> I personally called and spoke with Director Morgan on 9/23/15 and verified that APN#: 29-290-26 was not provided as being part of the Project Location, nor was the Longitude and Latitude for that APN # provided either, or even a street address. (see **Exhibit 6 attached, Planner Hankins' NOTICE OF COMPLETION & ENVIRONMENTAL DOCUMENT TRANSMITTAL, signed by her July 9, 2015, to the State Clearing House**). Director Morgan *was not happy* about the omission of such important information by Planner Hankins.

<sup>4</sup> See list of reviewing State agencies as per SCH's letter and data sheet on pg. 2 of **Exhibit 4**.

- 62           **B. Notice and Hearing.** For those permits requiring a public hearing at the  
63 time of approval, the body considering revocation shall hold a public  
64 hearing(s) on the application. Notice shall be give pursuant to  
65 Government Code Section 65900 and LUDC Section 5.13. Written notice  
66 of intention pursuant to revoke the permit shall be mailed to the  
67 applicant not less than 10 days before the public hearing.
- 68           **C. Review Authority and Grounds.** The body that originally approved the  
69 permit (including but not limited to, Development Permits, Use Permits  
70 and Variances) may revoke said permit. Grounds for revocation include,  
71 but are not limited to:
- 72           1. Non-compliance with conditions of approval,, mitigation measures  
73 or the approved site plan.
  - 74           2. Violation of any law in connection with the permit.
  - 75           3. Expansion of the use or structure without amending the existing  
76 permit or receiving a new permit.
  - 77           4. Operating in a manner that threatens or is injurious to the public  
78 health or safety, or constitutes a nuisance.
  - 79           5. The permit was issued, in whole or in part, on the basis of a  
80 misrepresentation or omission of a material statement in the  
81 application, or in the applicant's testimony presented during the  
82 public hearing for the permit.
  - 83           6. Circumstances under which the permit was granted have been  
84 changed by the applicant to a degree that one or more of the  
85 findings contained in the original permit can no longer be made  
86 and the public health, safety and welfare require the revocation.  
87 (Nevada County Code, (Copy attached as Exhibit 2)1
- 88  
89  
90 NEVADA COUNTY PLANNING DEPARTMENT SENIOR PLANNER HANKINS'  
91 OMISSION OF INFLAMMATORY APN# 29-290-26 TO THE STATE CLEARING  
92 HOUSE IS NOT AN ACCIDENT. IT WAS AND IS DELIBERATE ON HER PART  
93 AND SHE CONTINUES UP TO THE DATE OF THIS LETTER TO EVADE,  
94 OBFUSCATE AND OUTRIGHT MISLEAD, LIE AND IGNORE THE TRUTH.  
95
- 96 Planner Hankins was repeatedly asked to provide proof that she had obtained the  
97 necessary permits/permissions from the DTSC allowing Newmont to (a) purchase a  
98 portion of Parcel 29-290-26 which, they won't, due to the strict guidelines of the  
99 Covenant), (b) Excavate and build on the portion Newmont purchases of the toxic  
100 parcel (Covenant is very clear on the idea of excavating or even disturbing the toxic

101 soil known to be contained on the entire Parcel, including the targeted Portion. See  
 102 **Exhibit 2, recorded Covenant and Restricted Land Use re APN 29-290-26)**  
 103

104 After my conversation with Director Morgan of the SCH 9/23/15 verifying Planner  
 105 Hankins omission of APN 29-290-26, I proceeded to contact Trevor Cleak,  
 106 Environmental Scientist of California Water Boards, Central Valley Regional Water  
 107 Quality Control Board, who reviewed the Request for Review for the Mitigated  
 108 Negative Declaration for the North Star Water Treatment Project, **SCH#2015072018,**  
 109 (see **Exhibit 7<sup>5</sup>** attached),. I left a voicemail message at 11:05 a.m. 9/24/2015 at  
 110 (916)464-4684, Dr. Cleak's direct dial line. I briefly outlined why I was calling and  
 111 inquired as to any information on APN 29-290-26 contained in any part of the  
 112 Request submitted by Planner Hankins on behalf of Newmont/North Star Water  
 113 Treatment Project, Nevada County. Dr. Cleak returned my call at about 2:30 that  
 114 same day. I told him about the omission of the Toxic APN 29-290-26 in the data  
 115 supplied to the SCH, and wondered if possibly he had encountered any reference to  
 116 the APN. He ran the APN through his computer under the SCH #2015072018 file  
 117 and did not find the APN. I explained that the APN was in fact under the DTSC as  
 118 of 1995 and was the proposed site for the North Star Pumping Station to be built and  
 119 run on. He said that if the DTSC was monitoring the APN in question then they  
 120 absolutely should have been on the Reviewing Agencies mailing list and they were  
 121 not/are not on the Reviewing Agencies mailing list. +**Exhibits 6 & 7)**  
 122

123 **Exhibit 8** Contains emails by and between Zora Biagini, resident and Planner  
 124 Hankins reflecting numerous requests by Biagini to Planner Hankins for proof that  
 125 the DTSC had signed off, closed the file on, and or issued an approval for  
 126 Newmont's proposed purchase (of a portion) and use of APN 29-290-26 or its  
 127 Pumping Station to be erected and run on. Planner Hankins never did manage to  
 128 provide the promised Approval...because no such document exists, nor is it likely to  
 129 in this century given the half life of the toxins contained in the soil of this toxic  
 130 parcel.

131  
 132 **Exhibit 9** contains Local Reviewing Agencies and the Forest Services' reviewing  
 133 comments. The inflammatory APN 29-290-26 is contained on some, but not all,

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<sup>5</sup> Note: In Exhibit 7, I have also included additional correspondence by and between Planner Hankins and Dr. Amanda Dwyer,, Environmental Scientist State Water Board, Division of Financial Assistance administering the Clean Water State Revolving fund (CWSRF). The glaring absence of any reference to APN 29-290-26 or the DTSC, further shows Planner Hankins' personal commitment, for whatever reasons she may have , for perpetuating the Omissions of the inflammatory APN 29-290-26 and its Land Use Restriction Covenant (which FYI the Covenant is explicit about the Entire Parcel, not just the encapsulated area is considered and will be treated at toxic.)

134 which is unimportant as each of them, reviewed the Plan *Before the State level had*  
135 *vetted the plan*, and thus would assume that anything potentially hazardous to be  
136 regulated at the State Level. This would be true if, in fact, the State Reviewing  
137 Agencies had known of Newmont's intention to purchase a portion of the toxic  
138 parcel from the City of Grass Valley, and then erect and run their Pumping Station  
139 on it.

140

141 **Exhibit 10** is the California Regional Water Quality Control Board Central Valley  
142 Region, Cleanup and Abatement Order R5-2014-0706 for NEWMONT USA Ltd.,  
143 NORTH STAR PROPERTY, and NEVADA COUNTY. This Order is based upon  
144 incomplete and erroneous information and nowhere in the document does it refer to  
145 APN 29-290-26 or the DTSC being involved anywhere in the implementation and  
146 compliance by Newmont with this Order. Please Note that this order only  
147 encompasses the North Star Property and does not include the proposed future  
148 building site of Newmont's Pumping Station on the inflammatory APN 29-290-26.

149

150 **Exhibit 11** is copies of the Nevada County Planning Departments public computers  
151 search results on the inflammatory APN 29-290-26; as you can see, no data was  
152 available to the Public, the screen shots, and print screens are all that I was able to  
153 obtain from the County database. I finally obtained recorded documents for both  
154 APN's 29-290-26 which has no street address designated on it and, APN 29-290-23  
155 which is 566 Freeman Lane, aka Animal Control. My notes on the data contained on  
156 Planner Hankins' data sheet to the SCH and the incorrect information on these  
157 screenshots were relied upon by the State Water Board, and the misinformation was  
158 then compounded by Planner Hankins in her Application up to and including today,  
159 as she has still not rectified her omission to the State Clearinghouse, though they  
160 are awaiting her corrections as I have notified them of the the omission.

161

162 These are but a few examples of the lengths that Planning and Newmont have gone  
163 to ensure that no flags be raised at the State level as to Newmont's being able to  
164 purchase a portion of the Toxic Parcel to be used for their Pumping (dredging?)  
165 station. There are more supporting documents and I have noted on the attached  
166 copy of the Minutes most of Planner Hankins half-truths, misstatements and out  
167 and out falsehoods.

168

169 I AM FILING THIS TODAY WITH EXHIBITS 1 THROUGH 11 ATTACHED. Along  
170 with an additional letter covering some of my other concerns. An Original and 8  
171 copies of plus my own copy which I will be requesting the Clerk to the Board of  
172 Supervisors to stamp for me.

173

174 It is my intention to bring this package as well as all other proof I have gathered to  
175 the November 10, 2-015 Board of Supervisors Meeting at 1:30. I formally request  
176 that the Meeting be video taped and that sufficient time be allotted for a complete  
177 and thorough review of the evidence contained herein as well as any further  
178 documentation I bring.

179

180 Very truly yours,

181

182

183

184 Kathryn M. Connolly, resident of Grass Valley

185

186 Cc: Everybody. On the Appeal mailing list (ltr only with a list of Exhibits 1 thru 10)

187

188 Attachments: Exhibits 1 through 11

189

190 P.S. The Board should be aware that I have filed Complaints with both the DTSC  
191 and the Fraud Division of the EPA regarding the above material.

**Filename:** FINAL OF Backup of KMCs BrdOSupes ltr re NEV CNTY  
CODE TITLE 3 LAND USE permit revocation 1.docx  
**Directory:** C:\Users\Administrator\Documents  
**Template:** C:\Users\Administrator\AppData\Roaming\Microsoft\Templa  
tes\Normal.dotm  
**Title:**  
**Subject:**  
**Author:** Administrator  
**Keywords:** thurs night  
**Comments:**  
**Creation Date:** 10/30/2015 1:29:00 PM  
**Change Number:** 8  
**Last Saved On:** 10/30/2015 2:26:00 PM  
**Last Saved By:** Administrator  
**Total Editing Time:** 57 Minutes  
**Last Printed On:** 10/30/2015 2:26:00 PM  
**As of Last Complete Printing**  
**Number of Pages:** 6  
**Number of Words:** 1,985  
**Number of Characters:** 10,321 (approx.)

**Exhibit**

THE UNIVERSITY OF CHICAGO  
LIBRARY

**1**

**\_\_\_\_\_**





No Fee

095031439 1:24pm 12/05/95

502 10002890 01 08  
N03 24 7.00 69.00 0.00 0.00 0.00 0.00

Recording requested by:  
City of Grass Valley  
125 East Main Street  
Grass Valley, California 94116

When recorded, mail certified copy to:  
Department of Toxic Substances Control  
Region 1  
10151 Croydon Way, Suite 3  
Sacramento, California 95827

RECORDER'S MEMO: LEGIBILITY  
OF WRITING, TYPING OR PRINTING  
UNSATISFACTORY IN PORTIONS  
OF THIS DOCUMENT WHEN RECEIVED.

COVENANT AND AGREEMENT  
TO RESTRICT USE OF PROPERTY

GRASS VALLEY WASTE TREATMENT PLANT, CITY OF GRASS VALLEY,  
NEVADA COUNTY, CALIFORNIA

This Covenant and Agreement ("Covenant") is made and entered into on this 30th day of October, 1994, by and between the City of Grass Valley ("Covenantor") who is the owner of record of certain real property situated in the City of Grass Valley, County of Nevada, State of California, shown in Exhibit A attached hereto and incorporated herein by this reference ("the Property") and the California Department of Toxic Substances Control ("DTSC"), with reference to the following facts:

A. The Property, known as the "City of Grass Valley Waste Treatment Plant (parcel numbers 29-290-23 and 29-290-26, parcel 29-290-26 is to be restricted)", shown in Exhibit B, is located at 664 Freeman Lane, Grass Valley, Nevada County, California. The site occupies 29.7 acres, southwest of the intersection of Highways 49 and 20. Before the waste treatment plant opened on the site in 1949, the property was located in an area which was mined for gold in the late 1800's and beyond. Mill sand, the waste from this gold ore

-1-  
Re APN's: 29-290-23 and 29-290-26,  
Grass Valley WTP, COV  
Pg 1  
26 - parcel B  
restricted, pr 20  
PS I, par. 21

processing, was dumped on the site after the gold was extracted from the ore. The Site was investigated by the Regional Water Quality Control Board (RWQCB) and the Nevada County Department of Environmental Health in December 1992 to address elevated levels of lead found in the mill sands. The RWQCB determined that mill sands contained elevated levels of soluble lead and required that mill sands used in the equalization basins be solidified. During the excavation for the Secondary Clarifier, elemental mercury was discovered. The RWQCB requested DTSC assume the role of lead agency to investigate the mercury contaminated soil and evaluate if there were further concerns associated with lead in the mill sands. The Covenantor and DTSC entered into a Voluntary Cleanup Agreement, in which DTSC provided regulatory oversight for the investigation and remediation of the Site. Preliminary Remedial Goals (PRGs) for mercury and lead were developed and determined to be 2350 milligrams/kilogram (mg/kg) for lead and 400 mg/kg for mercury based on a protection of onsite workers and protection of aquatic biota in the adjacent Wolf Creek. Evaluation of the soil and sediment sampling data against the PRGs resulted in soil lead levels not in excess of the PRG for lead. However, one soil sample did exceed the PRG for mercury resulting in a recommendation for the mercury contaminated soil to be encapsulated onsite. A Preliminary Endangerment Assessment/Remedial Action Plan for the Site was conducted and approved by DTSC on October 30, 1994.

B. Covenantor, in compliance with the Preliminary Endangerment Assessment/Remedial Action Plan for the Grass Valley Waste Treatment

Plant dated October 30, 1994, approved by DTSC, has encapsulated approximately 105-135 cubic yards of mercury contaminated soil on the site. The location of the mercury encapsulation is depicted in Exhibit C and Exhibit D. DTSC determined further remediation is required prior to any excavation or initiation of any redevelopment activities in or around the mercury encapsulation area. Investigation of surface water and sediments from the Wolf Creek indicated mercury was not at levels of concern.

C. Covenantor and DTSC desire and intend that, for future protection of public health, safety, and the environment the Property shall be used in such a manner as to avoid any potential harm to persons or property which could potentially result from hazardous wastes which have been deposited historically on portions of the Property.

D. The Covenantor and DTSC further desire and intend that the terms of the Covenant are for the mutual benefit of the Property, future owners and occupants of the Property, DTSC, and the public and, therefore, shall constitute an easement, covenant, restriction, and servitude held by DTSC on behalf of the People of the State of California in the Property which shall run with the land, shall inure to the benefit of the Property, future owners and occupants of the Property, DTSC, and the public and shall apply to and bind the respective successors in interest thereof.

(E) Covenant runs with land  
Regulated by DTSC  
In perpetuity

-3-

(B) DTSC wants further remediation prior to any excavation or initiation of any redevelopment near Encapsulated Area

(C) further Prop. to be used in such a manner as to avoid any potential harm to persons, or prop. ... resulting from hazardous wastes

ARTICLE I  
GENERAL PROVISIONS

1.01 Statement Regarding Hazard. The purpose of this Covenant is to protect occupants of the property and the general public from hazardous substances on the property by restricting use of the property appropriately. Accordingly, this Covenant is not, and shall not be construed as, a statement, admission, or declaration by the Covenantor or DTSC that in entering into this Covenant, Covenantor or DTSC intend to create or permit to exist on the property a health, safety, environmental, or other hazard or nuisance.

1.02 Provisions To Run With The Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions (collectively referred to as "Restrictions") upon the Property and subject to which the Property shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and all of the Restrictions shall run with the land, and shall apply to and bind the respective successors in interest thereof. Each and all of the Restrictions are imposed upon the entire Property as mutual equitable servitude in favor of the Property and every portion thereof. Each and all of the Restrictions are imposed pursuant to and by agreement by and between the Covenantor and DTSC under Sections 25355.5 and 25356.1 of the California Health and Safety Code (H&SC) and run with the land pursuant to Section 25355.5 of the H&SC.

\*Note Restrictions apply to Entire Property in perpetuity with the land per H&SC Sections 25355.5 and 25356.1 Minutes p 17, ll 753-757, -False, misleading and Intentionally, Fraudulent. 756-757 - DTSC states Further Remediation is necessary

1.03 Concurrence of Owners Presumed. All purchasers, lessees, or possessors of the Property shall be deemed by their purchase, leasing, or possession of such Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors and assignees, and successors of such owner, heirs, successors, and assignees, that they are bound by the Restrictions as herein established, which must be adhered to for the benefit of future Owners and Occupants of the Property, DTSC and the public, and that their interests in the Property will be subject to the Restrictions contained herein.

1.04 Incorporation Into Deeds and Leases. Covenantor desires and covenants, and all purchasers, lessees or possessors shall be deemed to have covenanted, that the Restrictions set out herein shall be incorporated by reference in each and all deeds and leases of the Property.

1.05 City of Grass Valley Notification. The Covenantor shall notify DTSC prior to any restricted uses or modification of permitted uses of the property as set forth in Article 3.01A and 3.01B; Excavation of Soil; or Approval of Remediation of Additional Contamination Found, as set forth in Article 3.01D. Approval of restricted uses or modification of permitted uses shall not create any entitlement under local or state law. Copies of any such approval shall be provided to the City by DTSC.

ps. 79 covenantor  
 ll 863-866

Hankins has about  
 regulatory agency being  
 water board - it's not  
 and she knows it.

ARTICLE II  
DEFINITIONS

2.01 City. "City" shall mean the City of Grass Valley and shall include its successor agencies, if any.

2.02 DTSC. "DTSC" shall mean the California Department of Toxic Substances Control and shall include its successor agencies, if any.

2.03 Excavation. "Excavation" shall mean the digging out and/or the removal of soil from the Property, including landscaping.

2.04 Improvements. "Improvements" shall mean all buildings, structures, roads, driveways, regrading, landscaping, bodies of water, park and playground improvements, and paved parking areas, constructed or placed upon any portion of the Property.

2.05 Industrial And Commercial Use. "Industrial and Commercial use" shall mean structures and improvements relating to the manufacture, production, or exchange of goods or technology and the provision of services including, but not limited to, offices, cultural facilities, restaurants, entertainment facilities, conference facilities, retail shops, transportation facilities, warehouses, and manufacturing buildings.

2.06 Occupants. "Occupants" shall mean those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to occupy any portion of the property.

2.07 Owner. "Owner" shall mean the Covenantor, its successors in interest, and their successors in interest, including heirs, and assigns, who at any time hold title to all or any portion of the Property.

### ARTICLE III

#### DEVELOPMENT, USE, AND CONVEYANCE OF THE PROPERTY

3.01 Restrictions on Use. Every Owner and Occupant promises to restrict the use of the Property described in Exhibit "B" as follows:

A. Permitted Uses. The Property may be used for industrial and associated commercial use (as defined in Article II Section 2.05), without restriction, except as otherwise provided under law or other provisions of this Covenant.

B. Restricted Uses. Restricted Uses, which are prohibited, include but are not limited to the following:

(1) For those areas where identified soil contamination is present as identified in Exhibit B, <sup>Entire APN - per Sec 1.02, p. 4</sup> excavation for any purpose, other than remediation, and any development or infrastructure improvement activities at or immediately adjacent to these areas are prohibited prior to completion and approval by DTSC of any or all required remediation.

(2) All uses not specified in paragraph 3.01.A(1) above. These include, but are not limited to, residential (e.g., single and multiple family, transient occupancy), day care, educational, and public or institutional uses (e.g., cultural facilities, health care facilities, and social service facilities). *\* (note: public or institutional uses do not include)*

All other uses or modifications of uses are prohibited unless the Owner or Occupant has demonstrated to the satisfaction of DTSC that all remedial measures necessary for protection of human health and the environment have been taken. Other uses or modifications can be implemented only after prior written approval from DTSC. Said approval shall not be unreasonably withheld or delayed. Physical modifications to existing interior uses which do not disturb the soil, paving, or soil/structure interface shall not require DTSC's approval.

C. Excavation.

(1) Excavated soils shall not be disposed or used offsite without DTSC approval. *NO Excavation*

(2) No excavation at and/or removal of any soil from the encapsulated mercury area shall be allowed without the prior written approval of DTSC. *Entire parcel* *NO Digging into DTSC perm*

D. Discovery of Contamination. In the event that additional contamination is found during development or redevelopment of the site, adequate measures shall be taken to achieve permanent remediation and prevent unacceptable exposure to humans or the environment. Discovery of contamination requires notification of



DTSC and the Nevada County Environmental Health Department within twenty-four (24) hours. Notification must be made to the contact identified in Section 5.02. Any plans for remediation must have prior approval by DTSC.

3.02 Conveyance of Property. The Owner or Owners and the Occupants shall provide a thirty (30) day advance notice to DTSC and City of any sale, lease, or other conveyance of the Property or an interest in the Property to a third person. DTSC shall not, by reason of the Covenant, have authority to approve, disapprove, or otherwise affect any sale, lease, or other conveyance of the Property or any interest in it except as otherwise provided by law or by reason of this Covenant.

3.03 Enforcement. Failure of an Owner or Occupant to comply with any of the requirements, as set forth in Section 3.01, shall be grounds for DTSC, by reason of the Covenant, to have the authority to require that the Owner modify or remove any improvements constructed in violation of that paragraph. Failure to maintain any mitigation requirements as set forth in Section 3.01 shall be grounds for DTSC to file civil and criminal actions against the Owner as provided by law, including but not limited to the provisions of Chapter 6.5 and 6.8, Division 20 of the H&SC.

3.04 Notice in Agreements. The Covenantor shall provide a notice to all Owners and Occupants that shall accompany all purchase,

lease, sublease, or rental agreements relating to the Property by supplying a copy of this Agreement. In this way all Owners and Occupants shall be aware of the following statement:

"The land described herein contains hazardous substances. Such condition renders the land and the owner, lessee, or other possessor of the land subject to requirements, restrictions, provisions, and liabilities contained in Chapter 6.5 and Chapter 6.8 of Division 20 of the Health and Safety Code. This statement is not a declaration that a hazard exists."

#### ARTICLE IV

#### VARIANCE AND TERMINATION

4.01 Variance. Any Owner or, subject to the prior written consent of the owner, any Occupant of the Property may apply to DTSC for a written variance from the provisions of this Covenant. Such application shall be made in accordance with Section 25233 of

the H&SC. NOT DONE; Avoided because Handling didn't include APN # as Clearinghouse Data Sheet in Proj. of Area

4.02 Termination. Any Owner or, subject to the prior written consent of the owner, any Occupant of the Property may apply to DTSC for a termination of the Restrictions as they apply to the Property

or any portion of it. Such application shall be made in accordance with Section 24234 of the H&SC.

4.03 Term. Unless terminated in accordance with paragraph 4.02 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V  
MISCELLANEOUS

5.01 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Property to the general public or for any purposes whatsoever.

5.02 Notices. Whenever any person shall desire to give or serve any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective: (1) when delivered to the parties below or personally delivered to the person being served or to an officer of a corporate party being served, or (2) three business days after deposit in the mail to the parties below if mailed by United States mail, postage paid, certified, return receipt requested. All such notices, demands, or communications shall be delivered or sent to:

00031433  
Mayor Bill Hullender  
City of Grass Valley  
125 Main Street  
Grass Valley, California 94945

In every case, copies of such notices, demands, or other communications shall be delivered or sent to:

Department of Toxic Substances Control  
Region 1  
Branch Chief  
Central California Site Mitigation Branch  
10151 Croydon Way, Suite 3  
Sacramento, California 95827  
(916) 255-3545  
(916) 255-3697 FAX

and

Director of Planning Department  
City Grass Valley  
125 Main Street  
Grass Valley, California 95945  
(916) 274-4360

5.03 Partial Invalidity. If any portion of the Restrictions or terms set forth herein are determined to be invalid for any reason, the remaining portions shall remain in full force and effect as if such portion had not been included herein.

5.04 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.05 Recordation. This instrument shall be executed by the Covenantor, and by the Director or designee, California Department of

Toxic Substances Control. This instrument shall be recorded by City of Grass Valley with the County recorder of the County of Nevada within ten (10) days after the date of execution by both parties in accordance with the recording requirements of the H&SC, Section 25230. The provisions of the Covenant will also be incorporated into, and become part of, the land use plan for the Property as instituted by the local planning agency.

5.06 References. All references to Code sections include successor provisions.

5.07 Nothing in this Covenant confers any rights to the Owner or Occupant above and beyond those otherwise in existence under State law.

5.08 Compliance and Cure.

A. DTSC shall respond in writing to a written request by the Covenantor for confirmation of Covenantor's compliance with this Agreement within thirty (30) days after receipt of Covenantor's written request.

B. DTSC shall give Covenantor reasonable written notice of any alleged default by Covenantor under this Agreement and a reasonable opportunity to cure the alleged default prior to exercising its remedies under this Agreement. This provision shall not restrict DTSC in any way from otherwise exercising its authority under laws or regulation.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date first set forth above.

Covenantor: City of Grass Valley Date:  
By: [Signature]  
Title: Mayor  
ATTEST: [Signature] - City Clerk  
APPROVED AS TO FORM: [Signature] CITY ATTORNEY

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

By: [Signature]  
Title: Division Chief, State wide Cleanup Operations  
Date: October 2, 1995

STATE OF CALIFORNIA

)  
)  
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)

COUNTY OF NEVADA

On September 18, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared DeVere Mautino, personally known to me or proved to me on the basis satisfactory evidence to be the person who executed the within instrument as

Mayor of City of Grass Valley \* , the agency that executed the within instrument, and acknowledged to me that such agency executed the same pursuant to its bylaws or a resolution of its board of directors.

WITNESS my hand and official seal.

Barbara Ann Poznik

Notary public in and for said County and State



\* ..and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

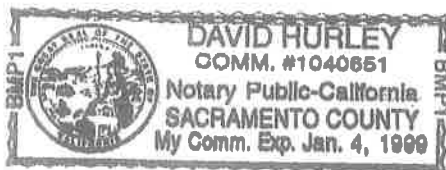
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On October 2, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared Barbara Coler, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as Division Chief \*, of Department of Toxic Substances Control, the agency that executed the within instrument, and acknowledged to me that such agency executed the same.

WITNESS my hand and official seal.

*David Hurley*

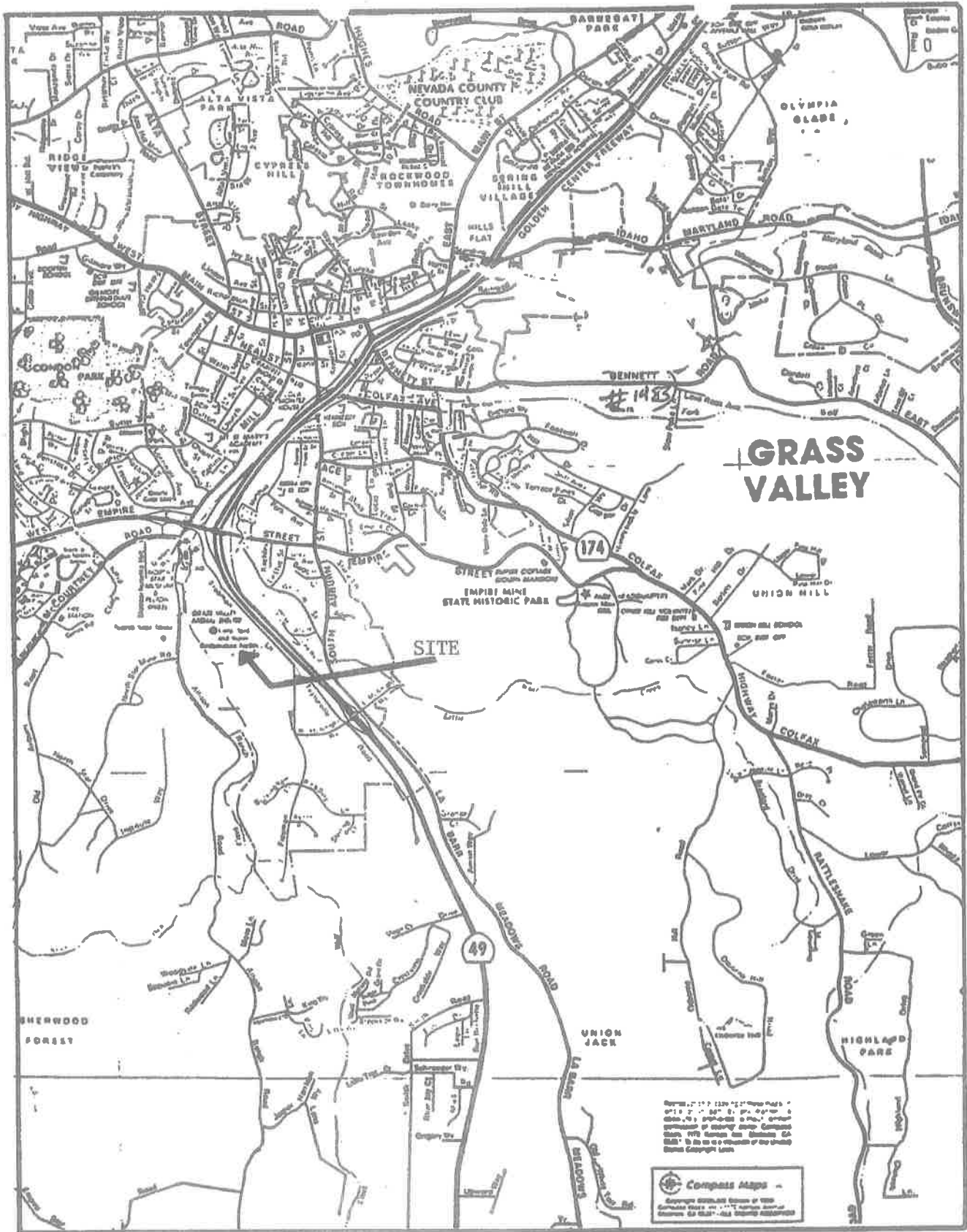
Notary Public in and for said County and State



\*..and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

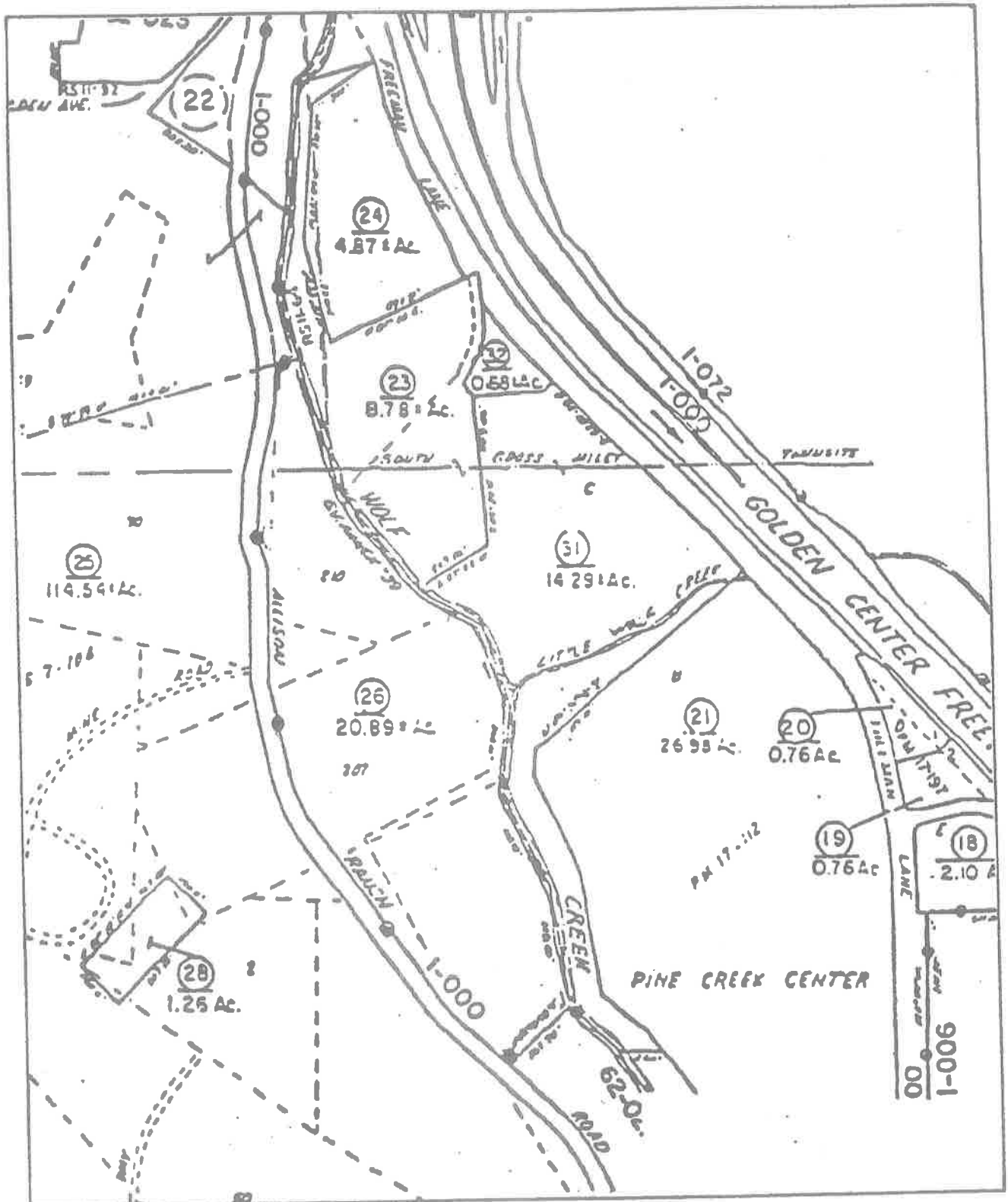


EXHIBIT A



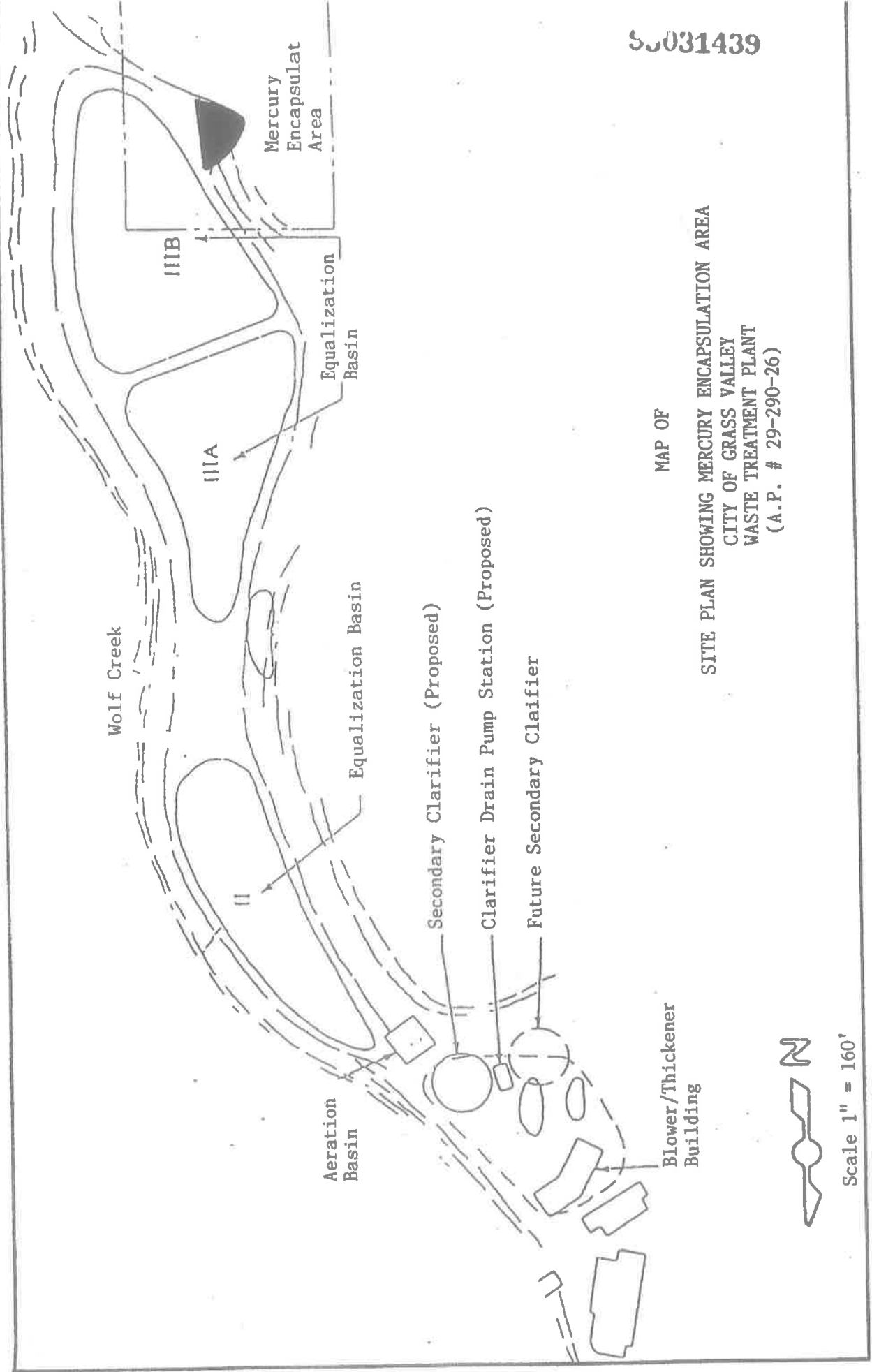
MAP OF  
 GRASS VALLEY  
 WASTE TREATMENT PLANT LOCATION

EXHIBIT B



PARCEL MAP OF  
 GRASS VALLEY WASTE TREATMENT PLANT  
 A.P. # 29-290-26

EXHIBIT C



MAP OF

SITE PLAN SHOWING MERCURY ENCAPSULATION AREA  
 CITY OF GRASS VALLEY  
 WASTE TREATMENT PLANT  
 (A.P. # 29-290-26)

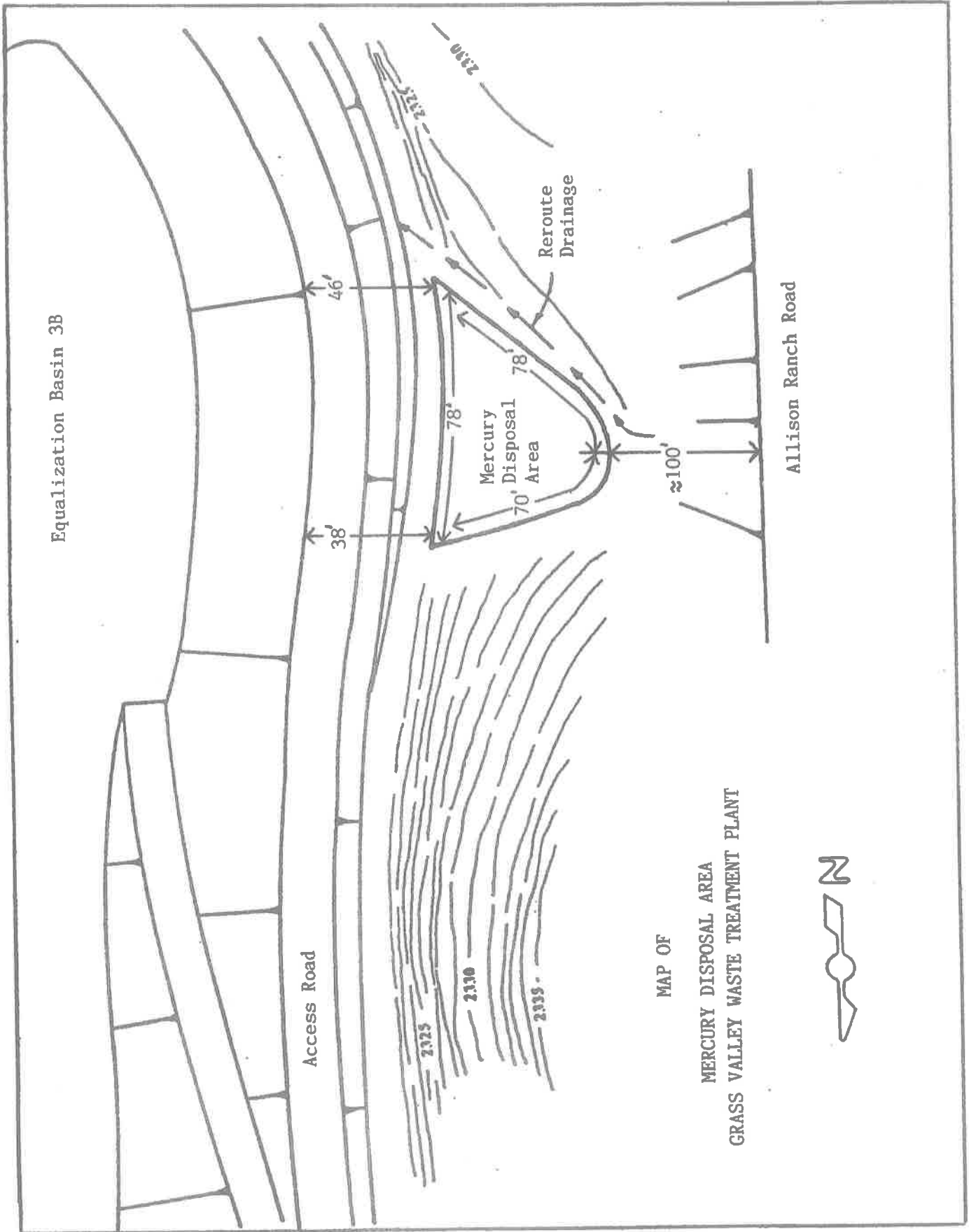


Scale 1" = 160'

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EXHIBIT D

Exhibit D



MAP OF  
 MERCURY DISPOSAL AREA  
 GRASS VALLEY WASTE TREATMENT PLANT





**Exhibit** 2

**Nevada County Code**

**Up Previous Next Main Search Print No Frames**

TITLE 3 LAND USE AND DEVELOPMENT CODE  
CHAPTER II: ZONING REGULATIONS  
ARTICLE 5 ADMINISTRATION AND ENFORCEMENT

**Sec. L-II 5.11 Permit Revocation**

- A. **Purpose.** To provide procedures for Securing revocation of previously approved land use permits.
- B. **Notice and Hearing.** For those permits requiring a public hearing at the time of approval, the body considering revocation shall hold a public hearing(s) on the application. Notice shall be given pursuant to Government Code Section 65900 and LUDC Section 5.13. Written notice of intention to revoke the permit shall be mailed to the applicant not less than 10 days before the public hearing.
- C. **Review Authority and Grounds.** The body that originally approved the permit (including, but not limited to, Development Permits, Use Permits and Variances) may revoke said permit. Grounds for revocation include, but are not limited to:

- 1. Non-compliance with conditions of approval, mitigation measures or the approved site plan.
- 2. Violation of any law in connection with the permit. *Gross Negligence as to all elements of Air Quality, Human Health, and Safety.*
- 3. Expansion of the use or structure without amending the existing permit or receiving a new permit.
- 4. Operating in a manner that threatens or is injurious to the public health or safety, or constitutes a nuisance. *DTSC Complaint ATN 2929026*
- 5. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit. *Both Nevada County Planner Hank King*
- 6. Circumstances under which the permit was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made and the public health, safety, and welfare require the revocation. *- No EIR*

*No disclosure to community Board and use DTSC mandate in perpetuity on future parcels*

View the mobile version.



**Exhibit** 3

W...COM...  
9/24/15  
minutes

NEVADA COUNTY PLANNING COMMISSION  
NEVADA COUNTY, CALIFORNIA

**MINUTES** of the meeting of September 24, 2015, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

**MEMBERS PRESENT:** Chair Duncan, Commissioners Poulter, Aguilar, James and Jensen

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Senior Planner, Jessica Hankins; County Counsel, Alison Barratt-Green; Administrative Assistant, Janeane Martin

**PUBLIC HEARINGS:**

- 1. New Verde Mines, LLC – U14-009, MGT14-015, EIS14-012 Page 2, Line 49

**STANDING ORDERS:** Salute to the Flag - Roll Call - Corrections to Agenda.

**CALL MEETING TO ORDER:** The meeting was called to order at 1:30 P.M. Roll Call was taken.

**CHANGES TO AGENDA:** No changes.

**CONSENT ITEMS:**

- 1. Acceptance of Minutes for 08-27-2015
- 2. Acceptance of Minutes for 09-03-2015

**Motion** to accept August 27, 2015 minutes by Commissioner Jensen; **second** by Commissioner Aguilar. **Motion carried on a voice vote.**

**Motion** to accept September 3, 2015 by Commissioner Jensen; **second** by Commissioner Aguilar. **Commissioner Poulter abstained as she was not present at that hearing. Motion carried on a voice vote.**

**PUBLIC COMMENT:** Members of the public shall be allowed to address the Planning Commission on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Planning Commission, provided that no action shall be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. None.

**COMMISSION BUSINESS:** None.

**PUBLIC HEARING:**

*Handwritten notes:*  
 P3 J dk: 12-13  
 re Hankins employment status on 9/24/15  
 re Senior Planner, Jessica Hankins  
 (vs. employment status) 10/15/15  
 P3 J dk: 12-13

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**U14-009, MGT14-015, EIS14-012:** A Use Permit request by New Verde Mines, LLC for the construction and operation of a groundwater collection, conveyance, and treatment system to manage water draining from historical mine features; and a Management Plan to address potential impacts on riparian habitat and wetland habitat near the conveyance and treatment system. **LOCATION:** 12509 Allison Ranch Road, Grass Valley 95949 **ASSESSOR'S PARCEL NO's.:** 22-120-28, -35; 22-160-27; 29-290-26; 29-350-03, -04, - 16. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration. **PLANNER:** Jessica Hankins, Senior Planner

Jessica Hankins, Senior Planner, outlined the project with a Power Point presentation. She began her presentation with a brief description of the existing setting, zoning and background of the project before explaining the project details. The project is located south of the City of Grass Valley, generally along Allison Ranch Road which is on the western extent, with Wolf Creek being on the eastern extent of the project. The study area consisted of the entire 760-acre site. However the disturbance area would only be approximately 8.3-acres.

Planner Hankins displayed the Zoning, Vicinity and Notice Map. She gave a detailed explanation of the CEQA noticing undertaken for the project. In the northern area of the project, notices were sent to property owners within 500' of the vicinity of the Drew Tunnel pump station; additionally, notification was sent to owners generally within 500' from the collection/conveyance system, though she noted that some additional parcels were added if it was felt that the parcels had access to Allison Ranch Road and might be affected by the project construction or be potentially affected by the operational components; beyond the southern extent of the property, notification was extended to properties a further 1/2 mile to include the residents that have access to Allison Ranch Road; and the notification was further expanded to the east to capture larger subdivisions such as the entire Carriage House subdivision.

Planner Hankins stated that the Drew Tunnel pump station is proposed within City of Grass Valley limits and is zoned Public. The collection, conveyance and treatment pond areas are zoned IDR and are within the unincorporated County. The small construction staging area is located within the County and is zoned RA-1.5. She explained that uses in the northern area of the project are public and commercial; southerly are rural residential with some agricultural uses as well.

Planner Hankins continued with a discussion on the background of the property. She stated that the North Star property is the former site of the Massachusetts Hill Mine, New York Hill Mine and North Star hard rock gold mines which created an extensive network of shafts, tunnels, and stopes and other similar types of features. The main tunnels often drained to nearby surface waters to aid in mine dewatering, as was the case with the Drew Tunnel cross-cut. Following closure of the mines when the groundwater was no longer being pumped out, the groundwater levels recovered resulting in groundwater draining to surface waters. As the water travels through these tunnels it picks up naturally occurring heavy metals, in the case of this project, iron, manganese and arsenic.

185 She also noted that there were areas where several small fires had happened after the Initial  
186 Study had been prepared that would also require reseeded. - 030 reseeded to upper pond  
187 - 030 reseeded to lower Pippin

188 Planner Hankins outlined the project analysis of potential geologic hazards. She stated that there  
189 are quite a few geologic hazards on the property due to the past mining activities, though they are  
190 all mitigated in the MND. She explained that there is a history of landslide activity near Allison  
191 Ranch Road so the plan would take the pipeline above Allison Ranch Road in the vicinity of the  
192 existing bypass road that is considered more stable in terms of slopes. A mitigation measure is  
193 provided to ensure the pipeline in that area is designed to accommodate movement that may  
194 occur later. Another mitigation measure would require project facilities be designed to maintain  
195 a minimum 50-foot buffer from steepened slopes, areas of subsidence and seepage as well as any  
196 of the shallow mine remnants. *Spec. 50' buffer to steep slopes*

198 Planner Hankins noted public concerns regarding the ponds relative to mosquito breeding  
199 habitat. She stated that Planning had worked closely with the Environmental Health  
200 Department's Vector Control Division to determine what those impacts might be. They had one  
201 record of a visit to the Empire Mine Magenta Ponds which had found no evidence of mosquito  
202 breeding. They returned to the Magenta Ponds given that they are similar in design to what the  
203 project proposes and took 25 plus samples. One sample taken from the wetland pond contained  
204 one mosquito larva, and none were found in the sedimentation pond or limestone beds. While  
205 only one larva was found, it does not preclude there being more on a different site. Vector  
206 Control indicated that a different site could have different conditions and/or it could be time-of-  
207 year dependent. A mitigation measure is proposed that would require monthly monitoring by  
208 Vector Control for the first two summers of pond operation. If they do find there is an issue with  
209 mosquito breeding then that site would be added to their list of sites for continued monitoring.

211 Planner Hankins provided details regarding the project review relative to potential safety  
212 hazards. She stated that the sedimentation pond will be fenced. The wetland pond is 4 to 6-  
213 inches deep and heavily vegetated, and is located further inside the property with no homes in  
214 the immediate vicinity of the pond, so no fence was deemed necessary. The limestone beds only  
215 would carry about one inch of water so were not felt to present a potential safety hazard.

217 Planner Hankins outlined the project analysis on noise impacts. The two types of noise  
218 generation noted were operational noise and construction noise. Typical noise impacts from  
219 ground disturbance activities would be expected, and standard noise mitigation measures are  
220 proposed to mitigate those noises. Operational noise would come from the pump stations. There  
221 would be no noise at the ponds, no moving parts at the ponds, and no electrical at the ponds. At  
222 the pump stations there would be the pumps and standby generators. The Drew Tunnel pump  
223 station is located below the grade of the road on the Wastewater Treatment Plant site where there  
224 are high ambient noise levels from both traffic and plant operation. Pump noises would be  
225 masked by these existing noises. The North Star pump station is proposed to be approximately  
226 500-feet from the nearest residence and consists of a submersible pump, meaning it would be at  
227 least 70-feet underground in the water. The only noise would be from water flowing in  
228 aboveground piping for a short distance. The standby generator would exercise 15 minutes bi-  
229 weekly only during regular business hours: Monday through Friday 8:00 to 5:00.



Handwritten notes at top of page: "at 10/20" and "Submitted for review" with arrows pointing to the text.

231 Planner Hankins outlined the project analysis of potential traffic impacts. A Traffic Control  
232 Management Plan is proposed as part of the mitigation. The Plan would require minimum  
233 standards for lane closures, hours, flaggers, notification, etc. This is standard mitigation used by  
234 Nevada County Department of Public Works (DPW) for public road and utility projects which  
235 would require review and approval by DPW.

236  
237 Planner Hankins moved on to the project analysis relative to biotic resources. Several potential  
238 impacts to special status and migratory bird species were noted during the biological resources  
239 portion of the project analysis. Since the time the Initial Study was distributed, several surveys  
240 were already conducted. Surveys for the Western Pond Turtle revealed their presence and  
241 mitigation is proposed to provide a biological monitor for Western Pond Turtle when there is  
242 construction in the area where it was found. Potential impacts to both the California red-legged  
243 frog and the Foothill yellow-legged frog were noted in the Initial Study but Planner Hankins  
244 noted that the project biologist had since completed protocol-level surveys which had been  
245 submitted to USFWS with a finding of no evidence of their presence. She mentioned a Staff  
246 Memo that was provided to the Commissioners with some changes to the mitigations for the  
247 nesting raptors and migratory birds. These changes were suggested by the project biologist. The  
248 changes would allow for clearing and grubbing activities up to January 1<sup>st</sup> as long as there are  
249 measures in place for erosion control, because migratory birds are not present here during that  
250 time period. Potential impacts to migratory birds would be mitigated by Mitigation Measure 4F  
251 which would require preconstruction nesting surveys and avoidance. Also, the requirement for  
252 401 or 404 permits was removed because no fill to wetlands is proposed and they would not  
253 apply. There would be no direct impacts to wetlands; however, there would be the potential for  
254 indirect impacts because it could possibly be drained, so proposed mitigation would require  
255 purchase of wetland credits for under 1/10 of an acre. Mitigation is also proposed for  
256 disturbance within 100-feet of the waterway setback.

257  
258 She outlined alternatives that were considered as part of the project analysis in response to the  
259 many public comments asking why the project couldn't be placed somewhere else on the 760-  
260 acre property. Staff looked very carefully at the issue and had many conversations with the  
261 applicant about why the particular site was selected. She referenced Attachment 10 of the Staff  
262 Report. She noted that the pond location was selected after technical studies were completed to  
263 ensure that all the sensitive resources and site constraints could be mapped in order to avoid  
264 those features where possible. Many of the project sites have extensive underground mining  
265 features and surface expressions, steep and/or unstable slopes, wetland areas, and another area  
266 which is clear would need to be accessed from private property. The entire western area of the  
267 property is at a higher elevation and use of it would result in higher energy demands, meaning  
268 more mechanical components and a greater risk of mechanical failure. The eastern side of  
269 Allison Ranch Road is subject to a conservation easement. The proposed site has fairly level  
270 topography allowing for greater constructability and access, avoids the sensitive resources and  
271 constraints and allows for the single pumps stations, resulting in lower electrical demands, less  
272 noise, less resource consumption, lower greenhouse gases considering that the project would  
273 operate in perpetuity. The alternative that was chosen is the best location because of the above.

Handwritten note: "staff = CJH"

Handwritten note: "To New" and "OK"

Handwritten note: "except" and "OK"

274  
275 Commissioner Jensen asked if the alternatives took into account a more active system such as a  
276 treatment plant that would take less area.

Handwritten notes at bottom of page: "Newest" and "This is illegal" with arrows pointing to the text. At the very bottom, there is a page number "2015-09-24 PC Meeting Minutes -6-" and some other scribbles.

277  
278 Planner Hankins replied that this was reviewed in the Initial Study. An active treatment system  
279 would require more chemical inputs, more maintenance and supervision and more mechanical  
280 parts which could present a greater risk of failure. Staff concluded that the passive treatment  
281 system provided the better, environmentally sensitive alternative. Risk of failure is  
282 1500% higher in proposed landside, which would mean 1500% of pop.  
283 Commissioner Jensen asked if Staff recommended a passive system or if that was what was  
284 originally proposed. \* = Staff: Heron

285  
286 Planner Hankins replied that a passive treatment system was what was submitted. = by Heron

287  
288 Planner Hankins outlined the environmental review process. She stated that the Initial Study was  
289 prepared, and then circulated for 30-days, it was routed through the State Clearinghouse, two  
290 agency comments and 17 public comments were received. The Initial Study identified the  
291 typical construction related impacts which are mitigated to less than significant levels with  
292 standard mitigation measures. The Initial Study identified many unique project impacts that  
293 were also mitigated. The Alternatives Analysis done as part of the process goes beyond the  
294 normal scope of an Initial Study. She also noted the preparation of the proposed Mitigation and  
295 Monitoring Plan which is Attachment 2 in the Staff Report. = Justice is not a good word

296  
297 Planner Hankins noted that changes were made to the Initial Study after the initial distribution.  
298 This included a change to the project description. The original proposal included slats in the  
299 proposed pond fencing. Staff felt that slats would potentially draw more attention to the pond so  
300 Staff asked the applicant to remove them from the description. The Initial Study and landscaping  
301 plan were both updated based on fires that occurred after the IS was distributed. Analysis was  
302 added to noise, flooding and groundwater impact discussions; and clarifications were added to  
303 some of the biological measures.

304  
305 Planner Hankins stated that the City is deferring to the County for land use permits in the  
306 northern area of the site. She added that the pump station is allowed as a quasi-public use and  
307 that quasi-public uses are allowed within the IDR district with a Use Permit and stated that the  
308 project is considered a quasi-public use. Temporary construction staging areas are allowed  
309 within the RA district with approval of a Use Permit. She also stated that the project meets site  
310 development standards with the Management Plan which addresses the wetland encroachment. NO ST

311  
312 She concluded that with the amended conditions and memo provided to them, Staff  
313 recommended that the Commissioners adopt the revised Mitigated Negative Declaration and  
314 approve the Management Plan and Use Permit.

315  
316 Chair Duncan thanked Planner Hankins and asked her fellow commissioners if they had any  
317 questions for Staff.

318  
319 Commissioner James asked Ms. Hankins what the boundaries to Newmont are.

320  
321 Planner Hankins presented a slide of the zoning map and explained roughly the location of the  
322 property boundaries. But didn't explain the ...

323

324 Commissioner Aguilar asked Planner Hankins what would happen if Newmont goes bankrupt, or  
325 if the company is sold.

326

327 Planner Hankins explained that the responsibility for the cleanup goes with the company, not the  
328 land, so if the company did not exist anymore and there were no successors, it would most likely  
329 become a US EPA site.

330

331 Commissioner Aguilar asked where the water for irrigation would come from.

332

333 Planner Hankins replied that there would be a tank with above-ground, temporary piping that  
334 would be removed after plant establishment.

335

336 Commissioner Aguilar asked what would happen if Vector Control found mosquito larvae.

337

338 Planner Hankins said that the mitigation measure specifies what would happen, and noted that  
339 Staff would like to avoid the addition of chemicals if possible. As a first option, Vector Control  
340 would look at mosquito fish. Mosquito fish are not allowed to be released in areas where they  
341 could get into waterways so if their use was not acceptable, Vector Control would look at the  
342 design of the ponds at the location of where larvae would be found. If for instance, the bank or  
343 sides were not steep enough to prevent the habitat, then they would be re-graded. If that doesn't  
344 work then the next step would be to use BTi.

345

346 Commissioner Aguilar asked for clarification on the subject of something being drained then  
347 cleaned of heavy metals.

348

349 Planner Hankins replied that the sedimentation pond would be cleaned about every 10 years.  
350 When sedimentation built up, which is not anticipated to be more often than 10 or so years, it  
351 would be dredged, placed in geo-tubes, and then it would be dried and characterized for  
352 hazardous qualities before being removed to a waste facility.

353

354 Commissioner Poulter asked about the discussion in the Staff Report relative to the previous Use  
355 Permit and Reclamation Plan. It states that Staff is recommending the owner provide a letter.  
356 She wondered if that was a recommendation or a requirement.

357

358 Planner Hankins clarified that all the conditions in the Staff Report are recommendations to the  
359 Planning Commission but if approved the condition would be a requirement of the applicant.

360

361 Chair Duncan asked about the statement in the Staff Report "...any successors in interest of the  
362 property would be responsible..." She was unclear if that just pertained to the physical  
363 improvements.

364

365 Planner Hankins explained that the statement was incorrect and was revised as part of the memo  
366 that was provided to the Commissioners.

367

368 Chair Duncan noted that the landscaping plan called for native plants which are typically slower  
369 growing. She understood that many of the public comments were about the visibility of the  
370 project. She asked if a requirement could be added to plant some sacrifice trees such as  
371 cottonwoods or another faster growing species to provide a quick buffer then taken out later  
372 when the natives grew in.

373  
374 Planner Hankins acknowledged that it was a good idea and thought that perhaps the landscape  
375 architect could address that.

376  
377 Chair Duncan noted that in the Staff Report it stated that it was recommended that the applicant  
378 fall timber outside of nesting times. She asked for clarification as to whether the condition was a  
379 hard requirement or a suggestion.

380  
381 Planner Hankins replied that nesting time is January 1 through August 15 and it would be ideal if  
382 they could try to avoid nesting time. However, as long as sedimentation controls are in place and  
383 nesting surveys had been performed then they could proceed with the clearing and grubbing  
384 outside the nesting season. She stated that it is a preference that is expressed in the Mitigation  
385 Measure to avoid nesting time. She read the measure and stated that it was written to state "if  
386 feasible, and where possible the applicant shall conduct tree removal and initial grading between  
387 August 15 and October 15 to avoid the nesting season and the wet season". However,  
388 understanding that it isn't always possible to do so, there are built in provisions that allow it to  
389 happen outside of that timeframe.

390  
391 Chair Duncan asked when Newmont was required to complete the project.

392  
393 Planner Hankins stated that it was the end of this year and confirmed that construction occurring  
394 from August 15 through December 31 would avoid the nesting season.

395  
396 Chair Duncan thanked Planner Hankins and commended her on her presentation and package  
397 preparation. She invited the applicant to present their materials.

398  
399 Mr. Bill Lyle, of Newmont and New Verde Mines, LLC introduced himself as project  
400 representative. He noted that Planner Hankins did a very good job presenting the proposal. He  
401 stated that various technical consultants were present and available to answer questions. He  
402 added that the project was a long process and that the application would fulfill the agreements  
403 and satisfies the commitments made with the City and RWQCB. He introduced Sherm  
404 Worthington and explained that he was the technical designer of the system and would be able to  
405 answer questions of that nature.

406  
407 Chair Duncan asked what other team representatives were present.

408  
409 Mr. Lyle asked the various project consultants to stand and state their name and specialty.

410  
411 Ms. Rebecca Bilodeau - permitting process.

412  
413 Mr. Adrian Juncosa - project biologist.

*Handwritten notes:*  
- LTD my friend = area only studies  
- but that for the study of our MST  
- DTSC took site -

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Mr. Ron Dundas - KPFF Consulting Engineers.

Ms. Josephine McProud -- Landscape Architect. She clarified that she worked on the screening aspects of the project, not the planting of the wetland ponds.

Chair Duncan asked Ms. McProud to sit at the podium.

Mr. Sherm Worthington - Principal Engineer of Worthington-Miller.

Eric Daniels - Operation Manager for Newmont.

Chair Duncan stated that the visibility issue is a concern and noted that the Empire Mine ponds were not a great example of what could be done to mitigate the concern. She acknowledged that natives are always preferable but asked if there was a quicker remedy that could be removed later once the natives had grown enough to limit visibility.

WHE  
APN  
27-2-102  
See p. 16

Ms. McProud agreed that there were lots of possibilities. She stated that she worked with Mr. Juncosa to develop a list of plants that would thrive in perpetuity without permanent irrigation. She also used evergreen plant material so it would screen the view year round. She stated that a condition could be added that non-native deciduous plants could be added then removed later upon establishment of the natives.

Mr. Juncosa stated that he collaborated with Ms. McProud and they developed the plan together. He explained that incense cedars are a fast growing native species that would be as fast, or faster, than other non-native choices. He was uncertain if a non-native species could be found that would grow faster in that setting. He noted that cottonwoods would not provide a better screen than what is proposed because they require full sun and ample water at all times in order to grow quickly. He couldn't think of anything offhand that would improve the screening in that area over the proposed incense cedar.

Chair Duncan asked if it was due to the soil conditions and lack of water.

Ms. McProud mentioned that lack of sunlight is a factor because of the existing pines that are between the ponds and the road that would shade and inhibit growth. She mentioned the earlier proposal of including slats in the fence, but agreed that the slats were more objectionable than seeing through to sky and water. She didn't want to suggest something that she didn't feel would meet the objectives.

Chair Duncan asked her to think about it during the hearing.

Commissioner Aguilar stated that he spends quite a bit of time at the Empire Mine for a variety of outdoor activities. He felt that the ponds there could have been screened much better. He noted that while it doesn't appear that there is movement in the water, there are never mosquitos there. He thought the lack of mosquitos was because of the sun; that the larvae didn't hatch there.

460  
461 Mr. Juncosa stated that to the best of his understanding mosquito larvae don't care whether there  
462 is sun or not, but if there is stagnant, standing water for any amount of time there will likely be  
463 mosquito activity. He acknowledged that the stated understanding was based on his time doing  
464 such things as delineating wetlands, not as an insect specialist. If there is standing water where  
465 he is working and it is the right time of year, he is besieged whether the water is in the sun or not.

466  
467 Commissioner Poulter asked what size trees are proposed to be planted.

468  
469 Ms. McProud stated that most of them are proposed to be 5-gallon size because larger trees are  
470 resistant to adapting. One-gallon trees would be too small, but 5-gallon would have a bit of  
471 presence to begin with and would adapt.

472  
473 Commissioner Poulter suggested that incense grow very quickly.

474  
475 Ms. McProud agreed that given water, they are fast growers.

476  
477 Commissioner James stated that he was still struggling with what would happen if Newmont no  
478 longer existed.

479  
480 Planner Hankins replied that it may become a superfund site.

481  
482 Commissioner James asked if a deed restriction could be placed on the property requiring a  
483 subsequent owner be responsible for maintaining and operating the system

484  
485 Planner Hankins said it is her understanding that the responsibility requirements are a part of the  
486 Water Board agreements. She added that a representative from the Water Board was present and  
487 could possibly address that question.

488  
489 Mr. Jeff Huggins introduced himself as a Water Resources Control Engineer with the Central  
490 Valley Water Board. He stated that he had been involved with the project since 2007 and 2008.  
491 He was also the Regional Board Staff Engineer for construction of the Empire Mine passive  
492 treatment system which is very similar to the proposed project. As authorized by the California  
493 Water Code the Central Valley Water Board is the primary agency responsible for coordination  
494 control of water quality on the North Star project. Their role is to ensure that treated water  
495 discharging from the North Star project meets water quality criteria outlined in the Basin Plan.  
496 This would be accomplished by issuing a permit for the North Star discharge based on the  
497 Central Valley Water Board's Basin Plan objectives for the protection of human health and  
498 aquatic life. They would review the monitoring data and would enforce the permit limitations.  
499 He stated that he was present to answer any questions about the construction and operation of the  
500 North Star passive treatment system. He stated that based on similar projects in the Central  
501 Valley Water Board area, that if Newmont sold the property or went bankrupt that the permit,  
502 because the permit is issued to Newmont and as it is written to require any successors to  
503 Newmont, would also pick up the responsibility for operation and maintenance of the facility in  
504 perpetuity. That is in the permit that Newmont or its successors would have to abide by. There  
505 are examples of companies going bankrupt in the Central Valley Water Board area. One option

\* Huggins is aware of 29.200.26, no relationship to this project - which probably means can be up and running by 02/15/15 - on A11. The Huggins has been asked to present to the Board.



7  
506 in such cases is that the Regional Board would identify itself as a creditor and would establish a  
507 claim to any of the company's assets, then either set up a trustee or act as Trustee to oversee the  
508 operations and maintenance long-term. While it is a possibility that the site could become a  
509 superfund site, he believes that they would get a petition beforehand to act to ensure that there  
510 were assets and a party to operate the treatment system long-term. *10/2/10*  
*508.8*  
*Superfund*  
*10/2/10*  
*10/2/10*

511  
512 Commissioner Aguilar asked if Newmont was required to have a bond or construction bond. *10/2/10*

*8/21*  
513  
514 Planner Hankins stated that there is no bond required by the County. *10/2/10*

515  
516 Chair Duncan asked for clarification regarding ownership. She questioned if New Verde Mines,  
517 LLC was the owner of the improvements and Newmont was the owner of property. *10/2/10*

518  
519 Mr. Lyle stated that New Verde Mines, LLC is a subsidiary of Newmont. The property is owned  
520 by New Verde Mines, LLC but Newmont is responsible for the property. He agreed that if New  
521 Verde Mines was no longer in existence, then Newmont would be responsible. He also stated  
522 that he believed that Newmont is named as the permittee on the Drew Tunnel. *10/2/10*

523  
524 Chair Duncan stated that the Water Board must be happy that the project was at this stage.

*10*  
525  
526 Mr. Huggins agreed that it had been a long process. *10/2/10*

527  
528 Chair Duncan opened the public hearing at 2:38 p.m.

529  
530 Mr. Leroy Bakelmun lives on Homeward Lane. He noted that he is near the planned staging  
531 area. His front door is 40' from the property line. He is concerned about the dust and chemicals  
532 that could affect him negatively as a patient recovering from lung cancer. He wanted to know  
533 why the process had taken a long time and asked what had happened between 2000 and 2009.  
534 He felt that someone had been dragging their feet. Now they had just a couple months of notice  
535 of the project. He wants to know what was going on during that time. It was his understanding  
536 that the City was suing Newmont and Newmont was fighting it. Now there is a rush to do the  
537 project just because Newmont is going to be fined if they do not finish in time. He hadn't seen  
538 evidence that an active system program wasn't the proper way to go. Added expense for that  
539 type of system would be Newmont's problem. He thought the most obvious, sensible and cost  
540 effective thing to do would be to just plug it up. It was plugged up before, why not now?  
541 Planner Hankins mentioned a double lining, and if the lining was breached that someone would  
542 be notified. Who would be notified? Neighbors or the City? This is toxic water and their wells  
543 are right there. He asked who would be responsible for the devaluation of their property. They  
544 have read reports that a project like this could adversely affect their property by as much as 30%.  
545 The people who own these homes now have to fight a massive corporation. Who would buy a  
546 home next to a huge toxic pond? Who would pay for that shortcoming? There is a huge 760-  
547 acre parcel yet they are led to believe that there is no other place on it that could be used. He  
548 wanted real proof of that. He asked if they could take Newmont representatives seriously as they  
549 depend on Newmont for their financial benefit. You get 55,000 hits if you Google Newmont  
550 lawsuits. They have lawsuits all over the world for their toxic contamination, how they treat  
551 communities and local governments, they are not a good corporation or a good neighbor. They

552 have been dragging their feet for 15 years. Just now with the foliage discussion it shows that  
553 they haven't thought it through. He asked the Commissions to think about the humans that live  
554 there.

555  
556 Zora Biagini lives on King Way, next to Mote Lane where the ponds are going in. She read a  
557 prepared statement, submitted via fax at 4:38 p.m. September 24<sup>th</sup>, 2015, that is now part of the  
558 public record.

559  
560 After approximately 10 minutes of reading, Chair Duncan asked if Ms. Biagini would wrap it up  
561 to allow others to speak.

562  
563 Ms. Biagini continued to read the prepared statement.

564  
565 After several more minutes, Chair Duncan thanked Ms. Biagini and asked that she give up her  
566 seat so that other audience members would have a chance to speak.

567  
568 Mr. Dewitt Hupp lives on Allison Ranch Road. He stated that as near as he can tell nearly every  
569 abandoned mine in the country is full of pollution. He felt sure that mankind could find a way to  
570 close up the tunnel that was accidentally opened by the City.

571  
572 Jason Petersen lives at the corner of Homeward Lane and Allison Ranch Road. He stated that he  
573 was asked to look into Newmont as a company and to paint a picture of them. However, he feels  
574 that the big theme amongst the residents is that the problem has to be dealt with and that it has  
575 existed for far too long. Newmont is being held responsible. He thought it was a little sad that in  
576 the 11<sup>th</sup> hour it was trying to be pushed along and wrapped up. The residents who will be  
577 directly affected only had a short window to have their emotional freak-out. He stated that  
578 property values were the big theme for everybody. There was no disclosure when he moved in  
579 in 2014. There was no documentation provided that supported the plan. The property behind  
580 him was owned by Robinson according to the title company, he didn't know if it took a while for  
581 documentation to flow through. He probably wouldn't have made the choice to move there. The  
582 wastewater treatment plant was a big factor, he hung out at the house, wondering about the smell  
583 and driving by it every day; but it is a beautiful neighborhood full of trees and now they have to  
584 deal with the project. The plan looks good on paper, topography makes sense and makes it  
585 economical, but sometimes the easiest cheapest way is not the best way, but they had waited too  
586 long and now had to push it through. He looked to the City of Grass Valley to figure out how  
587 neighbors would be financially affected by the project. He dumped everything he had into his  
588 house, maybe he'll lose 30%, it freaks him out. He noted that Jim Hemig wrote an article in the  
589 paper that rebutted some of the neighborhood concerns and stated that the few people that live  
590 nearby should take it on the chin for the good of the rest of the tax payers since Newmont is  
591 footing the bill. He wondered if he should look to Newmont for what he and his neighbors  
592 would lose in their property values. He would like to understand how they deal with that.

593  
594 Judy Connolly lives on King Way, a little way from the pond location. In 1995 the City of Grass  
595 Valley parcel number 29-290-26 Wastewater Treatment Plant was cited by the Water Board and  
596 Department of Toxic Substances Control Board which ordered the City to stop excavating for the  
597 expansion of the Wastewater Treatment Plant due to toxic levels of lead and mercury which were



598 uncovered during the grading process. The City was specifically ordered to contain,  
599 encapsulate, remove, dispose of the toxic soil, approximately 105 to 135 cubic feet. These  
600 processes were not to occur without specific permits obtained by the City of Grass Valley  
601 ensuring hazardous waste would not endanger the population, surrounding soil, waterways, and  
602 habitats. As of this date, there has been no containment, removal nor disposal of that toxic soil. —

603  
604 Chair Duncan asked Ms. Connolly to please keep her comments to the proposed project.  
605

606 Ms. Connolly explained that it was relative to the project at hand. She showed a letter from  
607 the Governor's office to Planner Hankins regarding the North Star Water Treatment Plant. She  
608 stated that she believed that the City of Grass Valley was going to be selling a northerly portion  
609 of 29-290-26 to Newmont and on the back side of the August 11, 2015 letter from the  
610 Governor's Office of Planning & Research regarding the subject project the parcel number on  
611 the back was missing one digit. This was a deliberate omission and we need to address parcel  
612 number 29-290-26 that is being sold to Newmont to accommodate the North Star Treatment  
613 Plant. She said it has never been taken care of and the toxic soil parcel is going to be sold to  
614 Newmont. She did not think it is a good idea and felt that the whole project should stop based on  
615 that alone, not to mention that it would be 40-feet from Irma's front door. I have to be serious  
616 of not being pointed

617 Chair Duncan thanked Ms. Connolly. She said  
618 that she had to be serious in mid September. She said  
619 that she had to be serious in mid September. She said  
620 that she had to be serious in mid September. She said

619 Kathy Racz lives on Kensington Court in Grass Valley. She is the owner of the Courtyard Suites  
620 Hotel in Downtown Grass Valley. When she built that project, there was a huge outcry from the  
621 neighborhood for their building and construction of their project. She understands the "not in my  
622 backyard" mentality, however, people need to see the vision of a development and what assets  
623 they will bring to the immediate neighborhood and the entire community. The North Star project  
624 is under the gun to complete a treatment facility for contaminated water that is already running  
625 into Wolf Creek which affects the entire community. How many shafts, how much contaminated  
626 water is under the entire area? If the issues are not addressed, it will only get worse. It is not just  
627 this property, how many shafts and how much water is under the entire area. This is one thing  
628 that needs to go forward for the greater good. The neighborhood now loves her development. It  
629 has enhanced values; it has improved the neighborhood and provided taxes to the City. The  
630 community needs to see the overall picture of the improvements that Newmont is going to make.  
631 She has lived here for 37 years. She has seen a lot of growth and development. She believes the  
632 City and County have done a fabulous job maintaining the small town atmosphere while dealing  
633 with all the issues that started in the 1800's.

634  
635 Allen Frandsen lives in the Carriage House development (on the west side of Freeman Lane  
636 abutting the east side of Wolf Creek). He appreciates that the North Star pump is proposed to be  
637 underground which will be quiet. He understands that standby power will come on when  
638 necessary, however, from the presentation it sounded as if it would not operate on weekends.  
639 There is probably a 60-hour period on weekends when the standby system could be operating  
640 assuming that this is a 60-hour period when there is no PG&E power. If the standby generators  
641 operate day and night for a 60-hour period it would be a bit of a concern. He assumes pumps are  
642 intended to run day and night. He is glad someone is listening that they want quiet and he  
643 appreciates that. However, he wondered if the standby power system is turned off for 60-hours

644 over a weekend when there is no PG&E power and there happens to be a lot of rain what would  
645 happens to the overflow. Where would the water go? He presumed that the drainage would  
646 continue and go into the creek. He supposed if the pump was not working the water would go  
647 someplace. Sometimes the creek is very, very orange, he knows there is a problem and he is  
648 glad it will be addressed. He is concerned about what would happen if the pumps weren't  
649 working. He also felt there was a consistency issue regarding Vector Control involvement. In  
650 one place in the Staff Report it stated that Vector Control would be involved for 2 months to  
651 check things out, in another place it stated 3 to 4-months. In the presentation today it was during  
652 the summer. As long as it is adequate and that Vector Control professionals say that there is a  
653 possibility of some problem with mosquitos it should be checked, not based on some document.  
654 Whatever is needed is his recommendation. His final thought is that the property is owned by a  
655 mining company and it is conceivable that at some point they may want to reopen the mine. He  
656 asked what role the project played in whether or not the North Star mine is reopened. Is it  
657 planned to be re-opened, is it totally inadequate or what? He thanked the Commissions for  
658 listening.

659  
660 Simone Sasano lives on the Ridge. She stated that they have the same problem at Cisco Mine.  
661 The ponds there are chartreuse green and sometimes orange. There is no greenery or any living  
662 thing around those ponds. A block away they ship in drinking water to Grizzly Flats School.  
663

664 Chair Duncan asked Ms. Sasano to keep her comments to the project at hand.

665  
666 Ms. Sasano stated that she was doing a comparison.  
667

668 Mr. Bruce Ivy lives on Fifield Road. He stated that he is in the middle of a project with Planner  
669 Hankins and would like to know about the process. He followed what happened at Empire Mine.  
670 He is very inquisitive about new technologies that are helping with previous mining issues; he  
671 lives next door to one. It is a current application with the Planning Department and he spoke  
672 very highly of what Planner Hankins and the Planning Department did today and found it very  
673 informative. He stated that he promotes common sense on how to try to fix things. There are  
674 problems in the environment; he wants to see solutions that make sense. He likes seeing the  
675 technology at Empire. He wants to promote green, passive solutions and clean water. He is glad  
676 the project is finally coming to a head to be dealt with and hopes the Commission can bring  
677 everyone together.  
678

679 Ms. Debbe Blakemore lives on Mote Lane in Grass Valley. Their house is directly across from  
680 where one of the wetland ponds will be located. She expressed that the project is something that  
681 needs to be done. Instead of being labeled a toxic pond she is looking at it as being a clean pond.  
682 They have lived there for over 40-years and they have never consumed the water from their  
683 wells. They know for a fact that their groundwater is contaminated. She would rather see clean  
684 water going through her property. She would rather see the wetlands which is a natural looking  
685 visual. She thinks if someone were to sell their property it could be presented to a potential  
686 buyer as a green, passive project that makes sense. She can't speak to Newmont as a whole, but  
687 she stated that the individuals she has dealt with have been responsive and helpful whenever she  
688 has had concerns and asked them to come out and discuss the project in person.  
689

690 Mr. Blakemore seconded her comments.

691

692 Chair Duncan closed the public hearing at 3:21 p.m.

693

694 Principal Planner Barrington asked for a ten minute break.

695

696 Chair Duncan resumed the meeting at 3:33.

697

698 Planner Hankins responded to questions from the comment period. She started with a response  
699 to Mr. Bakelmun's comments regarding dust and chemicals from the ponds. Dust should not be  
700 an issue of concern with the wetland pond due to the water within the pond as well as the  
701 vegetation that would be planted on the outer slopes of the wetland pond. There are no  
702 chemicals that would be used in the process. The heavy metals would be precipitated and settled  
703 to the bottom of the pond so release of heavy metals is not anticipated to occur as part of the  
704 project.

705

706 Planner Hankins responded to comments regarding the suggested alternative to plug some of the  
707 mining features. This was reviewed as an alternative as part of the Initial Study. There are  
708 hundreds of miles of underground mine features in the area. If the known features were plugged  
709 it would serve to back up that water to another hydrologically connected area and the water  
710 would then seep out into an unknown area with unknown consequences. It is the environmentally  
711 superior alternative to deal with the known areas where the water is coming out.

712

713 Planner Hankins noted that the potential for property devaluation due to the project is discussed  
714 in the Staff Report. Effects on property value due to a project is not a part of the Planning  
715 Department process, however, the purpose of the land use permitting process is to address  
716 potential impacts to property and to mitigate any found so that there aren't negative impacts to  
717 properties. Staff feels like it has been done to the extent possible. *Note: The Staff Report is the process for the project.*

718

719 In response to comments regarding Newmont as a company Planner Hankins agreed that they do  
720 have many mines around the world, but stated that is not relevant to this project. *Process for the project.*

721

722 Planner Hankins also responded to comments regarding insufficient project noticing. The  
723 noticing was expanded from what is required with the intent to notify people that could be  
724 directly affected by the project and the construction on Allison Ranch Road. Additionally, the  
725 Union published the project notice, the County has a project web page that she has been  
726 maintaining which stated the public hearing date once it was set and had the project documents  
727 available for public review. Additionally the County has a notification list that people can sign  
728 up for notification on specific projects, projects within a certain location and /or types of  
729 projects. In terms of noticing throughout the process and not having enough time to review the  
730 project, there was an initial distribution notification that was mailed in December 2014 to  
731 interested agencies and to anyone who had previously requested notification. Once the project  
732 description was completed the Initial Study was prepared and when it was finalized in July it  
733 went out for public review and was noticed in the newspaper as well. There was public notice  
734 for the hearing as well. *9/12/14*

735

736 Planner Hankins presented a slide in response to comments made by Judy Connolly about the  
737 City of Grass Valley. One comment she had made was that the State Clearinghouse had  
738 provided a document to Planning in which the parcel number for the City lot that the Drew  
739 Tunnel pump station is proposed to be on was truncated by one digit. The document Ms.  
740 Connolly is referring to is a form that the State Clearinghouse provides to the lead agency after a  
741 project is distributed through the State Clearinghouse, and is not a form provided to notified  
742 agencies. The form shows the project description and who the Initial Study was distributed to  
743 and shows who responded to the Initial Study. Staff did have the complete Assessor's Parcel  
744 Number on the Initial Study itself, so anyone who received the project and reviewed the Initial  
745 Study would see that the full parcel number was included. *Staff Parcel*

747 In response to Ms. Connolly's comments regarding the clean-up site on the City parcel, Planner  
748 Hankins displayed a screenshot of the Department of Toxic Substances Control (DTSC)  
749 EnviroStor website that provides information on different clean-up sites within the entire State.  
750 Anyone could use the website and put in any address using their home computer. The screenshot  
751 showed the status of City WWTP site as a certified site. They did the clean-up and it was  
752 certified. The operation and maintenance refers to the fact that there is ongoing monitoring of  
753 the clean-up site. There was soil-bound mercury that was found in the southernmost area of that  
754 City lot. It is not a part of this project; it would not be disturbed as a part of the project; and it  
755 was not a part of the study area because the proposed project is in the northern area of the City  
756 parcel and has nothing to do with the project site. The mercury was encapsulated and DTSC  
757 certified that the remediation is complete with ongoing monitoring. *DTSC*

758 *mine TRK 20 ... 108 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100*  
759 In response to a comment by Mr. Frandsen, Planner Hankins clarified that the mitigation  
760 measure for the generators just refers to the exercising of the generators. Only the exercising of  
761 the generators would be limited to 8:00 to 5:00 Monday through Friday, but if there is an  
762 emergency they would kick-on and run as long as necessary. They are standby generators and  
763 the intention is to make sure that there is always power at the pumps so that there is no  
764 contaminated water leaking through the mining features and getting into Wolf Creek. *DTSC*

765  
766 Chair Duncan asked if that exercising the generators meant checking to see if they are working.

767  
768 Planner Hankins confirmed that as true.

769  
770 Principal Planner Barrington stated that the standard process is that they run for about 15 minutes  
771 every couple of weeks to ensure that they are continually lubricated and operational in case of a  
772 power failure.

773  
774 Planner Hankins responded to Mr. Frandsen's question about Vector Control. The Mitigation  
775 Measure is specific about the months that that would need to occur in. It states for the first two  
776 summers of project operation from May through October. In response to his questions about  
777 reopening the mine, she stated that the County has no information that there is any proposal to  
778 that effect. *Also Pay Vector*

779  
780 Planner Hankins responded to statements that an EIR should be prepared. The standard for an  
781 EIR is whether a fair argument can be made that there is an impact that cannot be mitigated to a *Also the County*

Initial Study Squared

782 less than significant level. The Initial Study mitigates all impacts to a less than significant level  
783 so Staff feels that a Mitigated Negative Declaration is the appropriate CEQA document. ✓ GAB

The Initial Study does not

784  
785 Chair Duncan asked Planner Hankins to address Mr. Frandsen's question about what would  
786 happen if there were overflow due to no backup.

787  
788 Planner Hankins stated that there would always be power available because of the standby  
789 generator. She added that part of the question may be about potential flooding impacts which  
790 she had expanded on in the revised Initial Study. If there were to be a flood event, the  
791 sedimentation pond is designed for a 100-year storm event with 2-foot freeboard. The wetland  
792 pond has a spillway that would allow water to discharge into the tributary. If there is flooding  
793 from these ponds it would be treated to a certain extent prior to its release back into Wolf Creek. B.S.

794  
795 Commission Aguilar asked about the alarm sensor between the two layers of the double  
796 containment. Specifically, he wondered who would be notified if there was a leak. ✓ GAB

797  
798 Planner Hankins stated that the project operator, whoever the contractor is that would be  
799 responsible for the maintenance of the site, would be notified. She was not sure who that was  
800 going to be. She suggested that the project engineer might be better situated to answer questions  
801 about that system. She added that there is a telemetric monitoring system on the pipelines as  
802 well which would notify the operator if a leak or breakage were to occur so that they could be  
803 fixed quickly.

804  
805 Commission Aguilar asked if heavy metals would go into the ground or the groundwater if there  
806 were to be a leak. ✓ GAB

807  
808 Planner Hankins stated that the metals would precipitate and settle into the bottom of the pond.  
809 If there is overflow the cleaner water would be the overflow. She was not sure under what  
810 scenario the sediment were to leach into the soil however, it if were to happen her understanding  
811 was that the particular metals of issue are not very mobile in our soil conditions and they would  
812 not migrate very quickly. ✓ GAB

Liar Liar I find

813  
814 Commission Aguilar asked to see a map showing the location of the sedimentation and wetland  
815 pond location. He wondered why the sedimentation pond could not be moved closer to Allison  
816 Ranch Road to be further from the Homeward Lane residence, or be a different shape to allow it  
817 to be further from the residence. - because of the Homeward Lane residence ✓ GAB

818  
819 Chair Duncan asked if the project engineer could discuss how it would be managed after  
820 construction.

821  
822 Mr. Worthington stated that the sedimentation pond was proposed in that location because there  
823 is an existing PG&E powerline easement that runs N-S along the western side of the proposed  
824 area for the sedimentation pond so it could not be moved further to the left than where it is  
825 proposed. Also the location would provide as much vegetation screening as possible from  
826 Allison Ranch Road. In terms of the shape it is designed as two separate sedimentation ponds to  
827 provide operational flexibility because the flows from the mine drainages vary over the course of

B.S.

828 the year. During the dry season the water would be contained in one pond, and in the wet season  
829 it would be in both. For precipitation of iron or the removal of iron in the sedimentation ponds,  
830 even though there would be continual movement in the ponds, it would provide for sediment of  
831 iron particulates and to some degree manganese particulates as the water is moving through the  
832 ponds. They want it to be a linear feature for efficiency of iron removal, also, because for  
833 installation of the double HDPE liner system you want them to be as square or rectangular as  
834 possible. An irregular shaped pond would have more seams which mean higher potential for  
835 leakage so a square or rectangular design would allow for the least amount of seams.

836  
837 Chair Duncan reminded Mr. Worthington to discuss long term management once it is  
838 constructed.

839  
840 Mr. Worthington said once it was constructed, maintenance would be performed on a regular and  
841 periodic basis, and inspections would be on foot once per week. No vehicle traffic would be on  
842 the sides of the ponds.

843  
844 Chair asked if a local agent would be performing the inspections.

845  
846 Mr. Worthington said that Newmont would contract with a local contractor to do those normal  
847 routine inspections. There would be an alarm system and, with a water meter, they would be  
848 able to manually determine if there is any water present between the two layers so would not  
849 have to totally rely on the alarm system. If water were detected, a pump could be installed in  
850 order to recirculate it into the sedimentation pond.

851  
852 Commissioner James asked if there would be some kind of insurance bond or deposit to  
853 guarantee that it would be constructed properly.

854  
855 Principal Planner Barrington stated that the Conditions of Approval would ensure it.

856  
857 Commissioner James asked what protocols would be in place to ensure that it is being done.  
858 How would it work if in 10 – 15 years a new Planner was to check to see if there was compliance  
859 with maintenance requirements? Would a plan be submitted to Planning or to the State so that  
860 there were protocols for operation and maintenance that could be reviewed to ensure that it was  
861 being done?

862  
863 Planner Hankins replied that if the project was approved then essentially the Water Board would  
864 become the primary regulatory agency, they would be responsible for monitoring water quality  
865 and making sure that the system is operating properly, and the County would not be involved in  
866 that.

867  
868 Commissioner James asked if Newmont would submit some form of maintenance manual or  
869 protocol that states what the equipment is and what they will do so that the Water Board can  
870 follow it and make sure it is happening.



872 Planner Hankins stated that the County's permit is for the ground disturbance and construction to  
873 make sure it is consistent with our zoning and the County's development standards, and beyond  
874 that the Water Board steps in and the project becomes the Water Board's responsibility. D. Hankins  
10/15/15  
2/10/16  
3/10/16  
5/10/16  
8/10/16

875  
876 Chair Duncan thanked everyone. She stated that it has been a long process.

877  
878 Commissioner Aguilar stated that while he is extremely sympathetic, especially for the two  
879 neighbors that are adjoining to the proposed sediment pond, he believes the landscaping  
880 mitigation is going to help tremendously with that and it is extremely important. The project is  
881 sorely needed for the health of our County.

882  
883 **Motion by Commissioner Aguilar** to adopt the Mitigated Negative Declaration as modified  
884 pursuant to CEQA Sections 15074, 15074.1 and 15073.5; **second by Commissioner Poulter.**  
885 **Motion carried on a voice vote 5/0.**

886  
887 **Motion by Commissioner Aguilar** to approve the Management Plan, as modified, including an  
888 addition of some rapid landscaping plants.

889  
890 Principal Planner Barrington asked if the Commission would like an additional Condition of  
891 Approval added and read an augmentation to Condition A.7 that he drafted during the hearing  
892 after the discussion on that matter. "Temporary fast growing plants, shrubs and trees shall be  
893 incorporated into the final landscaping plan and installed following construction to augment the  
894 proposed planting plan. Following establishment of the proposed native planting plan, those  
895 temporary plants can be removed once adequate screening has been established."

896  
897 Commissioner Aguilar found that acceptable.

898  
899 **Second to approve the Management Plan by Commissioner Poulter. Motion carried on voice**  
900 **5/0.** Foss  
10/15/15

901  
902 **Motion by Commissioner Aguilar** to approve the Use Permit, as modified, **second by**  
903 **Commissioner Poulter. Motion carried on voice vote 5/0.**

904  
905 Chair Duncan stated that there was a 10-day appeal period on the action taken. She thanked the  
906 audience for coming and for their participation.

907  
908 Planning Director Foss updated the commission on the RCD and TTAD projects. The BOS  
909 heard and approved both unanimously on Tuesday. He thanked staff for their work on that. He  
910 noted that he provided a status update to the Board on the Fire Protection Policies prior to their  
911 discussion on the vegetation management ordinance that is still under construction.

912  
913 No projects are imminent in October.

914  
915 Commissioner James asked when the Housing Element would go to the Board.

916  
917 Planning Director Foss replied that it was scheduled for October 27.

918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932

**Motion by Commissioner Jensen; second by Commissioner James to adjourn. Motion carried on voice vote 5/0.**

There being no further business to come before the Commission, the meeting was adjourned at 4:08 p.m. to the next meeting to be held at a date and time yet to be determined in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

---

Passed and accepted this      day of      , 2015.

---

Brian Foss, Ex-Officio Secretary

DRAFT





**Exhibit** 4



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

*rec'd by CA Gov. Clearinghouse 7/20/15*

August 11, 2015

NEVADA COUNTY  
RECEIVED  
AUG 14 2015  
COMMUNITY DEVELOPMENT  
AGENCY

Jessica Hankins  
Nevada County  
950 Maidu Avenue  
Nevada City, CA 95959

Subject: North Star Water Treatment Plant  
SCH#: 2015072018

Dear Jessica Hankins,

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 10, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

*Scott Morgan*  
Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

*716 445 0613  
2015072018  
checked about 29-290-  
on 8/11/15  
I-15 NOT  
11/5/15*

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

ATTACHMENT

*87 of 2*

*-198-*



**Exhibit**

**5**

\_\_\_\_\_

12/5/95

# DEPARTMENT OF TOXIC SUBSTANCES CONTROL ENVIROSTOR

## GRASS VALLEY WASTE TREATMENT PLANT (29100009)

556 FREEMAN LANE  
GRASS VALLEY, CA 95949  
NEVADA COUNTY  
**SITE TYPE: VOLUNTARY CLEANUP**

**PROJECT MANAGER:**  
**SUPERVISOR:**  
**OFFICE:**

**DUANE WHITE**  
**FERNANDO A. AMADOR**  
**CLEANUP SACRAMENTO**

Site Information

**CLEANUP STATUS**

**CERTIFIED / OPERATION & MAINTENANCE AS OF 1/31/1996**

**SITE TYPE: VOLUNTARY CLEANUP**  
**NATIONAL PRIORITIES LIST: NO**  
**ACRES: 21 ACRES**  
**APN: 29-290-23, 29-290-26**  
**CLEANUP OVERSIGHT AGENCIES:**  
DTSC - SITE CLEANUP PROGRAM - LEAD

**ENVIROSTOR ID:** 29100009  
**SITE CODE:** 100419  
**SPECIAL PROGRAM:** VOLUNTARY CLEANUP PROGRAM  
**FUNDING:** SITE PROPONENT  
**ASSEMBLY DISTRICT:** 01  
**SENATE DISTRICT:** 01

Regulatory Profile

**PAST USE(S) THAT CAUSED CONTAMINATION**  
UNKNOWN

**POTENTIAL CONTAMINANTS OF CONCERN**  
CONTAMINATED SOIL  
MERCURY AND COMPOUNDS

**POTENTIAL MEDIA AFFECTED**  
SOIL

Site History

UNKNOWN

Land Use Restrictions

**DISCLAIMER: The land use restrictions listed under the site management requirements are only an abbreviated summary of the land use restrictions, and may not encompass all restrictions and notification requirements placed on a property. For complete land use restriction information please see the Land Use Restriction document by, clicking on the "VIEW COVENANT" link.**

[VIEW COVENANT](#)

**DATE RECORDED**  
12/5/1995

**SITE MANAGEMENT REQUIREMENTS**

- DAY CARE CENTER PROHIBITED
- ELDER CARE CENTER PROHIBITED
- ✓ NO EXCAVATION OF CONTAMINATED SOILS WITHOUT AGENCY REVIEW AND APPROVAL
- ✓ ONLY EXTRACTION OF GROUNDWATER FOR SITE REMEDIATION PERMITTED
- RAISING OF FOOD PROHIBITED
- ✓ NO GROUNDWATER EXTRACTION AT ANY DEPTH WITHOUT APPROVAL
- HOSPITAL USE PROHIBITED
- ✓ NOTIFY PRIOR TO DEVELOPMENT
- NOTIFY AFTER CHANGE OF PROPERTY OWNER
- ✓ NOTIFY PRIOR TO SUBSURFACE WORK
- NOTIFY PRIOR TO CHANGE IN LAND USE
- NO OIL OR GAS EXTRACTION AT ANY DEPTH
- RESIDENCE USE PROHIBITED
- PUBLIC OR PRIVATE SCHOOL FOR PERSONS UNDER 21 PROHIBITED







## Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

|       |
|-------|
| SCH # |
|-------|

**Project Title:** North Star Water Treatment Project

Lead Agency: Nevada County Contact Person: Jessica Hankins  
 Mailing Address: 950 Maidu Avenue Phone: 530-265-1254  
 City: Nevada City Zip: 95959 County: Nevada

**Project Location:** County: Nevada City/Nearest Community: Grass Valley

Cross Streets: Allison Ranch Road and Mote Lane Zip Code: 95949

Longitude/Latitude (degrees, minutes and seconds): 39 ° 11 ' 20 " N / 121 ° 03 ' 58 " W Total Acres: 70

Assessor's Parcel No.: 22-160-27, 22-120-28, -35, 29-290-2 Section: 1 & 2 Twp.: 15N Range: 8E Base: MDB

Within 2 Miles: State Hwy #: 49/20 Waterways: Wolf Creek

Airports: N/A Railways: N/A Schools: Union Hill, Bell Hill, Silve

**Document Type:**

- |   |  |                                    |  |
|---|--|------------------------------------|--|
| CEQA: <input type="checkbox"/> NOP              | <input type="checkbox"/> Draft EIR                 | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons             | <input type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> EA        | <input type="checkbox"/> Final Document        |
| <input type="checkbox"/> Neg Dec                | (Prior SCH No.) _____                              | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other: _____          |
| <input checked="" type="checkbox"/> Mit Neg Dec | Other: _____                                       | <input type="checkbox"/> FONSI     |  |

**Local Action Type:**

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> General Plan Update    | <input type="checkbox"/> Specific Plan            | <input type="checkbox"/> Rezone                            | <input type="checkbox"/> Annexation                         |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan              | <input type="checkbox"/> Prezone                           | <input type="checkbox"/> Redevelopment                      |
| <input type="checkbox"/> General Plan Element   | <input type="checkbox"/> Planned Unit Development | <input checked="" type="checkbox"/> Use Permit             | <input type="checkbox"/> Coastal Permit                     |
| <input type="checkbox"/> Community Plan         | <input type="checkbox"/> Site Plan                | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input checked="" type="checkbox"/> Other: <u>Mgmt Plan</u> |

**Development Type:**

- |   |  |
|---|--|
| <input type="checkbox"/> Residential: Units _____ Acres _____                 | <input type="checkbox"/> Transportation: Type _____                                |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____     | <input type="checkbox"/> Mining: Mineral _____                                     |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ MW _____                                |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____                     |
| <input type="checkbox"/> Educational: _____                                   | <input type="checkbox"/> Hazardous Waste: Type _____                               |
| <input type="checkbox"/> Recreational: _____                                  | <input checked="" type="checkbox"/> Other: <u>Treatment of Mine Drainage Water</u> |
| <input type="checkbox"/> Water Facilities: Type _____ MGD _____               |  |

**Project Issues Discussed In Document:**

- |  |  |   |  |
|--|--|---|--|
| <input checked="" type="checkbox"/> Aesthetic/Visual         | <input type="checkbox"/> Fiscal                                | <input checked="" type="checkbox"/> Recreation/Parks                | <input checked="" type="checkbox"/> Vegetation                   |
| <input checked="" type="checkbox"/> Agricultural Land        | <input checked="" type="checkbox"/> Flood Plain/Flooding       | <input checked="" type="checkbox"/> Schools/Universities            | <input checked="" type="checkbox"/> Water Quality                |
| <input checked="" type="checkbox"/> Air Quality              | <input checked="" type="checkbox"/> Forest Land/Fire Hazard    | <input type="checkbox"/> Septic Systems                             | <input checked="" type="checkbox"/> Water Supply/Groundwater     |
| <input checked="" type="checkbox"/> Archeological/Historical | <input checked="" type="checkbox"/> Geologic/Seismic           | <input type="checkbox"/> Sewer Capacity                             | <input checked="" type="checkbox"/> Wetland/Riparian             |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Minerals                   | <input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading | <input checked="" type="checkbox"/> Growth Inducement            |
| <input type="checkbox"/> Coastal Zone                        | <input checked="" type="checkbox"/> Noise                      | <input checked="" type="checkbox"/> Solid Waste                     | <input checked="" type="checkbox"/> Land Use                     |
| <input checked="" type="checkbox"/> Drainage/Absorption      | <input checked="" type="checkbox"/> Population/Housing Balance | <input checked="" type="checkbox"/> Toxic/Hazardous                 | <input checked="" type="checkbox"/> Cumulative Effects           |
| <input type="checkbox"/> Economic/Jobs                       | <input checked="" type="checkbox"/> Public Services/Facilities | <input checked="" type="checkbox"/> Traffic/Circulation             | <input checked="" type="checkbox"/> Other: <u>Vector control</u> |

**Present Land Use/Zoning/General Plan Designation:**

County - IDR, RA-1.5 and City - P

**Project Description:** *(please use a separate page if necessary)*

Use Permit for the construction and operation of a groundwater collection conveyance and treatment system to manage the water quality of groundwater drainage from historical mining activities, and a Management Plan to address impacts on riparian habitats and wetland habitat.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board                         | <input type="checkbox"/> Office of Historic Preservation   |
| <input type="checkbox"/> Boating & Waterways, Department of                     | <input type="checkbox"/> Office of Public School Construction                                    |
| <input type="checkbox"/> California Emergency Management Agency                 | <input type="checkbox"/> Parks & Recreation, Department of                                       |
| <input type="checkbox"/> California Highway Patrol                              | <input checked="" type="checkbox"/> Pesticide Regulation, Department of                          |
| <input checked="" type="checkbox"/> Caltrans District # <u>3</u>                | <input type="checkbox"/> Public Utilities Commission   |
| <input type="checkbox"/> Caltrans Division of Aeronautics                       | <input checked="" type="checkbox"/> Regional WQCB # <u>5</u>                                     |
| <input type="checkbox"/> Caltrans Planning                                      | <input checked="" type="checkbox"/> Resources Agency   |
| <input type="checkbox"/> Central Valley Flood Protection Board                  | <input type="checkbox"/> Resources Recycling and Recovery, Department of                         |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy                     | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.                               |
| <input type="checkbox"/> Coastal Commission                                     | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy                     |
| <input type="checkbox"/> Colorado River Board                                   | <input type="checkbox"/> San Joaquin River Conservancy   |
| <input checked="" type="checkbox"/> Conservation, Department of                 | <input type="checkbox"/> Santa Monica Mtns. Conservancy  |
| <input type="checkbox"/> Corrections, Department of                             | <input type="checkbox"/> State Lands Commission  |
| <input type="checkbox"/> Delta Protection Commission                            | <input type="checkbox"/> SWRCB: Clean Water Grants   |
| <input type="checkbox"/> Education, Department of                               | <input checked="" type="checkbox"/> SWRCB: Water Quality   |
| <input type="checkbox"/> Energy Commission                                      | <input type="checkbox"/> SWRCB: Water Rights   |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>2</u>               | <input type="checkbox"/> Tahoe Regional Planning Agency  |
| <input type="checkbox"/> Food & Agriculture, Department of                      | <input checked="" type="checkbox"/> Toxic Substances Control, Department of                      |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of  |
| <input type="checkbox"/> General Services, Department of                        |  |
| <input checked="" type="checkbox"/> Health Services, Department of              | <input checked="" type="checkbox"/> Other: <u>Dept of Conservation - Ofc of Mine Reclamation</u> |
| <input type="checkbox"/> Housing & Community Development                        | <input type="checkbox"/> Other: _____  |
| <input checked="" type="checkbox"/> Native American Heritage Commission         |  |

-----

### Local Public Review Period (to be filled in by lead agency)

Starting Date July 10, 2015 Ending Date August 10, 2015

-----

### Lead Agency (Complete if applicable):

|                             |  |
|-----------------------------|--|
| Consulting Firm: <u>N/A</u> | Applicant: <u>Newmont Mining Corp.</u> |
| Address: _____              | Address: <u>5326 Uranium City Road</u> |
| City/State/Zip: _____       | City/State/Zip: <u>Ford, WA</u>        |
| Contact: _____              | Phone: <u>509-258-4511</u>             |
| Phone: _____                |  |

-----

Signature of Lead Agency Representative:  Date: 7-9-15

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



**Exhibit** 7



EP3

8/03/15

CA Water Board  
Ltr. to Planning Dept + Mr. M. [unclear] [unclear]  
EDMUND G. BROWN JR. GOVERNOR  
MATTHEW RODRIGUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION  
[unclear] - Worth Star

### Central Valley Regional Water Quality Control Board

NEVADA COUNTY RECEIVED  
AUG 06 2015  
COMMUNITY DEVELOPMENT AGENCY

3 August 2015

Jessica Hankins  
Nevada County  
950 Maidu Avenue  
Nevada City, CA 95959

T/C 1/2 Trevor Cheak Environmental Scientist 9/24/15 @ 11:05 AM  
Left voice mail. #

CERTIFIED MAIL  
7014 2870 0000 7535 4784

### COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, NORTH STAR WATER TREATMENT PROJECT, SCH# 2015072018, NEVADA COUNTY

\* Pursuant to the State Clearinghouse's 10 July 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Mitigated Negative Declaration for the North Star Water Treatment Project, located in Nevada County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

\* Note: The State Clearinghouse was not given all of the data/files (APN 29-290-26) by Nevada County Planning Dept; nor was the CA State Water Board Quality Control Central Region.

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA G. GRIEDON P.E., BCPE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

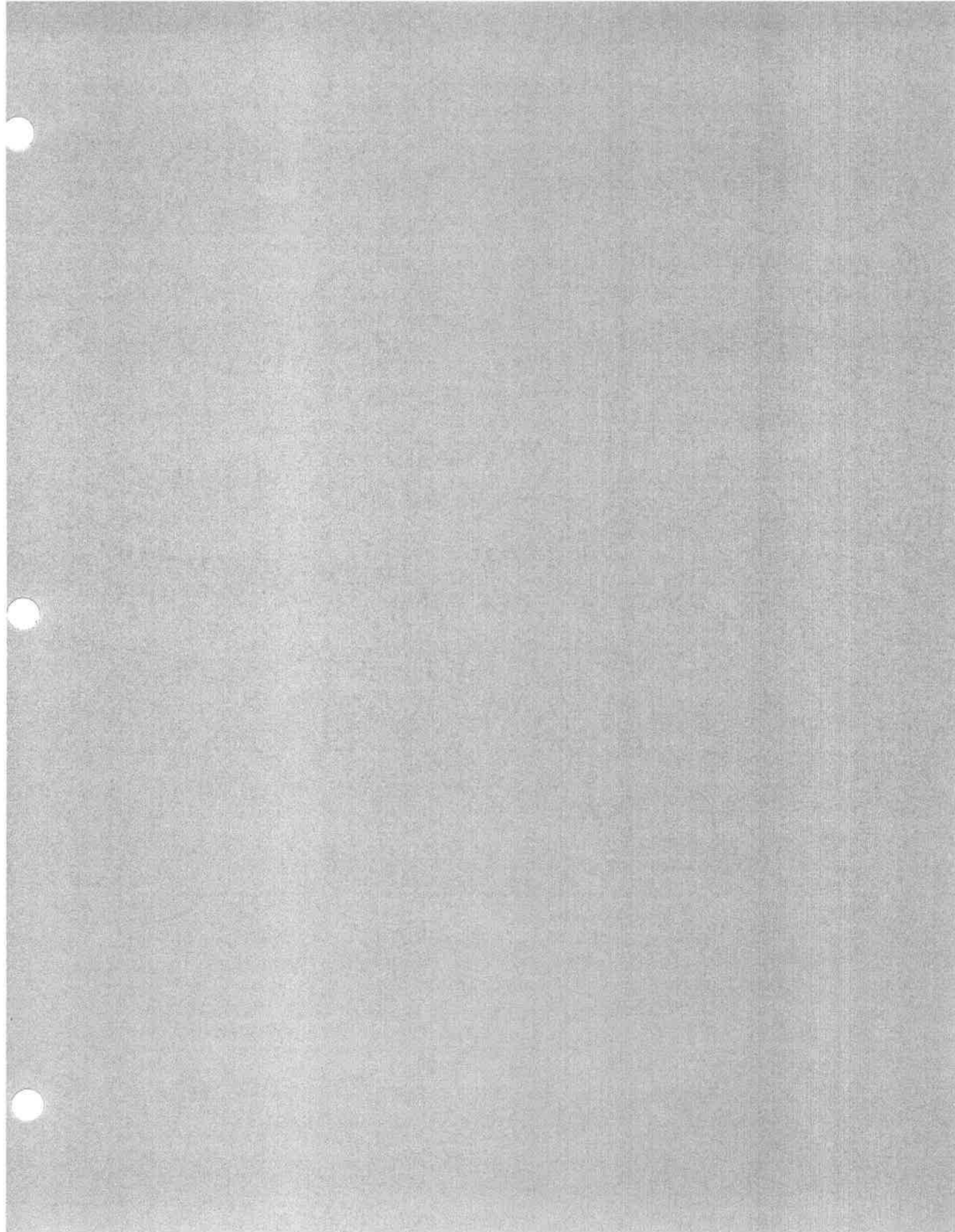
If you have questions regarding these comments, please contact me at (916) 464-4684 or [tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento





8/10/15

CA waterboards Ctr to  
Nev. Co. Planning Dept  
RE: incomplete & inconsistent  
data; need for many more  
agencies (7 total) to review this proposed



EDMUND G. BROWN JR.  
GOVERNOR  
MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION



State Water Resources Control Board

AUG 10 2015

Jessica Hankins  
Nevada County  
950 Maidu Avenue  
Nevada City, CA 95959

7/16 Amanda Dwyer  
Environmental Scientist  
9/23/15 - A. was on  
on her phone  
A: NO



Dear Ms. Hankins:

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR NEVADA COUNTY  
(COUNTY); NORTH STAR WATER TREATMENT PROJECT (PROJECT); NEVADA COUNTY;  
STATE CLEARINGHOUSE NO. 2015072018

STUDY FOR NE to report  
to CDE  
EPA  
7/15/15

We understand that the County may be pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information and comments for the environmental document prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 30-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at:  
[www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/index.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml).

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit:  
[http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/srf\\_forms.shtml](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml). The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoi, at (916) 341-5855.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special status species.

Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The County will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106 and the State Water Board must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. The County must retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards ([http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)) to prepare a Section 106 compliance report.

Note that the County will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all environmental requirements please visit: [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/srf/docs/forms/application\\_environmental\\_package.pdf](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf)):

- A. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
- B. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

- C. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
- D. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
- E. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
- F. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
- G. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

Following are specific comments on the County's draft IS/MND:


1. If the County plans to request funding for this Project, please provide the Timber Harvest Plan and the Timberland Conservation Permit, both of which are mentioned on page 33, to State Water Board staff.
2. What databases or lists were used to determine what special-status wildlife species have the potential to occur in the Project area? Please note that the CWSRF program requires species lists from the USFWS, the California Natural Diversity Database (CNDDDB), and the California Native Plant Society (CNPS) Rare Finds database and that these lists be less than a year old.
3. Are the species listed or mentioned on page 43 the only ones that have been identified by the CNDDDB or CNPS to have the potential to occur in the Project area?
4. What are the exact dates that the field surveys for biological resources were conducted?
5. Note that a 404 and 401 permit may be needed for mitigation measures 4G and 4H. *yes*
6. When was the records search mentioned on page 56 conducted? What is the size of the buffer that was used to conduct this search? *neg visible*
7. Was the Native American Heritage Commission (NAHC) contacted for consultation for this Project? Note that Assembly Bill 52 went into effect on July 1, 2015 and requires that CEQA projects consult with the NAHC and state recognized tribes with interest in the Project.

8. Impact discussion 8a on page 68 states that the Project does not include the use of any hazardous materials. However, impact discussion 8b,d states that small quantities of hazardous materials would be stored, used, and handled during construction. Please explain this contradiction. *82 ps 68 2*
9. Page 71 states that the Empire Mine treatment ponds were inspected for mosquito breeding habitat and larvae on June 8, 2012. Have any more recent surveys been conducted? Is it possible that habitat conditions could have been changed or altered that would now allow for mosquito larvae or breeding habitat? *not sure*

Please provide us with the following documents applicable to the proposed Project if seeking CWSRF or other State Water Board funding: (1) one copy of the draft and final IS/MND, (2) the resolution adopting the IS/MND and a Mitigation Monitoring and Reporting Program (MMRP) making CEQA findings, (3) all comments received during the review period and the County's response to those comments, (4) the adopted MMRP, and (5) the Notice of Determination filed with the Nevada Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

Thank you for the opportunity to review the County's draft IS/MND. If you have any questions or concerns, please feel free to contact me at (916)341-5686, or by email at [Amanda.Dwyer@waterboards.ca.gov](mailto:Amanda.Dwyer@waterboards.ca.gov), or contact Ahmad Kashkoli at (916)341-5855 or by email at [Ahmad.Kashkoli@waterboards.ca.gov](mailto:Ahmad.Kashkoli@waterboards.ca.gov).

Sincerely,



Amanda Dwyer  
Environmental Scientist

Enclosures (3)

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse  
(Re: SCH# 2015072018)  
P.O. Box 3044  
Sacramento, CA 95812-3044



SECRET



COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617  
(530) 265-1222 FAX (530) 265-9851 <http://www.mynevadacounty.com>

Brian Foss  
Planning Director

Steven L. DeCamp  
Community Development Agency Director

8/31/15  
Planning Dept  
Back Reddelling Ltr.  
in response  
to CA Waterboard  
8/10/15 Ltr to  
Jessie Nev. Pln Dept

August 31, 2015

Ms. Amanda Dwyer  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

9/23/15 10:45 AM  
T/c/u Amanda Dwyer, Sacramento  
Told her about special on 8/11/15  
in Nevada IS/MND with 014-009  
2015072018 - and she said they  
Nev. Gov is not pursuing CWSRF \$ 200M  
she said this has been done - both  
conversations today - see 3 below

RE: Response to Comment Letter on the IS/MND for the North Star Water Treatment Project (U14-009, State Clearinghouse No. 2015072018)

Dear Ms. Dwyer:

Thank you for your comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the North Star Water Treatment Project in Nevada County. This letter constitutes the County's formal response to your August 10, 2015, letter, per your request during our phone conversation on August 19, 2015. This letter responds to the specific comments on the County's draft IS/MND starting on page 3 of your letter.

Not from  
↓

1. The County is not pursuing Clean Water State Revolving Fund (CWSRF) financing for this project and is therefore not required to provide the Timber Harvest Plan and Timberland Conversion Permit or other documentation requested in the body of the letter. Please note that the TCP/THP documents may be viewed on Cal Fire's website at [www.calfire.ca.gov/resource\\_mgt/resource\\_mgt\\_forestpractice\\_thpstatus.php](http://www.calfire.ca.gov/resource_mgt/resource_mgt_forestpractice_thpstatus.php).
2. The Biological Inventory for the proposed project used the California Natural Diversity Database (December 2, 2014). Because the County is not pursuing CWSRF financing for this project, we are not required to use species lists from USFWS and CNPS in addition to the CNDDDB. It should be noted that federal (USFWS) and CNPS-listed species are present on the CNDDDB list.
3. The species listed on page 43 are only the *special-status* species that have the potential to occur in the project area. Non-listed species are not provided in the Initial Study because there are no significant impacts to non-listed species under CEQA Guidelines, with the exception of those protected by other regulations such as the federal Migratory Bird Treaty Act. A discussion of impacts to common species is provided on page 46. - without ppn 29-29c being included in the Bio. Survey
4. According to the Biological Inventory prepared by Adrian Juncosa of Ecosynthesis, surveys were conducted on "many dates in 2013 and 2014, including dates within the blooming time for the special-status plant species that have the potential to occur. A total of approximately

90 biologist-hours were spent on botanical survey, wetland delineation, and general biological reconnaissance." *Survey dates consisted of 10 days over the course of 9+ months, during Ad rounds w/out*

5. Mitigation Measures 4G and 4H have been revised to include the possible need for 401 and 404 permits. *"Possible" = Absolutely needed permits due to APN 29-290- DTSC Restricted USE covenant recorded 1995 Nev Co.*
6. The records search for cultural resources was conducted on May 2, 2013. Other sources consulted include:


- The National Register of Historic Places (2008 and updates)
- The California Register of Historic Resources (2008 and updates)
- The California Inventory of Historical Resources (1976)
- California State Historical Landmarks (1996)
- California Points of Interest (1992)
- The Historic Property Data File (2012)
- The Determination of Eligibility (2012)
- Caltrans Bridge Inventory
- Historic Maps: 1867 GLO; 1871 GLO; 1885-86 Smartsville map; 1949 USGS 7.5' Grass Valley, quad.
- Other published and unpublished documents relevant to environment, ethnography, prehistory and early historic developments in the vicinity

7. The Native American Heritage Commission and all local Tribes were contacted for this project on January 6, 2015. No response was received.

8. Impact Discussion 8a describes impacts related to routine or operational use of hazardous materials, whereas Impact Discussion b,d describes potential use of hazardous materials during construction or in the short-term. There would be no operational use of hazardous materials, but there would likely be some use of small quantities of hazardous materials during project construction. *this is a bold faced lie. The entire point of the North Star Water Treatment Plant is to deal w/ TOXIC WASTES.*
9. A more recent survey of mosquito breeding conditions at the Empire Mine water treatment ponds was conducted by Nevada County's Vector Control Division on July 30, 2015. Of the more than 20 samples taken on that date, one contained a single mosquito larvae. Mitigation Measure 8A requires routine monitoring for mosquito larvae, treatment, and correction of mosquito breeding conditions if applicable.

If you have any questions related to comments from the Planning Department, please call Jessica Hankins, Senior Planner, at (530) 265-1254, or email at [Jessica.Hankins@co.nevada.ca.us](mailto:Jessica.Hankins@co.nevada.ca.us). For questions about other agency comments, please feel free to send comments to those agencies directly, with a copy of the resulting correspondence to Planning.

Sincerely,

  
Jessica Hankins  
Senior Planner







Gmail

KathrynMarie Connolly <karmawize@gmail.com>

**Fwd: Staff stuff**

4 messages

Sun, Sep 27, 2015 at 11:13 AM

Zora Biagini <valleybrokers@msn.com>

To: Jc connolly <judyconnolly@msn.com>, Kathy Connolly <karmawize@gmail.com>

Sent from my iPhone

Begin forwarded message:

**From:** Jessica Hankins  
<Jessica.Hankins@co.nevada.ca.us>  
**Date:** September 22, 2015 5:08:59 PM PDT  
**To:** Zora Biagini <valleybrokers@msn.com>  
**Subject:** RE: Staff stuff

5:08:59 pm  
Less to 2MB

Zora and Kathy,

I took a quick look at the DTSC website and found the info you asked for. You can go to the DTSC website called Envirostor at <http://www.envirostor.dtsc.ca.gov/public/> and type in 556 Freeman Lane, Grass Valley for the status of that cleanup site. I've inserted a screenshot of it here for you as an attachment to this email, too. It is listed as "Certified/Operation & Maintenance," which means that the remediation is done and certified by DTSC but there is ongoing monitoring and maintenance.

Again, this site will not be affected by the project; they will

APN 26290233  
556 Freeman Lane  
the Toxic Clean  
Station Proposed  
Location  
APN 26290233

\*NOTE 556 Freeman Lane is the location of the Toxic Clean Station Proposed Location. APN 26290233 has Restricted Use.  
From: Purpus

not be working in this area. That is why it is not included in the study area.

*Faisez Statement, Covenant says All of APNs, our appointed work is bound by the covenant, so Please let me know if you have any other questions.*

*- It not being included in the study area" because the area is on Ridgecrest and totally Faisez, See Covenant (GX)*

Jessica Hankins  
Senior Planner  
Planning Department  
Community Development Agency  
County of Nevada  
950 Maidu Ave. Suite 170  
Nevada City, CA 95959  
office 530.265-1254 fax 530.265.9851  
www.mynevadacounty.com/nc/cda/planning/

This message is for the designated recipient only and MAY CONTAIN PRIVILEGED OR CONFIDENTIAL INFORMATION. If you have received it in error, please notify the sender immediately and delete the original. Any other use of this E-mail is prohibited.

-----Original Message-----

From: Zora Biagini [mailto:valleybrokers@msn.com]  
Sent: Tuesday, September 22, 2015 3:04 PM  
To: Jessica Hankins  
Subject: Staff stuff

*3:04pm  
Zmb to Jess*

Kathy will be there to get the staff reports Can I get the individual staff reports as well?  
Sent from my iPhone



Zora Biagini <valleybrokers@msn.com> Mon, Sep 28, 2015 at 7:48 AM  
To: Kathy Connolly <karmawize@gmail.com>

[Quoted text hidden]

Zora Biagini <valleybrokers@msn.com>  
To: Kathy Connolly <karmawize@gmail.com>

Mon, Sep 28, 2015 at 7:49 AM

Sent from my iPhone

Begin forwarded message:

**From:** Jessica Hankins  
<Jessica.Hankins@co.nevada.ca.us>  
**Date:** September 22, 2015, 3:06:04 PM PDT  
**To:** Zora Biagini <valleybrokers@msn.com>  
**Subject:** RE: Staff stuff

There's only one staff report from the Planning Dept, but there are 10 attachments to it. Agency comments are one of the attachments if you're looking for comments from other County staff like Public Works or Environmental Health. I've attached it for you.

Thanks,  
Jessica

-----Original Message-----

**From:** Zora Biagini [mailto:valleybrokers@msn.com]  
**Sent:** Tuesday, September 22, 2015 3:04 PM  
**To:** Jessica Hankins  
**Subject:** Staff stuff

3:06 PM  
Sent to ZMB

10.02  
applying  
10.02  
sent  
Comments  
sent in 10/22  
in staff  
work

unlike  
the  
Some are  
the comments  
in the

3:04 PM  
ZMB to Jess

Kathy will be there to get the staff reports Can I get the individual staff reports as well?

Sent from my iPhone

9-Att7-AgencyComments.pdf  
1342K

Zora Biagini <valleybrokers@msn.com>

Mon, Sep 28, 2015 at 7:53 AM

To: Kathy Connolly <karmawize@gmail.com>

Sent from my iPhone

Begin forwarded message:

**From:** Jessica Hankins  
<Jessica.Hankins@co.nevada.ca.us>  
**Date:** September 22, 2015, 3:04:26 PM PDT  
**To:** Zora Biagini <valleybrokers@msn.com>  
**Subject:** RE: Staff stuff

3:43pm  
loss to Zmb  
#2

Hm, the link works on my computer, but yes, you're welcome to come in. I've also attached it to this email with the conditions of approval. Let me know if you want any of the other attachments.

Jessica

-----Original Message-----

**From:** Zora Biagini [mailto:valleybrokers@msn.com]  
**Sent:** Tuesday, September 22, 2015 3:07 PM

3:07pm  
Zmb to Jess  
#1

To: Jessica Hankins  
Subject: Staff stuff

Web page you referenced says "this info may have been moved" sending someone to get them.... Short of time.  
Thanks! Z

Sent from my iPhone

2 attachments

- ➔ 1-Newmont\_PCStaffReport.pdf  
— 358K
- ➔ 2-Att1-COAs.pdf  
— 562K

*Information from  
is used as a...  
APN  
the 2000000 what is  
How the Dept for the  
proposed pumping station  
location what is owned  
on the land...  
under the...  
APN...  
what was the address, but  
...  
Water Treatment  
Plant/...  
and in the address  
...  
...*

# DEPARTMENT OF TOXIC SUBSTANCES CONTROL ENVIROSTOR

GRASS VALLEY WASTE TREATMENT PLANT (2910009)

556 FREEMAN LANE  
GRASS VALLEY, CA 95949  
NEVADA COUNTY  
**SITE TYPE:** VOLUNTARY CLEANUP

**PROJECT MANAGER:**  
**SUPERVISOR:**  
**OFFICE:**

DUANE WHITE  
FERNANDO A. AMADOR  
CLEANUP SACRAMENTO

**CLEANUP STATUS**

CERTIFIED / OPERATION & MAINTENANCE AS OF 1/31/1996

**SITE TYPE:** VOLUNTARY CLEANUP

**NATIONAL PRIORITIES LIST:** NO

**ACRES:** 21 ACRES

**APN:** 29-290-23, 29-290-26

**CLEANUP OVERSIGHT AGENCIES:**

DTSC - SITE CLEANUP PROGRAM - LEAD

**ENVIROSTOR ID:** 29100009

**SITE CODE:** 100419

**SPECIAL PROGRAM:** VOLUNTARY CLEANUP PROGRAM

**FUNDING:** SITE PROPONENT

**ASSEMBLY DISTRICT:** 01

**SENATE DISTRICT:** 01

**Regulatory Profile**

**PAST USE(S) THAT CAUSED CONTAMINATION**

UNKNOWN

**POTENTIAL CONTAMINANTS OF CONCERN**

CONTAMINATED SOIL  
MERCURY AND COMPOUNDS

**POTENTIAL MEDIA AFFECTED**

SOIL

**Site History**

UNKNOWN

**Land Use Restrictions**

**DISCLAIMER:** The land use restrictions listed under the site management requirements are only an abbreviated summary of the land use restrictions, and may not encompass all restrictions and notification requirements placed on a property. For complete land use restriction information please see the Land Use Restriction document by, clicking on the "VIEW COVENANT" link.

| <a href="#">[VIEW COVENANT]</a> | <u>DATE RECORDED</u> | <u>SITE MANAGEMENT REQUIREMENTS</u>   |
|---------------------------------|----------------------|---|
|                                 | 12/5/1995            | <ul style="list-style-type: none"> <li>• DAY CARE CENTER PROHIBITED</li> <li>• ELDER CARE CENTER PROHIBITED</li> <li>• NO EXCAVATION OF CONTAMINATED SOILS WITHOUT AGENCY REVIEW AND APPROVAL</li> <li>• ONLY EXTRACTION OF GROUNDWATER FOR SITE REMEDIATION PERMITTED</li> <li>• RAISING OF FOOD PROHIBITED</li> <li>• NO GROUNDWATER EXTRACTION AT ANY DEPTH WITHOUT APPROVAL</li> <li>• HOSPITAL USE PROHIBITED</li> <li>• NOTIFY PRIOR TO DEVELOPMENT</li> <li>• NOTIFY AFTER CHANGE OF PROPERTY OWNER</li> <li>• NOTIFY PRIOR TO SUBSURFACE WORK</li> <li>• NOTIFY PRIOR TO CHANGE IN LAND USE</li> <li>• NO OIL OR GAS EXTRACTION AT ANY DEPTH</li> <li>• RESIDENCE USE PROHIBITED</li> <li>• PUBLIC OR PRIVATE SCHOOL FOR PERSONS UNDER 21 PROHIBITED</li> </ul> |





Trip to:  
**556 Freeman Ln**  
Grass Valley, CA 95949-9615  
0.01 miles /  
Notes

### Find high school yearbooks



I graduated in:  ^  
  
 v



**556 Freeman Ln, Grass Valley, CA 95949-9615**

Download  
Free App

1. Start out going **southeast** on **Freeman Ln.** [Map](#)

**0.01 Mi**

*0.01 Mi Total*

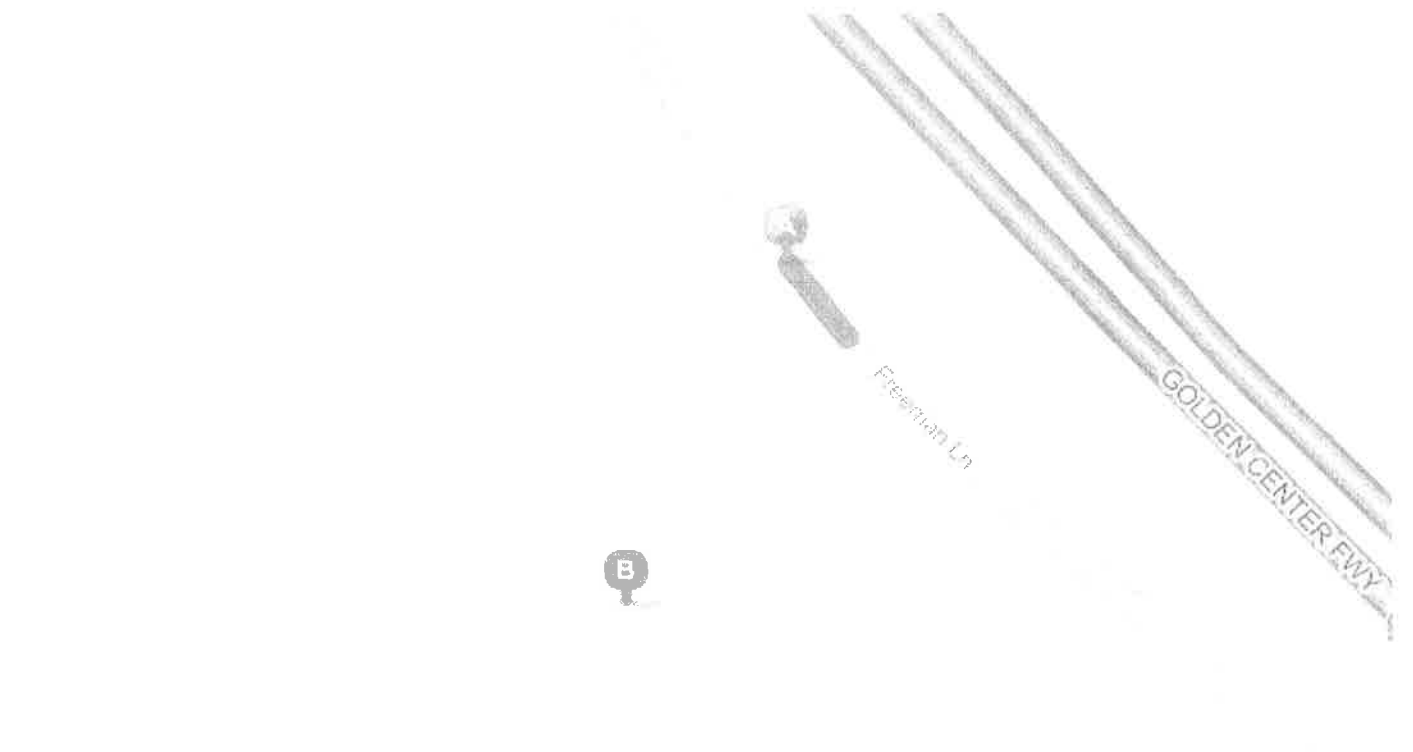
2. **556 FREEMAN LN.** [Map](#)

*If you reach Taylorville Rd you've gone about 0.3 miles too far*



**556 Freeman Ln, Grass Valley, CA 95949-961539.205564, -121.067745**  
(Address is approximate)

**Total Travel Estimate: 0.01 miles - about**



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**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**

Building  
Planning  
Public Works  
Sanitation  
Environmental Health  
Agricultural Commissioner

---

**DATE:** January 28, 2015 **FILE:** U14-009  
**TO:** Tod Herman, Senior Planner  
**FROM:** Joshua Pack, Principal Civil Engineer  
**SUBJECT:** North Star Water Treatment Project – Newmont USA Limited

---

**Background:**

Department of Public Works considers this item complete. However, DPW staff has a number of recommended conditions of approval. These recommended conditions of approval have not been reviewed by the County Surveyor, and additional conditions may be provided by the Surveyor at a later date.

**Recommended Conditions of Approval:**

The following are this Department's Conditions of Approval to be required for the Use Permit:

1. Right-of-Way:

Coordinate with the County of Nevada to establish a 60' surface easement that allows the County to perform routine maintenance, shoulder widening, road widening and drainage improvements, and fuel modification work within this right of way along applicant property abutting Allison Ranch Road and the Bypass Road. The County will not accepted deeded right of way in lieu of this easement, and all pipeline and appurtenant equipment will be located out of the proposed easement and remain property of the applicant.

All proposed appurtenant equipment (excluding the sewer pipeline and manhole covers) will be located outside the surface easement boundary. Applicant will be responsible for maintenance of manhole covers and any other appurtenant equipment located within the proposed surface easement, and will be required to enter into an agreement with the County to better define these responsibilities.

2. Easements: see above

3. Road Improvements:

- a) All work done within the proposed County Right of Way (either prescriptive or through the proposed surface easement) will require an Encroachment Permit issued by the Nevada County Department of Public Works. Applicant shall be responsible for funding all time and expenses incurred by the Public Works Inspector. Depending on staff workload and availability, the County reserves the right to direct the applicant to hire third party inspection services. These services will serve at the discretion and direction of the County but will be funded by the applicant.

- b) The applicant's engineer shall prepare improvement plans for the required work to be submitted to the Nevada County Building Department for approval. Improvements shall conform to all specifications for road construction, surfacing, and drainage outlined in LUDC Sec. XVII Road Standards.
- c) The applicant's engineer shall certify that the improvements were completed in conformance with the approved plans.

4. Road Maintenance:

- a. All trench backfill and other work done in the existing Allison Ranch Road and Bypass Road right of way shall meet the County's requirements for trenching, and the road shall be returned to a similar or better condition upon project completion.

If you have any questions, please contact me at (530) 265-7059 or at [Joshua.pack@co.nevada.ca.us](mailto:Joshua.pack@co.nevada.ca.us).

Water Operations Manager  
Nevada Irrigation District  
1036 W. Main St.  
Grass Valley CA 95945

**From:** Tod Herman [<mailto:Tod.Herman@co.nevada.ca.us>]  
**Sent:** Thursday, January 29, 2015 11:35 AM  
**To:** Chip Close  
**Subject:** North Star Water Treatment Facility (U14-009, MGT14-015 & EIS14-012)

Hey Chip,

Nevada County has received an application from Newmont Mining proposing to construct a water collection, conveyance, and treatment facility east of Allison Ranch Road in Grass Valley. This has been in the paper recently (September) but the project is intended to address the Regional Water Quality Control Board's Order to Comply concerning the groundwater discharge (with elevated iron and manganese) from their North Star mine workings into Wolf Creek. On January 6, 2015, Nevada County routed this application for agency comments. When I prepared the routing list I did not include NID (as the project did not appear to impact any NID facilities).

However, when discussing issues with the applicant's representative (Ron Dundas) this week he pointed out that actually the discharge point from this treatment facility will utilize a "seasonal drainage course" that NID uses (or has an easement on) to direct water onto Wolf Creek (in the vicinity of APN 22-160-27 and 22-120-28).

Because of this, I thought I'd send you the project information to see if NID wanted to comment on this proposal. I have posted all of the information on our website at the following link:  
<http://www.mynevadacounty.com/nc/cda/planning/Pages/North-Star-Water-Treatment-Facility.aspx> The project description and the site plan drawings links would likely be what I would have routed to NID. (Although I don't see any references to the easement on the site plan drawings.)

You may want to forward this to Shannon (as I don't have her email address). If you or anyone else has any questions about the proposal, please let me know. We are still early in the application processing phase, but I will soon begin the preparation of the Initial Study for the project.

Sorry about the late notice.

---

Tod Herman, Senior Planner

Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170-CDA  
Nevada City, CA 95959

530-265-1257 office  
530-265-9851 fax  
[tod.herman@co.nevada.ca.us](mailto:tod.herman@co.nevada.ca.us)

This message is for the designated recipient only and may contain UNCLASSIFIED OR CONFIDENTIAL INFORMATION. If you have received it in error, please notify the sender and delete this message. Any other use of this E-mail is prohibited.

8. Impact discussion 8a on page 68 states that the Project does not include the use of any hazardous materials. However, impact discussion 8b,d states that small



Water Operations Manager  
Nevada Irrigation District  
1036 W. Main St.  
Grass Valley CA 95945

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Sorry about the late notice.

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Tod Herman, Senior Planner

Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170-CDA  
Nevada City, CA 95959

530-265-1257 office  
530-265-9851 fax  
[tod.herman@co.nevada.ca.us](mailto:tod.herman@co.nevada.ca.us)

This message is for the designated recipient only and may contain UNCLASSIFIED CONFIDENTIAL INFORMATION. If you have received it in error, please notify the sender immediately. The use of this E-mail is prohibited.

FILING

May 22, 2015

**OFFICIAL NOTICE OF FILING OF TIMBER HARVESTING PLANS, NON-INDUSTRIAL MANAGEMENT PLANS OR AMENDMENTS TO TIMBER HARVESTING PLANS**

Timber Harvesting Plans (THP's), Non-Industrial Management Plans (NTMP's), or amendments listed below and/or on the attached sheets have been filed with Director of Forestry pursuant to State laws and regulations. Comment is invited by the Public upon the forthcoming determination of the Director of Forestry of conformance or non-conformance of Timber Harvesting Plans or amendments with the Forest Practice Act and Board of Forestry Regulations. Comments will be considered if they are received prior to 15 days past the filing date. At the address given below for the Region Headquarters. Comments should be submitted in writing. Copies of the THP, NTMP, or amendment(s) are available for inspection at the Northern Region Headquarters-Redding Office of CAL FIRE, 6105 Airport Road, Redding, CA 96002. (530) 224-2445.

This notice is posted in compliance with Section 1037.1 of Title 18 of the California Code of Regulations.

|                        |  |                        |  |
|------------------------|--|------------------------|--|
| Plan No.:              | 2-15-020-NEV(3) Second Submittal   | Plan No.:              |  |
| RPF:                   | Peter Walden   | RPF:                   |  |
| County:                | Nevada   | County:                |  |
| Plan Submitter:        | New Verde Mines LLC  | Plan Submitter:        |  |
| Timberland Owner:      | New Verde Mines LLC and City of Grass Valley   | Timberland Owner:      |  |
| Approx. Acres in Plan: | 29   | Approx. Acres in Plan: |  |
| Location:              | Secs: 2,3 T15N R8E; Sec: 34 T16N R8E MDBM  | Location:              |  |
|                        | Approximately 1/4 mile West of the K-Mart Shopping Center. Wolf Creek is approximately 275 feet East of the property |                        |  |
| Description:           | Conversion   | Description:           |  |
| Plan No.:              |  | Plan No.:              |  |
| RPF:                   |  | RPF:                   |  |
| County:                |  | County:                |  |
| Plan Submitter:        |  | Plan Submitter:        |  |
| Timberland Owner:      |  | Timberland Owner:      |  |
| Approx. Acres in Plan: |  | Approx. Acres in Plan: |  |
| Location:              |  | Location:              |  |
| Description:           |  | Description:           |  |

TO POSTING AGENCY: Please post this notice at the place where official notices concerning environmental compliance are usually posted. If there are questions concerning posting contact: Resources Management Office, CAL FIRE, (530) 224-2445

Posting Period is 30 days

cc: Director of Forestry  
9; BE; UNIT- NEU; FG 2; WQ 5A; CP- NEV

DATE MAILED: May 22, 2015

- 212 -



DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
NORTHERN REGION HEADQUARTERS-REDDING  
6105 Airport Road  
Redding, CA 96002  
(530) 224-2445  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



NEVADA COUNTY  
RECEIVED  
MAY 26 2015  
COMMUNITY DEVELOPMENT  
AGENCY

TO: NEVADA COUNTY PLANNING  
DEPARTMENT OF PARKS & RECREATION

RE: PLAN NO. 2-15-020-NEV

DATE FILED: May 22, 2015

*4/22/15*

*Handwritten notes:*  
Nevada County Planning  
Department of Parks & Recreation  
CAL FIRE  
THP, 2015  
2-15-020-NEV

The California Department of Forestry and Fire Protection (CAL FIRE) is sending you this plan in compliance with **14CCR 1037.3**. Prior to the Director's determination of whether the plan is in conformance with the Forest Practice Act and Board of Forestry Regulations, your comment is invited. Comments should be made in writing to Deputy Chief, Forest Practice, Northern Region Headquarters-Redding Office, CAL FIRE, 6105 Airport Road, Redding, CA 96002. Only comments received within 15 days of the date of filing will be considered. Copies of the plan and related documents are available for inspection at the CAL FIRE Northern Region Headquarters-Redding Office.

Sincerely,

*Rich Can For*  
William D. Solinsky, RPF# 2297  
Forester III, THP Administration

*2-15-020-NEV*

*THP*

*Continues from*

*29-29-24*

*Handwritten notes:*  
fill in last  
page to report  
in writing  
THP

CONSERVATION IS WISE—KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT [WWW.CA.GOV](http://WWW.CA.GOV).



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**

Building  
 Planning  
 Public Works  
 Sanitation  
 Environmental Health  
 Agricultural Commissioner

**DATE:** January 28, 2015  
**TO:** Tod Herman, Senior Planner  
**FROM:** Joshua Pack, Principal Civil Engineer  
**SUBJECT:** North Star Water Treatment Project -- Newmont USA Limited

FILE: U14-009

*T/c 9/28 @ 11:55 AM  
 at 12:15 PM 10/11 292902*

**Background:**

Department of Public Works considers this item complete. However, DPW staff has a number of recommended conditions of approval. These recommended conditions of approval have not been reviewed by the County Surveyor, and additional conditions may be provided by the Surveyor at a later date.

*Soil way / recommendations  
 will have base 2.0m -  
 will check & get back to me later  
 1/15  
 12:32  
 1/15  
 J. Pack*

**Recommended Conditions of Approval:**

The following are this Department's Conditions of Approval to be required for the Use Permit:

1. Right-of-Way:

Coordinate with the County of Nevada to establish a 60' surface easement that allows the County to perform routine maintenance, shoulder widening, road widening and drainage improvements, and fuel modification work within this right of way along applicant property abutting Allison Ranch Road and the Bypass Road. The County will not accepted deeded right of way in lieu of this easement, and all pipeline and appurtenant equipment will be located out of the proposed easement and remain property of the applicant.

All proposed appurtenant equipment (excluding the sewer pipeline and manhole covers) will be located outside the surface easement boundary. Applicant will be responsible for maintenance of manhole covers and any other appurtenant equipment located within the proposed surface easement, and will be required to enter into an agreement with the County to better define these responsibilities.

2. Easements: see above

3. Road Improvements:

- a) All work done within the proposed County Right of Way (either prescriptive or through the proposed surface easement) will require an Encroachment Permit issued by the Nevada County Department of Public Works. Applicant shall be responsible for funding all time and expenses incurred by The Public Works Inspector. Depending on staff workload and availability, the County reserves the right to direct the applicant to hire third party inspection services. These services will serve at the discretion and direction of the County but will be funded by the applicant.

- b) The applicant's engineer shall prepare improvement plans for the required work to be submitted to the Nevada County Building Department for approval. Improvements shall conform to all specifications for road construction, surfacing, and drainage outlined in LUDC Sec. XVII Road Standards.
- c) The applicant's engineer shall certify that the improvements were completed in conformance with the approved plans.

4. Road Maintenance:

- a. All trench backfill and other work done in the existing Allison Ranch Road and Bypass Road right of way shall meet the County's requirements for trenching, and the road shall be returned to a similar or better condition upon project completion.

If you have any questions, please contact me at (530) 265-7059 or at [Joshua.pack@co.nevada.ca.us](mailto:Joshua.pack@co.nevada.ca.us).

Jessica Hankins

**From:** Sam Longmire <nsaqmd.sam@gmail.com>  
**Sent:** Tuesday, July 21, 2015 2:05 PM  
**To:** Jessica Hankins  
**Cc:** Gretchen Bennitt  
**Subject:** Re: PLEASE REVIEW Air Quality Mitigation for North Star Project

Hi Jessica,

I have read the relevant parts of the Proposed MND for the North Star Water Treatment Project to evaluate the project for the potential to emit arsenic or other toxics to the air in concentrations or quantities of concern. Based on my review, it appears that most of the arsenic and other heavy metals that are removed by the sedimentation process will be disposed at a landfill (in Geotubes) and will be handled in a manner that prevents their entrainment in air. In theory, arsenic that reaches the wetland system beyond the sedimentation ponds would largely be stabilized by natural chemical and biological processes, eventually being incorporated into the underlying soils, with only very small amounts (below concentrations of concern) being released to the air. Therefore, while the document does not specifically address the potential for toxics to be released to the air, the Northern Sierra Air Quality Management District (NSAQMD) has not identified any reasonable need for additional studies or mitigations to address air toxics.

In summary, the NSAQMD has no further comment on the project.

Sincerely,

Samuel Longmire, APCS

On Mon, Jul 20, 2015 at 9:07 AM, Jessica Hankins <[Jessica.Hankins@co.nevada.ca.us](mailto:Jessica.Hankins@co.nevada.ca.us)> wrote:

Thank you, Sam. Please let me know if we need to add any mitigation at your earliest convenience. I'll be writing the staff report this week and would like to incorporate any revisions at that time.

Thanks,

Jessica Hankins

Senior Planner

Nevada County Community Development Agency

950 Maidu Avenue

Nevada City, CA 95959

(530) 265-1254

NSAQMD  
4/20/15  
Bdt  
2015/07/20  
PREP  
OP

210



**Exhibit** 10



See pg 6  
#3/06

See pg 8  
LAST para.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER R5-2014-0706  
FOR

NEWMONT USA Ltd  
NORTH STAR PROPERTY, NEVADA COUNTY

No where in this  
order is the APN #  
29-290-26 found  
but it is AGIARING commission  
ins of a  
as Nev.  
Bundy's  
Planning's  
spirit to provide  
that info. so as to  
avoid  
DTSC  
from  
Bear  
alcohol ✓

This Order is issued to Newmont USA Ltd (hereafter Newmont or Discharger) pursuant to Water Code section 13304, which authorizes the Central Valley Regional Water Quality Control Board, (Central Valley Water Board or Water Board) to issue a Cleanup and Abatement Order (CAO), and Water Code section 13267, which authorizes the Board to require the submittal of technical reports.

The Executive Officer of the Central Valley Water Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. Newmont owns and controls the North Star Property (the Site) located south of the City of Grass Valley. The Site covers approximately 800-acres and includes Nevada County APNs 22-120-28 and 29-350-16. A portion of the Site consists of former underground gold mines that operated from the late 1800's to 1956. Following the closure of the mines and the cessation of mine dewatering activities, groundwater within the underground mines recovered to elevations of the mine drainage tunnels. These tunnels currently drain by gravity from a mine adit and a pipe culvert to Wolf Creek, which is tributary to the Bear River, and both are considered waters of the United States.
2. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Board. This Order is designed to ensure compliance with the Basin Plan.
3. Surface water drainage is to Wolf Creek, a tributary to the Upper Bear River watershed, which flows into the Sacramento-San Joaquin Delta. The beneficial uses of the Bear River, as specified in the Basin Plan, are municipal and domestic supply (MUN), agricultural irrigation supply and stock watering (AGR), hydroelectric power generation (POW), water contact recreation (REC-1), non-contact water recreation (REC-2), warm freshwater habitat (WARM), cold freshwater habitat (COLD), fish migration (MIGR) and spawning (SPWN), and wildlife habitat (WILD).
4. The discharge points for the two North Star mine drainage features are located on Nevada County Assessor's Parcel Number 29-350-16 as shown on Attachment A, which is attached hereto and made part of this Order by reference. Discharge for an adjacent spring, SP2, located on Assessor's Parcel Number 22-120-28 is potentially associated with the two mine drainage features.
5. The mine drainage features were identified in April of 2008 by Central Valley Water Board staff following a water quality complaint of yellowish material leaching into Wolf Creek at the Site. Flow rates for the mine adit and pipe culvert average 172 and 111 gallons per minute respectively. Spring SP2 discharge averages 11 gallons per minute; however, this flow infiltrates into the hillside before reaching Wolf Creek.
6. Discharges from the mine adit and pipe culvert contain iron and manganese at concentrations that threaten to impact beneficial uses in Wolf Creek. In addition, the adit and pipe culvert discharges periodically contain arsenic at concentrations that exceed the arsenic Primary Maximum

Contaminant Level (MCL) of 10 parts per billion (µg/L) (see Table 1 below). Although the arsenic concentration in the mine adit discharge ranges from 2.8 to 22.2 µg/L, the average is approximately equal to the 10 µg/L Primary MCL, and the average is a more reliable indicator of long-term exposure than individual measurements. Spring SP2 contains iron and manganese at substantially lower concentrations than the mine adit and pipe culvert, but above adopted water quality criteria.

Table 1. Iron, Manganese, and Arsenic Concentrations in North Star Mine Drainage Feature Discharges\*

| Mine Feature<br>(Average Flow)   | Iron (µg/L)<br>(total recoverable)**   |       |       | Manganese (µg/L)<br>(total recoverable)**   |       |       | Arsenic (µg/L)<br>(total recoverable)**   |      |        |
|--|--|-------|-------|---|-------|-------|---|------|--------|
|  | Max  | Min   | Ave   | Max   | Min   | Ave   | Max   | Min  | Ave    |
| Mine Adit<br>(172 gpm)   | 9,950  | 1,420 | 3,884 | 2,160   | 1,320 | 1,865 | 22.2  | 2.8  | 10.2   |
| Pipe Culvert<br>(111 gpm)  | 3,740  | 1,100 | 3,026 | 1,990   | 1,370 | 1,805 | 11.3  | 2.2  | 8.4    |
| Spring SP2<br>(11 gpm)   | 2,680  | 60    | 515   | 1,200   | 407   | 1,006 | 0.8***  | <0.5 | 0.7*** |
| Applicable water<br>quality objective<br>and Related<br>Beneficial Use | 300 µg/L (Secondary MCL,<br>drinking water); Chemical<br>Constituents (MUN), Tastes<br>and Odors (MUN) |       |       | 50 µg/L (Secondary MCL,<br>drinking water); Chemical<br>Constituents (MUN),<br>Tastes and Odors (MUN) |       |       | 10 µg/L (Primary MCL,<br>drinking water); Chemical<br>Constituents (MUN),<br>Toxicity (MUN) |      |        |

\* Water quality data collected from October 2008 through March 2012.

\*\* The Central Valley Water Board implements limits for MCLs as "total recoverable."

\*\*\* Estimated concentration was reported by laboratory as below the practical quantitation limit.

### BACKGROUND

- In 2008, the Site was owned and controlled by North Star/Grass Valley LLC, an Oregon-based property developer. In a 4 April 2008 Central Valley Water Board letter, both North Star/Grass Valley LLC and Newmont were requested to provide information regarding the source and nature of the discharge. Newmont was notified of the discharge because of its predecessor's (Empire Star Mines Company) past ownership of the Site<sup>1</sup>. Newmont, in coordination with North Star/Grass Valley LLC submitted a Site Characterization Work Plan in September 2008 to investigate, delineate, and monitor the mine adit, pipe culvert and two springs. The Work Plan included monthly collection of water samples from the mine adit and pipe culvert, and quarterly water sampling of an upper and lower spring. The lower spring is identified as spring SP2.
- On February 27, 2009, Newmont submitted a Technical Memorandum titled, "Historic Mine Information Review and Site Reconnaissance." The historic mine information review and site reconnaissance were performed to delineate the location of the mine drainage features at the Site and to determine if the features were potentially associated with the historic mine workings on the North Star Property. The Technical Memorandum concluded that the surveyed location of the pipe culvert and mine adit were consistent with the alignment and approximate location of the Snyder

<sup>1</sup> In 1929, Empire Star Mines Company purchased certain assets of the North Star Mines Company, including the Massachusetts Hill Mine, which is drained by the Drew Tunnel. A Newmont subsidiary, Newmont Empire Mine Company, owned stock in Empire Star Mines Company.

CLEANUP AND ABATEMENT ORDER R5-2014-0706  
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NORTH STAR PROPERTY, NEVADA COUNTY

Drain Tunnel. Water Board staff believes that the Snyder Drain Tunnel and the Snyder Adit Tunnel identified in the Technical Memorandum are part of a larger mine drainage system for the New York Hill Mine, Chevanne Shaft, Rocky Bar, and North Star Mine underground workings as shown on Plate 30 of USGS Professional Paper 194 (Johnston, 1940)<sup>2</sup>.

9. On 1 April of 2009, the Water Board staff requested a report of waste discharge (ROWD) for the mine drainage features from the then property owner, North Star/Grass Valley LLC and from Newmont because of Empire Star Mines Company past ownership of the Site. In that letter, Water Board staff specified that, "treatment and/or source control methods to reduce the quantity of potential pollutants discharged to waters of the state must be implemented."
10. In a 23 April 2009 meeting, Newmont notified Water Board staff that negotiations with North Star/Grass Valley LLC to purchase a portion of the Site for purposes of capture and treatment of the discharges emanating from the mine drainage features had not been productive. Newmont also notified staff that North Star/Grass Valley LLC had filed for relief under Chapter 11 of the United States Bankruptcy Code in November of 2008 and that Newmont was in discussions with the creditor of the North Star Property to purchase a portion of the property.
11. On 2 June 2009, Newmont submitted a Site Characterization Work Plan Amendment which provided for collection of water samples for priority pollutant analysis as requested by Water Board staff. The Work Plan Amendment included monitoring at five locations for a period of one year, including collection of monthly water quality samples from the mine adit, pipe culvert, Spring SP2 and two additional nearby springs, and at a location in Wolf Creek upstream of the North Star mine features discharges.
12. On 17 June 2009, Water Board staff sent a second letter requesting a ROWD from the property owner, North Star/Grass Valley LLC, and from Newmont.
13. In July 2009, North Star/Grass Valley LLC and Newmont jointly submitted a ROWD for the mine drainage features located on the North Star Property. The ROWD transmittal acknowledged that the information contained in the ROWD was incomplete because it only presented a conceptual water treatment plant design, that locations for construction and operation of the water treatment plant were still being investigated, and did not provide a schedule for permitting and other considerations. The ROWD stated that water quality monitoring demonstrated that the primary constituents of concern which would require treatment included pH, iron, and manganese. Arsenic was not listed as requiring treatment, although it was frequently reported at concentrations slightly above the water quality criteria of 10 ug/L.
14. In November 2009, Newmont submitted a Water Monitoring Plan which had been developed from results of their previous work and to provide for continuation of portions of the previous monitoring program on a quarterly basis. Previous sampling demonstrated that water quality characteristics of the mine adit, pipe culvert, and spring SP2 were similar and that variations in water quality could be assessed with quarterly sample collection.
15. In the November 2009 Water Monitoring Plan, Newmont concluded that priority pollutants Methyl-tert-butyl-ether (MTBE) and Cis-1,2 Dichloroethene (DCE), which had been detected at relatively low concentrations in the mine adit, pipe culvert and spring SP2 were not associated with historic mining or milling operations. Newmont did not provide an explanation of the source of the MTBE or

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<sup>2</sup> See Central Valley Water Board letter dated 11 March 2009.

the DCE; however, Newmont did conclude that the presence of MTBE and DCE in the sample from the mine adit, pipe culvert and spring SP2 indicated a similar water source pathway, and that the three locations were hydraulically connected. Subsequent sampling, performed semi-annually since 2009, has not detected the presence of DCE above the method detection limit. MTBE has been detected in subsequent semi-annual sampling of the mine adit, pipe culvert and spring SP2, at concentrations of approximately 2.5 ug/L, which is below the primary drinking water standard MCL.

16. In January 2010, Newmont provided Water Board staff with an update of its activities at the North Star Property and of their intent to treat the nearby Drew Tunnel discharge, which is currently being collected and treated at the City of Grass Valley's (the "City") waste water treatment plant (WWTP). Furthermore, Newmont stated that they had submitted written purchase agreements for a 2.2 acre-portion of the North Star Property needed for construction of the water treatment plant, and that the bankruptcy trustee believed that the agreements would be satisfactory to the bankruptcy court and should be completed in a matter of weeks.
17. By September 2010, Newmont had not been successful in purchasing the portion of the North Star Property needed to collect and treat discharges emanating from the North Star mine drainage features. In October 2010, Board staff met with Newmont, the bankruptcy trustee, and the creditor of the North Star Property in an attempt to facilitate a timely resolution of the matter<sup>3</sup> but Board staff was ultimately unsuccessful in facilitating a solution<sup>4</sup>.
18. In June of 2011, Newmont was able to purchase 760-acres of the North Star Property from the creditor at a price in excess of \$3 million dollars. In a 1 August 2011 interview with the Grass Valley Union Newspaper, a Newmont representative stated that they intended to use about 10-acres of the property for the purposes of capturing and treating the discharges emanating from the North Star mine drainage features and the Drew Tunnel.
19. Since 2008, the Discharger has continued to collect water samples and report water quality monitoring data for the North Star mine drainage features. The Discharger has also performed pilot-scale treatability testing at the Drew Tunnel to support sizing and design of a planned passive treatment system and optional active polishing water treatment system for the North Star Mine drainage features and the Drew Tunnel discharge.
20. During 2013, Newmont initiated preliminary discussions with City and County officials regarding the proposed water treatment project, conducted preliminary biological, civil, and geophysical surveys and installed three groundwater monitoring wells into the Snyder Drain Tunnel alignment referenced in Finding 8 above. Newmont also conducted pilot treatability testing for both passive and active treatment of the mine discharges.
21. On 19 December 2013, Newmont met with Water Board staff and discussed the status of relocating the Drew Tunnel discharge from the City's WWTP and provided a summary of progress towards completion of the project. Newmont also discussed with staff its forthcoming report, in which an evaluation of the potential alternatives would be presented to the City for collecting and conveying water draining from the Drew Tunnel to the proposed North Star water treatment facility.

<sup>3</sup> Central Valley Water Board letter dated 29 September 2010.

<sup>4</sup> Central Valley Water Board letter dated 24 January 2011 and 25 January 2011 letter from the bankruptcy trustee to Victor Izzo of the Central Valley Water Board.



22. Water Board staff's 24 December 2013 letter summarized the 19 December meeting and requested that Newmont provide a copy of the report evaluating the potential alternatives for collecting and conveying water draining from the Drew Tunnel. Staff also requested that Newmont provide an estimated timeline for project completion of each of the alternatives and to help staff in evaluation of the project's progress and schedule for completion, that the report also include information such as land and right-of-way acquisition, county and city permits acquisition, California Environmental Quality Act (CEQA) process, construction and conveyance system, and construction of the proposed treatment system. ✓

23. On 31 January 2014, Newmont submitted the Drew Tunnel Water Collection and Conveyance Alternatives Report (Worthington Miller Environmental, February 1, 2014). The Report presented the evaluation of feasible piping alignments and pumping alternatives for collecting and conveying the Drew Tunnel discharge from the City's WWTP to Newmont's proposed water treatment plant located on the North Star property. Newmont identified Alternative 1, Gravity Flow Pipeline buried along the western boundary of the City's WWTP to the south and onto North Star Property to the proposed treatment facility, as being the most effective alternative in collecting and conveying the Drew Tunnel water and would require the least time to implement. ✓

24. In a 24 February 2014 letter responding to Newmont's Drew Tunnel Water Collection and Conveyance Alternatives Report, the City stated that they had no interest in the option of running piping for the Drew Tunnel discharge collection system to Newmont's conceptual North Star Water Treatment Plant through the City's WWTP property. *Newmont's treatment plant / part of station is to be on City's property with Newmont paying for it by Newmont. City has no interest in this option. City's WWTP is at 292902.*

25. The Discharger's difficulty in purchasing the property (June 2009 to July 2011) and in reaching an agreement with the City to capture and route the Drew Tunnel discharge to the proposed North Star water treatment plant has caused considerable delay in mitigating impacts to water quality caused by the North Star Mine discharges. *Newmont wants to buy City's land on west on old fence for obvious reasons. Discharges difficult in purchasing property 2009-2011, 2013, is that the property Newmont wants has a Land Use Restriction - DTSC Covenant and no way would DTSC authorize the sale, excavation.*

**IMPACTS TO GROUNDWATER QUALITY**

26. In August 2013, the Discharger performed geophysical surveying of the mine workings. Based on results of the geophysical survey, the Discharger installed three groundwater monitoring wells within the alignment of the Snyder Drain Tunnel. With the completion of the monitoring wells, the Discharger has the capability to monitor and evaluate the potential for increasing water level conditions and to monitor water quality within the underground mine workings. *Snyder Drain monitoring wells to monitor potential increase in H<sub>2</sub>O levels & H<sub>2</sub>O quality in underground mine workings.*

**BASIS FOR CLEANUP AND ABATEMENT ORDER**

27. This Order provides a timeframe for the Discharger to perform additional predesign investigations and engineering, obtain necessary permits, construct the proposed water treatment facility, and to collect and convey water from the North Star Mine drainage features and the nearby Drew Tunnel to the proposed water treatment facility for treatment and discharge to Wolf Creek.

28. This Order also provides a timeframe for completing the actions necessary to ensure compliance with potentially-applicable water quality objectives as identified in Finding 6, above.

### REGULATORY CONSIDERATIONS

29. Water Code section 13304 subdivision (a) states, in relevant part:

Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

30. Water Code section 13267 subdivision (b) states, in relevant part:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

The technical reports required by Water Code section 13267 and this CAO are necessary to evaluate compliance with this CAO, and to ensure the protection of water quality. The Discharger owns the facility that discharges waste subject to this CAO.

31. This Order requires the Discharger to design and build waste treatment facilities that would likely need multiple permits from state and local agencies, including the Central Valley Water Board. It would be too speculative at this time to conduct an environmental analysis of the potentially significant environmental effects of treatment facilities pursuant to the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

*Search Bar  
need star water treatment  
N.S. W.T.F.  
news & events*

*EPA study*

*New Verde Mine  
unrecorded map  
Doc 174188.pdf  
NE/CWA/pw/05/*

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13304 and 13267, the Discharger shall cleanup and abate the North Star Mine drainage features in accordance with the scope and schedule set forth below.

| <u>Task</u>  | <u>Compliance Date</u> |
|--|------------------------|
| Submit Nevada County Land Use Pre-Application            | 30 September 2014      |
| Complete pre-design investigation and engineering design | 31 December 2014       |
| Submit Nevada County land use application                | 31 December 2014       |
| Complete North Star water treatment plant construction   | 31 December 2015       |

*drog*

1. Quarterly Summary Reports. On a quarterly basis, the Discharger shall submit to the Central Valley Water Board a Quarterly Summary Report documenting its activities completed under the provisions of this Order to comply with the tasks listed above. The report shall be received by the Central Valley Water Board by the fifteenth (15<sup>th</sup>) day following the end of each quarter of the calendar year (e.g., Q3-2014 report due 15 October 2014), and shall describe:
  - a. Specific actions taken by or on behalf of the Discharger during the previous quarter to comply with the tasks listed above and the status of ongoing activities;
  - b. Summary of actions expected to be undertaken during the upcoming quarter; and
  - c. Any problems or anticipated problems in complying with this Order.
  
2. Extension Requests: If the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Assistant Executive Officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may be granted by revision of this Order or by a letter from the Assistant Executive Officer.
  
3. As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California Registered Engineer or Professional Geologist and signed by the registered professional. *WME*  
*retired on*  
*CO2/30*
  
4. Any person signing a document submitted under this Order shall make the following certification:

*"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."*

If the Discharger fails to comply with the provisions of this Order, the Assistant Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability. Failure to comply with this Order may result in the assessment of administrative civil liability up to \$10,000 per violation per day, pursuant to the Water Code sections

CLEANUP AND ABATEMENT ORDER R5-2014-0706  
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NORTH STAR PROPERTY, NEVADA COUNTY

13268, 13350, and/or 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

This Order is effective upon the date of signature.

Original signed by

\_\_\_\_\_  
Andrew Altevogt, Assistant Executive Officer

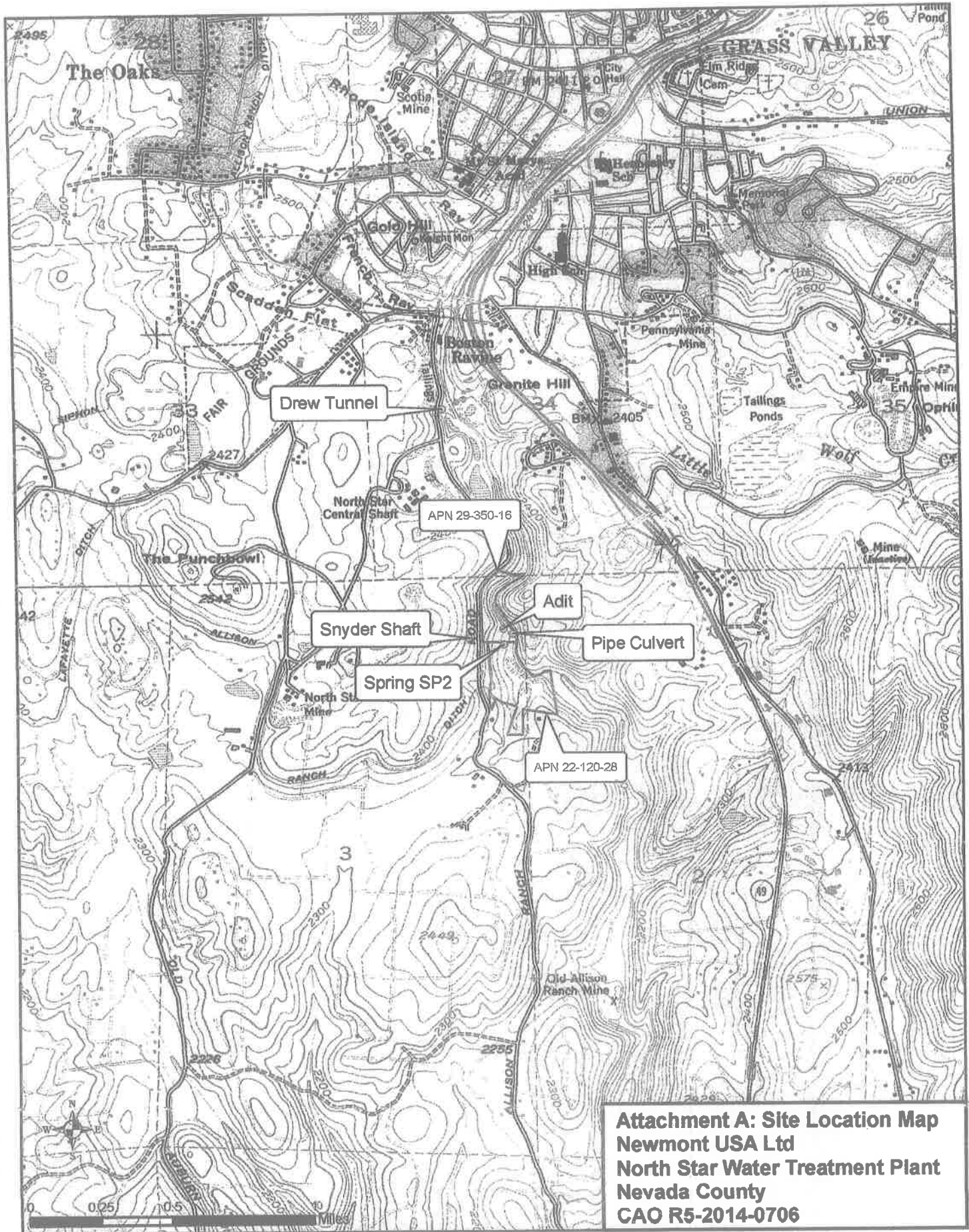
15 August 2014

JSH/MH/RB: XX August 14  
Attachments: A – Site Location Map



CA Code Title 23, § 2050 et seq





**Attachment A: Site Location Map**  
**Newmont USA Ltd**  
**North Star Water Treatment Plant**  
**Nevada County**  
**CAO R5-2014-0706**

**Exhibit**

**11**



Nevada County, CA Parcel Report

Report as of: 9/28/2015

\* Description: The Parcel Report displays information from a variety of sources - Assessor, Building, Code Enforcement, Environmental Health, and Planning departments to list a few. The report is maintained by the County GIS Division.

Enter Requested APN (Assessor's Parcel Number): 29-290-26-000

Search

Print a report

\* Note: Data has been "scrubbed" and description does not contain "DTSC" Covenant Agreement to Restrict Use of Property. Recorder Number 09503145 (25195 recorded, expected 10/30/14)

This was obtained via the Computer Room Case for Public Use in the Nevada County Planning Department lobby located next to Planning Dept Center @ Admin. Center 250 Maiden St Floor, Nevada City, CA 95957. by K Connolly Esq. U. Resident

View Parcel in the Employee Map Portal

View Assessor's Parcel Map PDF

U. Nevada State

U. Nevada State

Public Use

Site Information

Districts

Permits/Cases/Applications

Unrecorded Maps





Newmont Mining Corporation  
P.O. Box 250  
Park Washington 89019  
Tel: 800 258-4611  
Fax: 800 258-4612  
www.newmont.com

November 5, 2015

VIA EMAIL

Nevada County Board of Supervisors  
c/o Clerk of the Board  
950 Maidu Avenue, Suite 200  
Nevada City, CA 95959

RECEIVED

NOV 05 2015

NEVADA COUNTY  
BOARD OF SUPERVISORS

cc: All BOS  
Planning  
Counsel  
CEO

Re: North Star Water Treatment Project: November 10, 2015 Board of Supervisors Hearing

Dear Honorable Supervisors:

Newmont USA, LTD. (Newmont) supports the Planning Department's report and recommendation in the Board Agenda Memo that the Board deny the appeal and uphold the Planning Commission's approval of the proposed North Star Water Treatment Project (U14-009, MGT14-015, EIS14-012). We appreciate staff's efforts in preparing a thorough environmental analysis and addressing the appellants' concerns. We have worked hard to design the project to meet environmental obligations and remain sensitive to the surrounding community.

As noted in the Board Agenda Memo, Newmont has agreed to modifications to the project approved by the Planning Commission out of further consideration for the community. We will not engage in construction activities on Saturdays. In addition, we have reduced the proposed construction staging area by half its size. These modifications are reflected in the revised conditions of approval included in the Board Agenda Memo.

While we appreciate the appellants' preference to maintain the status quo, the appeal contains a number of inaccurate statements and assumptions. We would like to address and clarify some of the key issues.

**Nature of Project: Environmental Enhancement**

The purpose of the proposed project is to improve the quality of water that ultimately drains to Wolf Creek. As you know, and as explained in the MND, the project area contains underground mine tunnels, shafts, and other features associated with historic mining activities that occurred for approximately 100 years (following the Gold Rush of the 1850s). Following the cessation of mining operations in the 1950s, groundwater levels recovered and have been draining through these underground mine features, collecting naturally occurring metals from rock materials along the way.

In order to reduce the levels of these metals in the water before it reaches Wolf Creek, the project proposes a passive water treatment system, consisting of a sedimentation pond, a wetland

pond, and limestone beds, as well as the pumping infrastructure and pipelines to collect and convey water from the underground mine features to the sedimentation pond. This system utilizes natural processes to reduce the metal levels in the water.

To be clear, the untreated water is not “toxic”. The proposed project would intercept groundwater that is already draining to Wolf Creek and improve the water quality. The naturally occurring iron and manganese in the water to be treated are subject to secondary drinking water quality standards and do not present a threat to public health. While concentrations of naturally occurring arsenic, which is subject to primary drinking water quality standards, have occasionally exceeded the standard at the North Star drainage features, arsenic concentrations in the water draining from the Drew Tunnel remain below the standard, and the concentrations in the water in the sedimentation pond would be expected to also be below the standard. Arsenic concentrations will be reduced along with iron within the sedimentation pond treatment process, which will improve the water quality to meet the standards.

The project is different from wastewater treatment, which treats wastewater that is collected from residences and businesses via the sanitary sewer system. The proposed project facilities are not part of a wastewater treatment plant and will be different in both function and appearance from the facilities of the City of Grass Valley Wastewater Treatment Plant.

#### **Alternatives are Not Feasible and Would Create New and Greater Impacts**

Perhaps driven by some of the misconceptions about the nature of the proposed ponds as discussed above, one of the appellants’ main issues is the proposed location of the project, and they suggest that it should be placed elsewhere on Newmont’s North Star Mine property. As explained in the Board Agenda Memo and MND, however, the location of the project is not as simple as appellants contend, and there are a number of factors that contribute to the selection of the site.

First, as discussed above, the underground mine workings throughout the area, particularly the northern portion of the property, severely restrict the potential locations to construct the proposed ponds, both from a geotechnical and safety perspective due to surface and subsurface hazards. Second, the topography of the area is a substantial factor, resulting in limited accessibility and slope instability in many areas of the property. Also, the presence of natural wetlands, particularly in the southwestern portion of the property, further curtails potential alternate locations for the project. In addition, the option of siting the proposed water treatment ponds at the existing City of Grass Valley Wastewater Treatment Plant was explored but is not feasible because the City’s land is already constrained by topography and size, and the City needs to reserve its remaining land for future use associated with its facilities.

Alternative locations for the proposed project have been reviewed and considered through the lengthy project design process, and as explained in the Board Agenda Memo and the MND, the proposed project site was selected based on a number of these factors, including the site’s level topography, the relative absence of historic mining features, the minimal impacts to natural resources, the ability to screen the site from neighboring properties, accessibility, and the location of the site in relation to the drainage features (e.g., the lower elevation of the proposed



treatment location allows for single pump stations at the mine features and gravity flow between the treatment ponds, resulting in less electrical demand, noise, resource consumption, etc.).

Some of the appellants have suggested that the mine drainage features should be plugged or filled. However, this alternative is not feasible because it would back up the water currently being discharged from the openings and result in uncontrolled seeps or groundwater discharges in other areas. Further, this option has been rejected by the Regional Water Quality Control Board, the expert agency with primary regulatory authority over groundwater quality.

With regard to alternative treatment systems, an active water treatment system would still require a water collection and storage pond, would involve the use and transportation of chemicals to treat the water, and would result in greater potential noise and operational impacts and increased environmental effects.

An alternatives analysis was not required to be included in the MND (see CEQA Guidelines Section 15071), but was nonetheless provided by the County to further inform the public and decision-makers. The analysis explains the selection of the site and alternatives considered. We note that even when an alternatives analysis is required by CEQA – i.e., when an EIR is prepared for a project – it only needs to discuss and analyze a reasonable range of alternatives which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. As discussed above and in the MND, potential project alternatives would result in new significant impacts and greater environmental effects than the proposed project.

As set forth in the CEQA Guidelines: “An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible.” (CEQA Guidelines Section 15126.6(a)). Again, we note that an alternatives analysis was not required here but was provided to further inform the decision-makers and the public and address questions from the community.

### **Property Valuation Is Not a Valid CEQA Concern**

Appellants speculate about the project’s impact on the value of neighboring property and argue the County must take such alleged impacts into account. However, social and economic effects, such as a project’s effects on property value, are not considered significant impacts under CEQA and need not be mitigated unless such effects contribute to a direct or indirect physical change in the environment (See CEQA Guidelines Sections 15064(e) and 15131).

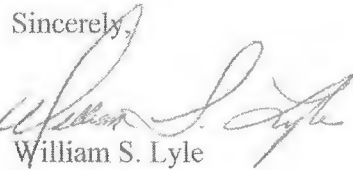
Moreover,

“[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” (Public Resources Code Section 21082.2(c)).

Here, appellants have presented no evidence that the proposed project could adversely affect property values in the area or that any alleged property devaluation will cause significant environmental impacts that must be mitigated under CEQA.

Nor is there substantial evidence to support any of the other items raised in the appeal. Appellants cannot meet the standard under CEQA to demonstrate that preparation of an EIR is required. An argument that a project may have a significant environmental effect must be based on relevant evidence sufficient to support that conclusion, including statements supported by an adequate factual foundation. Appellants' statements have no basis in fact and are merely unsubstantiated opinions, speculation, and argument (See Public Resources Code Section 20182.2(b) ["The existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment."]) Accordingly, an EIR is not required here because there is no substantial evidence in the record showing the project may cause significant adverse impacts. The project has been thoroughly analyzed in the MND and supporting technical studies, and there is substantial evidence supporting staff's recommendation and the Planning Commission's decision.

Therefore, we respectfully request that you deny the appeal, consistent with staff's recommendation, and uphold the decision of the Planning Commission in granting the use permit for this important public benefit project. We appreciate your consideration of our comments.

Sincerely,  
  
William S. Lyle  
Vice President  
New Verde Mines  
Director Reclamation/Closure  
Newmont USA, LTD.

cc: Brian Foss, Planning Director  
Jessica Hankins, Senior Planner  
Sherm Worthington, Worthington Miller Environmental

## Julie Patterson-Hunter

---

**From:** Bill Lyle <William.Lyle@Newmont.com>  
**Sent:** Thursday, November 05, 2015 1:44 PM  
**To:** Clerk of Board; bdofsupervisors  
**Cc:** Nate Beason; Ed Scofield; Dan Miller; Hank Weston; Richard Anderson; Brian Foss; Jessica Hankins; 'sherm.worthington@wm-env.com' (sherm.worthington@wm-env.com)  
**Subject:** Newmont USA LTD submittal to Board of Supervisors  
**Attachments:** Newmont letter to Board of Supervisors 11-5-15.pdf

Please find attached a letter to the Board of Supervisors from Newmont USA, LTD. regarding the North Star Water Treatment Project scheduled before the Board on November 10, 2015.

Sincerely,  
William Lyle



**William Lyle**  
Director Reclamation/Closure  
Sustainability and External Relations

T 509-258-4511  
M 303-667-4575  
F 509-258-4512  
[www.newmont.com](http://www.newmont.com)

**Newmont Mining Corporation**  
P.O. Box 250  
Ford, WA 99013

*Please consider the environment before printing this e-mail.*  
[www.beyondthemine.com](http://www.beyondthemine.com)

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