

Thomas Last, Planning Director
City of Grass Valley
125 East Main St.
Grass Valley, CA 95945-6588

January 18, 2009

RE: Idaho Maryland Mine Project Draft EIR

Dear Mr. Last and Grass Valley Planning Commission,

The Draft EIR submitted for the Idaho Maryland Mine Project fails to adequately address the air and water quality impacts of the project. Grass Valley has had repeated violations of the EPA Ozone standard for many years, and has some of the highest Ozone levels in Northern California during summer months. In light of our already-compromised air quality, the Grass Valley Planning Commission should a) require that the applicant propose and implement mitigation measures that will result in a Less than Significant cumulative air quality impact or b) deny approval for the project.

I. Air Quality Impacts:

The Draft EIR states that air quality impacts are significant and unavoidable: “**Cumulative Impact 4.2-6:** The proposed project, together with anticipated cumulative development in the area, would contribute to regional criteria pollutants, and TACs. *Significant and Unavoidable (Class I).*”

The Draft EIR is inadequate, because the air quality impacts of Cumulative Impact 4.2-6 violate both the Nevada County General Plan and the Grass Valley General Plan.

The Nevada County General Plan states goals, objectives and policies to IMPROVE, not worsen local air quality:

“Goal 14.1: Attain, maintain and ensure high air quality.

- Objective 14.1: Establish land use patterns that minimize impacts on air quality.
- Policy 14.1: Cooperate with NSAQMD, during review of development proposals. As part of the site plan review process, require applicants of all subdivisions, multi-family, commercial and industrial development projects to address cumulative and long-term air quality impacts, and request the District enforce appropriate land use regulations to reduce air pollution.
- Objective 14.2: Implement standards that minimize impacts on and/or restore air quality.
- Policy 14.3: Where it is determined necessary to reduce short-term and long-term cumulative impact, **the County shall require all new discretionary projects to offset any pollutant increases.** Wherever possible, such offsets shall benefit lower-income housing.”

The Draft EIR, in **Mitigation Measure 4.2-1e:** Offsite Mitigation, proposes offsets equivalent to only a 10% reduction in project emissions. According to the County General plan, all pollutant increases should be offset.

The Draft EIR also violates goals, objectives and policies of the Grass Valley General Plan by failing to offer adequate mitigation or offsets to Cumulative Impact 4.2-6:
Grass Valley General Plan:

“Goal 6-COSG: Assure compliance with and understanding of air and water quality regulations and standards.

- Objective 16-COSO: Inclusion of air and water quality considerations in land use decisions rendered by the Planning Commission and City Council.
- Implementation Action 17-COSI: Incorporate applicable mitigation measures specified in the Indirect Source Review Guidelines of the Northern Sierra Air Quality Management District, in all future discretionary land use approvals.”

The proposed mitigation for Cumulative Impact 4.2-6 is inadequate, because it fails to “assure compliance with...air and water quality regulations and standards”, as stated above. It also fails to offer adequate alternatives that could protect air quality. There are many alternatives that the Draft EIR does not consider. Because Ozone pollution in Grass Valley is highly seasonal, Grass Valley could require that the mine shut down or reduce polluting activities during the summer months or whenever ozone levels rise above 75ppb (EPA standard). The project could be scaled back or operations spread over a longer period of time to reduce emissions and air quality impacts. The EIR should propose to offset **all** increases in air pollution produced by the project.

Grass Valley cannot afford a project that significantly increases local air pollution, and the “Significant and Unavoidable” Cumulative Impact 4.2-6 is unacceptable. Grass Valley has a responsibility to protect the health of its citizens, and should deny the proposed project unless the applicant proposes substantial changes that will result in Less than Significant impacts to local air quality.

II. Water Quality Impacts:

The Draft EIR states, “**Impact 4.7-2:** Proposed project operation and reclamation activities, including mine dewatering, may violate water quality standards or waste discharge requirements or could substantially degrade water quality within Wolf Creek and South Fork Wolf Creek. *Less than Significant with Mitigation (Class II).*” It proposes **Mitigation Measure 4.7-2:** “The applicant shall design and construct its wastewater treatment system to effectively treat the liquid waste associated with the gold mill process, including residual sodium cyanide, flotation reagents, by-products from the gold mill process, and residual sodium chemicals present from the neutralization of sodium cyanide sludge material...”

The proposed mitigation is inadequate because wastewater treatment technology is insufficient to remove all heavy metals that may be released from mine activities, particularly mercury and arsenic. High concentrations of arsenic have been found in tailings and waste rock from historic mining activities at local mine sites where gold was associated with arsenopyrite formations (i.e. Lava Cap Mine Superfund site and Magenta Drain of the Empire Mine), and are likely to occur at the Idaho Maryland Mine site as well. The Draft EIR is inadequate because it does not include extensive sampling for residual heavy metals or propose adequate sampling and treatment of surface runoff.

Mitigation Measure 4.7-2 fails to adequately address heavy metal contamination in surface runoff or acid mine drainage from disturbed waste rock/tailings on site from historic mining activities. In my experience conducting water quality monitoring for mercury with the RWQCB in neighboring Deer Creek, runoff from historic mine tailings and processing sites produced high mercury levels during storm events. Mercury was used historically in gold processing at the Idaho Maryland mine site, and will likely be released into surface runoff when historic tailings are disturbed for construction and mining activities.

The Draft EIR states, “**Impact 4.7-7:** The proposed project may generate 1,200 tons per day of mine development rock, gold mill tailings, and other solid waste that would be used as backfill in the underground mine workings. Groundwater contact with backfilled waste rock and mine tailings could lead to degradation of groundwater quality. *Less than Significant (Class III).*” The EIR is inadequate because it does not offer an adequate analysis of groundwater flow and the long-term effect of contaminant migration in the local aquifer. The EIR is also inadequate because it does not propose any mitigation if groundwater contamination does affect the local aquifer in the future.

Clearly, air and water quality impacts of the proposed project, particularly Impacts 4.2-6 and 4.7-2, need to be addressed with meaningful, effective and guaranteed mitigation measures before the project can be approved.

Sincerely,
Marisha Finkler
M.S. Environmental Science, Stanford University