

Ms. Michelle Bonnet
Director, Division of Water
Department of Environmental Conservation
555 Cordova Street
Anchorage, AK, 99501-261

Dear Ms. Bonnet,

We, the undersigned, appreciate your response to previous correspondence regarding mercury issues at the Donlin Gold Project, but key questions and concerns remain.

We understand that the environment in Nevada and Alaska are quite different. We provided the Nevada studies to show that mercury off-gassing from mine sites is documented and remains a source of concern in both states. Our motivation for this correspondence is not based on unacceptable mercury pollution from the Nevada mines, but more to show the legitimacy for our concern about the future of Donlin – a much larger proposal which simply has not provided sufficient technical data or a risk assessment for mercury pollution. In your response, you stated “beyond the reports you cited, the available literature and scientific studies is limited.” This is the precise reason we are concerned; we have just enough information to indicate that a problem could exist, but not enough to disprove our specific concerns.

You mention that per Chapter 18 of the Alaska Administrative Codes, sections 50, 60, 70, 72, and 83, Donlin Gold will “be required to address mercury through a variety of permitting mechanisms.” While we understand that point-source air emissions from mines are now regulated by EPA mandates, which DEC will need to include in air permits, and that APDES permits have limitations on mercury point source discharges into water, we are still unclear on how these regulations address the issues we pointed out in our letter. Specifically, how can we be assured that off-gassing from tailings and waste rock, surface and groundwater contamination from tailings seepage and leaks, waste rock drainage and other fugitive sources will not pose on and off-site methylation and bioaccumulation problems after Donlin is built, during the closure period, and after closure? Where within the regulations are these concerns addressed?

It is with this lack of specific permitting information in mind that we have advocated for a comprehensive, independent, peer reviewed technical study as well as hazards and alternatives assessments specific to mercury sources and exposure paths at Donlin. We would like to have DEC, DNR, EPA, Donlin Gold LLC, and the state Department of Health and Social Services weigh in on the benefits such a study could have on identifying mitigation needs and options. It may be far less costly – both environmentally and financially – to study the issue independent of the permitting system now to reduce future mitigation needs and/or prevent the reengineering of mine facilities to address mercury issues later.

Monitoring is also critical during mine operation and afterwards. You mention that the above regulations “require monitoring systems to ensure that not only mercury but also other constituents are monitored, contained or controlled.” However, we are still unclear on how the regulations will actually require comprehensive ambient air monitoring for mercury emissions

around and downwind of the mine site, as was done in Nevada, or will require mercury-specific ground and surface water testing during mine life and during tailings dewatering and reclamation. Please provide references to the sections within the regulations that would mandate these monitoring efforts.

As part of a larger monitoring strategy, we believe it is essential that Donlin Gold LLC and permitting and enforcing agencies attempt to create an ongoing mass-balance analysis. We know that somewhere between 20 and 40 tons of mercury will move through the mining process at various stages each year, but we would like to know how much is being emitted in the stack, how much is being captured, contained, and exported, how much is bound up in waste rock, and how much is contained in tailings. As mentioned above, a comprehensive study would determine how feasible it would be to accomplish this, but so far no efforts have been made to better ascertain any of the substantive issues in this letter beyond simply stating that various portions of the Alaska Statutes will deal with them.

Finally, capture and containment are also very important elements of mine operation, yet our specific concerns regarding this process are still unaddressed. We are requesting that Donlin's permits are conditional to a commitment to dispose of captured mercury properly and transparently. This would entail logging all captured mercury and requiring shipping manifests for exporting it to federally-approved repositories, yet we have no indication that the regulations you mentioned will, in fact, require this. Based on a review of Donlin's technical reports, it is not even entirely clear whether the mercury will be captured and stored as a liquid (elemental or calomel) or as a solid (mercury sulfide). Again, please provide more specific references to the regulations that would require that captured mercury is not simply dumped into the tailings impoundment, as has been rumored to be the case in Nevada.

This region is already adversely affected by mercury contamination at Red Devil and other former mercury mine sites. This fact should spur a willingness and desire to provide both a highly transparent process that includes engagement regarding citizen concerns, and an examination of whether current permitting and monitoring regulations thoroughly address the sources and pathways that could lead to the exposure of fish and people to mercury.

Until we have specific information to believe otherwise, it is in everyone's best interest to assume that the extremely high levels of mercury from what would be the largest gold mine in the state will pose a larger problem than anyone is expecting. Most mines that are experiencing severe environmental problems – even recently permitted and built mines – never anticipated the problems they now experience. We must not treat this mine as if it's an exception to that reality when we don't have the science to support that premise. Given the importance of fish and other traditional foods within the watershed, we must do everything possible to prevent mercury contamination and protect environmental and human health.

We have taken the liberty of including in this email correspondence the original letter we wrote to DEC and DNR, as well as your response, for consideration by relevant staff at the Environmental Protection Agency.

Thank you for your time. We all appreciate DEC's willingness to maintain dialog on this issue.

Sincerely,

Alaska's Big Village Network Alaska Community Action on Toxics Alaskans for Responsible Mining Alaska Inter-Tribal Council Cook Inletkeeper Earthworks Action	Ground Truth Trekking Southeast Alaska Conservation Council Newtok Traditional Council Northern Alaska Environmental Center The Center for Water Advocacy
--	---

CC: State of Alaska

Ms. Michelle Bonnet Director, Division of Water Department of Environmental Conservation michelle.bonnet@alaska.gov	Mr. Brent Goodrum Director, Division of Mining, Land, and Water Department of Natural Resources brent.Goodrum@alaska.gov
Ms. Lynn Tomich Kent Deputy Commissioner Department of Environmental Conservation lynn.kent@alaska.gov	Tom Crafford, DNR tom.crafford@alaska.gov Jeff Bruno, DNR jeff.bruno@alaska.gov
Allan Nakanishi, DEC allan.nakanishi@alaska.gov	

CC: Environmental Protection Agency

Dianne Soderlund Director, Alaska Operations Office Soderlund.Dianne@epamail.epa.gov	Mike Bussell Region 10, Director, Office of Water and Watersheds Bussell.Mike@epamail.epa.gov
Rick Albright Region 10, Office of Air, Waste, and Toxics Albright.Rick@epamail.epa.gov	Kate Kelley Region 10, Director, Office of Ecosystems, Tribal and Public Affairs Kelly.Kate@epamail.epa.gov
Mark Jen Alaska Operations Office Jen.Mark@epamail.epa.gov	Cindi Godsey Alaska Operations Office, Mining Coordinator Godsey.Cindi@epamail.epa.gov