



# FACT SHEET

**The United States Environmental Protection Agency (EPA)  
Plans To Modify A National Pollutant Discharge Elimination System (NPDES) Permit to:**

**Meridian Beartrack Company  
Beartrack Mine  
P.O. Box 749  
Salmon, Idaho 83467**

and

**the State of Idaho Proposes to Certify the Permit**

## **Technical Contact**

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## **EPA Proposes To Modify NPDES Permit**

EPA proposes to modify the NPDES permit to the Meridian Beartrack Company for the Beartrack Mine. This Fact Sheet includes:

- information on public comment, public hearing, and appeal procedures
- technical material supporting the conditions in the permit modification

## **The State of Idaho Proposes 401 Certification**

The Idaho Department of Environmental Quality (IDEQ) proposes to certify the modified NPDES permit for the Meridian Beartrack Mine under section 401 of the Clean Water Act. The IDEQ submitted a draft modified 401 certification prior to the public notice.

## **Public Comment**

Persons wishing to comment on, or request a Public Hearing for the draft permit modification may do so in writing by the expiration date of the Public Comment period. A request for a Public Hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. All comments and requests for Public Hearings must be in writing and should be submitted to EPA as described in the Public Comments Section of the attached Public Notice.

After the Public Notice expires, and all comments have been considered, EPA's Regional Director for the Office of Water and Watersheds will make a final decision regarding permit modification. If no substantive comments are received, the tentative conditions in the draft

permit modification will become final, and the permit modification will become effective upon issuance. If comments are received, EPA will address the comments and issue the permit modification. The permit modification will become effective 30 days after the issuance date, unless an appeal is submitted to the Environmental Appeals Board within 30 days.

**Public Comment on the State Draft Modified 401 Certification**

The Idaho Department of Environmental Quality (IDEQ) provides the public with the opportunity to review and comment on preliminary 401 certification decisions. Any person may request in writing that IDEQ provide that person notice of IDEQ's draft modified 401 certification decision, including, where appropriate, the draft certification. Persons wishing to comment on the draft modified 401 certification should submit written comments by the public notice expiration date to the Idaho Department of Environmental Quality (IDEQ), Idaho Falls Regional Office, 900 N. Skyline, Idaho Falls, ID 83402.

**Documents are Available for Review**

The draft modified NPDES permit and related documents can be reviewed or obtained by visiting or contacting EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday (see address below).

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue, OWW-130  
Seattle, Washington 98101  
(206) 553-0523 or  
1-800-424-4372 (within Alaska, Idaho, Oregon, and Washington)

The fact sheet and draft permit are also available at:

EPA Idaho Operations Office  
1435 North Orchard Street  
Boise, Idaho 83706  
(208) 378-5746

Idaho Department of Environmental Quality  
Idaho Falls Regional Office  
900 N. Skyline  
Idaho Falls, Idaho 83402  
(208) 528-2650

Salmon Public Library  
204 Main Street  
Salmon, Idaho 83467-4111  
(208)756-2311

The draft permit and fact sheet can also be found by visiting the Region 10 website at <http://www.epa.gov/r10earth.htm>.

For technical questions regarding the modified permit or fact sheet, contact Lisa Olson at the phone numbers or email address at the top of this fact sheet. Those with impaired hearing or speech may contact a TDD operator at 1-800-833-6384 (ask to be connected to Lisa Olson at the above phone numbers). Additional services can be made available to a person with disabilities by contacting Lisa Olson.

## **I. APPLICANT**

This fact sheet provides information on the wastewater treatment plant draft permit modification for the Meridian Beartrack Company, Beartrack Mine, NPDES Permit No. ID-002702-2.

## **II. BACKGROUND**

The Beartrack Mine is an open pit, cyanide heap leach gold mine located in east central Idaho, near the historic town of Leesburg in Lemhi County, Idaho, within the Salmon National Forest. The mine is currently owned and operated by the Meridian Beartrack Company (MBC). Construction and operation of the mine began in 1994 and gold production began in 1995 upon completion of the heap leach pad. The mine is no longer operating and is currently in the reclamation and closure phase. MBC ceased all mining operations on March 22, 2000 and ceased production of gold from the heap leach on June 22, 2000.

The Beartrack Mine is located on private land, patented claims, and lands administered by the United States Forest Service (USFS). The land affected by the Beartrack Mine includes about 700 acres of the total 3,795 acres within the original project boundary defined in the Final Plan of Operations (Meridian, 1991) and the Final Environmental Impact Statement (USFS, 1991). Of the land affected by the Mine, approximately 77% is public land administered by the USFS.

Wastewater discharged from the mine includes storm water run-off and heap leach pad drain-down flow. The wastewater is discharged through Outfall 001 to Napias Creek. The storm water is treated at an onsite treatment plant with flocculent to settle suspended particles. Depending on the closure approach, there is also the potential for discharge from the South Pit via Outfall 001. The South Pit discharge was authorized by EPA in 2003.

The facility's current NPDES permit was issued effective December 1, 2003. Minor modifications were made to the permit on November 26, 2003, to correct the compliance schedule and interim limitations that were intended to correspond to the State's 401 certification. Minor modifications were made on March 11, 2004 to address Reporting and Monitoring Requirements identified in a February 18, 2004, U.S. Fish and Wildlife Service Biological and Conference Opinions and Concurrence document for the Beartrack Mine permit reissuance (USFWS File #1050.1104, OALS #1-4-04-F-0005).

The current compliance schedule requires expiration of the interim limits for ammonia, arsenic, cadmium, copper, WAD cyanide, iron, mercury, pH, selenium, silver, and zinc on October 31, 2006 and attainment of final limits by November 1, 2006. On June 12, 2006, Meridian Beartrack Company submitted an application for a permit modification. Due to site changes beyond MBC's control, the company asked for an extension of the compliance schedule and the interim limits. The requested extension period is from the current October 31, 2006 to October 31, 2008.

The regulations at 40 CFR §122.62 allow NPDES permits to be modified for cause. In this case, the cause for modification is new information that was not available at the time of the permit issuance and that would have justified the application of different permit conditions at the time of permit issuance (40 CFR §122.62(a)(2)). Therefore, this permit is being modified in accordance with the requirements of 40 CFR §124.5. When a permit is modified, only the conditions subject to modification are reopened.

## **VII. STATE CERTIFICATION**

Section 401 of the CWA requires EPA to seek State certification before issuing a final permit modification.

On July 5, 2006, the Idaho Department of Environmental Quality (IDEQ) submitted a draft modification to the October 18, 2002 (supplemented on November 8, 2002) CWA §401 Water Quality Certification of the Meridian Beartrack Mine NPDES permit No. ID-002702-2. In the draft modified certification, IDEQ noted that it has reviewed new information provided by the Company regarding the compliance schedule for mercury and other pollutants and that the permittee has made reasonable efforts to develop technology to meet effluent limits but has been unsuccessful due to the chemistry of the effluent. In addition, IDEQ noted that the permittee needs additional time to investigate other treatment options. The draft modified certification authorizes a longer compliance schedule for attainment of final effluent limits for ammonia, arsenic, cadmium, copper, WAD cyanide, iron, mercury, pH, selenium, silver and zinc. The certification requires continuance of compliance with section I.C. of the permit, including interim effluent limits in Table 3 and reporting requirements. The certification also contains a condition for annual fish tissue sampling results to be compared with Idaho standards, consistent with the guidance outlined in Idaho water quality standards (58.01.02.210.03.c.iv).

IDEQ also certified removal of sculpins as the required species for fish tissue sampling. During previous sampling efforts, the permittee was unable to find any sculpins in the area.

## **IV. DISCUSSION**

An NPDES permit must ensure that the discharge from the facility complies with the State's water quality standards. No revisions to the water quality-based effluent limits are required for this permit modification.

EPA is modifying the permit in accordance with the IDEQ draft modified 401 certification. Site conditions beyond the permittee's control, as well as difficulties with developing an effective and reliable treatment technology warrant an extended compliance schedule. EPA believes that the modification is appropriate for the following reasons:

- Previously envisioned treatment and flow management plans had to be abandoned because of unexpected increases in the leach pad flows and mercury concentrations, and a new closure approach had to be developed.
- The permittee obtained new information during testing of treatment alternatives, resulting in the need for adjustments. Innovative treatment processes are still being tested.
- Instream monitoring indicates that the interim limits are supporting stream health, and whole effluent toxicity (WET) tests have been within NPDES permit requirements.
- As drain-down flows in the leach pad continually decrease over time, constituent mass loadings in the discharge will decrease, also.

## V. PERMIT MODIFICATIONS

The cover page of the permit is modified to reflect the date of modification.

Page 7 of the permit is modified to contain a revised compliance schedule requiring compliance with final effluents by October 31, 2008.

Page 15 of the permit is modified to omit sculpins as the required test species, and to require coordination with IDEQ and Idaho Department of Fish and Game (IDFG) to determine the test species. Page 15 is also modified to include a requirement to compare test results with the Idaho standards, consistent with the guidance outlined in Idaho water quality standards (58.01.02.210.03.c.iv).

## VI. ENDANGERED SPECIES ACT

The Endangered Species Act requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) if their actions could beneficially or adversely affect any threatened or endangered species.

### A. Current Permit

At the time the current permit was written the following species were listed as threatened or endangered (USFWS species list 1-4-02-SP-178). The species denoted by an asterisk (\*) are under the jurisdiction of NMFS.

#### Endangered Species:

Gray Wolf (*Canis lupus*) - experimental  
Sockeye salmon (*Oncorhynchus nerka*) \*

#### Threatened Species:

Bald Eagle (*Haliaeetus leucocephalus*)  
Spring/summer and fall chinook salmon (*Oncorhynchus tshawytscha*) \*

Steelhead trout (*Oncorhynchus mykiss*) \*  
Bull Trout (*Salvelinus confluentus*)  
Ute ladies'-tresses (*Spiranthes diluvialis*)

Proposed Threatened Species:

Canada lynx (*Lynx canadensis*)

Species of Concern:

Wolverine (*Gulo gulo luscus*)  
White sturgeon (*Accipenser gentilis*).

Two biological evaluations (BEs) were prepared for the current permit analyzing the effects of the discharge from the facility on the listed endangered and threatened species in the vicinity of the discharge.

**USFWS Species**

A February 5, 2003 BE done for species under the jurisdiction of USFWS determined that issuance of the permit was not likely to affect gray wolf, bald eagle, Ute ladies'-tresses, or Canada lynx. The BE determined that the permitted discharges were likely to adversely affect bull trout. On March 31, 2003 EPA notified USFWS that EPA wanted to change the determination for Canada lynx to "no effect."

Bull Trout

Bull trout are present upstream of Napias Creek Falls in the vicinity of the discharge. The February 5, 2003 BE determined that the discharge was likely to adversely affect bull trout, and section 7 consultation was initiated. In a letter dated March 31, 2003 EPA determined that the issuance may also adversely affect proposed bull trout critical habitat.

In response to the BE, on February 18, 2004 the USFWS issued Biological and Conference Opinions (Opinion) for the permit reissuance (USFWS File #1050.1104, OALS #1-4-04-F-0005). The USFWS provided opinions to evaluate the project's effects on bull trout and proposed bull trout critical habitat and acknowledged EPA's conclusions for the other species under USFWS jurisdiction. The Service's biological opinion concluded that the action was not likely to jeopardize the continued existence of the Columbia River Basin Distinct Population Segment (DPS) of bull trout. Additionally, the Service's conference opinion was that the reissuance of the NPDES permit was not likely to destroy or adversely modify proposed critical habitat. An Incidental Take Statement was included, and it was the Service's position that EPA had implemented all practical measures possible to minimize take to bull trout. No Reasonable and Prudent measures were identified and no Terms and Conditions were designated. However, Reporting and Monitoring Requirements were included for EPA to place in the permit. On March 11, 2004 EPA added ambient water quality and macroinvertebrate monitoring requirements to the permit. A Conservation Recommendation was not incorporated into the permit.

Reinitiation of consultation was required under certain conditions including exceedance of incidental take, new information, additional or modified actions (such as a closure plan), new listings, or non-attainment of site-specific resource objectives that may affect the species in ways not considered in the Opinion.

The closure plan for the mine considered by the Salmon-Challis National Forest (Forest) required section 7 consultation. In a September 22, 2003 letter the USFWS suggested that EPA and Forest combine consultation on the closure project. In a May 17, 2004 letter USFWS notified EPA that the Service had reviewed Forest's Biological Assessment, and no activities were discerned that might result in adverse impacts to bull trout and their proposed critical habitat beyond those considered during consultation on the permit. USFWS also stated that reinitiation of formal consultation was not necessary at that time.

Critical habitat for bull trout was proposed for the Salmon Creek Basin, and reinitiation of consultation would have been required if the area had been designated as critical habitat. However, the Salmon Creek Basin was not included in the USFWS Final Rule designating critical habitat for bull trout published in the Federal Register on September 26, 2005.

### **NMFS Species**

A BE done for species under the jurisdiction of NMFS determined that the discharge would have no adverse effects on sockeye salmon, chinook salmon, and steelhead trout.

#### Chinook Salmon

On October 25, 1999 NMFS published a rule excluding the areas above Napias Creek Falls from being designated as critical habitat for Snake River spring/summer chinook salmon because Napias Falls was determined to be a fish barrier. EPA's "no effect" determination was based on the fact that the species could not overcome Napias Creek Falls and that the authorized discharge was approximately 6.3 miles upstream of the Falls, while the mixing zone did not extend to the Falls. To ensure protection of species below the Falls, the current permit addressed/implemented Reasonable and Prudent Alternatives (RPAs) determined in a 1999 NMFS Biological Opinion for the Mine that was issued prior to the October 25, 1999 rule.

### **B. Draft Modified Permit**

EPA obtained the most recent list of ESA species in Lemhi County (USFWS species list 2006-SL-0896), below. The species denoted by an asterisk (\*) are under the jurisdiction of NMFS.

#### Endangered Species:

Gray Wolf (*Canis lupus*) - experimental  
Sockeye salmon (*Oncorhynchus nerka*) \*



Threatened Species:

Canada lynx (*Lynx canadensis*)  
Bald Eagle (*Haliaeetus leucocephalus*)  
Spring/summer and fall chinook salmon (*Oncorhynchus tshawytscha*) \*  
Steelhead trout (*Oncorhynchus mykiss*) \*  
Bull Trout (*Salvelinus confluentus*)

Proposed Species/Critical Habitat:

Steelhead trout (*Oncorhynchus mykiss*) \*

Candidate Species:

Yellow-billed cuckoo (*Coccyzus americanus*)

The listed species are generally the same as they were during the current permit issuance. Exceptions are the omission of Ute ladies'-tresses, the designation of Canada lynx as threatened (from proposed), the proposal of critical habitat for steelhead, and the addition of the Yellow-billed cuckoo as a candidate species.

Since the draft permit modification is only an extension of the compliance schedule and clarification of fish tissue sampling language, and other permit conditions, including limits, will not change, EPA has determined that this modification to the permit will not change the effect determinations for any of the threatened or endangered species in the vicinity of the discharge. Since the new species, the yellow-billed cuckoo, is a terrestrial bird species and has minimal exposure to the discharge, EPA has determined that the modification of the permit will have no effect on this species.

This fact sheet and the draft modified permit will be submitted to USFWS and NMFS for review during the public notice period. Any recommendations received from the Services regarding ESA will be considered prior to final issuance of the modified permit.

## **VII. ESSENTIAL FISH HABITAT**

Essential fish habitat (EFH) is the waters and substrate (sediments, etc.) necessary for fish to spawn, breed, feed, or grow to maturity. The Magnuson-Stevens Fishery Conservation and Management Act (January 21, 1999) requires EPA to consult with the National Marine Fisheries Service (NMFS) when a proposed discharge has the potential to adversely affect (reduce quality and/or quantity of) EFH. As in the current permit, EPA has determined that the modification of this permit will not affect any EFH species in the vicinity of the discharge. Therefore consultation is not required for this action.

This fact sheet and the draft modified permit will be submitted to NMFS for review during the public notice period. Any recommendations received from NMFS regarding EFH will be considered prior to final issuance of the modified permit.

## **VIII. PERMIT EXPIRATION**

The modified permit will expire on October 31, 2008.

## IX. REFERENCES

EPA 2003. NPDES Permit No. ID0027022. Issued October 31, 2003 and modified November 26, 2003 and March 11, 2004.

EPA 2003. Biological Evaluation for the Meridian Beartrack Company National Pollutant Discharge Elimination System (NPDES) Permit, Beartrack Mine Site (NPDES Permit No.: ID0027022). February 5, 2003.

EPA 2003. Biological Evaluation of the Meridian Beartrack Company, Beartrack Mine National Pollutant Discharge Elimination System (NPDES) Permit (NPDES Permit No.: ID0027022) for the National Marine Fisheries Service. December 8, 2003.

IAC 2006. Idaho Administrative Code, Idaho Administrative Procedures Act 58, Title 01, Chapter 02: *Water Quality Standards*.

MBC 2006. Meridian Gold Company. June 12, 2006. Application for Permit Modification: Compliance Schedule Interim Limits extension for Permit No. ID-0027022 Beartrack Mine.

MBC 2006. Meridian Beartrack Company. Beartrack Mine Compliance Schedule Update, June 1, 2006.

NMFS 1999. *Endangered Species Act Section 7 Biological Opinion on the Meridian Gold Company Beartrack Gold Project*. National Marine Fisheries Service, Northwest Region. March 12, 1999.

USFWS 2004. *Endangered Species Act Section 7 Biological and Conference Opinions and Concurrence for the Effects of the Reissuance of a National Pollutant Discharge Elimination System Permit (Permit No. ID-0027022) for Beartrack Mine into Napias Creek, Panther Creek Watershed, Lemhi County, Idaho..* United States Fish and Wildlife Service, Snake River Fish and Wildlife Office, Boise, Idaho. February 18, 2004.