

Nevada Division of Environmental Protection
AUTHORIZATION TO DISCHARGE

In compliance with Chapter 445A of the Nevada Revised Statutes,

**Nevada Environmental Response Trust
Le Petomane XXVII, Inc.,
Not Individually, But Solely as the Designated Nevada Environmental Response Trust Trustee
35 East Wacker Drive, Suite 1550
Chicago, Illinois, 60611**

is authorized to discharge groundwater and other water from a facility located at:

**8000 W. Lake Mead Parkway
Henderson, Clark County, Nevada 89015
Latitude: 36° 02' 32" N, Longitude: 114° 59' 59" W
Township 22S; Range 62E; Sections 12-13**

and from well fields and collection systems located off of this facility

to a double-lined, zero-discharge holding pond, identified as GW-11 constructed on the facility,

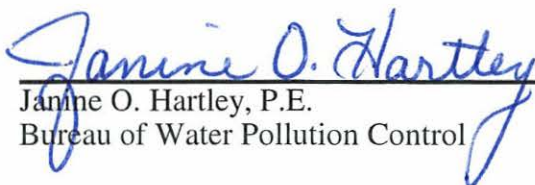
in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Part I, II and III hereof.

This permit shall become effective on **July 11, 2006.**

This permit was modified to reflect reorganization on **February 14, 2011.**

This permit and the authorization to discharge shall expire at midnight, **July 10, 2011.**

Signed this 7th day of March, 2011,



Janine O. Hartley, P.E.
Bureau of Water Pollution Control



PART I**I.A. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS AND CONDITIONS**

- I.A.1. During the period beginning on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized to discharge groundwater and other water into a double-lined, zero-discharge holding pond, identified as GW-11. This permit does not authorize discharge of water stored in GW-11 to the ground or surface waters of the State without prior treatment to remove contaminants. The holding pond shall be limited and monitored by the Permittee as specified below:

Table 1: Holding Pond Limitations for GW-11

| PARAMETER | DISCHARGE LIMITATIONS | MONITORING REQUIREMENTS | |
|---|-----------------------|-------------------------|------------------------------|
| | | Measurement Frequency | Sample Type |
| Flow, MGD (Influent) | Monitor & Report | Monthly | Flow Meter |
| Leak Detection System (between primary & secondary liners), gallons of liquid accumulated in sump | Monitor & Report | Twice/Month | Discrete – Field Measurement |
| Pond Water Level, feet | Monitor & Report | Twice/Month | Discrete – Field Measurement |
| Storage Volume, gallons | 70,000,000 gallons | Twice/Month | Calculation |
| Discharge to FBR, gallons | Monitor & Report | Twice/Month | Flow Meter |
| Water Balance, gallons | Monitor & Report | Monthly | Calculation |

FBR: Fluidized Bed Reactor

- I.A.2. There shall be no objectionable odors emitted from the holding pond.
- I.A.3. GW-11 shall be operated as a holding pond for the Perchlorate Remediation Process. The Permittee shall also maintain and comply with conditions of NPDES Permit No. NV0023060, which addresses the disposal of any effluent discharged from the Perchlorate Treatment System to the Las Vegas Wash (LVW). The current Perchlorate Treatment System is comprised of a two stage Fluidized Bed Reactor (FBR) biological treatment system. Prior to, and as part of, the FBR Treatment System, extracted groundwater and other water is treated for chromium, nitrate, chlorate, perchlorate, and other contaminants present in the influent water. The remediation process uses several biological reactors arranged in series to allow for the reduction of nitrate, chlorate, and perchlorate. Chromium is reduced and/or removed from the influent water through several methods including: reduction and precipitation by electrolytic methods and through the introduction of ferrous sulfate. The majority of this treatment occurs on-site at the BMI Complex. The addition of ferrous sulfate also occurs at the Athens Road Lift Station. The remediated water is then discharged to the LVW. The effluent discharge to the LVW is permitted under NPDES Permit No. NV0023060.

Pond GW-11 serves as a temporary storage pond to hold extracted groundwater and other water when the Perchlorate Treatment System is off-line for maintenance or repairs; or as needed to allow for proper operation of the Perchlorate Treatment System, well fields, and water collection systems. Other water that can be stored in the GW-11 Pond includes: (1) collected surface water; (2) off-specification effluent from the Perchlorate Treatment System; (3) treated water from the on-site Chromium Treatment System; and (4) residual water from the prior chlorate/perchlorate production process. Under Permit No. NEV2001515, no direct discharge of water is allowed from pond GW-11, except to the Perchlorate Treatment System. As indicated above, all effluent limits for the treated water have been addressed in NPDES Permit No. NV0023060.

- I.A.4. There shall be no discharge from the GW-11 holding pond except as authorized by NPDES Permit No. NV0023060.
- I.A.5. The holding pond area shall be fenced and posted.
- I.A.6. All solid, toxic, or hazardous waste shall be properly handled and disposed of pursuant to applicable laws and regulations. Any sludge generated during this operation shall be characterized and disposed of in accordance with local, State, and Federal regulations.
- I.A.7. The holding pond shall be constructed in conformance with plans approved by the Division. The plans must be approved by the Division prior to the start of construction. All changes to the approved plans must be approved by the Division.
- I.A.8. The holding pond shall be operated in accordance with the O&M Manual, which must be approved by the Division.
- I.A.9. The holding pond liners (primary and secondary) shall remain free of leaks and defects. The general condition of the exposed (primary) liner shall be inspected and recorded in an operations logbook on a monthly basis.
- I.A.10. There shall be no discharge of floating solids or visible foam into the holding pond in other than trace amounts.
- I.A.11. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting **July 1, 2007** and every year thereafter until the permit is terminated.
- I.A.12. The Discharge Monitoring Reports (DMRs) must be signed by the facility's highest-ranking officer. The first DMR submitted under this permit must include the written designation of the officer (required by Part III.A.2) as the authorized representative to sign the DMRs. If the officer in responsible charge changes, a new designation letter must be submitted.
- I.A.13. The Permittee shall inspect the site a minimum of twice per month. The liquid level depth shall be monitored with a staff gauge measurement or other appropriate recording device. A minimum freeboard of 3.0 feet shall be maintained at all times in ponds greater than one acre in area. An operations logbook, including the name of the inspector (employee), date, time, and general condition of the holding pond facility must be kept and maintained on the site premises.
- I.A.14. The Permittee shall submit to this office labeled and dated photograph(s) of the holding pond, annually, as part of the 4th quarter DMR.

- I.A.15. Closure of all inactive holding ponds located at this facility shall be addressed in accordance with requirements prescribed by the Nevada Division of Environmental Protection, Bureau of Corrective Actions.
- I.A.16. All past and existing groundwater and soil remediation activities at this site shall be addressed in accordance with requirements prescribed by the Nevada Division of Environmental Protection, Bureau of Corrective Actions.

I.A.17. **Schedule of Compliance**

The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including in said implementation and compliance, any additions or modifications, which the Administrator may make in approving the schedule of compliance.

- a. The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.
- b. Within ninety (90) days of the permit issuance date (**October 9, 2006**), the Permittee shall submit a revised Operations and Maintenance (O&M) Manual for NEV2001515. The revised O&M manual shall include sections on: the leak detection system, pond/liner inspections, calculating storage volumes and monthly water balances, sludge management, and both narrative and flow diagram of all input/output streams for the holding pond operation.

I.B. MONITORING AND REPORTING

- I.B.1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Analyses shall be performed by a State of Nevada certified laboratory. Results from this laboratory must accompany the Discharge Monitoring Report.

I.B.2. **Reporting**

a. **Annual Report**

The fourth quarter report shall contain a plot, of monitoring parameter (y-axis) versus date (x-axis) for each quarterly monitoring parameter. The plot shall include data from the preceding five years, if available. Any data point from the current year that is greater than the limits in Part I.A.1 must be explained by a narrative.

b. **Quarterly Reporting**

Monitoring results obtained during the previous three (3) months shall be summarized for each month and reported on a Discharge Monitoring Report (DMR) Form received in this office no later than the 28th day of the month following the completed reporting period. The first report is due on **July 28, 2006**. An original signed copy of these, and all other reports required herein, shall be submitted to the State at the following address:

**Division of Environmental Protection
Bureau of Water Pollution Control
ATTN: Compliance Coordinator
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701**

I.B.3 Definitions

- a. The "30-day average discharge" means the total discharge during a month divided by the number of samples in the period that the facility was discharging. Where less than daily sampling is required by this permit, the 30-day average discharge shall be determined by the summation of all the measured discharges divided by the number of samples during the period when the measurements were made.
- b. The "daily maximum" is the highest measurement during the monitoring period.
- c. The "30-day average concentration", other than for fecal coliform bacteria, means the arithmetic mean of measurements made during a month. The "30-day average concentration" for fecal coliform bacteria means the geometric mean of measurements made during a month. The geometric mean is the " n^{th} " root of the product of " n " numbers. Geometric mean calculations where there are non-detect results for fecal coliform shall use one-half the detection limit as the value for the non-detect results.
- d. A "discrete" sample means any individual sample collected in less than 15 minutes.

I.B.4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Clean Water Act, under which such procedures may be required unless other procedures are approved by the Division.

I.B.5. Recording the Results

For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

I.B.6. Additional Monitoring by Permittee

If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall

be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

I.B.7. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer if required by the Administrator.

I.B.8. Modification of Monitoring Frequency and Sample Type

After considering monitoring data, stream flow, discharge flow and receiving water conditions, the Division, may for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.

I.B.9. All laboratory analyses conducted in accordance with this discharge permit must have detection at or below the permit limits.

PART II

II.A. MANAGEMENT REQUIREMENTS

II.A.1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, or treatment modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Any changes to the permitted treatment facility must comply with Nevada Administrative Code NAC 445A.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

II.A.2. Facilities Operation

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities, collection systems or pump stations installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.

II.A.3. Adverse Impact

The Permittee shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

II.A.4. Noncompliance, Unauthorized Discharge, Bypassing and Upset

- a. Any diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities under the control of the Permittee is prohibited except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow or discharge not authorized by this permit is probable, the Permittee shall notify the Division immediately.
- b. The Permittee shall notify the Division within twenty-four (24) hours of any diversion, bypass, spill, upset, overflow or release of treated or untreated discharge other than that which is authorized by the permit. A written report shall be submitted to the Administrator within five (5) days of diversion, bypass, spill, overflow, upset or discharge, detailing the entire incident including:
 1. Time and date of discharge;
 2. Exact location and estimated amount of discharge;
 3. Flow path and any bodies of water which the discharge reached;
 4. The specific cause of the discharge; and
 5. The preventive and/or corrective actions taken
- c. The following shall be included as information which must be reported within 24 hours: any unanticipated bypass which exceeds any effluent limitation in the permit; any upset which exceeds any effluent limitation in the permit; and violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
- d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.b. at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.A.4.b.
- e. An "upset" means an incident in which there is unintentional and temporary noncompliance with the permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- f. In selecting the appropriate enforcement option, the Division shall consider whether or not the noncompliance was the result of an upset.
- g. The burden of proof is on the Permittee to establish that an upset occurred.

In order to establish that an upset occurred, the Permittee must provide, in addition to the information required under paragraph II.A.4.b. above, properly signed contemporaneous logs or other documentary evidence that:

1. The facility was at the time being properly operated as required in paragraph II.A.2. above; and
2. All reasonable steps were taken to minimize adverse impacts as required by paragraph II.A.3. above.

II.A.5. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollution from such materials from entering any navigable waters.

II.A.6. Safeguards to Electric Power Failure

In order to maintain compliance with the effluent limitations and prohibitions of this permit the Permittee shall either:

- a. provide at the time of discharge an alternative power source sufficient to operate the wastewater control facilities; or
- b. halt or reduce all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

II.B. RESPONSIBILITIES

II.B.1. Right of Entry and Inspection

The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:

- a. Enter, at reasonable times, upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
- b. Have access to and copy any records required to be kept under the terms and conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and
- d. Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter .

II.B.2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. ALL transfer of permits shall be approved by the Division.

II.B.3. Availability of Reports

Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Division. Effluent data shall not be considered confidential. Knowingly making any false statement on any such

report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

II.B.4. Furnishing False Information and Tampering with Monitoring Devices

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

II.B.5. Penalty for Violation of Permit Conditions

Nevada Revised Statutes NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

II.B.6. Permit Modification, Suspension or Revocation

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

II.B.7. Toxic Pollutants

Notwithstanding Part II.B.6. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under NAC 445A for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

II.B.8. Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

II.B.9. Property Rights

The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

II.B.10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

III.A. OTHER REQUIREMENTS

III.A.1. Reapplication

If the Permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires on the application forms then in use. The application shall be accompanied by the renewal application fee required by NAC 445A.232.

III.A.2. Signatures required on application and reporting forms.

- a. Application and reporting forms submitted to the department must be signed by one of the following:
 1. A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates; or
 2. A general partner of the partnership; or
 3. The proprietor of the sole proprietorship; or
 4. A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.
- b. Each application must contain a certification by the person signing the application that he is familiar with the information provided, that to the best of his knowledge and belief the information is complete and accurate and that he has the authority to sign and execute the application.
- c. **Changes to Authorization.** If an authorization under paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

III.A.3. Holding Pond Conditions

If any wastewater from the Permittee facility or groundwater or surface water, collected for contaminant remediation purposes, is placed in ponds, such ponds shall be located and constructed so as to:

- a. Contain with no discharge the once-in-twenty-five year 24 hour storm at said location;
- b. Withstand with no discharge the once-in-one-hundred year flood of said location; and
- c. Prevent escape of wastewater by leakage other than as authorized by this permit.