



STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor
Leo M. Drozdoff, P.E., Director
Colleen Cripps, Ph.D., Administrator

October 27, 2014

Michael Rojo
Environmental Services, Supervisor
NV Energy
6226 W Sahara Ave M/S 30
Las Vegas, NV 89146

Re: **NV Energy (NVE)**
Reid Gardner Station (RGS)
NDEP Facility ID #H-000530
Nevada Division of Environmental Protection (NDEP) Comments on:
Implementation of Administrative Order on Consent (AOC) Quarterly
Meeting/Workshop, Meeting Notes for April 30, 2014 Meeting

Dear Mr. Rojo:

The NDEP has received and reviewed NVE's *Implementation of Administrative Order on Consent (AOC) Quarterly Meeting, Meeting Notes for April 30, 2014 meeting*, received via e-mail on July 24 2014. The meeting notes summarize the topics discussed during the meeting.

Please review the following comments from NDEP, located in Attachment A. Please contact me with any questions or comments about this letter at (775) 687-9396 or aoakley@ndep.nv.gov

Sincerely,

Alison Oakley, CEM
Environmental Scientist III
Bureau of Corrective Actions
NDEP-Carson City Office



Mr. Mike Rojo
October 27, 2014
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cc: Jeff Collins, Nevada Division of Environmental Protection (NDEP)
Scott Smale, Bureau of Corrective Actions, NDEP Carson City
Todd Croft, Bureau of Corrective Actions, NDEP Las Vegas
Bill Campbell, Tribal Liaison, NDEP
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cc: Althea Tom, Moapa Band of Paiutes, Chairperson, P.O. Box 340, Moapa, NV 89025
Darren Daboda, Moapa Band of Paiutes, Environmental Director, P.O. Box 340, Moapa, NV 89025
Clark County Emergency Management, 500 S. Grand Central Parkway 6th Floor, P.O. Box 551713, Las Vegas, NV 89155-1713
Anitha Rednam, Department of Water Resources, 1416 9th Street, Room 1140, Sacramento CA 95814

Attachment A

Comments to the Meeting Notes from the April 30, 2014 Reid Gardner AOC Meeting

1. General Comment: Please include the date the meeting notes were issued as well as the date the meeting was held on this and future meeting notes.
2. General Comment: The meeting notes should reflect that the agenda provided for the subject meeting was modified at the onset of the meeting by NVE. More specifically, the first agenda item was the "*Muddy River Work Plan*" with the following sub-items: "*Muddy River data, Lines of evidence, Work Plan approach and Schedule*", was not discussed at the meeting. Rather, NVE gave a presentation on NAC. NDEP notes that this was a unilateral change to the agenda. Such a change can be an ineffective use of NDEP's time and resources, and not supportive of meeting goals.
3. General Comment: Pages 2 and 3 of the meeting notes contain language from NAC along with statements and conclusions about Site conditions provided by NVE. NDEP does not concur with all the statements and conclusions and notes that their inclusion in the meeting minutes is less akin to meeting minutes and more akin to a position paper.
4. General Comment: The NDEP would like to note that a robust conceptual site model needs to be completed before many of the statements that are put forth as support of satisfying conditions for NAC 445A.22725 will be accepted.
5. Muddy River Work Plan, page 2, first paragraph bottom: The items listed in italics throughout the first two pages of the meeting notes appear to be items that are considered by the NVE team to meet regulatory requirement. The NDEP does not necessarily agree and will make specific comments where we believe there are deficiencies.
6. Muddy River Work Plan, page 2, Section (a)(1) third bullet: The NDEP notes that primary source material has been or will be removed from ponds and the source of contamination has been identified, however, the NDEP believe that secondary source material may be a continuing source affecting groundwater.
7. Muddy River Work Plan, page 2, Section (a)(2) first bullet, first sub-bullet: The NDEP has not been provided an analysis with supporting documentation that concludes that the vertical extent is limited to the alluvial aquifer. In fact, NDEP notes that TDS concentrations in groundwater in deep wells CMW-2D, KMW-4D and -6D, exceeds the TDS concentration in their clustered shallow wells.
8. Muddy River Work Plan, page 2, Section (a)(2) first bullet, second sub-bullet: The NDEP notes that downward vertical gradients were observed for the third quarter 2013 water levels reported for well clusters including CMW-2S/D, CMW-6S/D, CMW-7S/7D.

9. Muddy River Work Plan, page 2, Section (a)(2) second bullet: The NDEP does not fully agree with the statement that the horizontal extent of contamination is defined along the river in the station in context of the ponds, particularly in downgradient Pond G.
10. Muddy River Work Plan, page 2, Section (a)(2) third bullet: The NDEP believes that preferential pathways have not yet been characterized.
11. Muddy River Work Plan, page 2, Section (a)(3) first bullet: NDEP disagrees. NDEP notes that TDS concentrations in groundwater wells CMW-2S, -2D, CMW-5D KMW-2S, MW-5, MW-2R, MW-3R, P-1R, P-12, P-17A, P-21 and other wells indicate that TDS concentrations are increasing.
12. Muddy River Work Plan, page 3, Section (b) first bullet: The NDEP does not feel that statement "*The Muddy River water quality data do not show significant water quality impacts as the river flows through the Station (data already available)*" has been demonstrated at this time.
13. Muddy River Work Plan, page 3, Section (b) second bullet: The Muddy River may be in compliance with MCLs, but it has not yet been demonstrated that it is in compliance with mass loading criteria.
14. Muddy River Work Plan, page 3, Section (b) third bullet: The NDEP does not understand the relevance of whether concentrations increase from the Muddy River source to the upstream end of the Station. The NDEP is concerned about loading to the Muddy River from Station sources, not from additional upstream sources.
15. Muddy River Work Plan, page 3, Section (c) first bullet: The groundwater contamination becomes an issue if it is affecting loading to the Muddy River, which discharges to Lake Mead, a drinking water source.
16. Muddy River Work Plan, page 3, first full paragraph: The NDEP confirmed that the risk-based corrective action approach was "available" to address contaminated groundwater. This does not mean that this is the only approach. The NDEP does not agree that removal of the ponds will satisfy the condition that no source of contamination remains. The NDEP maintains that secondary source material will remain and will continue to affect groundwater.
17. Muddy River Work Plan, page 3, second full paragraph: The NDEP does not agree that conditions supporting NAC 445A.22725(2)(a)(3) should be considered fully satisfied.
18. Muddy River Work Plan, page 3, third full paragraph: Work plans should be written to investigate and collect data to affirm or disaffirm a particular model(s) or theory, not to support a pre-identified end point. Biasing data collection that way could lead to data gaps that may prevent concurrence on an action or decision.