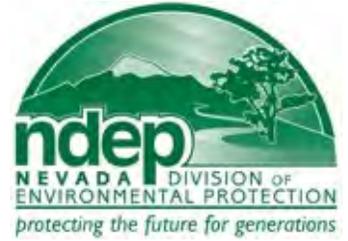




**Hazardous Waste Management
RCRA Permit NEVHW0024
October 2013**



**21st Century Environmental
Management of Nevada, LLC
Fernley, Nevada**

EPA ID# NVD980895338

**State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Waste Management**

PERMIT MODIFICATION CHRONOLOGY

Point(s) of Contact for the Facility:

Offsite: PSC

Keith Lund (425) 227-6120
Director of Permitting
18000 72nd Ave S, Suite 217
Kent, Washington 98032-1035

Onsite: 21EMN LLC

Tracy Buono (775) 575-2760
General Manager
2095 E. Newlands Drive
Fernley, Nevada 89408

Permittee:	21st Century Environmental Management of Nevada LLC
Facility EPA ID Number:	NVD980895338
RCRA Permit Number:	NEVHW0024
Date Issued:	October 31, 2013

21EMN LLC Permit Revision Record				
#	Date	Part B Revision (Y/N)	Permit Revision (Y/N)	Description
1				
2				
3				

Form	-----	Signature Page
Section 1	-----	General Permit Conditions
Section 2	-----	General Facility Conditions
Section 3	-----	Container Management Conditions
Section 4	-----	Tank Storage Conditions
Section 5	-----	Tank Treatment Conditions
Section 6	-----	Subpart X Unit Conditions (Filter Presses & Evaporator)
Section 7	-----	<i>Module Reserved for Future Use</i>
Section 8	-----	Waste Minimization Conditions
Section 9	-----	Organic Air Emissions Conditions for Tanks and Containers
Section 10	-----	Groundwater Detection Monitoring
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Section 12A	-----	Corrective Action Conditions for Regulated Units
Section 12B	-----	Corrective Action Conditions for SWMU & AOC
Section 13	-----	Post Closure Conditions
Section 14	-----	Financial Assurance Conditions
Attachment 1A	--	RCRA Part A Application
Attachment 1B	--	List of Restricted Wastes at 21EMN
Attachment 2	--	List of Documents adopted by this Permit
		- RCRA Part B Application and Other Stand-Alone Documents <i>(separate binders, not physically attached to this Permit)</i>



RCRA PERMIT
FOR A HAZARDOUS WASTE MANAGEMENT FACILITY



Permittee:	21st Century EMN, LLC	RENEWAL
	Fernley, Nevada 89408	October 2013
Facility EPA ID#:	NVD980895338	
Permit Number:	NEVHW0024	

This Permit is issued by the Nevada Division of Environmental Protection (NDEP) under the authority of *Section 3006 of Resource Conservation and Recovery Act (RCRA) (40 CFR regulations codified in Part 271), Nevada Revised Statutes (NRS) 459.520 and Nevada Administrative Code (NAC) 444.842 through 444.8746 and 444.960*. The State of Nevada has adopted *40 CFR Subpart A of Part 2, Subparts A and B of Part 124, and Parts 260 through 270 inclusive*, by reference in the *NAC at 444.8632 with exceptions listed at 444.86325 and as revised at 444.8633 and 444.8634*. This Permit is issued to 21st Century Environmental Management of Nevada, LLC (hereafter called the Permittee), to operate a hazardous waste management facility located at 2095 Newlands Drive East, in Fernley, Nevada, at a latitude of 39° 36' 34" North, longitude of 119° 12' 10" West, and summarily described as follows:

The facility is located on a 10 acre site, which is owned and operated by 21st Century Environmental Management of Nevada, LLC (21EMN)¹. The facility consists of:

- Five (5) Container Storage Units;
- Six (6) Alkaline/Cyanide Storage Tanks;
- Two (2) Alkaline Storage Tanks;
- Eleven (11) Acid Storage Tanks;
- Seven (7) Chemical Treatment Tanks;
- Seven (7) Post Treatment (Storage) Tanks;
- One (1) Evaporator;
- Two (2) Filter Presses; and
- Lab Packing and Loose Packing Operations.

There are no land disposal units at this site and the entire facility is expected to be clean-closed. The Permittee is required to conduct groundwater monitoring on a quarterly basis, as described in Sections 10 (Groundwater Detection Monitoring) and 11 (Groundwater Compliance Monitoring) of this permit. The facility has conducted a RCRA Facility Investigation (RFI), as described in Section 12A (Corrective Action Conditions for Regulated Units) of this permit, in response to elevated levels of chromium and cyanide observed in selected groundwater monitoring wells; and has submitted an RFI Report summarizing the results. The Permittee has also developed and submitted a Corrective Measures Study (CMS) and a Corrective Measures Implementation (CMI) Work Plan and Design Report, which shall be implemented, as defined in Permit Section 12B.

The Permittee must comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein, the Permit Application (Parts A and B), and the applicable regulations contained in *40 CFR Parts 124, 260 through 270, and Sections 206, 212, and 224 of HSWA*, which require corrective action for all releases of hazardous wastes or constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal unit seeking a Permit, regardless of the

¹ The Fernley facility's permitted legal entity is 21st Century Environmental Management of Nevada, LLC, whose parent company is PSC Environmental Services, LLC (PSC). The facility uses "PSC" as a recognized name in the waste management industry.

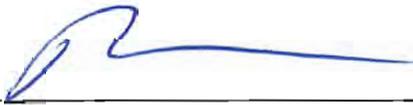
time at which waste was placed in such unit, as specified in the Permit. If there are conflicts between this Permit and the Permit Application, the Permit shall prevail. Applicable regulations are those that are in effect on the date of issuance of the Permit, in accordance with 40 CFR 270.32(c) and NAC 444.8632.

This Permit is based on the assumption that the information submitted in the Part A (dated July 18, 2012) and Part B (dated July 18, 2012) Permit Applications and subsequent amendments¹¹ (last one dated August 7, 2013) is accurate, and that the facility will be operated and closed as specified in the Permit Application and this Permit.

Any inaccuracies found in the submitted information may be grounds for the termination, revocation and reissuance, or modification of this Permit in accordance with 40 CFR 270.41, 270.42, 270.43, and NAC 444.8632, and for enforcement action. The Permittee must inform the Director of any deviation from or changes in the information in the application, which would affect the Permittee's ability to comply with applicable regulations or permit conditions. Failure to comply with any term or condition set forth in this Permit in the time or manner specified herein will subject the Permittee to possible enforcement action and penalties pursuant to NRS 459.565, 459.570, 459.585, and 459.595.

This Permit is effective as of **October 31, 2013** and shall remain in effect until **October 31, 2018** unless revoked and reissued under 40 CFR 270.41 and NAC 444.8632, terminated under 40 CFR 270.43 and NAC 444.8632, or continued in accordance with 40 CFR 270.51(a) and NAC 444.8632.

This Permit shall be reviewed by the Director five (5) years after the date of Permit reissuance and shall be modified, as necessary, as provided in NRS 459.520 (4) and 40 CFR 270.50(d).



R. Eric Noack
Chief, Bureau of Waste Management
Nevada Division of Environmental Protection

10/31/13

Date

¹¹ Hereafter referred to as the Permit Application.

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1. SUMMARY

The Permittee is a commercial hazardous waste treatment, storage and recycling facility. The Permittee may accept, store and treat the waste identified in the Part A Application and managed as described in the Part B Permit Application, both of which are adopted by reference and listed as attachments to this permit. Wastes managed include acids, alkaline, metal bearing aqueous liquids and sludges, cyanides, and batteries. The facility may receive, store, and process bulk or containerized wastes. Wastes greater than 500 ppm VOC content are to be accepted only for storage and/or repacking of lab packs under the organic scrubber in the Lab Pack Room¹. The facility is currently required to conduct groundwater monitoring and, presuming clean final groundwater and soil sampling results, will be clean closed at the time of cessation of any permitted hazardous waste activity.

Storage of waste is described in Sections 3 (Container Management Conditions) and 4 (Tank Storage Conditions), tank treatment is described in Section 5 (Tank Treatment Conditions), and the miscellaneous, Subpart X, units are described in Section 6 (Subpart X Unit Conditions – Filter Presses & Evaporator). Storage of containers of waste subject to 40 CFR 264 Subpart CC is permitted, as described in Section 9 (Organic Air Emission Conditions). The groundwater monitoring required, at the time this permit was issued, is described in Section 11 (Groundwater Compliance Monitoring). The requirements for waste minimization, corrective action and financial assurance are described in Sections 8 (Waste Minimization Conditions), 12A (Corrective Action Conditions for Regulated Units), 12B (Corrective Action Conditions for SWMU & AOC) and 14 (Financial Assurance Conditions), respectively. All regulations cited in this Permit refer to regulations in effect on the date of issuance of this Permit. The Permittee is to maintain compliance with the conditions contained in this Permit and any self-implementing regulations promulgated after issuance.

1.1 EFFECT OF PERMIT

The Permittee is allowed to accept, treat and/or store hazardous waste in accordance with the conditions of this Permit and its attachments. Any acceptance, treatment or storage of hazardous waste not authorized in this Permit is prohibited. Subject to 40 CFR 270.4, compliance with this Permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of the Resource Conservation and Recovery Act (RCRA), Nevada Revised Statutes (NRS) 459.400 through 459.600, Nevada Administrative Code (NAC) 444.842 through 444.8746, NAC 444.960, and the Hazardous & Solid Waste Amendments of 1984 (HSWA). Issuance of this Permit does not convey any property rights of any sort, nor any exclusive privilege; nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 106(a), 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, NRS 459.400 through 459.600, or any other law providing for protection of public health or the environment. Compliance with the terms of this Permit

¹ The organic scrubber is regulated by the facility's Air Permit.

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shall not relieve the Permittee of its obligation to comply with any other applicable local, state, or federal laws and regulations. *[40 CFR 270.4 and 270.30(g), and NAC 444.8632]*

The State of Nevada has adopted 40 CFR Subpart A of Part 2, portions of Subparts A and B of Part 124, Parts 260 through 270, inclusive, by reference in NAC 444.8632 with exceptions listed at NAC 444.86325 and as revised at NAC 444.8633 and NAC 444.8634. Therefore, all references to 40 CFR in this Permit are as they are adopted in NAC 444.8632 through 444.8634.

1.2 PERMIT ACTIONS

1.2.1 Permit Modification, Revocation and Re-Issuance, and Termination

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR 270.41, 270.42, 270.43 and 270.30(f). The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any Permit Condition. *[40 CFR 124.5(c), 270.4(a)]*

Modifications and/or updates to information provided in the Part A and B Permit Applications may require the Permittee to file a request for a permit modification. As such, the Permittee must provide information on any modifications and/or updates to the Director. Any changes in hazardous waste operating procedures require approval prior to implementation.

1.2.2 Permit Renewal

This Permit may be renewed as specified in 40 CFR 270.30(b) and Permit Condition 1.5.3. Review of any application for a Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations. *[40 CFR 270.30(b), HSWA Sec. 212]*

1.3 SEVERABILITY

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

1.4 DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in NAC 444.842 through 444.8746, and 40 CFR Parts 124, 260, 261, 264, 266, 268, and 270, unless this Permit specifically provides otherwise. Where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term. For purposes of this Permit, the definitions listed below apply.

1.4.1 Action Levels

Health- and environmental-based levels determined by EPA or NDEP to be indicators for protection of human health and/or the environment. Contamination exceeding action levels

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indicates a potential threat to human health and/or the environment, which may require further study. Action levels are also used as reference points for developing final cleanup standards.

1.4.2 Administrator

The Administrator of the Nevada Division of Environmental Protection (NDEP), a designee, or an authorized representative.

1.4.3 Area of Concern (AOC)

Any area having a probable release of a hazardous waste or hazardous constituent, regardless of whether or not the release originated from a Solid Waste Management Unit, and is determined by the Division to pose a current or potential threat to human health or the environment.

1.4.4 Certified Laboratory

A laboratory that has been approved by the Director to perform specific analyses referenced in NRS 459.500.

1.4.5 Closure Plan

The plan for closure prepared in accordance with the requirements of 40 CFR 264.112.

1.4.6 Compliance Period

The number of years equal to the active life of the unit prior to the Director's approval of certification of closure and subsequent post-closure period, if applicable.

1.4.7 Contamination

The presence of any hazardous constituent in a concentration which exceeds the naturally occurring concentration of that constituent in areas which should not be affected by the operations of the facility.

1.4.8 Corrective Action

May include all corrective actions necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents at the facility, regardless of the time at which waste was placed in the unit, as required under 40 CFR 264.101. Corrective action may address releases to air, soils, surface water sediment, groundwater, or subsurface gas.

1.4.9 Current Closure Cost Estimate

The most recent of the estimates prepared in accordance with 40 CFR 264.142(a), (b) and (c).

1.4.10 Days

Calendar days, unless otherwise specified.

1.4.11 Director

The Director of the Nevada Department of Conservation and Natural Resources (DCNR), a designee, or an authorized representative.

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1.4.12 Discover, Discovery and Discovered

The date on which the Permittee or a Division representative either:

- (1) Visually observes evidence of a new SWMU or AOC,
- (2) Visually observes evidence of a previously unidentified release of hazardous constituents to the environment, or
- (3) Receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment.

1.4.13 Division

The Nevada Division of Environmental Protection (NDEP), including personnel thereof authorized by the Director to act on behalf of the Division.

1.4.14 Extent of Contamination

The horizontal and vertical area in which the concentrations of hazardous constituents in the environmental media being investigated are above the naturally occurring concentration of that constituent in areas not affected by the operations of the facility.

1.4.15 Facility

All contiguous land, structures, and other appurtenances and improvements on the land used for the treatment or storage of hazardous waste. For the purpose of implementing corrective action under 40 CFR 264.100 and 264.101, “facility” includes all contiguous property under the control of the owner or operator seeking a Permit under Subtitle C of RCRA.

1.4.16 Hazardous Constituents

Those substances listed in Appendix VIII of 40 CFR 261 and/or Appendix IX of 40 CFR 264, or any pollutant as defined in the NRS 445A.400.

1.4.17 Hazardous Waste Management Unit (HWMU)

A contiguous area of land on or in which hazardous waste is managed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include surface impoundments, waste piles, land treatment areas, landfill cells, incinerators, tanks and their associated piping and underlying containment system, and container storage areas. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are managed.

1.4.18 Interim Measures

Actions necessary to minimize or prevent the further migration of contaminants and limit actual or potential human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented.

1.4.19 Permittee

The entity (person(s) or corporation) to whom this Permit is issued.

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1.4.20 Qualified Professional Engineer

A person who by reason of his/her professional education and practical experience is granted a license by the Nevada State Board of Professional Engineers and Land Surveyors to practice professional engineering.

1.4.21 Release

Any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

1.4.22 Remediation Waste

All solid and hazardous wastes, and all media (including groundwater, surface water, soils and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under 40 CFR 264.100, 264.101 and RCRA Section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA Sections 3004(v) or 3008(h) for releases beyond the facility boundary.

1.4.23 Schedule of Compliance

A schedule of remedial measures included in this Permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the Resource Conservation and Recovery Act and/or the State of Nevada Hazardous Waste Management Regulations.

1.4.24 Solid Waste

Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

1.4.25 Solid Waste Management Unit (SWMU)

Any unit which has been used for the treatment, storage, or disposal of solid waste at any time, irrespective of whether the unit is or ever was intended for the management of solid waste. RCRA hazardous waste management units are also solid waste management units. SWMUs include areas that have been contaminated by routine and systematic releases of hazardous waste or hazardous constituents, excluding one-time accidental spills that are immediately remediated and cannot be linked to solid waste management activities (e.g. product or process spills).

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1.4.26 Temporary Unit (TU)

Any temporary tanks and/or container storage areas used solely for treatment or storage of hazardous remediation wastes during remedial activities required under 40 CFR 264.101 or RCRA Section 3008(h). Temporary Units must be designated by the Director, and must conform to the standards specified in 40 CFR 264.553.

1.4.27 Unit

Includes, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, tank, container storage area, wastewater treatment unit, elementary neutralization unit, or recycling unit.

1.5 DUTIES AND REQUIREMENTS

1.5.1 Duty to Comply

The Permittee shall comply with all conditions of this Permit, except that the Permittee need not comply with the conditions of this Permit to the extent and for the duration such noncompliance is authorized by an Emergency Permit (see 40 CFR 270.61). Any Permit noncompliance, except under the terms of an Emergency Permit, constitutes a violation of the appropriate Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. *[40 CFR 270.30(a)]*

1.5.2 Compliance Schedule

Any schedule of compliance established subsequent to the issuance of this Permit; it shall be adopted by reference as a condition of Permit compliance, as if fully set forth herein.

1.5.3 Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least 180 days prior to this Permit's expiration. *[40 CFR 270.10(h) and 270.30(b)]*

1.5.4 Permit Expiration

Pursuant to NRS 459.520(4), this Permit shall be effective for a fixed term not to exceed five (5) years. As long as the NDEP is the Permit-issuing authority, this Permit and all conditions herein shall remain effective beyond the expiration date, if the Permittee has submitted a timely, complete application (40 CFR 270.10, 270.13 through 270.29) and, through no fault of the Permittee, the Director has not issued a new Permit, as set forth in 40 CFR 270.51.

1.5.5 Need to Halt or Reduce Activity not a Defense

It shall not be a defense for the Permittee, in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. *[40 CFR 270.30(c)]*

1.5.6 Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to

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minimize releases to the environment, and shall carry out such measures, as are reasonable, to prevent significant adverse impacts on human health or the environment. *[40 CFR 270.30(d)]*

1.5.7 Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the Permit.

[40 CFR 270.30(e)]

1.5.8 Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition.

[40 CFR 270.30(f)]

1.5.9 Property Rights

This Permit does not convey any property rights of any sort, nor any exclusive privilege.

[40 CFR 270.30(g)]

1.5.10 Duty to Provide Information

The Permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this Permit.

[40 CFR 264.74(a) and 270.30(h)]

1.5.11 Inspection and Entry

The Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:

[40 CFR 270.30(i)]

1. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
4. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

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1.5.12 Monitoring and Records

1.5.12.1 Samples and measurements taken for monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the Director. Laboratory methods must be those specified in the current edition (and its current update) of EPA manual SW-846: Test Methods for Evaluating Solid Waste, Physical/Chemical Methods – Standard Methods of Wastewater Analysis or an equivalent method. *[40 CFR 270.30(j)(1)]*

1.5.12.1.1 Both groundwater and soil samples for regulatory monitoring and remedial efforts must be sent to a Nevada-certified laboratory for analyses. As a permitted hazardous waste management facility, the on-site laboratory is not required to be state-certified if the laboratory is solely utilized for the purposes of on-site management of wastes. *[NRS 445A.425 and 445A.427]*

1.5.12.2 The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this Permit, for a period of at least 3 years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding the facility. The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility. *[40 CFR 264.74(b) and 270.30(j)(2)]*

1.5.12.3 Records for monitoring information shall include: *[40 CFR 270.30(j)(3)]*

1. The date(s), exact place(s), and time(s) of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

1.5.13 Signatory Requirements

All applications, reports, or information submitted to or requested by the Director, a designee, or authorized representative, shall be signed and certified in accordance with 40 CFR 270.11. *[40 CFR 270.30(k)]*

1.5.14 Reporting Requirements

1.5.14.1 Reporting Planned Changes

The Permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility. *[40 CFR 270.30(l)(1)]*

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1.5.14.2 Reporting Anticipated Noncompliance

The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with Permit requirements.

[40 CFR 270.30(l)(2)]

1.5.14.3 Certification of Construction or Modification

The Permittee may not commence treatment or storage of hazardous waste in any modified portion of the facility until:

1. The Permittee has submitted to the Director, by certified mail or hand delivery, a letter signed by the Permittee and a qualified Professional Engineer stating that the facility has been constructed or modified in compliance with the Permit; and
[40 CFR 270.30(l)(2)(i)]
2. (A) The Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the Permit; or *[40 CFR 270.30(l)(2)(ii)(A)]*
(B) Within 15 calendar days of the date of submission of the letter in Permit Section 1.5.14.3.1 of this Permit, if the Permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste.
[40 CFR 270.30(l)(2)(ii)(B)]

1.5.14.4 Transfer of Permits

This Permit is not transferable to any person, except after notice to the Director. The Director may require modification or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as may be necessary under RCRA. (See 40 CFR 270.40) Before transferring ownership or operation of the facility during its operating life (or during its post-closure period, if applicable), the Permittee shall notify the new owner or operator, in writing, of the requirements of 40 CFR 264 and 270, NAC 444.842 through 444.8746, NAC 444.960, and this Permit.

[40 CFR 270.30(l)(3), 40 CFR 264.12(c)]

1.5.14.5 Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this Permit, or as required by a compliance schedule issued pursuant to Permit Condition 1.5.2.

[40 CFR 270.30(l)(4)]

1.5.14.6 Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit or issued as an enforcement action, shall be submitted no later than 14 calendar days following each schedule date.

[40 CFR 270.30(l)(5)]

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1.5.14.7 Twenty-Four Hour Reporting

1.5.14.7.1 The Permittee shall report to the Director any noncompliance which may endanger human health or the environment. Any such information shall be reported orally within 24-hours from the time the Permittee becomes aware of the circumstances. This includes any fire or explosion at or near a permitted unit or other hazardous waste management area, even if there is no apparent threat to human health or the environment. The report shall include the following:

1. Information concerning a release of any hazardous waste that may cause an endangerment to public drinking water supplies;
2. Any information of a release or discharge of hazardous waste or of a fire or explosion from the hazardous waste management facility, which could threaten the environment or human health. *[40 CFR 270.30(l)(6)(i)]*

1.5.14.7.2 The description of the occurrence and its cause shall include:

1. Name, address, and telephone number of the owner or operator;
2. Name, address, and telephone number of the facility;
3. Date, time, and type of incident;
4. Name and quantity of material(s) involved;
5. The extent of injuries, if any;
6. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
7. Estimated quantity and disposition of recovered material that resulted from the incident. *[40 CFR 270.30(l)(6)(ii)]*

1.5.14.7.3 A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance (including exact dates and times); and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Director may waive the five-day written notice requirement in favor of a written report within fifteen days. *[40 CFR 270.30(l)(6)(iii)]*

1.5.14.8 Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the Permittee must submit a letter report, including a copy of the manifest, to the Director. (See 40 CFR 264.72) *[40 CFR 270.30(l)(7)]*

1.5.14.9 Unmanifested Waste Report

This report must be submitted to the Director within 15 calendar days of receipt of unmanifested waste. (See 40 CFR 264.76) *[40 CFR 270.30(l)(8)]*

1.5.14.10 Biennial Report

A Biennial Report must be submitted by March 1st of each even numbered year, covering

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facility activities during the previous calendar year and the information in 40 CFR 264.75.

[40 CFR 270.30(l)(9)]

1.5.14.11 Other Noncompliance

The Permittee shall report all instances of noncompliance not otherwise required to be reported above, at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition 1.5.14.7 of this section.

[40 CFR 270.30(l)(10)]

1.5.14.12 Other Information

Whenever the Permittee becomes aware that they failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, the Permittee shall promptly submit such facts or information.

[40 CFR 270.30(l)(11)]

1.5.15 Information Repository

The Permittee shall maintain the information repository created in support of all Permit applications, renewals and modifications pursuant to 40 CFR 124.33(c) through (f) for the life of the facility.

[40 CFR 270.30(m)]

1.6 REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE DIRECTOR

All reports, notifications, or other submissions required by this Permit must be sent to the addressee shown below and must be **received by** the specified due date:

RCRA Permitting Branch Supervisor
 Bureau of Waste Management
 Nevada Division of Environmental Protection
 901 S. Stewart Street, Suite 4001
 Carson City, NV 89701-5249

Submittals which are not received within 10 days after the specified due date will be considered an instance of noncompliance with applicable conditions of this Permit, unless the Permittee can demonstrate (e.g., certified mail receipt, etc.) that the submittal was sent in a timely manner and that failure of deliverables to arrive on schedule was beyond control of the Permittee.

1.7 CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12, the Permittee may claim confidential, any information required to be submitted by this Permit.

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1.8 DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, until closure is completed and certified by an independent qualified Professional Engineer, the following documents and all amendments, revisions and modifications to these documents:

1. Waste Analysis Plan, as required by 40 CFR 264.13 and this Permit;
2. Inspection Schedules, as required by 40 CFR 264.15(b)(2) and this Permit;
3. Personnel Training Documents and Records, as required by 40 CFR 264.16(d) and this Permit;
4. Contingency Plan, as required by 40 CFR 264.53(a) and this Permit;
5. Operating Record, as required by 40 CFR 264.73 and this Permit;
6. Closure Plan, as required by 40 CFR 264.112(a) and this Permit;
7. Annually-adjusted cost estimate for facility closure, as required by 40 CFR 264.142(d) and this Permit;
8. Information Repository, as required by 40 CFR 270.30(m) and this Permit;
9. All Groundwater Monitoring Records, inclusive of installation details for all wells, as required by this Permit or otherwise;
10. Corrective Action Plans and Reports;
11. All instances of implementation of the Contingency Plan;
12. All correspondence between the Division and the facility related to changes or modifications to this Permit or notifications of noncompliance and all inspection reports; and
13. Unusual Occurrence Reports (examples: all manifest discrepancies, deficiencies found as a result of an inspection, all releases whether contained by secondary containment or not, all injuries to personnel, all activations of the alarm system, any noncompliance with this Permit, etc.).

1.9 PERMIT COMPLIANCE SCHEDULES

Refer to specific sections of this Permit for any compliance schedules established by the Director.

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2. SUMMARY

The Permittee is required to operate the facility consistent with the accepted practices detailed in this and other sections of this Permit and the corresponding Permit Application in order to minimize the possibility of releases to the environment or harm to either employees or the public at large.

2.1 DESIGN AND OPERATION OF FACILITY

The Permittee shall construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by 40 CFR 264.31 and in accordance with the management practices and procedures specified in the permit application.

The staging of inbound and outbound trucks containing hazardous waste must always be within the designated paved or concrete areas shown in Figure D1-2d of the Permit Application. No trailers containing hazardous waste are to be staged on the dirt or non-paved areas.

2.2 REQUIRED NOTICES

2.2.1 Hazardous Waste Imports

The Permittee shall notify the Director in writing at least four weeks in advance of the date the Permittee expects to receive hazardous waste from a foreign source, as required by 40 CFR 264.12(a). Notice of subsequent shipments of the same waste from the same foreign source is not required. *[40 CFR 264.12(a)]*

2.2.2 Hazardous Waste from Off-Site Sources

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), the Permittee must inform the generator in writing that they have the appropriate Permit(s) for, and will accept, the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. *[40 CFR 264.12(b)]*

2.3 GENERAL WASTE ANALYSIS

The Permittee shall comply with the waste analysis requirements of 40 CFR 264.13, follow the Waste Analysis Plan procedures of Permit Application Section C2.0 and the Quality Assurance Plan procedures of Permit Application Appendix C-2, and the conditions listed below:

2.3.1 The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846 or an equivalent method, as specified in the Waste Analysis Plan and approved by the Director. At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then the Permittee shall inform the

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laboratory in writing that it must use analytical methods and operate under the waste analysis conditions set forth in this Permit.

2.4 SECURITY

The Permittee shall comply with the security provisions of 40 CFR 264.14 and the Security Procedures in Permit Application Section F 1.0 (Security Procedures and Equipment).

2.5 GENERAL INSPECTION REQUIREMENTS

The Permittee shall comply with the Inspection Plan requirements of 40 CFR 264.15 and follow the Inspection Plan procedures in Permit Application Section F 2.0 (Inspection Plan). The Permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 CFR 264.15(c). Records of all inspections shall be kept, as required by 40 CFR 264.15(d).

2.6 PERSONNEL TRAINING

The Permittee shall conduct personnel training, as required by 40 CFR 264.16. This training program shall follow the outline in Permit Application Section H (Training Matrix Table H4-1), and maintain training documents and records, as required by 40 CFR 264.16(d) and (e).

2.6.1 Training Program

2.6.1.1 Facility Personnel

Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Permit. The Permittee must ensure that this program includes all the elements described in the document required under 40 CFR 264.16(d)(3). *[40 CFR 264.16(a)(1)]*

2.6.1.2 Instructor Qualifications

The training program must be directed by a person trained in hazardous waste management procedures. *[40 CFR 264.16(a)(2)]*

2.6.1.3 Training Content

The training program must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. *[40 CFR 264.16(a)(2)]*

2.6.1.4 Emergency Response

2.6.1.4.1 At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable:

[40 CFR 264.16(a)(3)]

1. Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

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2. Key parameters for automatic waste feed cut-off systems;
3. Communications or alarm systems;
4. Response to fires or explosions;
5. Response to groundwater contamination incidents; and
6. Shutdown of operations.

2.6.1.4.2 For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this Permit Section, provided that the overall facility training meets all the requirements of this Permit. *[40 CFR 264.16(a)(4)]*

2.6.2 Training Schedule

Facility personnel must successfully complete the program required in Permit Condition 2.6.1 within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Newly hired employees must not work in unsupervised positions until they have successfully completed the training requirements in Permit Conditions 2.6.1.1 through 2.6.1.4, above. *[40 CFR 264.16(b)]*

2.6.3 Annual Review

Facility personnel must take part in an annual review of the initial training required in Permit Condition 2.6.1, above. *[40 CFR 264.16(c)]*

2.6.4 Documentation

The Permittee must maintain the following documents and records at the facility:

[40 CFR 264.16(d)]

1. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
2. A written job description for each position listed under (1), above. This description may be consistent in its degree of specificity with descriptions of other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;
3. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under (1), above; and
4. Records that document that the training or job experience required under Permit Conditions 2.6.1, 2.6.2 and 2.6.3, above, has been given to, and completed by, facility personnel.

2.6.5 Recordkeeping

Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company. *[40 CFR 264.16(e)]*

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2.7 SPECIAL PROVISIONS

2.7.1 Special Provisions for Ignitable, Reactive, or Incompatible Waste

The Permittee shall comply with the requirements of 40 CFR 264.17 and follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Permit Application Section F 5.0. *[40 CFR 264.17]*

2.7.2 Special Provisions for State-Hazardous Waste

2.7.2.1 The Permittee shall manage all waste that is designated as hazardous waste in the state of its origin (e.g., California) [See NAC 444.843.2(c)] as hazardous waste. This shall be done in accordance with the terms of this permit, upon acceptance, when brought to the facility and during storage and/or treatment while at the facility.

2.7.2.2 Waste originally designated as hazardous waste in its state of origin shall be manifested as hazardous waste when shipped offsite, unless it has been treated at the facility and is demonstrated to be non-hazardous through subsequent waste determination.

2.8 RESTRICTED WASTES

The Permittee is not authorized to receive, treat, store, dispose of, or otherwise manage the following:

1. Waste that is not identified in:
 - (a) Permit Section 3.3;
 - (b) Permit Section 4.1;
 - (c) Permit Section 5.1; or
 - (d) Permit Section 6.2;
2. Any radioactive material that is not exempt from regulation and licensing or is not expressly authorized for storage or treatment under this Permit, or any radioactive or nuclear waste material which requires specific licensing or permitting under any other rules of state or federal authorities for disposal or transshipment;
3. Class 1, Division 1.1 or 1.2, or forbidden explosives (49 CFR 173.50), or any explosive material, as defined by USDOT under 49 CFR 173;
4. Biological Agents, Etiological Agents or infectious wastes;
5. Any material with PCBs greater than 50 ppm;
6. Any material with pH >14; or
7. The hazardous waste described as "prohibited" in:
 - (a) Permit Section 3.3;
 - (b) Permit Section 4.1.2;
 - (c) Permit Sections 5.1.2; or
 - (d) Permit Section 6.2.

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2.9 PREPAREDNESS AND PREVENTION

2.9.1 Required Equipment

At a minimum, the Permittee shall maintain at the facility the equipment required by 40 CFR 264.32 and set forth in the Contingency Plan (Permit Application Section G) and Equipment Requirements (Permit Application Section F3.1).

2.9.2 Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Condition 2.9.1, as necessary, to assure its proper operation in time of emergency (see inspection schedules in Tables F2-1 through F2-6 of the Permit Application), as required by 40 CFR 264.33.

2.9.3 Access to Communications or Alarm System

2.9.3.1 Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. *[40 CFR 264.34(a)]*

2.9.3.2 If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance. *[40 CFR 264.34(b)]*

2.9.4 Required Aisle Space

The Permittee shall maintain a minimum of three (3) feet of aisle space between container rows, as described in Section F3.2 of the Permit Application, to facilitate inspections and the movement of emergency equipment and personnel. *[40 CFR 264.35]*

2.9.5 Arrangements with Local Authorities

The Permittee shall maintain, as required by 40 CFR 264.37, the arrangements with State and local authorities described in Permit Application Section G7.0 (Coordination Agreements). If any State or local officials refuse to enter into such arrangements, the Permittee must document the refusal in the Operating Record. *[40 CFR 264.37]*

2.10 CONTINGENCY PLAN

2.10.1 Implementation of Plan

The Permittee shall immediately carry out the provisions of the RCRA Contingency Plan, Permit Application Section G, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents, which could threaten human health or the environment.

[40 CFR 264.51(b)]

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2.10.2 Copies of Plan

A copy of the Contingency Plan and all revisions to the plan must be: *[40 CFR 264.53]*

1. Maintained at the facility; and
2. Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

2.10.3 Amendments to Plan

[40 CFR 264.54]

The Contingency Plan must be reviewed, and immediately amended, if necessary, whenever:

1. The facility Permit is revised;
2. The plan fails in an emergency;
3. The facility changes – in its design, construction, operation, maintenance, or other circumstances – in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
4. The list of emergency coordinators changes; or
5. The list of emergency equipment changes.

2.10.4 Emergency Coordinator

A qualified emergency coordinator shall be available at all times in case of an emergency, as required by 40 CFR 264.55. *[40 CFR 264.55]*

2.10.4.1 The Emergency Coordinator shall comply with the emergency procedures described in 40 CFR 264.56 and Section G2.0 (Emergency Coordinator Responsibilities) of the Permit Application.

2.11 MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of 40 CFR 264.71, 264.72, 264.76, and NAC 444.8666, and follow the procedures in Permit Application Section B8.0 (Manifest System), consistent with: *[40 CFR 264.71(a)(2) and 264.72]*

1. Signing and dating each copy of the manifest to certify that the hazardous waste covered by the manifest was received¹;
2. Noting any significant discrepancies in the manifest, as defined below, on each copy of the manifest:
 - (a) Waste Types - Manifest discrepancies between the type of hazardous waste designated on the manifest or shipping paper and the type of hazardous waste the facility actually receives; or obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper; or

¹ [Comment: The Division does not intend that the Permittee (who performs procedures under 40 CFR 264.13(c)) perform that analysis before signing the manifest and returning it to the transporter. 40 CFR 264.72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.]

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(b) Waste Quantities - For bulk waste, variations greater than 10 percent in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload.

3. Immediately giving the transporter at least one copy of the signed manifest;
4. Within 30 days after the delivery, sending a copy of the manifest to the generator;
5. Retaining at the facility a copy of each manifest for at least three years from the date of delivery; and
6. Complying with the manifest discrepancies requirements of 40 CFR 264.72 by reconciling the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the Permittee must immediately submit to the Director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper.

2.12 RECORDKEEPING AND REPORTING

In addition to recordkeeping, reporting, and fee requirements specified elsewhere in this Permit, the Permittee shall do the following:

2.12.1 Operating Record

2.12.1.1 The Permittee shall maintain a written operating record at the facility in accordance with Permit Application Section C2.8 (Recordkeeping and Waste Tracking) and as required by 40 CFR 264.73. *[40 CFR 264.73, 264.74]*

2.12.1.2 The Permittee shall maintain at the facility copies of waste minimization documents required in Permit Section 8 and shall make them available to any authorized representative of the Division or USEPA conducting an inspection. *[40 CFR 264.73, 264.74]*

2.12.2 Quarterly Volume Reports and Fees

The Permittee shall submit to the Director a detailed quarterly volume fee breakdown report along with the quarterly fees due within 30 days after the end of each calendar quarter. *[NAC 444.8452]*

2.12.3 Annual Operating Fee

The Permittee shall, on or before March 1 of each year, pay to the Division the annual operating fee. *[NAC 444.845]*

2.12.4 Annual Report

In addition to complying with the biennial reporting requirements of 40 CFR 264.75, the Permittee shall prepare and submit an Annual Report to the Director by March 1 of each year with the following information:

1. The facility's EPA identification number, name and address;
2. The calendar year covered by the report;
3. For each waste stream received by the Permittee during the previous calendar year:
 - a. The EPA identification number of each generator from which a waste stream was received;

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- b. A description and quantity (in tons and cubic feet); and
- c. The methods of treatment and storage;
- 4. The most recent closure cost estimate (including summary of cost for each unit);
- 5. A description of the waste minimization efforts undertaken during the previous year to reduce the volume and toxicity of wastes generated by the Permittee, including a description of the changes in volume and toxicity of waste actually achieved during the year, in comparison to previous years;
- 6. Unusual occurrence reports covering all rejected shipments during the year; and
- 7. A certification statement signed by the facility manager or an authorized representative.

2.12.5 Biennial Reports

The Permittee shall comply with the reporting requirements of 40 CFR 264.75 by submitting a report to the Division by March 1st of each even numbered year for the previous operating year.

2.13 GENERAL CLOSURE REQUIREMENTS

2.13.1 Performance Standard

The Permittee shall close the facility, as required by 40 CFR 264.111 and in accordance with the approved Closure Plan in the Permit Application Section I (Closure Plan and Cost Estimates).

2.13.2 Amendment to Closure Plan

The Permittee shall submit a written request for a permit modification, as described in 40 CFR 264.112(c), for any changes in the approved closure plan. *[40 CFR 264.112(c)]*

2.13.3 Notification of Closure

The Permittee shall notify the Director in writing at least 60 days prior to the date on which the facility expects to begin partial or final closure of the facility, as required by 40 CFR 264.112(d).

2.13.4 Time Allowed for Closure

After receiving the final volume of hazardous waste in any or all of the regulated units, the Permittee shall treat and remove from the unit or facility, all hazardous wastes and shall complete closure activities, in accordance with 40 CFR 264.113 and the schedules specified in Permit Application Section I, as determined by the Director.

2.13.5 Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate or ship offsite all contaminated equipment, structures, and soils, as required by 40 CFR 264.114 and the approved Closure Plan in Permit Application Section I. In the event that not all structures, soil and equipment can be decontaminated or shipped offsite, the Permittee shall provide post-closure care in accord with 40 CFR 264 Subpart G.

2.13.6 Certification of Closure

The Permittee shall certify that a portion or all of the facility has been closed in accordance with the specifications in the approved Closure Plan (Permit Application Section I) and as required by

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40 CFR 264.115.

2.14 FINANCIAL REQUIREMENTS FOR FACILITY CLOSURE

The Permittee shall comply with the conditions in Permit Section 14 for financial assurance requirements and cost estimates.

2.15 LIABILITY REQUIREMENTS

The Permittee shall demonstrate continuous compliance with the requirements of 40 CFR 264.147(a) and (b), and with Permit Section 14.

2.16 INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The Permittee shall comply with 40 CFR 264.148, whenever necessary.

2.17 COMPLIANCE SCHEDULE

Task		Date Due
1	<i>Reserved</i>	

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3. SUMMARY

The Permittee is allowed to store waste in containers subject to the terms and conditions of this Permit, as described in this Section. Containers of hazardous waste are managed in the permitted areas noted in Section D1.0 (Containers) of the Permit Application. Containerized wastes, both liquids and solids, are accepted and stored while awaiting treatment and/or shipment off-site to other permitted facilities. No treatment of waste in containers is permitted. The storage areas and specific management requirements of each area are specified below, and in the respective sections of the Permit Application.

3.1 CONTAINER STORAGE

The container storage areas are identified in Section D1.2.3 (Container Storage Operations) of the Permit Application and summarized in Table 3.3. The actual locations of these container storage areas can be seen in Figure D1-2 of the Permit Application. The maximum amount and type of wastes that may be handled are discussed below, in Permit Condition 3.3.

Pursuant to the Settlement Agreement dated February 15, 2011, the Permittee shall not place or store containers holding liquids of any type in a storage area that does not meet the secondary containment requirements of 40 CFR 264.175(b). Additionally, the Permittee shall not store hazardous waste in containers of any type that are not impervious to weather exposure (i.e. cardboard boxes), unless such containers are placed within a permitted storage area which is enclosed or otherwise appropriately sheltered from exposure to wind, sun and meteoric precipitation.

The Permittee shall maintain compliance with all local, county, regional or other code and/or permit requirements related to the permitted facility, including those issued by the North Lyon County Fire Protection District.

3.2 CONTAINER-SPECIFIC INFORMATION TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility the following container-specific documents and information, including all amendments, revisions and modifications to these documents and information. These documents shall be maintained until closure is completed for all container storage areas, and certified by a qualified Professional Engineer.

3.2.1 A description of the containment systems showing the following:

1. Basic design parameters, dimensions, and materials of construction;
2. How the design promotes drainage, or how containers are kept from contact with standing liquids in the containment system;
3. Capacity of the containment system, relative to the number and volume of containers to be stored;
4. Provisions for preventing or managing run-on; and
5. How accumulated liquids can be analyzed and removed to prevent overflow.

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3.2.2 For container storage areas holding wastes that do not contain free liquids, the Permittee shall maintain the following documentation onsite:

1. Test procedures and results, or other documentation or information, to show that the wastes do not contain free liquids;
2. A description of how the storage area is designed or operated to drain and remove liquids, or how containers are kept from contact with standing liquids;
3. Sketches, drawings, or data demonstrating compliance with 40 CFR 264.176 (location of buffer zone (15m or 50ft)) and containers holding ignitable or reactive wastes and 40 CFR 264.177(c) (location of incompatible wastes in relation to each other), where applicable; and
4. Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 40 CFR 264.177(a) and (b), and 264.17.

3.3 PERMITTED AND PROHIBITED WASTE IDENTIFICATION

3.3.1 The Permittee shall only accept the hazardous wastes identified in Part A of the Permit Application, and as detailed in Permit Application Sections D1.2, D1.3 and D1.4, for the purposes of container storage at the facility, subject to the terms and limitations of this Permit.

[See also NAC 444.843]

3.3.2 The Permittee may accept hazardous waste for storage in the container storage areas, as shown in Table 3.3, below, and Figures D1-2, D1-2a, D1-2b, D1-2c, and D1-3, and Table D1-1 of the Permit Application.

3.3.2.1 The Permittee is prohibited from treating waste in containers. Treatment is defined as “...any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume”. Treatment does not include the addition of absorbent for incidental liquids.

[40 CFR 260.10]

Table 3.3

Container Storage Area	Container Storage Units	Maximum Volume	Maximum Number of Containers	Waste Codes	Summary Restrictions
1	Truck Bay Container Storage			Table D1-1 ¹	500 ppm VOC &/or 10,000 ppm TOC

¹ Table in Part B Permit Application.

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Container Storage Area	Container Storage Units	Maximum Volume	Maximum Number of Containers	Waste Codes	Summary Restrictions
	Acids	100 yds ³ (20,198 gallons) North and South-West Area of the Truck Bay	367 55-gallon drums		
	Cyanide/Alkaline	45 yds ³ (9,088 gallons) South-East Area of the Truck Bay	165 55-gallon drums		
2	West Pad Container Storage ⁱⁱ	314 yds ³ (63,360 gallons)	1,152 55-gallon drums	Table D1-1	None (all F020-F027 must be stored here)
	Cell 1	105 yd ³ (21,120 gallons)	384 55-gallon drums		
	Cell 2	52 yd ³ (10,560 gallons)	192 55-gallon drums		
	Cell 3	52 yd ³ (10,560 gallons)	192 55-gallon drums		
	Cell 4	52 yd ³ (10,560 gallons)	192 55-gallon drums		
	Cell 7 ⁱⁱⁱ	52 yd ³ (10,560 gallons)	192 55-gallon drums		
3	East Container Storage ^{iv}	896 yds ³ (180,968 gallons)	3,290 55-gallon drums or 17 50 yd ³ roll off bins	Table D1-1	Solids only [Except for lab packs and liquid containers on secondary containment pallets ^v .]

ⁱⁱ Cells are defined on Page 8 of the Secondary Containment Calculations for West Pad Container Storage Area in Appendix D-3 in the Part B Permit Application. Hazardous waste cannot be stored, even temporarily, outside of the cells. Hazardous waste containers that are being actively loaded and/or unloaded for same-day shipment or check-in may be temporarily staged outside of the cells (only on paved areas) as long as they are in the presence of personnel working with the containers.

ⁱⁱⁱ Cells 5 and 6 are planned but were not yet constructed at the time this Permit was issued.

^{iv} Organic waste being stored in the East Container Storage Area can only be stored in the area defined in Figure D1-2b of the Part B Permit Application.

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Container Storage Area	Container Storage Units	Maximum Volume	Maximum Number of Containers	Waste Codes	Summary Restrictions
4	East Pad Container Storage	1200 yds ³ (242,368 gallons)	4,400 55-gallon drums	Table D1-1	Solids only [Except for lab packs and liquid containers on secondary containment pallets ^v .]
5	Lab Pack Room ^{vi}	14 yds ³ (2,828 gallons)	36 lab/loose packs (55-gallon) and 20 drums consolidated material (55-gallon)	Table D1-1	Solids only [Except for lab packs and/or liquid containers placed on secondary containment pallets ^v .]

- 3.3.3 The Permittee may store hazardous waste for up to one (1) year in the container storage units, as listed in Table 3.3, above.
- 3.3.4 Aisle space shall be maintained, as noted in Permit Application Sections D1.2.3 (Container Storage Operations) and F3.2 (Aisle Space Requirements). Rows of containers shall be separated by a minimum aisle space of three (3) feet. Also, containers larger than or equal to five (5) gallons shall be stacked no more than two (2) high and containers less than five (5) gallons shall be stacked no more than three (3) high. *[40 CFR 264.35]*
- 3.3.5 The Permittee shall ensure that all wastes stored on the East Container and East Pad Container Storage Areas will be visually inspected to ensure that there are no free liquids within containers unless the container is stored on a secondary containment pallet.
- 3.3.6 The Permittee shall not store any hazardous waste (whether accepted from off site or generated onsite) which contains free liquids, as determined by the Paint Filter Test (EPA method 9095 in SW 846), in an area that does not have RCRA secondary containment. *[40 CFR 264.175(c)]*
- 3.3.7 Any container of liquid hazardous waste shall be stored completely within the secondary containment area or within the secondary containment pallet, where permitted. *[40 CFR 264.175(c)]*

^v Lab packs and liquid containers must be placed directly on top of the secondary containment pallets, not on top of wooden pallets placed on top of the secondary containment pallets.

^{vi} Containers in the Lab Pack Room must be sorted and stored in the areas defined by Figure D1-2c of the Part B Permit Application.

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3.3.8 The Permittee shall not store any containers holding F020, F021, F022, F023, F026 or F027 in an area that does not have RCRA secondary containment. *[40 CFR 264.175(d)]*

3.4 CONDITION OF CONTAINERS

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. *[40 CFR 264.171]*

3.5 COMPATIBILITY OF WASTE WITH CONTAINERS

The Permittee shall use a container made of or lined with materials which will not react with and are otherwise compatible with the hazardous waste to be stored. The hazardous waste will be stored so that the ability of the container to contain the waste is not impaired, in accordance with Table C2-5 (Sample/Container Compatibility) in the Permit Application. *[40 CFR 264.172]*

3.6 MANAGEMENT OF CONTAINERS

The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste; and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak. The Permittee shall follow the container management practices described in Permit Application Section D1.2 (Container Management Practices). *[40 CFR 264.173]*

3.7 INSPECTION SCHEDULES AND PROCEDURES

The Permittee shall inspect all container areas in accordance with the Inspection Schedule described in Permit Application Section F2.0 (Inspection Plan), to detect leaking containers, improperly labeled containers, deterioration of containers and/or the containment system caused by corrosion and other factors. *[40 CFR 264.174]*

3.7.1 For containers subject to 40 CFR 264 Subpart CC, the Permittee shall comply with the inspection requirements in Permit Section 9.4.

3.8 CONTAINMENT SYSTEMS

The Permittee shall maintain the secondary containment systems for the Container Management Areas, as required by 40 CFR 264.175 and as detailed in the Permit Application Section D1.3.

3.9 RECORDKEEPING

3.9.1 The Permittee shall place the results of all waste analyses and inspections in the operating record. *[40 CFR 264.73(b)(3) and (5)]*

3.9.2 The Permittee must document compliance with 40 CFR 264.17(a) and (b), 264.176 and 264.177 in the facility operating record, as required by Permit Condition 2.12.1. *[40 CFR 264.17(c)]*

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3.9.3 For containers subject to 40 CFR 264 Subpart CC, the Permittee shall comply with the recordkeeping requirements in Permit Section 9.5.

3.10 SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE

3.10.1 The Permittee shall not locate containers holding ignitable or reactive waste within 50 feet (15 meters) of the facility's property line, as required by 40 CFR 264.176.

3.10.2 The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste as required by 40 CFR 264.17 and 264.176, and follow the procedures specified in the Container Management Plan in Permit Application Section D1 (Containers).

3.11 SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE

3.11.1 The Permittee shall not place incompatible wastes or incompatible wastes and materials in the same container unless 40 CFR 264.17(b) is complied with. *[40 CFR 264.177(a)]*

3.11.2 The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material. *[40 CFR 264.177(b)]*

3.11.3 The Permittee shall completely segregate and separate containers of incompatible wastes or materials with a berm, fire wall or other acceptable means, and ensure separate secondary containment by following the procedures specified in Permit Application Section D1.4 (Prevention of Reaction of Ignitable, Reactive, and Incompatible Wastes in Containers). *[40 CFR 264.177(c)]*

3.12 CONTAINER LABELING REQUIREMENTS

3.12.1 The Permittee must label all containers of hazardous waste placed into storage with the date the waste is accepted by the facility and the facility-tracking label within 72 hours of acceptance, as described in Permit Application Section C2 (Waste Analysis Plan).

3.12.1.1 "Acceptance" is defined as the date and time the shipment arrives at the facility. The Permittee shall sign the manifest immediately upon arrival unless a discrepancy is noted, as defined in Permit Condition 2.11.

3.12.2 The Permittee must clearly label all containers of hazardous waste with: the words "Hazardous Waste;" the date the waste was placed into storage; the 40 CFR Part 261 EPA hazardous waste number assigned to the waste; and any State hazardous waste codes, for the state in which it was generated. *[40 CFR 262.30-262.32 and NAC 444.8671]*

3.12.3 All container hazardous waste labels must be legible and visible for inspection.

3.13 CLOSURE CARE

Upon closure of any of container storage areas, the Permittee shall remove all hazardous waste

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and hazardous waste residues from the containment system and/or area as required by 40 CFR 264.178 and in accordance with the closure procedures in the Closure Plan (Permit Application Section I). [40 CFR 264.178]

3.14 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

	Task	Date Due
1	Submit a Class 1 Modification for the addition of an engineered enclosure or acceptable protective cover for the East Pad Container Management Area.	Within 1 year from issuance of this Permit
2	Complete installation of the approved enclosure or protective cover for the East Pad.	Within 90 days after agency approval
3	Submit a certification that the enclosure or cover has been properly installed at the East Pad Container Management Area.	Within 30 days after installation
4	Conduct a thorough evaluation of oxidizer waste management practices, including compilation of codes, specifications, industry standards, and any recommended safe work practices related to the storage and handling of oxidizer wastes. Prepare and submit an Oxidizer Evaluation Report, summarizing the findings of the completed evaluation and providing a proposed work plan for any recommended changes in procedures and controls at the facility. The submitted report shall include identification of the annual quantity and disposition by each chemical/product type of oxidizer managed at the facility, along with a comparison of the existing facility management practices to the identified industry recommendations, and consideration to reduce the potential risk for future incidents by limiting the type and/or quantities of oxidizers managed at the facility.	Within 90 days from the effective date of this Permit
5	Submit a copy of the work plan, as approved by the North Lyon County Fire Protection District (NLCFPD).	Within 15 days of approval by the NLCFPD
6	<i>Reserved</i>	

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4. SUMMARY

The tank storage portion of the facility includes eleven (11) Acid Storage Tanks, six (6) Alkaline/Cyanide Storage Tanks, and two (2) Alkaline Storage Tanks, all located within the Tank Storage Bay; and seven (7) Post Treatment (storage and clarification of effluent) Tanks located in the Dewatering Room. The maximum amount and type of wastes that may be managed in each tank are discussed in Permit Condition 4.1. Each tank shall be equipped with an automatic safety cut-off valve, high-level alarm, and secondary containment. Details of the tank construction and controls are provided in Section D2 of the Permit Application. The tank layout can be seen in Figure D2-1 of the Permit Application. No waste with a concentration greater than 500 ppm volatile organic compounds (VOCs) may be stored in tanks at this facility; thus, the storage tanks are not subject to 264 Subpart CC regulations.

[NOTE: Other multiple tanks, designated as “treatment” tanks, are discussed in Permit Section 5.]

4.1 PERMITTED AND PROHIBITED WASTE IDENTIFICATION

4.1.1 The Permittee may store in tanks any hazardous waste identified in Part A of the Permit Application in the tanks listed in Table 4.1 within the parameters outlined in Permit Application Section D2 (Tank Systems).

4.1.2 The Permittee is prohibited from storing in Tanks any hazardous waste not identified in Permit Condition 4.1.1 and the following:

1. Any hazardous waste with codes not listed in Permit Application Table D2-1 and Table 4.1.
2. Hazardous waste containing 10 percent (100,000 ppmw) or more of Total Organic Carbon (TOC), as described in the Waste Analysis Plan, Permit Application Section C2.0. *[40 CFR 264.1050(b)]*
3. Hazardous waste containing 500 ppmw or more of VOCs at the point of waste origination. *[Permit Application Section F6.3.1, 40 CFR 264.1082(c)(1)]*

4.1.3 The Permittee may store a total volume of 185,300 gallons of hazardous waste in the tanks listed below, as identified in Table D2-3 of the Permit Application, subject to the terms of this Permit, and as follows:

Table 4.1 – Storage Tanks

Tank ID Number	Waste Type	Secondary Containment Required	Permitted Volume [Gals]
101	Acid	Yes	6,000
102	Acid	Yes	6,000
103	Acid	Yes	6,000
104	Acid	Yes	6,000

Tank ID Number	Waste Type	Secondary Containment Required	Permitted Volume [Gals]
105	Acid	Yes	6,000
106	Acid	Yes	6,000
107	Acid	Yes	6,000
108	Acid	Yes	6,000
109	Acid	Yes	6,000
110	Acid	Yes	6,000
111	Acid	Yes	6,000
201	Alkaline/Cyanide	Yes	6,000
202	Alkaline/Cyanide	Yes	6,000
203	Alkaline/Cyanide	Yes	6,000
204	Alkaline/Cyanide	Yes	6,000
205	Alkaline/Cyanide	Yes	6,000
206	Alkaline/Cyanide	Yes	6,000
207	Alkaline	Yes	6,000
208	Alkaline	Yes	6,000
301	Effluent ⁱ	Yes	7,400
302	Effluent	Yes	7,400
303	Effluent	Yes	12,500
304	Effluent	Yes	12,500
305	Effluent	Yes	12,500
306	Effluent	Yes	12,500
307	Effluent	Yes	6,500
Total Volume =			185,300

4.1.4 The Permittee may store hazardous wastes for up to one (1) year in any of the storage tanks listed in Table 4.1. *[40 CFR 268.50(b)]*

4.2 SECONDARY CONTAINMENT AND INTEGRITY ASSESSMENTS

4.2.1 The Permittee shall ensure that all ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction. *[40 CFR 264.192(e)]*

ⁱ Post Treatment effluent from Tanks T-1 through T-5, the Evaporator and the Filter Press in the Dewatering Room.

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4.2.2 The Permittee shall design, construct and operate the secondary containment system(s) in accordance with the detailed descriptions contained in Permit Application Section D2.3 (Secondary Containment Systems for Tanks). *[40 CFR 264.193(a)-(f)]*

4.2.3 The Permittee shall submit the integrity assessments required under 40 CFR 264.192 to the Director prior to operation of any new tank system and whenever the tanks are re-evaluated.

4.3 OPERATING REQUIREMENTS

4.3.1 The Permittee shall not place hazardous wastes in the tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail. *[40 CFR 264.194(a)]*

4.3.2 The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in Permit Application Section D2.4.3 (Waste Feed Systems and Safety Cutoffs). *[40 CFR 264.194(b)]*

4.3.3 The Permittee shall comply with Permit Application Sections D2.4 (Tank Operations and Management Practices) through D2.7 (Control Systems for Air Emissions from Tank Systems).

4.4 RESPONSE TO LEAKS OR SPILLS

In the event of a leak or a spill from the tank system or a secondary containment system, or if any portion of the system becomes unfit for continued use, the Permittee shall comply with Permit Application Section G3.0 (Implementation of the Contingency Plan), remove the system from service immediately, and complete the following actions: *[40 CFR 264.196]*

1. Immediately stop the flow of hazardous waste into the tank or secondary containment system and inspect the system to determine the cause of the release. *[40 CFR 264.196(a)]*
2. If the release is from the tank system, the Permittee must, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed. If the Permittee finds that it will not be possible to meet this time period, the Permittee shall notify the Director and demonstrate that a longer period is required. *[40 CFR 264.196(b)]*

If the release is to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

3. Immediately contain releases to the environment, conduct a visual inspection of the release and, based upon that inspection, the Permittee shall: *[40 CFR 264.196(c)]*
 - (a) Prevent further migration of the leak or spill to soils or surface water; and
 - (b) Remove and properly dispose of any visible contamination of the soil or surface water.

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4. If the collected material is a RCRA hazardous waste, the waste shall be managed in accordance with all applicable requirements of 40 CFR Parts 262-264. The Permittee shall note that if the collected material is discharged through a point source to waters of the U.S. or to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of the Clean Water Act. If the collected material is released to the environment, it may be subject to reporting, under 40 CFR Part 302.
5. Unless the Permittee satisfies the requirements of Permit Conditions 4.4 5(a) and 4.4 5(b), below, the tank system must be closed in accordance with Permit Condition 4.9.

[40 CFR 264.196(e)(1)]

(a) For a release caused by a spill that has not damaged the integrity of the system, the Permittee may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

[40 CFR 264.196(e)(2)]

(b) For a release caused by a leak from the primary tank system into the secondary containment system, the Permittee shall repair the system prior to returning the tank system to service.

[40 CFR 264.196(e)(3)]

- (1) If a component of the tank system is replaced to eliminate the leak, the new component must satisfy the requirements for new tank systems or components in 40 CFR 264.192 and 264.193.

4.4.1 For all major repairs of a tank system, the Permittee must obtain a certification by a qualified Professional Engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This must be obtained before the system is returned to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment system. The certification must be placed in the operating records, maintained until closure of the facility, and a copy submitted to the Director.

[40 CFR 264.196(f)]

4.5 INSPECTION SCHEDULES AND PROCEDURES

4.5.1 The Permittee shall inspect the tank systems in accordance with the Inspection Plan in Section F2.0 (Inspection Plan) and the Inspection Schedule in Table F2-5 of the Permit Application, shall complete the forms in Appendices F-1 and F-2 of the Permit Application, and complete the items in Permit Conditions 4.5.2 and 4.5.3 as part of those inspections.

4.5.2 The Permittee shall inspect the overfill controls, in accordance with the schedule in Table F2-5 of the Permit Application.

[40 CFR 264.195(a)]

4.5.3 The Permittee shall inspect the following components of the tank system at least once each operating day:

[40 CFR 264.195(b), (c) and (f)]

1. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges) to ensure that the tank system is being operated according to its design;
2. Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
3. Construction materials and the area immediately surrounding the externally accessible

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portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots); and

4. Ancillary equipment that is not provided with secondary containment, as described in 40 CFR 264.193(f)(1) through (4) to detect corrosion or releases of waste.

4.5.4 The Permittee shall document compliance with Permit Conditions 4.5.1 through 4.5.3 and place this documentation in the operating record for the facility. *[40 CFR 264.195(h)]*

4.6 RECORDKEEPING AND REPORTING

4.6.1 The Permittee shall report to the Director, within 24 hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment. (A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported.) If the Permittee has reported the release pursuant to 40 CFR Part 302, that report satisfies the requirements of this Permit Condition. *[40 CFR 264.196(d)(1) and (2)]*

4.6.2 Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Director: *[40 CFR 264.196(d)(3)]*

1. Likely route of migration of the release;
2. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
3. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee should provide the Director with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
4. Proximity of down-gradient drinking water, surface water, and populated areas; and
5. Description of response actions taken or planned.

4.6.3 The Permittee shall submit to the Director all certifications of major repairs to correct leaks within seven days from returning the tank system to use. *[40 CFR 264.196(f)]*

4.6.4 The Permittee shall maintain at the facility a record of the results of leak tests and integrity tests conducted in accordance with 40 CFR 264.192(a) and (d).

4.6.5 The Permittee shall obtain and keep on file at the facility the written statements by those persons (e.g. qualified Professional Engineer) required to certify the design and installation of the tank system. *[40 CFR 264.192(g)]*

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4.7 SPECIAL TANK PROVISIONS FOR IGNITABLE OR REACTIVE WASTES

4.7.1 The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system, unless the procedures specified in Permit Application Sections D2.5 (Prevention of Reaction of Ignitable, Reactive, and Incompatible Wastes in Tanks) and F5.0 (Prevention of Reaction of Ignitable, Reactive, and Incompatible Wastes) are followed.
[40 CFR 264.198(a)]

4.7.2 The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981).
[40 CFR 264.198(b)]

4.8 SPECIAL TANK PROVISIONS FOR INCOMPATIBLE WASTES

4.8.1 The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same tank system or the same secondary containment system, unless the procedures specified in Permit Application Sections D2.5 and F5.0 are followed and 40 CFR 264.17(b) is complied with.
[40 CFR 264.199(a)]

4.8.2 The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material.
[40 CFR 264.199(b)]

4.9 CLOSURE CARE

4.9.1 At closure of the tank system(s), the Permittee shall follow the procedures in the Closure Plan, Permit Application Section I, for the tanks identified in Table 4.1, above. *[40 CFR 264.197(a)]*

4.9.2 If the Permittee demonstrates that not all contaminated portions of the tank system, residuals, soil and/or groundwater can be practicably removed or decontaminated in accordance with the Closure Plan, then the Permittee shall close the tank system and perform post-closure care in accordance with 40 CFR 264.197(b).

4.10 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	<i>Reserved</i>	

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5. SUMMARY

The Permittee may treat hazardous waste in tanks, as described in this section. Treatment consists of pH adjustment, clarification, precipitation, chemical-oxidation/reduction, chlorination, and cyanide destruction. Each tank shall be equipped with an automatic safety cut-off valve, high-level alarm, and secondary containment. The treatment tanks are located in the Detoxification Room. The maximum amount and type of wastes that may be treated are discussed in Permit Condition 5.1. Details of the tank construction and controls are provided in Section D2 of the Permit Application. The tank layout can be seen in Figure D2-1 of the Permit Application. No waste with a concentration greater than 500 ppm volatile organic compounds (VOCs) may be treated in tanks at this facility; thus, the treatment tanks are not subject to 264 Subpart CC regulations.

5.1 PERMITTED AND PROHIBITED WASTE IDENTIFICATION

5.1.1 The Permittee may treat in tanks any hazardous waste identified in Part A of the Permit Application in the tanks listed in Table 5.1 within the parameters outlined in Permit Application Section D2 (Tank Systems).

5.1.2 The Permittee is prohibited from treating in tanks any hazardous waste not identified in Permit Condition 5.1.1 and the following:

1. Any hazardous waste with codes not listed in Permit Application Table D2-1.
2. Hazardous waste containing 10 percent (100,000 ppmw) or more of Total Organic Carbon (TOC), as described in the Waste Analysis Plan, Permit Application Section C2.0. *[40 CFR 264.1050(b)]*
3. Hazardous waste containing 500 ppmw or more of VOCs at the point of waste origination. *[Permit Application Section F6.3.1, 40 CFR 264.1082(c)(1)]*

5.1.3 The Permittee may treat a total volume of 25,000 gallons of hazardous waste per day in seven (7) tanks, subject to the terms of this Permit, as identified in Tables D2-1 and D2-3 of the Permit Application, and as follows:

Table 5.1 – Treatment Tanks

Tank ID Number	Description	Secondary Containment Required	Capacity [Gallons]	Permitted Throughput [Gallons/Day]
T-1	Chemical Treatment	Yes	6,125	25,000
T-2	Chemical Treatment	Yes	6,125	
T-3	Chemical Treatment	Yes	6,125	
T-4	Chemical Treatment	Yes	3,750	
T-5	Chemical Treatment	Yes	3,750	
T-6	Chemical Treatment	Yes	7,580	
T-7	Chemical Treatment	Yes	7,580	
Total =			41,035	25,000

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5.2 SECONDARY CONTAINMENT AND INTEGRITY ASSESSMENTS

- 5.2.1 The Permittee shall ensure that all ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction. *[40 CFR 264.192(e)]*
- 5.2.2 The permittee shall operate the secondary containment system(s), in accordance with the detailed descriptions contained in Permit Application Section D2.3 (Secondary Containment Systems for Tanks). *[40 CFR 264.193(a)-(f)]*
- 5.2.3 The Permittee shall submit the integrity assessments required under 40 CFR 264.192 to the Director prior to operation of any new tank system and whenever the tanks are re-evaluated.

5.3 OPERATING REQUIREMENTS

- 5.3.1 The Permittee shall not place hazardous wastes or treatment reagents in the tank or tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail. *[40 CFR 264.194(a)]*
- 5.3.2 The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in Permit Application Section D2.4.3 (Waste Feed Systems and Safety Cutoffs). *[40 CFR 264.194(b)]*
- 5.3.3 The Permittee shall comply with Permit Application Sections D2.4 (Tank Operations and Management Practices) through D2.7 (Control Systems for Air Emissions from Tank Systems).

5.4 RESPONSE TO LEAKS OR SPILLS

In the event of a leak or a spill from the tank system, from a secondary containment system, or if any portion of the system becomes unfit for continued use, the Permittee shall comply with Permit Application Section G3.0 (Implementation of the Contingency Plan), remove the system from service immediately, and complete the following actions: *[40 CFR 264.196]*

1. Immediately stop the flow of hazardous waste into the tank or secondary containment system and inspect the system to determine the cause of the release. *[40 CFR 264.196(a)]*
2. If the release is from the tank system, the Permittee must, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed. If the Permittee finds that it will not be possible to meet this time period, the Permittee shall notify the Director and demonstrate that a longer period is required. *[40 CFR 264.196(b)]*

If the release is to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

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3. Immediately conduct a visual inspection of the release and, based upon that inspection, the Permittee shall:
 - (a) Prevent further migration of the leak or spill to soils or surface water; and
 - (b) Remove and properly dispose of any visible contamination of the soil or surface water.
4. As the collected material is a RCRA hazardous waste, the waste shall be managed in accordance with all applicable requirements of 40 CFR Parts 262-264. The Permittee shall note that if the collected material is discharged through a point source to waters of the U.S. or to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of the Clean Water Act. If the collected material is released to the environment, it may be subject to reporting, under 40 CFR Part 302.
5. Unless the Permittee satisfies the requirements of Permit Conditions 5.4 5(a) and 5.4 5(b), below, the tank system must be closed in accordance with Permit Condition 5.9.

[40 CFR 264.196(e)(1)]

- (a) For a release caused by a spill that has not damaged the integrity of the system, the Permittee may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

[40 CFR 264.196(e)(2)]

- (b) For a release caused by a leak from the primary tank system into the secondary containment system, the Permittee shall repair the system prior to returning the tank system to service.

[40 CFR 264.196(e)(3)]

- (1) If a component of the tank system is replaced to eliminate the leak, the new component must satisfy the requirements for new tank systems or components in 40 CFR 264.192 and 264.193.

- 5.4.1 For all major repairs of a tank system, the Permittee must obtain a certification by a qualified Professional Engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This must be obtained before the system is returned to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment system. The certification must be placed in the operating records, maintained until closure of the facility; and a copy submitted to the Director.

[40 CFR 264.196(f)]

5.5 INSPECTION SCHEDULES AND PROCEDURES

- 5.5.1 The Permittee shall inspect the tank systems in accordance with the Inspection Plan in Section F2.0 (Inspection Plan) and the Inspection Schedule in Table F2-5 of the Permit Application, shall complete the forms in Appendices F-1 and F-2 of the Permit Application, and complete the items in Permit Conditions 5.5.2 and 5.5.3 as part of those inspections.

- 5.5.2 The Permittee shall inspect the overfill controls, in accordance with the schedule in Table F2-5 of the Permit Application.

[40 CFR 264.195(a)]

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5.5.3 The Permittee shall inspect the following components of the tank system at least once each operating day: *[40 CFR 264.195(b), (c) and (f)]*

1. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges) to ensure that the tank system is being operated according to its design;
2. Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
3. Construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots); and
4. Ancillary equipment that is not provided with secondary containment, as described in 40 CFR 264.193(f)(1) through (4).

5.5.4 The Permittee shall document compliance with Permit Conditions 5.5.1 through 5.5.3 and place this documentation in the operating record for the facility. *[40 CFR 264.195(h)]*

5.6 RECORDKEEPING AND REPORTING

5.6.1 The Permittee shall report to the Director, within 24 hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment. (A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported.) If the Permittee has reported the release pursuant to 40 CFR Part 302, that report satisfies the requirements of this Permit Condition. *[40 CFR 264.196(d)(1) and (2)]*

5.6.2 Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Director: *[40 CFR 264.196(d)(3)]*

1. Likely route of migration of the release;
2. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
3. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee should provide the Director with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
4. Proximity of down-gradient drinking water, surface water, and populated areas; and
5. Description of response actions taken or planned.

5.6.3 The Permittee shall submit to the Director all certifications of major repairs to correct leaks within seven days from returning the tank system to use. *[40 CFR 264.196(f)]*

5.6.4 The Permittee shall maintain at the facility a record of the results of leak tests and integrity tests conducted in accordance with 40 CFR 264.192(a) and (d).

5.6.5 The Permittee shall obtain and keep on file at the facility the written statements by those persons (e.g. qualified Professional Engineer) required to certify the design and installation of the tank system. *[40 CFR 264.192(g)]*

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5.7 SPECIAL TANK PROVISIONS FOR IGNITABLE OR REACTIVE WASTES

5.7.1 The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system, unless the procedures specified in Permit Application Sections D2.5 (Prevention of Reaction of Ignitable, Reactive, and Incompatible Wastes in Tanks) and F5.0 (Prevention of Reaction of Ignitable, Reactive, and Incompatible Wastes) are followed.
[40 CFR 264.198(a)]

5.7.2 The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981).
[40 CFR 264.198(b)]

5.8 SPECIAL TANK PROVISIONS FOR INCOMPATIBLE WASTES

5.8.1 The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same tank system or the same secondary containment system, unless the procedures specified in Permit Application Sections D2.5 and F5.0 are followed and 40 CFR 264.17(b) is complied with.
[40 CFR 264.199(a)]

5.8.2 The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material.
[40 CFR 264.199(b)]

5.9 CLOSURE CARE

5.9.1 At closure of the tank system(s), the Permittee shall follow the procedures in the Closure Plan, Permit Application Section I, for the tanks identified in Table 5.1, above. *[40 CFR 264.197(a)]*

5.9.2 If the Permittee demonstrates that not all contaminated portions of the tank system, residuals, soil and/or groundwater can be practicably removed or decontaminated in accordance with the Closure Plan, then the Permittee shall close the tanks system and perform post-closure care in accordance with 40 CFR 264.197(b).

5.10 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

	Task	Date Due
1	<i>Reserved</i>	

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6. SUMMARY

In addition to the container and tank storage, and tank treatment units described elsewhere in this Permit, the Permittee also operates three Subpart X (i.e. Miscellaneous) Units. The Subpart X Units at the facility include: (1) one Evaporator and (2) two Filter Presses. These units are located in different areas of the facility. The Subpart X Units are used to treat waste streams resulting from prior treatment operations at the facility.

These units are permitted under the Subpart X requirements of 40 CFR 264 (40 CFR 264.600-264.603) and may include additional requirements pursuant to 40 CFR 270.32(b)(2), as described by the Division, for further protective measures for both human health and environment.

6.1 MISCELLANEOUS UNIT DESCRIPTION

The Miscellaneous Units and their surrounding areas are not permitted for the storage of hazardous waste.

6.1.1 Evaporator

The Evaporator, also referred to as the Crystallizer, is located in its own room at the south end of the building. This Subpart X Unit is comprised of a large heat exchanger with forced-air exchange used to evaporate approximately 25,000 gallons of treated solution a day from the Dewatering Area of the facility. The Permittee may operate the Evaporator as described in Permit Application Section D3.1 (Crystallizer).

6.1.2 Filter Presses

The two Filter Presses are located in the Dewatering Room. The plate and frame presses are used to dewater sludges and slurries, separating solids from liquids by using special cloth membranes. The Permittee may operate the Filter Presses as described in Permit Application Section D3.2 (Filter Presses).

6.2 PERMITTED AND PROHIBITED WASTE IDENTIFICATION AND PERMITTED CAPACITY – TREATMENT

6.2.1 The Permittee may treat at the Evaporator/Crystallizer and Filter Press Units the hazardous waste identified in Table 6.2, within the parameters outlined in Permit Application Sections D3.1 (Crystallizer) and D3.2 (Filter Presses).

6.2.2 The Permittee is prohibited from treating in the Evaporator/Crystallizer and Filter Press Units any hazardous waste not identified in Table 6.2 and the following:

1. Radioactive wastes;
2. Explosives;
3. Infectious wastes;
4. Waste with greater than 10% TOC;
5. Waste with greater than 500 ppm VOC; and

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6. Waste with the following EPA hazardous waste codes:
- (a) F021,
 - (b) F022,
 - (c) F023,
 - (d) F026, and
 - (e) F027.

6.2.3 The Permittee may evaporate up to 500 gallons of water per hour in the Evaporator/Crystallizer and dewater up to 1,500 wet pounds per hour in each of the Filter Presses, not to exceed 25,000 gallons of water per day for either unit, subject to the terms of this Permit.

6.2.4 Before being transferred to the Evaporator/Crystallizer, all wastes must be tested, as described in Section C2.0 (Waste Analysis Plan) of the Permit Application. Cyanide/sulfide and corrosive wastes shall be analyzed to determine suitability for dewatering and evaporation.

Table 6.2 – Subpart X Units

Description	Permitted Throughput	Permitted EPA Waste Codes
Crystallizer	500 gallons/hour (water evaporation rate)	D004, D005, D006 (non-cadmium batteries), D007, D008 (non-lead acid batteries), D009, D010, D011, F006-F012, F019, K002-K008, P021, P029, P030, P074, P098, P099, P104, P106, P121, U032, U123, and U134
Filter Press #1	1500 wet pounds/hour	D004, D005, D006 (non-cadmium batteries), D007, D008 (non-lead acid batteries), D009, D010, D011, F006-F012, F019, K002-K008, P021, P029, P030, P074, P098, P099, P104, P106, P121, U032, U123, and U134
Filter Press #2	1500 wet pounds/hour	D004, D005, D006 (non-cadmium batteries), D007, D008 (non-lead acid batteries), D009, D010, D011, F006-F012, F019, K002-K008, P021, P029, P030, P074, P098, P099, P104, P106, P121, U032, U123, and U134

6.3 SECONDARY CONTAINMENT AND INTEGRITY ASSESSMENTS

6.3.1 The Permittee shall maintain and operate the secondary containment system(s) in accordance with the detailed descriptions in Permit Application Section D3 (Subpart X Processing Equipment). *[40 CFR 264.193(a)-(f)]*

- 6.3.2 The Permittee shall maintain and operate the concrete containment system as follows:
1. Keep it free of cracks or gaps and impermeable to, and able to contain, leaks, spills, and accumulated precipitation until the collected material is detected and removed;
 2. Prevent run-on into the containment system; and
 3. Remove spilled waste and accumulated precipitation within 24 hours or in as timely a

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manner as is possible to prevent overflow of the containment system.

- 6.3.3 The Permittee shall submit the integrity assessments required under 40 CFR 264.192 to the Director prior to operation of any new Subpart X system and whenever the system(s) are re-evaluated.

6.4 OPERATING REQUIREMENTS

The Evaporator/Crystallizer and Filter Presses shall be operated in accordance with the requirements of this Permit Section and Section D3 (Subpart X Processing Equipment) of the Permit Application.

- 6.4.1 The Permittee shall comply with the Environmental Performance Standard provisions of 40 CFR 264.601 by following the operating procedures and controls described in Section D (Process Information) of the Permit Application.
- 6.4.2 The Permittee shall operate in accordance with the Standard Operating Procedures (SOPs) provided in Appendix E-1 of the Permit Application.
- 6.4.3 The Permittee shall not place wastes or reagents in a treatment system that could cause any component of the system, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail. *[40 CFR 264.194(a)]*
- 6.4.4 The Permittee shall prevent spills and overflows from the Subpart X systems using the methods described in Permit Application Section D3.0 (Subpart X Processing Equipment).
- 6.4.5 The Permittee shall transfer waste between tanks, containers or Subpart X units in accord with Permit Application Section D2.4.1 (Tank System Transfer Operations).

6.5 RESPONSE TO LEAKS OR SPILLS

In the event of a leak or a spill from the Subpart X system(s), their secondary containment systems, their ancillary equipment, or if any portion of the system becomes unfit for continued use, the Permittee shall comply with Permit Application Section G3.0 (Implementation of the Contingency Plan), remove the system from service immediately and complete the following actions: *[40 CFR 264.196]*

1. Immediately stop the flow of hazardous waste into and out of the Subpart X system or secondary containment system and inspect the system to determine the cause of the release. *[40 CFR 264.196(a)]*
2. If the release is from the Subpart X system, the Permittee must, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the Subpart X system to be performed. If the Permittee finds that it will not be possible to meet this time period, the Permittee shall notify the Director and demonstrate that a longer period is required. *[40 CFR 264.196(b)]*

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If the release is to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

3. Immediately conduct a visual inspection of the release and, based upon that inspection, the Permittee shall: *[40 CFR 264.196(c)]*
 - (a) Prevent further migration of the leak or spill to soils or surface water; and
 - (b) Remove and properly dispose of any visible contamination of the soil or surface water.
4. If the collected material is a RCRA hazardous waste, the waste shall be managed in accordance with all applicable requirements of 40 CFR Parts 262-264. The Permittee shall note that if the collected material is discharged through a point source to waters of the U.S. or to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of the Clean Water Act. If the collected material is released to the environment, it may be subject to reporting, under 40 CFR Part 302.
5. Unless the Permittee satisfies the requirements of Permit Conditions 6.5 5(a) and 6.5 5(b), below, the Subpart X system must be closed in accordance with Permit Condition 6.8. *[40 CFR 264.196(e)(1)]*
 - (a) For a release caused by a spill that has not damaged the integrity of the system, the Permittee may return the system to service as soon as the released waste is removed and repairs, if necessary, are made. *[40 CFR 264.196(e)(2)]*
 - (b) For a release caused by a leak from the Subpart X system into the secondary containment system, the Permittee shall repair the system prior to returning the Subpart X system to service. *[40 CFR 264.196(e)(3)]*
 - (1) If a component of the Subpart X system is replaced to eliminate the leak, the new component must satisfy the requirements for new Subpart X systems or components in 40 CFR 264.601 and 264.602.

6.5.1 For all major repairs of a Subpart X system, the Permittee must obtain a certification by a qualified Professional Engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This must be obtained before the system is returned to service. Examples of major repairs are: installation of an internal liner, repair of a vessel, or repair or replacement of a secondary containment system. The certification must be placed in the operating records, maintained until closure of the facility; and a copy submitted to the Director. *[40 CFR 264.196(f)]*

6.6 INSPECTION SCHEDULES AND PROCEDURES

6.6.1 The Permittee shall inspect the Subpart X systems in accordance with the Inspection Plan in Section F2 (Inspection Plan) and the Inspection Schedule in Table F2-5, and shall complete the forms in Appendices F-1 and F-2, of the Permit Application. [Note: Even though Section F2 and Table F2-5 refer to “tank systems”, they also apply to Subpart X systems.]

6.6.2 The Permittee shall inspect the Subpart X Units, their ancillary equipment, and their secondary containment areas daily for condition, proper equipment operation, and housekeeping.

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6.6.3 The Permittee shall perform maintenance and testing on the Subpart X Units in accordance with Table F2-6 (Operational Equipment: Testing and Maintenance Schedule) and shall complete the forms in Appendices F-1 and F-2 of the Permit Application.

6.6.4 The Permittee shall document compliance with Permit Conditions 6.6.1 through 6.6.3 and place this documentation in the operating record for the facility. *[40 CFR 264.195(h)]*

6.7 RECORDKEEPING AND REPORTING

6.7.1 The Permittee shall report to the Director, within 24 hours of detection, when a leak or spill occurs from the Subpart X Units or secondary containment system to the environment. (A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported.) If the Permittee has reported the release pursuant to 40 CFR Part 302, that report satisfies the requirements of this Permit Condition. *[40 CFR 264.196(d)(1) and (2)]*

6.7.2 Within 30 days of detecting a release to the environment from the Subpart X Units or secondary containment system, the Permittee shall report the following information to the Director: *[40 CFR 264.196(d)(3)]*

1. Likely route of migration of the release;
2. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
3. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee should provide the Director with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
4. Proximity of down-gradient drinking water, surface water, and populated areas; and
5. Description of response actions taken or planned.

6.7.3 The Permittee shall submit to the Director all certifications of major repairs to correct leaks within seven days from returning the Subpart X Units to use. *[40 CFR 264.196(f)]*

6.7.4 The Permittee shall maintain at the facility a record of the results of leak tests and integrity tests conducted. *[40 CFR 264.192(a) and (d)]*

6.7.5 The Permittee shall obtain and keep on file at the facility the written statements by those persons (e.g. qualified Professional Engineer) required to certify the design and installation of the Subpart X Units. *[40 CFR 264.192(g)]*

6.7.6 The Permittee shall maintain at the facility, until closure is completed for all Subpart X units, and certified by a qualified Professional Engineer, the following Subpart X specific documents and information, including all amendments, revisions and modifications to these documents and information:

1. A description of the containment systems showing the following:
 - (a) Basic design parameters, dimensions, and materials of construction;

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- (b) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;
 - (c) Capacity of the containment system relative to the number and volume of containers to be stored;
 - (d) Provisions for preventing or managing run-on; and
 - (e) How accumulated liquids can be analyzed and removed to prevent overflow.
2. Where incompatible wastes are stored or otherwise managed in this subpart, a description of the procedures used to ensure compliance with 40 CFR 264.175 (a) and (b), and 40 CFR 264.17 (b) and (c).

6.8 CLOSURE CARE

- 6.8.1 At closure of any of the Subpart X Units, the Permittee shall follow the procedures in the Closure Plan, Permit Application Section I, for the Subpart X Units identified in Table 6.2, above.
[40 CFR 264.197(a)]
- 6.8.2 If the Permittee cannot remove or decontaminate all miscellaneous units, secondary containment systems, appurtenances, soil and/or groundwater in accordance with the Closure Plan, then the Permittee shall close the Subpart X Units and perform post-closure care in accordance with 40 CFR 264.603.

6.9 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	<i>Reserved</i>	

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Module Reserved for Future Use.

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8. SUMMARY

The US EPA’s National Waste Minimization Program supports efforts that promote a more sustainable society, reduce the amount of waste generated, and lower the toxicity and persistence of wastes that are generated. The Permittee is required to conduct a Waste Minimization Program in accordance with this Section of the Permit and the September 2012 Waste Minimization Plan (or approved revisions of this plan).

8.1 WASTE MINIMIZATION RECORD

The Permittee shall maintain at the facility copies of waste minimization documents required in Permit Conditions 8.2 and 8.3 and shall make them available to any authorized representative of NDEP or USEPA conducting an inspection pursuant to 40 CFR 270.32(b).

8.2 WASTE MINIMIZATION CERTIFICATION

The Permittee shall annually certify in accordance with 40 CFR 264.73(b)(9):

1. The Permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the facility operations to the degree, determined by the Permittee, to be economically practicable;
2. The method of treatment, storage, or disposal is the only practicable method or combination of methods currently available to the facility, which minimizes the present and future threat to human health and the environment;
3. This certification shall be retained with the facility's operating record and shall comply with the signatory requirements of Permit Condition 1.5.13; and
4. The Permittee shall send a copy of the annual certification to NDEP-BWM.

8.3 SOURCE REDUCTION PLANS AND REPORTS

8.3.1 Source Reduction Evaluation Review and Plan

A Source Reduction Evaluation Review and Plan should be conducted and prepared in accordance with the procedures and format provided in the EPA Waste Minimization Opportunity Assessment Manual or other equivalent source reduction guidance. Additional industry specific source reduction guidance is available from both the EPA and the State. The review and plan shall include, at a minimum, the following: *[40 CFR 270.32(b)]*

1. The name and location of the facility.
2. The NAIC/SIC Code of the facility.
3. A copy of any written company policy or statement that outlines the general goals, objectives, and methods of source reduction to be implemented within the next five years.
4. Identification of all routinely generated hazardous waste streams, which result from ongoing processes or operations. For the purposes of this paragraph, a hazardous waste stream is to be included if it meets the following criteria:
 - (a) It is a hazardous waste stream processed in a wastewater treatment unit which discharges to a publicly owned treatment works or under a national pollutant

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discharge elimination system (NPDES) permit and its weight before treatment exceeds 5 percent of the weight of the total yearly volume of hazardous waste generated at the site; or

- (b) It is a hazardous waste stream which is not processed in a wastewater treatment unit and its weight exceeds 5 percent of the weight of the total yearly volume of hazardous waste generated at the site, less the weight of any hazardous waste stream identified in Permit Condition 8.3.1 4(a).
5. For each hazardous waste stream identified in Permit Condition 8.3.1 4 the following information shall be included:
 - (a) An estimate of the quantity of hazardous waste generated; and
 - (b) An evaluation of source reduction approaches available to the Permittee, which are potentially viable. The evaluation shall consider at a minimum the following source reduction approaches:
 - (1) Input change;
 - (2) Operational improvement;
 - (3) Production process change; and
 - (4) Product reformulation.
 6. Any source reduction and/or recycling measure implemented by the Permittee in the last five years.
 7. A specification of, and a rationale for, the technically feasible and economically practicable source reduction measures which will be taken by the Permittee with respect to each waste stream identified. The review and plan shall fully document any statement explaining the Permittee's rationale for rejecting any available source reduction approach identified in Permit Condition 8.3.1 5.ⁱ
 8. A detailed description of any programs the Permittee may have to assist generators of hazardous waste in reducing the volume or quantity and toxicity of wastes they produce.
 9. An evaluation, and, to the extent practicable, a quantification, of the effects of the chosen source reduction method on emissions and discharges to the air, water, or land environmental mediums.
 10. A description of employee training programs and employee incentive programs for source reduction, which may be in effect at the facility.
 11. A timetable for making reasonable and measurable progress towards implementation of the selected source reduction measures identified in Permit Condition 8.3.1 7.
 12. A summary of the source reduction evaluation review and plan.
 13. Certification of the review and plan and the summary by a qualified Professional Engineer, or by an individual who is responsible for the processes and operation of the facility, or by an environmental assessor, who has demonstrated expertise in hazardous waste management. The engineer, individual, or assessor shall certify the review, the

ⁱ **Note:** NDEP does not consider a source reduction method to be valid if it merely switches the waste load from one environmental medium (air, water, or land) to another.

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plan and the summary only if the review, the plan and the summary meet all the requirements of Permit Condition 8.3.1.

8.3.2 Certification of Plan Implementation

The Permittee shall submit a written statement from a responsible official of the facility certifying that the Permittee has implemented, is implementing, or will be implementing, the source reduction measures identified in the facility's Source Reduction Plan according to the implementation schedule contained in the plan.

8.3.2.1 The Permittee may determine not to implement a measure selected pursuant to Permit Condition 8.3.1 7 only if the Permittee determines, upon conducting further analysis or due to unexpected circumstances, that the selected measure is not technically feasible or economically practicable, or if attempts to implement that measure reveal that the measure would result in, or has resulted in, any of the following: *[40 CFR 264.73(b)(9)]*

1. An increase in the generation of waste (hazardous and solid).
2. An increase in the release of hazardous chemicals to other environmental media.
3. Adverse impacts on product quality.
4. A significant increase in the risk of an adverse impact to human health or the environment.

8.3.3 Source Reduction Plan and Plan Summary Amendments

If the Permittee elects not to implement the measures selected pursuant to Permit Condition 8.3.1 7, the Permittee shall amend its review, plan, and summary to reflect this rejection; and include in the review, plan, and summary, proper documentation identifying the rationale for this rejection. *[40 CFR 270.32(b)]*

8.3.4 Hazardous Waste Management Performance Report

Within one (1) year of the effective date of this permit and every year thereafter, the Permittee shall prepare a hazardous waste management performance report documenting hazardous waste management approaches implemented at the facility. The report shall be prepared in accordance with the EPA Waste Minimization Opportunity Assessment Manual or other equivalent source reduction guidance. The report shall include, at a minimum, the following: *[40 CFR 270.32(b)]*

1. The name and location of the facility;
2. The SIC Code for the facility;
3. The following information for each waste stream identified pursuant to Permit Condition 8.3.1 4:
 - (a) An estimate of the quantity of hazardous waste generated and the quantity of hazardous waste managed by the Permittee during the current reporting year and the baseline year. The current reporting year is the calendar year immediately preceding the year in which the report is to be prepared. For the initial report, the baseline year is any calendar year selected by the Permittee for which substantial data is available on waste generation, or on-site or off-site management. Alternatively, the Permittee may select the current reporting year as the initial baseline year. For all subsequent

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reports, the baseline year is the current reporting year of the immediately preceding report.

- (b) An assessment of the effect, during the current year, of each hazardous waste management measure implemented since the baseline year, upon the generation and the on-site and off-site management of hazardous waste. For the initial report, the assessment of the effect required by this condition shall be made for the current year in general terms for any waste management measures implemented in the preceding five years. The report shall consider, but shall not be limited to, measures which use the following approaches:
 - (1) Source reduction;
 - (2) Recycling; and
 - (3) Treatment.
 - (c) A description of factors during the current reporting year that have affected hazardous waste generation and on-site and off-site hazardous waste management since the baseline year. For the initial report, the description of factors shall be made in general terms for those factors affecting generation and management in the preceding five years. The description shall include, but is not limited to, any of the following:
 - (1) Changes in business activity;
 - (2) Changes in waste classification;
 - (3) Natural phenomena; and
 - (4) Other factors that have affected either the quantity of hazardous waste generated or on-site and off-site hazardous waste management requirements.
 - (d) A description of any factors, which may have prevented implementation of any aspect of the source reduction plan.
4. A summary of the hazardous waste management performance report;
 5. Certification of the report and summary by a qualified Professional Engineer, an individual who is responsible for the processes and operations of the facility, or an environmental assessor, who has demonstrated expertise in hazardous waste management. The engineer, individual, or assessor shall certify the report and summary only if the report and summary meet all the requirements of Permit Condition 8.3.4;

8.4 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	<i>Reserved</i>	

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9. SUMMARY

The Permittee is required to manage hazardous waste in accordance with the air emission standards of Subparts AA, BB and CC of 40 CFR 264, as applicable. Containers (Permit Section 3) of hazardous waste with volatile organic compound (VOC) concentrations over 500 ppm and equipment that contains or contacts hazardous waste with ≥ 10 percent organics are subject to these requirements. At the time this permit was issued, no Hazardous Waste Management Unit (HWMU) subject to 40 CFR 264 Subpart AA, nor tank or Subpart X Unit subject to 40 CFR 264 Subpart BB or CC was permitted at the facility.

9.1 ORGANIC AIR EMISSION STANDARDS

- 9.1.1 Prior to constructing any Hazardous Waste Management Unit (HWMU) with process vents subject to the requirements of 40 CFR 264, Subpart AA or installing any additional equipment subject to the requirements of 40 CFR 264, Subpart BB, the Permittee shall apply for a permit modification, as described in Permit Condition 1.2.1, and provide the specific Part B information required under 40 CFR 270.14-17, 270.24 and 270.25, as applicable, with the modification request.
- 9.1.2 Prior to installing any tank, surface impoundment or miscellaneous unit subject to 40 CFR Part 264, Subpart CC, the Permittee shall apply for a permit modification, as described in Permit Condition 1.2.1, and provide the specific Part B information required under 40 CFR 270.14-17 and 270.27, as applicable, with the modification request.
- 9.1.3 The Permittee shall also maintain compliance with the Air Quality Operating Permit #AP4953-2235 (and any revisions and renewals) issued to 21st Century Environmental Management of Nevada by NDEP, Bureau of Air Pollution Control.

9.2 APPLICABILITY

40 CFR 264 Subpart BB establishes air emission controls for equipment leaks. Subpart BB applies to HWMU's that contain or contact hazardous wastes with organic concentrations of at least 10 percent by weight for at least 300 hours per calendar year. 40 CFR 264 Subpart CC establishes air emission controls for containers, tanks, surface impoundments, or miscellaneous units subject to 40 CFR 264 Subparts I, J, K, or X. Generally, if a hazardous waste has an average VOC concentration less than 500 parts per million by weight (ppmw) at the point of waste origination, the unit is exempt from the Subpart CC regulations. The containers stored in the areas identified in Table 9.2 below are subject to Subpart BB and/or Subpart CC regulations:

Table 9.2

#	Waste Management Area	Requirements
1	West Pad Container Storage Area	Subpart CC ~ Containers
2	East Pad Container Storage Area	Subpart CC ~ Containers
3	East Container Storage Area	Subpart CC ~ Containers
4	Lab Pack Room	Subpart CC ~ Containers
5	<i>Reserved</i>	<i>Reserved</i>

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- 9.2.1 The Permittee shall use the procedures specified in 40 CFR 264.1063(d) to determine if equipment is subject to the Subpart BB air emission standards.
- 9.2.2 The Permittee shall use the procedures specified in 40 CFR 264.1080, 264.1082 or documentation submitted by the Generator of the waste to determine if a waste stream requires Subpart CC air emission controls.
1. When using Generator supplied information the determination shall be made in accordance with 40 CFR 264.1083.
 2. If an exemption is based on 40 CFR 264.1082(c)(1), then the VOC concentration of the hazardous waste streams shall be reviewed at least once every 12 months.

9.3 OPERATING REQUIREMENTS

- 9.3.1 The Permittee shall control air pollutant emissions from each container subject to this Permit Section, in accordance with the following requirements, as applicable to the container.
[40 CFR 264.1086(b)(1)]
- 9.3.1.1 For a container having a design capacity greater than 26 gallons and less than 119 gallons, the Permittee shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in Permit Condition 9.3.2, below.
- 9.3.1.2 For a container having a design capacity greater than 119 gallons that is not in light material service, the Permittee shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in Permit Condition 9.3.2, below.
- 9.3.2 A container using Container Level 1 standards is one of the following:
[40 CFR 264.1086(c)(1)]
- 9.3.2.1 A container that meets the applicable U.S. Department of Transportation (DOT) regulations on packaging, hazardous materials for transportation, as specified in 49 CFR Part 178-Specifications for Packaging or 49 CFR Part 179-Specifications for Tank Cars and 40 CFR Part 107, subpart B-Exemptions; 49 CFR Part 172-Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements; 49 CFR Part 173-Shippers-General Requirements for Shipments and Packages; and 49 CFR Part 180-Continuing Qualification and Maintenance of Packaging.
- 9.3.2.1.1 For the purpose of complying with this Part, no exceptions to the 49 CFR Part 178 or 179 regulations are allowed except as provided in Permit Condition 9.3.2.1.2.
- 9.3.2.1.2 For a lab pack that is managed in accordance with the requirements of 49 CFR Part 178, for the purpose of complying with this Part, the Permittee may comply with the exceptions for combination packaging specified in 49 CFR Part 173.12(b).
- 9.3.2.2 A container equipped with cover and closure devices that form a continuous barrier over the container openings, such that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the

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container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., such as a “portable tank” or bulk cargo container equipped with a screw type cap).

- 9.3.2.3 An open-top container in which an organic-vapor suppressing barrier (e.g. organic-vapor suppressing foam) is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere.
- 9.3.3 A container using Container Level 1 controls shall have a cover or closure device that is compatible with the waste and the intended management of the container.
- 9.3.4 Whenever storing a container using Container Level 1 controls, the Permittee shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position except as follows:
- 9.3.4.1 Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:
- 9.3.4.1.1 In the case when the container is filled to the intended final level in one continuous operation, the Permittee shall promptly secure the closure devices in the closed position and install the covers as applicable to the container, upon the conclusion of the filling operation.
- 9.3.4.1.2 In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the Permittee shall promptly secure the closure devices in the closed position and install covers as applicable to the container, upon:
1. The container being filled to the intended final level;
 2. The completion of a batch loading after which no additional material will be added to the container within 15 minutes;
 3. The person performing the loading operation leaving the immediate vicinity of the container; or
 4. The shutdown of the process generating the material being added to the container, whichever condition occurs first.
- 9.3.5 Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:
- 9.3.5.1 For the purposes of meeting the requirements of this Permit Condition, an empty container as defined in 40 CFR 261.7(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
- 9.3.5.2 In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined by 40 CFR 261.7(b), the Permittee shall promptly secure the closure devices in the closed position and install covers as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the

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person performing the operation leaves the immediate vicinity of the container, whichever occurs first.

- 9.3.6 Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities (e.g., sampling) other than transfer of hazardous waste. Following completion of the activity, the Permittee shall promptly secure the closure device or reinstall the cover, as applicable to the container.
- 9.3.7 Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for maintaining the internal pressure of the container in accordance with the container design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever internal pressure of the container is within the normal internal operating pressure for that container as defined in 40 CFR 264.1086(c)(3)(iv).
- 9.3.8 Opening of a safety device, as defined in 40 CFR 264.1081, is allowed at any time conditions require doing so to avoid an unsafe condition.

9.4 INSPECTION AND REPORTING REQUIREMENTS

- 9.4.1 The Permittee shall inspect containers using Container Level 1 controls and their covers as follows:
- 9.4.1.1 Containers accepted at the facility which are not empty per 40 CFR 261.7(b), shall be visually inspected within 24 hours of acceptance. Each container and its cover shall be inspected for visible cracks, holes, gaps or other open spaces when the cover or closure device is secured in the closed position. If a defect is detected, the Permittee shall repair the defect in accordance with Permit Condition 9.4.1.2.
- 9.4.1.2 When a defect is detected for a container, cover or closure device, the Permittee shall make first efforts at repair of the defect no later than 24 hours after detection and the repair shall be completed as soon as possible but no later than 5 calendar days after the defect is detected. If a repair or defect cannot be completed within 5 calendar days, then the hazardous waste shall be removed from the container and the container shall not be used to manage hazardous waste until the defect is repaired.
- 9.4.2 Visual inspections, monitoring, and all recordkeeping requirements shall be met for each unit to ensure compliance with 40 CFR 264.1088.
- 9.4.3 The Permittee shall report to the Director within 7 days any unit that is not listed in Table 9.2 and is managing hazardous waste such that 40 CFR 264 Subpart AA, BB or CC should apply to that unit.

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- 9.4.4 A monitoring and inspection schedule and procedures shall be submitted to the Director, within thirty (30) calendar days prior to the anticipated start-up of any new Subpart CC unit or emissions control technology on existing units. The inspection schedule and procedures shall be approved by the Director prior to any continuous or intermittent operations.
- 9.4.5 The Permittee shall determine if a Permit modification is required under 40 CFR 270.42 or Permit Condition 1.2.1 for any new activity requiring management under this Part and follow the procedures in 40 CFR 270 to obtain a Permit modification if required.

9.5 RECORDKEEPING REQUIREMENTS

- 9.5.1 The Permittee shall maintain in the operating record at the facility the following information:
- 9.5.1.1 A copy of the procedure used to determine that containers with a capacity of 119 gallons or greater, which do not meet applicable DOT regulations as specified in 40 CFR 264.1086(f), are not managing hazardous waste in light service.
- 9.5.1.2 For waste streams that do not require the use of air emission control equipment, documentation shall be recorded and maintained in the operating record that includes the information that was used by the Permittee for each waste determination (e.g. test or certification by the generator). If analysis results for waste samples are used for the waste determination, then the Permittee shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements in 40 CFR 264.1083.
- 9.5.1.3 For containers used at the facility to manage hazardous wastes covered by this Permit Section, sufficient information shall be provided to describe:
1. An identification number for the container or group of containers;
 2. The purpose and placement of this container, or group of containers, in the management train of this hazardous waste; and
 3. The procedures used to ultimately dispose of the hazardous waste handled in the containers.

9.6 AIR EMISSION CONTROL INFORMATION TO BE MAINTAINED AT THE FACILITY

- 9.6.1 The Permittee shall maintain at the facility, until closure of the facility is completed and certified by a qualified Professional Engineer, the following air emission control documents, information and all amendments, revisions and modifications to these documents and information:
- 9.6.1.1 Identification of each area that manages waste subject to 40 CFR 264 Subpart AA, BB or CC controls and the Permittee's certification that the requirements of this Subpart are met. The facility must document if the containers are subject to Level 1, Level 2 or Level 3 requirements;

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9.6.1.2 An emission monitoring plan for Method 21 in 40 CFR Part 60, Appendix A. This plan shall include monitoring point(s), monitoring methods for control devices, monitoring frequency, procedures for documenting any exceedance, and procedures for mitigating noncompliance.

9.7 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	<i>Reserved</i>	

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10. SUMMARY

This section of the Permit describes the Groundwater Detection Monitoring Program, in compliance with 40 CFR 264.98, with which the Permittee determined that there was statistically significant evidence of contamination for Chromium at the PF-4 groundwater monitoring well. Because of this evidence of contamination, the Permittee established and was required to maintain a Groundwater Compliance Monitoring Program, as described in Permit Section 11. Because of a continued increase in the Chromium at the PF-4 groundwater monitoring well the Permittee is establishing and will be required to maintain a Corrective Measures Implementation (CMI), as described in Permit Section 12A.

A description of the facility, defining onsite, offsite and the “Point of Compliance” (POC) (see 40 CFR 264.95) is identified by the legal description of the facility, as contained in Appendix A-1 of Section A of the Permit Application. The shallow groundwater, proximity of other industry, and the information contained in the RCRA Facility Assessment dated November 15, 2001 (release from the operation controls of the facility to the environment reported to the Division, and subsequently identified in the RFA) were grounds for requiring the Permittee to maintain a Groundwater Detection Monitoring Program.

The initial 21EMN groundwater monitoring system consisted of data from eight (8) groundwater monitoring wells. Two (2) additional compliance monitoring wells will be installed as part of the Corrective Measures Study (CMS, June 2013), as described in Permit Section 12A. The existing upgradient well (background) is Well PF-1. Background groundwater samples were collected and analyzed for 15 consecutive quarters (4th Quarter 2005 to 2nd Quarter 2013) and Groundwater Protection Standard (GWPS) values were established for 13 of the constituents and parameters being monitored (see Table 10.3a, below). The GWPS values for the remaining constituents (see Table 10.3b, below) are the maximum concentration limits given in Table 1 of 40 CFR 264.94(a)(2). The GWPS will be used to assess the potential influence of the facility upon the groundwater beneath the site.

10.1 POINT OF COMPLIANCE

The Point of Compliance (POC) is established as described in the Permit Section 10 Summary, above. All wells identified herein as POC wells, or installed for that purpose subsequent to Permit issuance, are considered reflective of the conditions at the Point of Compliance. For the purposes of determining whether the facility complies with the GWPS established herein, any exceedance of the GWPS identified in Tables 10.3A and 10.3B requires compliance with Permit Conditions 10.6 and 10.7.

10.2 WELL LOCATION, INSTALLATION AND CONSTRUCTION

The Permittee shall maintain the groundwater monitoring system as required by 40 CFR 264.97, as specified in Permit Application Section E (Groundwater Monitoring), and as summarized below.

10.2.1 The Permittee shall maintain groundwater monitoring wells at the locations specified on the map in Figure 2 in Permit Application Section E (Groundwater Monitoring) and in conformance with

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Table 10.2, below.

Table 10.2

Monitoring Well Identification		Designation
1	PF-1	Background
2	PF-2	POC
3	PF-3	POC
4	PF-4	POC
5	PF-4D ⁱ	POC
6	PF-5	POC
7	PF-6	POC
8	PF-7 ⁱⁱ	POC
9	PF-8 ⁱⁱⁱ	POC
10	PF-9 ^{iv}	POC

10.2.2 The Permittee shall maintain the monitoring wells identified in Permit Condition 10.2.1, in accordance with the detailed plans and specifications presented in Section E8.0 (GMP Network Inspection, Maintenance, and Well Replacement) of the Permit Application. [40 CFR 264.97(a)]

10.2.3 The Permittee shall maintain borehole integrity of each monitoring well identified in Table 10.2, as required by 40 CFR 264.97(c).

10.2.4 Any wells deleted from the monitoring program shall be plugged and abandoned in accordance with NAC 534.420, and shall be decommissioned only upon prior approval of the Director. All well decommissioning methods and certification reports shall be submitted to the Director within 60 days from the date any wells are approved to be removed from the monitoring program.

10.2.5 All new and replacement wells shall be drilled and constructed as approved by NDEP-BWM. A well installation work plan shall be submitted to the Department, for approval, for all new and replacement monitoring wells. The Permittee may not begin drilling until NDEP-BWM approval has been granted. All new and replacement monitoring wells shall be designed, constructed, and installed in accordance with Nevada’s Monitoring Well Installation Regulations (NRS 445A.660, NAC 534); and, as appropriate, in general accordance with current guidance from the Division and the EPA for drilling and construction of groundwater monitoring wells.

10.2.5.1 The Permittee shall take all reasonable precautions during drilling to prevent cross-contamination between the water-bearing hydrologic zone and the geologic zones overlying

ⁱ Installed after Statistically Significant Increases in Chromium and Cyanide were detected at PF-4; well PF-4-D was installed next to and 10 feet deeper than PF-4 to assess groundwater for the presence of chromium at a greater depth.

ⁱⁱ Installed after Statistically Significant Increases in Chromium and Cyanide were detected at PF-4; well PF-7 was installed to assess groundwater for the presence of chromium immediately downgradient of the Detoxification Room and upgradient of well PF-4.

ⁱⁱⁱ Replacement well, replacing the existing groundwater monitoring well PF-4, installed upgradient of the reactive barrier system, as part of the Corrective Measures Plan (CMP).

^{iv} Compliance well installed downgradient of PF-4 at the property border, as part of the CMP. This is the furthest downgradient location within the property boundary.

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and underlying the hydrologic zone.

10.2.6 The Permittee shall submit to the Division within 60 calendar days of installation of any new or replacement monitoring well, or decommissioning of an existing monitoring well, revised versions of Figure 2, and any other listing/description of the groundwater monitoring wells in Section E of the Permit Application. The Permittee shall obtain a permit modification for any new or replacement monitoring well.

10.3 INDICATOR PARAMETERS AND MONITORING CONSTITUENTS

10.3.1 The Permittee shall monitor all wells listed in Table 10.2 for the parameters and constituents listed in Tables 10.3A and 10.3B in accordance with Permit Condition 10.3.1.1.

[40 CFR 264.98(a)]

10.3.1.1 All Point of Compliance (POC) and background wells in Table 10.2 shall be sampled quarterly for parameters and constituents listed in Table 10.3A; and sampled biannually for parameters and constituents listed in Table 10.3B.

Table 10.3A – Quarterly Monitoring

Parameter or Constituent	GWPS [mg/l] ^v
1	Arsenic 0.266 ^{vi}
2	Barium 1.000 ^{vii}
3	Cadmium 0.005 ^{vii}
4	Chromium 0.050 ^{vii}
5	Lead 0.015 ^{viii}
6	Mercury 0.002 ^{vii}
7	Selenium 0.029 ^{vi}
8	Silver 0.050 ^{vii}
9	Cyanide 0.015 ^{vi}
10	TOX 0.050 ^{ix}
11	TOC 2.682 ^x
12	pH 7.842 to 8.497 ^{xi}
13	Specific Conductance 3.970 ^{vi, xii}
14	Nitrate ^{xiii} TBD ^{xiv}
15	Sodium ^{xiii} TBD ^{xiv}
16	Sulfate ^{xiii} TBD ^{xiv}
17	Chloride ^{xiii} TBD ^{xiv}

^v Values established with Background Data (Well PF-1) from 4th Quarter 2005 to 2nd Quarter 2013.

^{vi} Found using ProUCL and assuming “95% KM UPL (t)” – “Nonparametric Statistics” (with Outliers removed).

^{vii} Smallest of MCL values given in 40 CFR 141.23 and 40 CFR 264.94; Background value was well below the MCL.

^{viii} Action Level for Lead

^{ix} (Total Organic Halides) Found using ProUCL and assuming “95% UPL” – “Nonparametric Statistics.”

^x (Total Organic Carbon) Found using ProUCL and assuming “95% UPL (t)” – “Assuming Normal Distribution.”

^{xi} Upper and Lower values found using One-Sided Tolerance Interval for Normal Distributions.

^{xii} Units for Specific Conductance are m*S/cm = m*mho/cm.

^{xiii} Hazardous constituents which may appear from spills or fires at the Facility.

^{xiv} To Be Determined; GWPS value shall be established as described in Permit Condition 10.3.2.

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Table 10.3B - Semi-Annual Monitoring

	Constituent	GWPS [mg/l] ^{xv}
1	Endrin (1,2,3,4,10,10-hexachloro-1,7-epoxy-1,4,4a,5,6,7,8,9a-octahydro-1,4-endo,endo-5,8-dimethano naphthalene)	0.0002
2	Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	0.004
3	Methoxychlor (1,1,1-Trichloro-2,2-bis (p-methoxyphenylethane)	0.100
4	Toxaphene (C ₁₀ H ₁₀ Cl ₆ , Technical chlorinated camphene, 67-69 percent chlorine)	0.005
5	2,4-D (2,4-Dichlorophenoxyacetic acid)	0.100
6	2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid)	0.010

10.3.2 For those parameters and constituents in Tables 10.3A and 10.3B for which no GWPS values are established at the time this Permit is issued, the Permittee shall establish GWPS values, using the background well, in accordance with the following:^{xvi} *[40 CFR 264.97(g)]*

10.3.2.1 A sequence of at least four (4) samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity, and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or

10.3.2.2 An alternative sampling procedure proposed by the Permittee and approved by the Director.

10.3.3 The Permittee shall take a sufficient number and volume of samples from each well to analyze for each parameter and/or constituent identified in Tables 10.3A and 10.3B each time the system is sampled. *[40 CFR 264.97(g)]*

10.3.3.1 Point of Compliance (POC) and background wells shall have four independent field measurements of specific conductance and pH at the time of each quarterly sampling event. *[40 CFR 264.98(d)]*

10.3.3.2 Background groundwater quality for monitoring parameters or constituents shall be based on all available data from quarterly (Table 10.3A) or semi-annual (Table 10.3B) sampling of Well PF-1. *[40 CFR 264.97(g)]*

10.3.3.3 The Permittee shall take a minimum of one sample from each background well, each time the POC wells are sampled, to identify changes to background groundwater quality for each parameter or constituent. *[40 CFR 264.97(g)(2)]*

^{xv} GWPS values are from Table 1 in 40 CFR 264.94(a)(2).

^{xvi} Until a GWPS is established, the concentrations found for these parameters and constituents will be compared to the concentrations found in the background well during the same quarter.

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10.3.3.4 The Permittee shall recalculate the Groundwater Protection Standards established in Tables 10.3A and 10.3B and include such calculations when submitting an application for future permit renewal in accord with 40 CFR 270. The recalculation shall include all data obtained from the background well(s), which will be used by the Director to assist in establishing a background limit for each parameter or constituent monitored; alternatively, the Director may accept another suitable method of establishing the Groundwater Protection Standards which the Permittee can request through a permit modification following the procedures outlined in Permit Condition 1.2.1.

10.4 SAMPLING AND ANALYSIS PROCEDURES

The groundwater monitoring program must include sampling and analysis procedures that accurately measure hazardous constituents in groundwater and that are designed to ensure monitoring results that provide a reliable indication of the groundwater below the hazardous waste management area. The Permittee shall use the following techniques and procedures when obtaining and analyzing samples from the groundwater monitoring wells described in Permit Condition 10.2. *[40 CFR 264.97(d) and (e)]*

10.4.1 Samples shall be collected using the techniques described in the Groundwater Monitoring Plan in Section E5.0 (Groundwater Sampling Methods) of the Permit Application.

10.4.2 Samples shall be preserved and shipped (when shipped off site for analysis), in accordance with the procedures specified in the Groundwater Monitoring Plan in Permit Application Section E5.2.6 (Sample Storage and Transportation).

10.4.3 Samples shall be analyzed in accordance with the procedures specified in the Groundwater Monitoring Plan in Section E7.0 (Analytical Procedures) of the Permit Application.

10.4.4 Samples shall be tracked and controlled using the chain-of-custody procedures specified in the Groundwater Monitoring Plan in Permit Application Section E5.2.6 (Sample Storage and Transportation).

10.4.5 Field sampling equipment shall be calibrated in accordance with the manufacturer’s guidelines for each piece of equipment. Manufacturer’s guidelines for each field-sampling device shall be maintained at the facility. The calibration data shall be recorded and maintained as part of the operating record of the facility.

10.5 ELEVATION OF THE GROUNDWATER SURFACE

10.5.1 The Permittee shall determine the groundwater surface elevation at each well each time the groundwater is sampled, in accordance with Permit Condition 10.4 and Permit Application Section E (Groundwater Monitoring). *[40 CFR 264.97(f)]*

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10.5.2 For all new or replacement wells, the Permittee shall record, with as-built drawings, the total depth of the well and the elevations of the following:

1. Top of the casing;
2. Ground surface and/or apron elevation; and
3. Protective Casing.

10.6 MONITORING PROGRAM AND DATA EVALUATION

10.6.1 The Permittee shall collect, preserve, and analyze samples pursuant to Permit Conditions 10.3 and 10.4.

10.6.2 The Permittee shall determine groundwater quality at each monitoring well at the compliance point quarterly, during the active life of all regulated units, including the closure period.

[40 CFR 264.98(d)]

10.6.2.1 The Permittee shall express the groundwater quality at each monitoring well in a form necessary for the determination of statistically significant increases (i.e., means and variances).

[40 CFR 264.97(h)]

10.6.3 The Permittee shall determine the groundwater flow rate and direction in the uppermost aquifer quarterly and submit the results to the Director per Permit Condition 10.8.3. *[40 CFR 264.98(e)]*

10.6.4 The Permittee shall determine whether there is a statistically significant increase (SSI) over the GWPS for each parameter identified in Tables 10.3A and 10.3B each time groundwater quality is determined at the compliance point (quarterly for Table 10.3A and biannually for Table 10.3B). In determining whether such an increase has occurred, the Permittee must compare the groundwater quality at each monitoring well specified in Table 10.2 to the GWPS values specified in Tables 10.3A and 10.3B, in accordance with the procedures specified in Permit Condition 10.7. If GWPS values have not been established for a parameter, then the value at each monitoring well specified in Table 10.2 will be compared to the background value at PF-1 for that sampling event.

[40 CFR 264.98(f)]

10.6.5 The Permittee shall perform the evaluations described in Permit Condition 10.6.4 within 30 days after receiving the sampling results from the laboratory.

10.7 STATISTICAL PROCEDURES

10.7.1 A statistically significant increase (SSI) is determined by comparing each groundwater monitoring result to the corresponding GWPS value in Tables 10.3a and 10.3b. If the value of the groundwater data is higher than its respective GWPS limit, then the Permittee shall:

10.7.1.1 Resample the affected well for required parameters at the next scheduled quarterly sampling event.

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10.7.1.2 Compare the results obtained to the GWPS limits in Tables 10.3A and 10.3b. If the results of the resample are higher than the GWPS, such that two consecutive results exceed the GWPS, then the Permittee shall comply with Permit Conditions 10.8.4 and/or 10.8.5.

10.8 RECORDKEEPING AND REPORTING

10.8.1 The Permittee shall enter all field equipment calibration data, monitoring, testing, and analytical data obtained in accordance with Permit Condition 10.4 in the operating record. The data must include all computations, calculated means, variances, and tests of distribution results.

[40 CFR 264.73(b)(6)]

10.8.2 The Permittee shall submit to the Director the analytical and field data results required by Permit Condition 10.6 and the results of the statistical analyses required by Permit Condition 10.7 in accordance with Table 10.8, below. The data shall be reported in graphical, tabular and electronic file format, as approved by the Director.

Table 10.8

Bi-Annual Period		Due Date
1	January 1 – June 30	September 30
2	July 1 – December 31	March 30

10.8.3 The Permittee shall submit a groundwater gradient map for the “upper” aquifer annually. The map shall indicate the velocity in feet/year, the groundwater elevation for each well used to generate the map, and the direction of flow. The map is due with the second biannual report required by Permit Condition 10.8.2. The map shall be submitted in electronic and paper copy format.

10.8.4 If the Permittee determines, pursuant to Permit Condition 10.7.1.2, that there is a statistically significant increase (SSI) above the GWPS for any of the parameters and constituents specified in Tables 10.3a and 10.3b, which is not already being addressed under Permit Section 12A, the Permittee may demonstrate that a source other than a currently operating regulated unit caused the increase or that the increase resulted from error in sampling, analysis, evaluation, or natural variation in the groundwater.

[40 CFR 264.98(g)(6)]

In such cases, the Permittee shall:

10.8.4.1 Notify the Director in writing within seven (7) days of determining statistically significant evidence of contamination at the compliance point that the Permittee intends to make such a demonstration; and

[40 CFR 264.98(g)(6)(i)]

10.8.4.2 Within 90 days, submit a report demonstrating that a source other than a currently operating regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, evaluation, or natural variations in the groundwater.

[40 CFR 264.98(g)(6)(ii)]

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- 10.8.4.3 Within 90 days, submit to the Director an application for a permit modification to make any appropriate changes to the detection monitoring program at the facility; and
[40 CFR 264.98(g)(6)(iii)]
- 10.8.4.4 Continue to monitor in accordance with the detection monitoring program established under this section.
[40 CFR 264.98(g)(6)(iv)]
- 10.8.5 If the Permittee determines, pursuant to Permit Condition 10.7.1.2, that there is an SSI above the GWPS for any of the parameters specified in Tables 10.3A and 10.3B, which is not already being addressed under Permit Section 12A, and the Permittee does not submit the required demonstration under Permit Condition 10.8.4, then the Permittee shall:
- 10.8.5.1 Notify the Director in writing within seven (7) days of the determination.
[40 CFR 264.98(g)(1)]
- 10.8.5.2 Immediately sample the groundwater in all wells and determine the concentration of all constituents identified in Appendix IX of 40 CFR 264.
[40 CFR 264.98(g)(2)]
- 10.8.5.3 For any Appendix IX constituents found in the analysis, pursuant to Permit Condition 10.8.5.2, the Permittee may resample within one month of receiving the analytical results and repeat the analysis for those compounds detected. If the results of the resample confirm the initial results, then the newly identified constituents will form the basis for the Compliance Monitoring. If the Permittee does not resample, then the constituents found pursuant to Permit Condition 10.8.5.2 will form the basis for the Compliance Monitoring.
[40 CFR 264.98(g)(3)]
- 10.8.5.4 Within 90 days of determining an SSI, submit to the Director an application for a permit modification to establish a Compliance Monitoring Program for the currently operating regulated units.
[40 CFR 264.98(g)(4)]
- The application must include the following information:
- 10.8.5.4.1 An identification of the concentration of any Appendix IX constituent detected in the groundwater at each monitoring well at the compliance point;
[40 CFR 264.98(g)(4)(i)]
- 10.8.5.4.2 Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of 40 CFR 264.99;
[40 CFR 264.98(g)(4)(ii)]
- 10.8.5.4.3 Any proposed changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of 40 CFR 264.99; and
[40 CFR 264.98(g)(4)(iii)]
- 10.8.5.4.4 For each hazardous constituent detected at the compliance point, a proposed concentration limit under 40 CFR 264.94(a)(1) or (2), or a notice of intent to seek an alternate concentration limit under 40 CFR 264.94(b).
[40 CFR 264.98(g)(4)(iv)]

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10.9 REQUEST FOR PERMIT MODIFICATION

If the Permittee or the Director determines that the Groundwater Detection Monitoring program no longer satisfies the requirements of the regulations, the Permittee must, within 90 days of the determination, submit an application for a permit modification, in accordance with Permit Condition 1.2.1, to make appropriate changes to the program which will satisfy the regulations.

[40 CFR 264.98(h)]

10.10 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	Collect and submit eight (8) quarters of background data from PF-1 for establishing the GWPS values for constituents #14-17 in Table 10.3A.	January 31, 2016
2	<i>Reserved</i>	

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11. SUMMARY

The Permittee is required to conduct a Groundwater Compliance Monitoring Program in accordance with 40 CFR 264.99. A description of the facility, defining onsite, offsite and the “Point of Compliance” (POC) (see 40 CFR 264.95) is identified by the legal description of the facility, as contained in Appendix A-1 of Section A of the Permit Application. The RCRA Facility Investigation Report dated July 2011 (statistically significant increase in Chromium in PF-4) was grounds for requiring the Permittee to maintain a Groundwater Compliance Monitoring Program. In response to a continued increase in the Chromium detected in PF-4, the Permittee is required to establish and maintain Corrective Measures, as described in Permit Section 12A.

11.1 WELL LOCATION, INSTALLATION AND CONSTRUCTION

The Permittee shall continue to maintain the groundwater monitoring system described in Permit Section 10, with the changes and/or additional conditions described in this section of the Permit.

11.2 GROUNDWATER PROTECTION STANDARD

- 11.2.1 The Permittee shall monitor the groundwater to determine whether regulated units are in compliance with the established Groundwater Protection Standard (GWPS) values listed in Tables 10.3A, 10.3B and 11.2. *[40 CFR 264.92 and 264.99(a)]*
- 11.2.2 The Permittee shall continue to monitor all wells listed in Table 10.2 at the point of compliance, as described in Permit Section 10, during the compliance periodⁱ. *[40 CFR 264.95 and 264.99(a)]*
- 11.2.3 The Permittee shall also monitor the groundwater in the background well(s) listed in Table 10.2 and the monitoring wells listed in Table 11.2 for the respective hazardous constituents listed in Table 11.2, during the compliance period. *[40 CFR 264.99(a)]*

TABLE 11.2

Detected Appendix IX Constituentsⁱⁱ		Well Initially Detected At	Wells to be Monitored	GWPS
1	1,2-Dichlorobenzene	PF-4	PF-4, PF-4D, PF-8 and PF-9	TBD ⁱⁱⁱ
2	Vanadium	PF-3	PF-3 and PF-9	TBD
3	Antimony	PF-3	PF-3 and PF-9	TBD
4	Cobalt	PF-3	PF-3 and PF-9	TBD
5	Copper	PF-3	PF-3 and PF-9	TBD
6	Nickel	PF-3	PF-3 and PF-9	TBD
7	Zinc	PF-3	PF-3 and PF-9	TBD

ⁱ The Compliance Period begins when the Permittee initiates a compliance monitoring program and continues for the active life of the facility.

ⁱⁱ Appendix IX constituent detected in the listed well(s) during past Groundwater Monitoring.

ⁱⁱⁱ To Be Determined; GWPS value shall be established as described in Permit Condition 10.3.2.

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11.3 SAMPLING AND ANALYSIS PROCEDURES

- 11.3.1 The Permittee shall use the techniques and procedures described in Permit Conditions 10.3 and 10.4 when obtaining and analyzing samples from the groundwater monitoring wells.
[40 CFR 264.97(d) and (e)]
- 11.3.2 All wells in Table 10.2 shall be sampled at least quarterly for the parameters and constituents listed in Table 10.3a and least biannually for the parameters and constituents listed in Table 10.3B.
[40 CFR 264.99(f)]
- 11.3.3 The wells listed in Table 11.2 shall be sampled at least quarterly for the respective parameters and constituents listed in Table 11.2.
[40 CFR 264.99(f)]
- 11.3.4 The Permittee must annually analyze samples from the background well(s) and wells determined to be within or downgradient from the Area of Concern,^{iv} for constituents listed in Appendix IX of 40 CFR 264 which could possibly be present but are not on the detection monitoring list in the permit, during the compliance period.
[40 CFR 264.99(g)]

11.4 ELEVATION OF THE GROUNDWATER SURFACE

The Permittee shall determine the groundwater surface elevation at each monitoring well, as described in Permit Condition 10.5.
[40 CFR 264.97(f)]

11.5 STATISTICAL PROCEDURES

The Permittee shall use the statistical procedures described in Permit Condition 10.7.

11.6 MONITORING PROGRAM AND DATA EVALUATION

The Permittee shall determine the groundwater quality as follows:

- 11.6.1 The Permittee shall collect, preserve, and analyze groundwater samples pursuant Permit Section 10 and the following.
- 11.6.2 The Permittee shall determine if the constituents listed in Table 11.2 are detected in the groundwater monitoring wells listed in Table 11-2 at larger concentrations than the listed GWPS values^v.
- 11.6.3 The Permittee shall analyze samples from all monitoring wells in accord with Permit Condition 11.3, and their concentrations shall be reported to the Director in accord with Permit Condition 11.7.

^{iv} The Area of Concern was determined by the RCRA Facility Investigation (RFI) [June 2013] carried out in response to the SSI described in Permit Condition 10.7. The wells within and downgradient of the Area of Concern are PF-3, PF-4, PF-4D and PF-5.

^v For constituents which do not have an established GWPS value, the Permittee shall determine if the detected concentrations are larger than the concentrations found in the Background Well (PF-1) for the same quarter.

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11.7 REPORTING AND RECORDKEEPING

- 11.7.1 The Permittee shall enter all monitoring, testing and analytical data obtained pursuant to Permit Condition 11.3 in the operating record. The data must include all computations, calculated means, variances and results of statistical tests. *[40 CFR 264.73(b)]*
- 11.7.2 The Permittee shall report the results of all sampling conducted pursuant to Permit Condition 11.3 in the reports required by Permit Condition 10.8.2.

11.8 SPECIAL REQUIREMENT IF THE GWPS IS EXCEEDED

If the GWPS has been exceeded at any monitoring well at the point of compliance, and the constituent and specific monitoring well exceeding the GWPS are not already being addressed by Permit Section 12A, the Permittee must:

- 11.8.1 Notify the Director of this finding in writing within seven (7) days. The notification must indicate what concentration limits have been exceeded. *[40 CFR 264.99(h)(1)]*
- 11.8.2 The Permittee may demonstrate that the exceedance was caused by a non-regulated unit or error, as described in Permit Condition 10.8.4. *[40 CFR 264.99(i)]*
- 11.8.3 If the Permittee does not submit the required demonstration under Permit Condition 11.8.2, then the Permittee shall submit to the Director, within 180 days, an application for a permit modification to establish a corrective action program meeting the requirements of 40 CFR 264.100. *[40 CFR 264.99(h)(2)]*

The application must include the following information:

- 11.8.3.1 A detailed description of corrective actions that will achieve compliance with the GWPS specified in Permit Condition 11.2. *[40 CFR 264.99(h)(2)(i)]*
- 11.8.3.2 A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this permit section.

11.9 REQUEST FOR PERMIT MODIFICATION

If the Permittee or the Director determines that the Groundwater Compliance Monitoring program no longer satisfies the regulatory requirements, then the Permittee must submit an application for a permit modification within 90 days of the determination to make appropriate changes to the program which will satisfy the regulations. *[40 CFR 264.98(h)]*

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11.10 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

	Task	Date Due
1	Collect and submit eight (8) quarters of background data from PF-1 for establishing the GWPS values for the constituents in Table 11.2.	January 31, 2016
2	<i>Reserved</i>	

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12A. **SUMMARY**

The Permittee is required to conduct a Corrective Action Program in compliance with 40 CFR 264.100. A description of the facility, defining onsite, offsite and the “Point of Compliance” (POC) (see 40 CFR 264.95) is identified by the legal description of the facility, as contained in Appendix A-1 of Section A of the Permit Application. Phase 4 of the RCRA Facility Investigation, dated August 29, 2012, demonstrated that the Chromium above the established groundwater protection standard (GWPS) in PF-4 does not appear to be from an off-site source; and was unable to establish an on-site source for Chromium. However, since Chromium is found in on-site groundwater above its GWPS with no apparent off-site source, NDEP determined that this condition constitutes sufficient grounds for requiring the Permittee to implement a Corrective Action Program. A Corrective Measures Study (CMS) and a Corrective Measures Implementation (CMI) Work Plan and Design Report were completed and submitted to the Director for approval. These documents were approved, with adjustments, on August 30, 2013 and the implementation was scheduled for September 2013.

Any document submitted in support of a Corrective Action Program required under this part shall be adopted by reference as if fully set forth herein.

12A.1 WELL LOCATION, INSTALLATION AND CONSTRUCTION

The Permittee shall continue to maintain the groundwater monitoring system described in Permit Section 10, as required by 40 CFR 264.100(d), with the changes and/or additional conditions described in Section 11 and this section of the Permit.

- 12A.1.1 The Permittee shall install and maintain additional groundwater monitoring wells and corrective barrier columnsⁱ at locations specified in the Focused CMS (June 2013), the CMI Work Plan and Design Report (July 2013) or as otherwise approved, and in conformance with the following list: *[40 CFR 264.100(a)(3) and (d)]*

Table 12A.1A

MONITORING WELL IDENTIFICATION		LOCATION
1	PF-8 ⁱⁱ	Directly upgradient of the PRB System
2	PF-9 ⁱⁱⁱ	Furthest downgradient, at the Facility’s southeastern boundary

ⁱ The barrier columns are boreholes backfilled with zero-valent iron (ZVI) and form a Permeable Reactive Barrier (PRB).

ⁱⁱ Replacement well, replacing the existing groundwater monitoring well PF-4, installed upgradient of the reactive barrier system, as part of the Corrective Measures Plan (CMP).

ⁱⁱⁱ Compliance well installed downgradient of PF-4 at the property border, as part of the CMP. This is the furthest downgradient location within the property boundary.

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Table 12A.1B

BARRIER COLUMNS IDENTIFICATION		LOCATION
1	Barrier Column 1	Upgradient of PF-4
2	Barrier Column 2	Upgradient of PF-4
3	Barrier Column 3	Upgradient of PF-4

12A.1.2 The Permittee shall construct and maintain the monitoring wells and barrier columns identified in Tables 12A.1A and 12A.1B, in accordance with the plans and specifications meeting the requirements of 40 CFR 264.97(c). The plans and specifications shall consist of design drawings and design criteria applicable to all wells, as well as individual well specifications identifying total well depth and location of screened intervals.

[40 CFR 264.100(d)]

12A.1.3 All wells deleted from the monitoring program shall be plugged and abandoned in accordance with Permit Condition 10.2.4. Well plugging and abandonment methods and certification shall be submitted to the Director within 60 days from the date the wells are removed from the monitoring program.

12A.2 GROUNDWATER PROTECTION STANDARD

12A.2.1 The Permittee shall implement a corrective action program to demonstrate the effectiveness of the corrective measures being taken and determine whether regulated units are in compliance with the established Groundwater Protection Standard (GWPS) values listed in Tables 10.3A, 10.3B, and 11.2.

[40 CFR 264.100(d)]

12A.2.2 The Permittee shall continue to monitor all wells listed in Table 10.2 at the point of compliance, as described in Permit Section 10, during the compliance period^{iv}.

[40 CFR 264.95 and 264.100(d)]

12A.2.3 The Permittee shall continue to monitor the groundwater in the background well(s) listed in Table 10.2 and the POC wells listed as “wells to be monitored” in Table 11.2 for the respective hazardous constituents listed in Table 11.2, during the compliance period.

[40 CFR 264.100(d)]

12A.2.4 The Permittee shall monitor, on a quarterly basis, the background well(s), POC wells PF-4, PF-8 and PF-9, and the barrier columns listed in Table 12A.1B for the parameters and constituents listed in Table 12A.2A, to assess the treatment effectiveness of the barrier columns.

12A.2.5 The Permittee shall monitor, at least annually, the barrier columns listed in Table 12A.1B for the parameters and constituents listed in Table 12A.2B to confirm that anticipated chemical

^{iv} The Compliance Period begins when the Permittee initiates a compliance monitoring program and continues for the active life of the facility.

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reactions have occurred and a favorable environment has been established inside the barrier columns.

TABLE 12A.2A – Treatment Effectiveness

Parameter or Constituent^v	
1	Iron
2	Dissolved Oxygen
3	Redox Potential
4	Dissolved Chromium
5	Hexavalent Chromium
6	pH
7	Specific Conductance

TABLE 12A.2B – Chemical Reactions inside ZVI Columns

Parameter or Constituent^{vi}	
1	Calcium (Ca ²⁺)
2	Sodium (Na ⁺)
3	Potassium (K ⁺)
4	Magnesium (Mg ²⁺)
5	Alkalinity
6	Chloride (Cl ⁻)
7	Sulfate (SO ₄ ²⁻)
8	Nitrate (NO ³⁻)

12A.3 CORRECTIVE ACTION PROGRAM

- 12A.3.1 The Permittee shall submit the following documents within 180 days of a confirmed exceedance of the GWPS of Permit Sections 10 and 11, in a manner consistent with establishing a timely Corrective Action Program:
1. A Corrective Measures Study (CMS), as described in Permit Condition 12B.5.3; and
 2. Any other documents, as required by the Division.
- 12A.3.2 The Permittee shall begin corrective action within a period specified by the Director from the time the groundwater protection standard [GWPS] was exceeded. *[40 CFR 264.100(c)]*
- 12A.3.3 The Permittee shall implement a corrective action program that prevents hazardous constituents from exceeding their respective concentration limits (as required under Permit Condition 12A.3.1) at the compliance point by removing the hazardous waste constituents or by treating them in place. *[40 CFR 264.100(b)]*

^v Parameters and constituents of concern based on the PRB System which will be installed as part of the Corrective Measures Implementation (CMI). Some parameters which are listed in Table 10.3A are also listed here so that the barrier columns can be monitored.

^{vi} Parameters and constituents monitored to verify that anticipated chemical reactions have occurred and a favorable environment has been established inside the ZVI columns.

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- 12A.3.4 In conjunction with the corrective action program, the Permittee shall continue the Groundwater Compliance Monitoring Program described Permit Section 11. This monitoring program shall determine both compliance with the GWPS and the success of the corrective action program required under Permit Condition 12A.3.5. *[40 CFR 264.100(d)]*
- 12A.3.5 The Permittee shall conduct a corrective action program to remove or treat in place any hazardous constituents that exceed GWPS limits in groundwater between the compliance point and the downgradient facility property boundary, in accordance with the procedures specified in Section L (Corrective Action) of the Permit Application. *[40 CFR 264.100(e)]*
- 12A.3.6 The Focused Corrective Measures Study (June 2013) and CMI Work Plan and Design Report (July 31, 2013) developed after the RFI was complete include: *[40 CFR 264.100(e)]*
1. Installation of three barrier columns (listed in Table 12A.1B) directly upgradient of PF-4, as the remedial action for the continuous increase in chromium;
 2. Installation of a “replacement” monitoring well (PF-8, listed in Table 12A.1A) immediately upgradient of the barrier wells, but still downgradient from potential source areas; and
 3. Installation of a new monitoring well at the property boundary (PF-9, listed in Table 12A.1A), downgradient of PF-4, to determine the potential for any offsite migration.
- The CMI Work Plan and Design Report, with adjustments, were approved on August 30, 2013. The adjustments are described in the approval letter.
- 12A.3.7 If the GWPS is met during the compliance period, the Permittee shall continue corrective action to the extent necessary to ensure that the GWPS is not exceeded. If corrective action is required beyond the compliance period, it must continue until the GWPS has not been exceeded for three consecutive years. *[40 CFR 264.100(f)]*

12A.4 SAMPLING AND ANALYSIS PROCEDURES

- 12A.4.1 The Permittee shall use the techniques and procedures described in Permit Conditions 10.3 and 10.4 when obtaining and analyzing samples from the groundwater monitoring wells. *[40 CFR 264.97(d) and (e)]*
- 12A.4.2 All wells in Table 10.2 shall be sampled at least quarterly for the parameters and constituents listed in Table 10.3a and least biannually for the parameters and constituents listed in Table 10.3B. *[40 CFR 264.99(f)]*
- 12A.4.3 The background well(s) listed in Table 10.2 and the wells listed in Table 11.2 shall be sampled at least quarterly for the respective parameters and constituents listed in Table 11.2. *[40 CFR 264.99(f)]*
- 12A.4.4 The background well(s), monitoring wells PF-4, PF-8 and PF-9, and the barrier columns listed in Table 12A.1B shall be sampled at least quarterly for the parameters and constituents listed in Table 12A.2A.

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12A.4.5 The barrier columns in Table 12A.1B shall be sampled at least annually for the parameters and constituents listed in Table 12A.2B.

12A.4.6 The Permittee must annually analyze samples from the background well(s) and wells determined to be within or downgradient from the Area of Concern,^{vii} for constituents listed in Appendix IX of 40 CFR 264 which could possibly be present but are not already being monitored for. This shall continue during the compliance period. *[40 CFR 264.99(g)]*

12A.5 ELEVATION OF THE GROUNDWATER SURFACE

The Permittee shall determine the groundwater surface elevation at each monitoring well, as described in Permit Condition 10.5. *[40 CFR 264.97(f)]*

12A.6 STATISTICAL PROCEDURES

12A.6.1 When evaluating the monitoring results to determine the performance of corrective action measures, in accordance with Permit Condition 12A.7, the Permittee shall use the statistical procedures described in Permit Condition 10.7 or other procedures approved by the Director.

12A.7 MONITORING PROGRAM AND DATA EVALUATION

The Permittee shall establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program. Groundwater monitoring shall be conducted as the program for compliance monitoring under 40 CFR 264.97 and 40 CFR 264.99. The Permittee shall determine groundwater quality as follows:

12A.7.1 The Permittee shall collect, preserve and analyze samples in accordance with Permit Section 10.

12A.7.2 The Permittee shall determine the concentrations of the hazardous parameters and constituents specified in Permit Condition 12A.2, throughout the compliance period and any extensions due to corrective action implementation, to demonstrate conformance with the GWPS. *[40 CFR 264.96]*

12A.7.3 The Permittee shall determine the concentration of hazardous parameters and constituents in the groundwater at each monitoring well at the compliance point in accord with Permit Condition 12A.4, and their concentrations shall be reported to the Director in accord with Permit Condition 12A.8. *[40 CFR 264.100(d)]*

12A.7.4 The Permittee shall determine if the constituents listed in Table 11.2 are detected in the groundwater monitoring wells listed in Table 11.2 at larger concentrations than found in the background well(s), during the same quarter.

12A.7.5 If the Permittee finds additional hazardous constituents present (i.e. not already listed in

^{vii} The Area of Concern was determined by the RCRA Facility Investigation (RFI) [June 2013] carried out in response to the SSI described in Permit Section 10.7. The wells within and downgradient of the Area of Concern are PF-3, PF-4, PF-5, PF-8, PF-9 and Barrier Columns 1 through 3.

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Permit Sections 10, 11 or 12), their concentrations shall be reported to the Director in writing within seven (7) days from completion of the analysis.

12A.7.6 The Permittee shall determine the groundwater flow rate and direction in the uppermost aquifer quarterly. *[40 CFR 264.99(e)]*

12A.7.7 The Permittee shall statistically compare the measured concentration of each monitored hazardous constituent with its concentration limit specified in the GWPS each time groundwater quality is determined, in accordance with Permit Condition 12A.7.2. The Permittee must compare the groundwater quality measured at each point of compliance monitoring well and any other specified wells, as stated in Permit Condition 12A.2 and in accordance with the procedures specified in Permit Condition 12A.6.

12A.8 RECORDKEEPING AND REPORTING

12A.8.1 The Permittee shall enter all monitoring, testing and analytical data obtained, according to Permit Condition 12A.7, in the operating record. The data must include all computations, calculated means, variances, and results of the statistical test(s) that the Director has specified. *[40 CFR 264.73(b)(6)]*

12A.8.2 The Permittee shall submit an annual report to the Director describing the effectiveness of the corrective action program. The report shall include graphical representations of the constituents in Tables 12A.2A and 12A.2B. These reports shall be submitted by March 30, with the second Bi-Annual Report (see Section 10.8), and include the analytical results. These reports shall be submitted until the corrective action program has been completed. *[40 CFR 264.100(g)]*

12A.9 REQUEST FOR PERMIT MODIFICATION

If the Permittee or the Director determines that the corrective action program no longer satisfies the regulatory requirements or requirements of this Section of the Permit, then the Permittee must submit, within 90 days of the determination, an application for a permit modification to make appropriate changes to the program. *[40 CFR 264.100(h)]*

12A.10 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	Implement the approved Corrective Measures, complying with Permit Section 12A.3.3 through 12A.3.7.	Within 45 days from the effective date of this Permit.
2	<i>Reserved</i>	

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12B SUMMARY AND APPLICABILITY

The objective of the corrective action program at a permitted hazardous waste management facility is to evaluate the nature and extent of releases of hazardous waste and/or constituents and, if necessary, implement corrective measures to clean up the releases and protect human health and the environment. The Permittee is required to implement corrective action in accordance with 40 CFR 264.101 and the conditions of this Permit. The Permittee shall follow applicable guidance, including but not limited to, the RCRA Corrective Action Plan, EPA 520-R-94-004, dated May 1994 (or most recent version).

12B.1 AUTHORITY

RCRA Section 3004(u) and 40 CFR 264.101, as adopted in NAC 444.8632, require that all hazardous waste permits issued by the Division address corrective action for all releases of hazardous waste or hazardous constituents from any Solid Waste Management Unit (SWMU) at the facility, regardless of when the waste was placed in the unit or whether the unit is closed. These regulations further require that hazardous waste permits contain schedules of compliance for corrective action, where such corrective action cannot be completed prior to issuance of the permit.

NAC 445A.121 sets the standards applicable to all waters of the state and will be used to evaluate the impacts of any releases. NRS 445A.575 and 445A.465 are the statutes which define the authority of the Division to regulate the discharge of hazardous constituents to the waters of the state.

Section 301(c) of the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) defines the area under the facility to be natural resources managed or controlled by the State of Nevada.

12B.2 SUMMARY AND HISTORY OF CORRECTIVE ACTION

The initial RCRA Permit, issued on November 24, 1986, and the initial RCRA Facility Assessment (RFA) did not require any corrective action. At the time this Permit was issued, the Permittee was required to begin a Corrective Measures Implementation (CMI) for removing the ongoing increase in Chromium at Monitoring Well PF-4. This is covered in Permit Section 12A (Corrective Action Conditions for Regulated Units).

12B.3 CORRECTIVE ACTION FOR SWMUs AND AOCs

The Permittee must institute corrective action, as necessary, to protect human health and the environment for all releases of hazardous waste or constituents from any SWMU at the facility, regardless of the time at which the waste was placed in the unit.

Corrective action shall be specified in accordance with this permit section. This section will contain schedules of compliance for such corrective action.

12B.3.1 SWMUs and AOCs Identified by the RFA

The initial RCRA Facility Assessment (RFA) [June 1992], subsequent investigations, and

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other means have identified the SWMUs and areas of concern (AOCs) at the 21EMN Facility. The current SWMUs and AOCs are listed in Tables 12B.3a through 12B.3f, below.¹

Table 12B.3a – SWMUs Regulated under 40 CFR 264 (RCRA-regulated units)

SWMU/AOC No.	SWMU/AOC Name
1	Truck Bay
2	Tank Storage Bay
3	Detoxification Room
4	Dewatering Room
5	Crystallizer Room
6	Solids Receiving Room and Hopper
7	Lab Pack Room
8	East Container Storage Pad
9	East Container Storage Area
9a	Storm Water Runoff Pond
10	West Container Storage Pad
11	Laboratory
12	<i>Reserved</i>

Table 12B.3b – SWMUs and AOCs Requiring No Further Action at this Time

SWMU/AOC No.	SWMU/AOC Name
<i>Reserved</i>	<i>Reserved</i>

Table 12B.3c – SWMUs and AOCs Requiring a RCRA Facility Investigation (RFI)

SWMU/AOC No.	SWMU/AOC Name
<i>Reserved</i>	<i>Reserved</i>

Table 12B.3d – SWMUs and AOCs Requiring a Corrective Measures Study

SWMU/AOC No.	SWMU/AOC Name
<i>Reserved</i>	<i>Reserved</i>

Table 12B.3e – SWMUs and AOCs Requiring a Corrective Measures Implementation Plan

SWMU/AOC No.	SWMU/AOC Name
<i>Reserved</i>	<i>Reserved</i>

Table 12B.3f – SWMUs and AOCs in Corrective Action

SWMU/AOC No.	SWMU/AOC Name
<i>Reserved</i>	<i>Reserved</i>

12B.3.2 Additional SWMUs or AOCs

Additional SWMUs or AOCs may be discovered during the course of groundwater

¹ Tables 12B.3a through 12B.3f show the status of the SWMUs and AOCs at the time this permit was issued.

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monitoring, soil monitoring, field investigations, environmental audits, releases or other means.

12B.3.3 Contamination Beyond Facility Boundary

The Permittee shall implement corrective actions beyond the facility boundary where necessary to protect human health and the environment, unless the Permittee demonstrates, to the satisfaction of the Director, that, despite the Permittee's best efforts, as determined by the Director, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. *[40 CFR 264.110(c)]*

12B.4 NOTIFICATION AND ASSESSMENT REQUIREMENTS FOR NEWLY IDENTIFIED SWMUS AND AOCS

As described in Section L2.1 of the Permit Application, whenever any additional SWMU or AOC is discovered, the items described below shall be completed, within the specified time frames.

12B.4.1 Notification

The Permittee shall notify the Director in writing, within fifteen (15) calendar days of discovery, of any additional SWMUs, AOCS and/or releases of hazardous waste discovered under Permit Condition 12B3.2. The notification shall include, at a minimum:

1. A unique sequential identification number for the SWMU or AOC;
2. The location of the SWMU or AOC; and
3. All available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.).

12B.4.2 Assessment Report (AR)

The Permittee shall prepare and submit to the Director, within ninety (90) calendar days of notification, an Assessment Report (AR) for each SWMU, AOC, or release identified under Permit Condition 12B3.2. At a minimum, the AR shall provide the following information:

1. The unique sequential identification number for the SWMU, AOC or release;
2. Location of the unit(s)/area(s) on a topographic map of appropriate scale, such as required under 40 CFR 270.14(b)(19);
3. Designation of type and function of unit(s) and/or use of area(s);
4. General dimensions, capacities and structural description of unit(s)/area(s) (supply any available plans/drawings);
5. Dates the unit(s)/area(s) was operated/used;
6. Specification of all wastes that have been managed at/in the unit(s)/area(s), to the extent available. Include any available data on 40 CFR Part 261 Appendix VIII or 40 CFR Part 264 Appendix IX constituents contained in the wastes; and
7. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s)/area(s) (including groundwater, soil, air, surface water, and/or sediment data).

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12B.4.3 Director's Determination

The Director shall determine the need for further investigations at the SWMU(s), AOC(s), or release site(s) covered in the AR. If the Director determines that such investigations are needed, the Permittee shall prepare a plan for such investigations. If the Director determines further investigation of the SWMU(s), AOC(s) or release site(s) is required, the Permittee shall submit an application for a Permit modification, in accordance with 40 CFR 270 Subpart D.

12B.5 WORK TO BE PERFORMED

In the event of a release of a hazardous waste or constituent, or a requirement for conducting corrective action by way of the Division, the Permittee shall complete the following:

12B.5.1 RCRA Facility Assessment (RFA)

The Permittee shall complete a RCRA Facility Assessment (RFA) identifying the type of hazardous waste or constituents released, the location of the release, and any potential pathways, as described in Section L2.2 of the Permit Application. The Permittee shall submit this information to the Division in a written report.

12B.5.2 RCRA Facility Investigation (RFI)

The Permittee shall complete a RCRA Facility Investigation (RFI) characterizing the nature and extent of the release identified in the RFA, as described in Appendix L-1 of the Permit Application. This information will be submitted to the Division in a written report.

12B.5.3 Corrective Measures Study (CMS)

If the Division determines that a corrective action is necessary, the Permittee shall conduct a Corrective Measures Study (CMS), as described in Appendix L-2 of the Permit Application, to determine the most effective cleanup alternative. The purpose of the CMS is to identify and recommend specific corrective measures that will adequately correct the release. Remedy selection is the determination of which cleanup action will be implemented to correct the release and the time frames in which it must be implemented. The Permittee shall submit this information to the Division in a written report.

12B.5.4 Corrective Measures Implementation (CMI)

After the Division evaluates the corrective measure alternatives presented in the approved CMS Report, the Division will propose or accept a corrective measure (or measures) for implementation at the facility. The Permittee shall submit a certified report documenting that the corrective measures have been completed in accordance with the approved remedy.

[40 CFR 264.100(c)]

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12B.6 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	<i>Reserved</i>	

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13. SUMMARY

At the time this permit was issued, the facility was proposed to be clean-closed with no post-closure monitoring, corrective action, or post-closure care.

13.1 APPLICABILITY

The requirements of 40 CFR 264.117 through 264.119 apply to the Permittee. However, Permit Application Section I (Closure Plan and Cost Estimates) describes how the respective hazardous waste units plan to be clean-closed.

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14. SUMMARY

The Permittee shall comply with the Financial Assurance requirements of this section, and maintain an approved financial assurance funding mechanism(s) to fully cover the Closure Costs and Sudden Liability for an accidental release required for the facility. The facility is expected to be ‘clean-closed’ with no post-closure monitoring, corrective action, or care. As such, the required financial assurance does not, at this time, include a funding mechanism for any post-closure care and monitoring of the facility, nor for additional corrective action. A determination for financial assurance conditions respective to corrective action may be assessed at a later date.

14.1 APPLICABILITY

The requirements of 40 CFR 264.142, 264.143, 264.147, 264.148 and 264.151 apply to the Permittee, except as provided otherwise in this section or in 40 CFR 264.1. The Division may replace all or part of the requirements of this Permit Section applying to any Solid Waste Management Unit with alternative requirements for financial assurance to be set out in this Permit or in an enforceable document (as defined in 40 CFR 270.1(c)(7)), where the Director:

1. Prescribes alternative requirements for that Solid Waste Management Unit(s) (SWMU(s)) under 40 CFR 264.140(d).

14.2 MODIFICATIONS

- 14.2.1 For changes or modifications to the facility that may affect financial assurance requirements, the Permittee shall comply with the requirements of Permit Condition 1.2.

14.3 FINANCIAL ASSURANCE FOR FACILITY CLOSURE

The Permittee shall demonstrate continuous compliance with 40 CFR 264.142 and 264.143, by following the Financial Assurance procedures of Permit Application Section I and by providing documentation of financial assurance in at least the amount of the cost estimate required by Permit Conditions 14.4. Any proposed changes in the financial assurance mechanisms must be approved by the Director pursuant to 40 CFR 264.143, and in accordance with Permit Condition 1.2. The Permittee shall comply with both Permit Application Section I and the requirements of this section.

14.4 COST ESTIMATE FOR CLOSURE

The Permittee shall maintain a detailed written estimate, in current dollars, of the cost of closing the entire facility in accordance with the requirements of 40 CFR 264.111 through 264.115 and applicable closure requirements in 40 CFR 264.178, 264.197, 264.351, and 264.601 through 264.602. *[40 CFR 264.142(a)]*

- 14.4.1 The closure cost estimate:

- 14.4.1.1 Shall equal the cost of final closure at the point in the facility’s active life when the extent and manner of its operation would make closure the most expensive, as indicated by the

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facility's Closure Plan (Permit Application Section I); [40 CFR 264.142(a)(1)]

14.4.1.2 Shall be based on the costs of hiring a third partyⁱ to close the facility; [40 CFR 264.142(a)(2)]

14.4.1.3 May not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes if applicable under 40 CFR 264.113(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure; and [40 CFR 264.142(a)(3)]

14.4.1.4 May not incorporate a zero cost for hazardous wastes, or non-hazardous wastes if applicable under 40 CFR 264.113(d), that might have economic value. [40 CFR 264.142(a)(4)]

14.4.2 Adjustment for Inflation

During the active life of the facility, the Permittee must annually adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with Permit Condition 14.5 and in accordance with Permit Application Section I3.0 (Closure Cost Estimates). The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factorⁱⁱ derived from the most recent Implicit Price Deflator for Gross Domestic Product published by the U.S. Department of Commerce in its *Survey of Current Business*. The adjustment is made by multiplying the closure cost estimate by the inflation factor. [40 CFR 264.142(b)]

14.4.3 During the active life of the facility, the Permittee shall revise the closure cost estimate no later than 30 days after the Director has approved the request to modify the Closure Plan, if the change in the Closure Plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation, as specified in Permit Condition 14.4.2. [40 CFR 264.142(c)]

14.4.4 Documentation

The Permittee must keep the following at the facility during the operating life of the facility: [40 CFR 264.142(d)]

1. The latest closure cost estimate prepared in accordance with Permit Condition 14.4.1; and
2. When this cost estimate has been adjusted in accordance with Permit Condition 14.4.2, the latest adjusted closure cost estimate along with documentation of how the adjusted cost estimate was derived.

14.5 FINANCIAL ASSURANCE FOR CLOSURE

The Permittee shall establish and maintain financial assurance for closure of the facility in accordance with Permit Application Section I.6.0 (Financial Assurance Mechanism) and comply with the requirements specified below. Any change in the financial assurance mechanism must

ⁱ A third party is a party who is neither a parent nor a subsidiary of the Permittee (see definition of Parent Corporation in 40 CFR 264.141(d)).

ⁱⁱ The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year. Adjustment is made by multiplying the closure cost estimate by the inflation factor.

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be approved by the Director in accordance with Permit Condition 1.2.1. At the time this Permit was issued, the Permittee had chosen and established a Surety Bond guaranteeing payment into a Closure Trust Fund as a financial assurance mechanism. *[40 CFR 264.143]*

14.5.1 Surety Bond Guaranteeing Payment into a Closure Trust Fund *[40 CFR 264.143(b)]*

The Permittee shall satisfy the requirements of this section by obtaining a surety bond and establishing a standby trust fund which conform to the requirements of this section; and by submitting the bond and an originally signed duplicate of the trust agreement to the Director.

[40 CFR 264.143(b)]

14.5.1.1 Surety Bond

1. The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S.

[40 CFR 264.143(b)(1)]

2. The wording of the surety bond shall be identical to the wording specified in 40 CFR 264.151(b).

[40 CFR 264.143(b)(2)]

14.5.1.2 Standby Trust Fund

1. The trustee shall be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State Agency.

[40 CFR 264.143(a)(1) and 264.143(b)(3)]

2. The wording of the trust agreement shall be identical to the wording specified in 40 CFR 264.151(a)(1), without Sections 10 (Annual Valuation) and 15 (Notice of Nonpayment). The trust agreement shall be accompanied by a formal certification of acknowledgment.

[40 CFR 264.143(a)(2) and 264.143(b)(3)(ii)]

3. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Director.

[40 CFR 264.143(b)(3)]

14.5.1.3 Guarantee of Bond

Pursuant to 40 CFR 264.143(b)(4), the bond shall guarantee that the Permittee shall:

1. Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or
2. Fund the standby trust fund in an amount equal to the penal sum within 15 days after an administrative order to begin final closure issued by the Director becomes final, or within 15 days after an order to begin final closure is issued by a U.S. district court or other court of competent jurisdiction; or
3. Provide alternate financial assurance, and obtain the Director's written approval of the assurance provided, within 90 days after receipt by both the Permittee and the Director of a notice of cancellation of the bond from the surety.

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14.5.1.4 Bond Obligation

Under the terms of the bond, the surety shall become liable on the bond obligation when the Permittee fails to perform as guaranteed by the bond. *[40 CFR 264.143(b)(5)]*

14.5.1.5 Penal Sum

1. The penal sum of the bond shall be in an amount at least equal to the current closure cost estimate. *[40 CFR 264.143(b)(6)]*
2. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the Permittee, within 60 days after the increase, shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Director, or obtain other financial assurance to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Director. *[40 CFR 264.143(b)(7)]*

14.5.1.6 Cancellation of Bond

1. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the Permittee and to the Director. Cancellation shall not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the Permittee and the Director, as evidenced by the return receipts. *[40 CFR 264.143(b)(8)]*
2. The Permittee may cancel the bond if the Director has given prior written consent based on his receipt of evidence of alternate financial assurance. *[40 CFR 264.143(b)(9)]*

14.5.1.7 Post Funding of Standby Trust

After the Standby Trust is funded:

1. Whenever the current closure cost estimate changes, the Permittee shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the Permittee, within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified 40 CFR 264.143(a) through (f) to cover the difference. *[40 CFR 264.143(a)(6)]*
2. If the value of the trust fund is greater than the total amount of the current closure cost estimate, the Permittee may submit a written request to the Director for release of the amount in excess of the current closure cost estimate. *[40 CFR 264.143(a)(7)]*

14.5.1.8 Substitution of Financial Assurance

If the Permittee substitutes other financial assurance as specified in 40 CFR 264.143(a) through (f) for all or part of the trust fund, the Permittee may submit a written request to the Director for release of the amount in excess of the current closure cost estimate covered by the trust fund. *[40 CFR 264.143(a)(8)]*

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14.5.1.9 Request to Release Funds

Within 60 days after receiving a request from the Permittee for release of funds as specified in Permit Conditions 14.5.1.7 and 14.5.1.8, the Director shall instruct the trustee to release to the Permittee such funds as the Director specifies in writing. *[40 CFR 264.143(a)(9)]*

14.5.1.10 Reimbursements

After beginning partial or final closure, the Permittee, or another person authorized to conduct partial or final closure, shall request reimbursements for partial or final closure expenditures by submitting itemized bills to the Director. The permittee shall request reimbursements for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the Director shall instruct the trustee to make reimbursements in those amounts as the Director specifies in writing, if the Director determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Director has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, he may withhold reimbursements of such amounts as he deems prudent until he determines, in accordance with 40 CFR 264.143(i) that the Permittee is no longer required to maintain financial assurance for final closure of the facility. If the Director does not instruct the trustee to make such reimbursements, the Director shall provide the Permittee with a detailed written statement of reasons. *[40 CFR 264.143(a)(10)]*

14.5.1.11 Termination of Trust

Pursuant to 40 CFR 264.143(a)(11), the Director shall agree to termination of the trust when: *[40 CFR 264.143(i)]*

1. The Permittee substitutes alternate financial assurance as specified in Permit Condition 14.5.1.8; or
2. Within 60 days after receiving certifications from the Permittee and an independent registered Professional Engineer that final closure has been completed in accordance with the approved closure plan, the Director shall notify the Permittee in writing that he is no longer required to maintain financial assurance for final closure of the facility, unless the Director has reason to believe that final closure has not been in accordance with the approved closure plan. The Director shall provide the Permittee a detailed written statement of any such reason to believe that closure has not been in accordance with the approved closure plan.

14.6 **COST ESTIMATE FOR CORRECTIVE ACTION**

The Permittee shall establish and maintain financial assurance for any remedial or corrective actions required at the facility as a result of a release of hazardous waste and in accordance with the corrective measures study and the requirements specified below. Any change in the financial assurance mechanism must be approved by the Director in accordance with Permit Condition 1.2.

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14.6.1 The cost estimate for corrective action shall be:

1. Based on the costs of hiring a third partyⁱⁱⁱ to conduct the corrective action activities; and
2. Calculated by multiplying the annual corrective action cost estimate by the number of years of corrective action required by the Director.

14.6.2 Adjustment for Inflation

When required to perform Corrective Action, during the active life of the facility, the Permittee must annually adjust the corrective action cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with Permit Condition 14.7. The adjustment may be made by recalculating the maximum costs of corrective action in current dollars, or by multiplying the corrective action cost estimate by the inflation factor, as described in Permit Condition 14.4.2.

14.6.3 During the active life of the facility, the Permittee shall revise the corrective action cost estimate no later than 30 days after the Director has approved the request to modify the Corrective Action Plan, if the change in the Corrective Action Plan increases the cost of corrective action. The revised corrective action cost estimate must be adjusted for inflation, as specified in Permit Condition 14.6.2. *[40 CFR 264.142(c)]*

14.6.4 Documentation

The Permittee must keep the following at the facility during the operating life of the facility:

1. The latest corrective action cost estimate prepared in accordance with Permit Condition 14.6.1; and
2. When this cost estimate has been adjusted in accordance with Permit Condition 14.6.2, the latest adjusted corrective action cost estimate along with documentation of how the adjusted cost estimate was derived.

14.6.5 Release from the Requirements of Financial Assurance for Corrective Action

After receiving certifications from the Permittee and a qualified Professional Engineer that corrective action has been completed in accordance with the approved plans, and the Project Coordinator has accepted the final corrective action report and issued a letter indicating no further action, the Director will notify the Permittee that he/she is no longer required to maintain financial assurance for corrective action, unless the Director has reason to believe that corrective action has not been in accordance with the approved corrective action plan. The Director shall provide the Permittee with a detailed written statement of any such reason to believe that corrective action care has not been in accordance with the approved corrective action plan.

14.7 LIABILITY REQUIREMENTS ~ SUDDEN OCCURRENCES

The Permittee shall demonstrate continuous compliance with Permit Application Section I.7.0 (Liability Requirements) and 40 CFR 264.147(a) to maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence, with an annual

ⁱⁱⁱ A third party is a party who is neither a parent nor a subsidiary of the Permittee (see definition of Parent Corporation in 40 CFR 264.141(d)).

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aggregate of at least \$2 million, exclusive of legal defense costs.

[40 CFR 264.147]

14.7.1 Coverage for Sudden Accidental Occurrences

The Permittee must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility. The Permittee must have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated by having liability insurance, as follows: *[40 CFR 264.147(a)]*

1. Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be identical to the wording specified in 40 CFR 264.151(i). The wording of the certificate of insurance must be identical to the wording specified in 40 CFR 264.151(j). The Permittee must submit a signed duplicate original of the endorsement or the certificate of insurance to the Director. If requested by the Director, the Permittee must provide a signed duplicate original of the insurance policy.
2. Each insurance policy must be issued by an insurer, which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States, including Nevada.

14.7.1.1 The Permittee shall notify the Director, in writing, within 30 days, whenever:

1. A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in Permit Condition 14.7.1; or
2. A Certification of Valid Claim for bodily injury or property damages caused by a sudden accidental occurrence arising from the operation of the facility is entered between the Permittee and third party claimant for liability coverage under Permit Condition 14.7.1; or
3. A final court order establishing a judgment for bodily injury or property damage caused by a sudden accidental occurrence arising from the operation the facility is issued against the Permittee or an instrument that is providing financial assurance for liability coverage under Permit Condition 14.7.1.

14.7.2 Adjustments by the Director

If the Director determines that the levels of financial responsibility required are not consistent with the degree and duration of risk associated with the facility, the Director may adjust the level of financial responsibility required under this section, as may be necessary, to protect human health and the environment. The adjusted level will be based on the Director's assessment of the degree and duration of risk associated with the operation of the facility. In addition, if the Director determines that there is significant risk to human health or the environment from non-sudden accidental occurrences resulting from the operations of the facility, he may require that the Permittee comply with 40 CFR 264.147(b). The Permittee must furnish to the Director, within a reasonable time, any information which the Director requests, to determine whether cause exists for such adjustments of level or type of coverage.

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Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 40 CFR 270.41(a)(2) and 40 CFR 124.5 and comply with Permit Condition 1.2.1. *[40 CFR 264.147(d)]*

14.7.3 Period of Coverage

Within 60 days after receiving certifications from the Permittee and a qualified Professional Engineer that final closure has been completed in accordance with the approved closure plan; the Director will notify the Permittee in writing that he is no longer required by this section to maintain liability coverage for the facility, unless the Director has reason to believe that closure has not been in accordance with the approved closure plan. *[40 CFR 264.147(e)]*

14.8 INCAPACITY OF THE OWNERS, OPERATORS, GUARANTORS OR FINANCIAL INSTITUTIONS

14.8.1 Notification

The Permittee must notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the Permittee or parent company as debtor, within 10 days after commencement of the proceeding. *[40 CFR 264.148(a)]*

14.8.2 Establishment of Financial Assurance

The Permittee will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the institution issuing the surety bond or insurance policy. The Permittee shall establish other financial assurance or liability coverage within 60 days after such an event. *[40 CFR 264.148(b)]*

14.9 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

	Task	Date Due
1	Provide a detailed cost estimate for the Corrective Measures Implemented (CMI) including the installation, maintenance and removal of the selected corrective measure.	Within 90 days from the issuance of this Permit.
2	Update the Facility Closure Plan to include maintenance and/or removal of the implemented corrective measures.	Within 120 days from issuance of this Permit.
3	Provide a revised closure cost estimate which includes all costs associated with the corrective measures.	Within 120 days from issuance of this Permit.
4	Update and Submit the Financial Assurance Mechanism to match the updated Closure Cost Estimate.	Within 180 days from issuance of this Permit
5	<i>Reserved</i>	

RCRA PERMIT NEVHW0024 21EMN LLC EPA ID# NVD980895338	PERMIT ATTACHMENT 1A	RENEWAL October 2013
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RCRA Permit Renewal Application, Part A (*attached*)



**United States Environmental Protection Agency
RCRA SUBTITLE C SITE IDENTIFICATION FORM**

<p>SEND COMPLETED FORM TO: The Appropriate State or Regional Office.</p>		
<p>1. Reason for Submittal</p> <p>MARK ALL BOX(ES) THAT APPLY</p>	<p>Reason for Submittal:</p> <p><input type="checkbox"/> To provide an Initial Notification (first time submitting site identification information / to obtain an EPA ID number for this location)</p> <p><input type="checkbox"/> To provide a Subsequent Notification (to update site identification information for this location)</p> <p><input type="checkbox"/> As a component of a First RCRA Hazardous Waste Part A Permit Application</p> <p><input checked="" type="checkbox"/> As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment # _____)</p> <p><input type="checkbox"/> As a component of the Hazardous Waste Report (If marked, see sub-bullet below)</p> <p><input type="checkbox"/> Site was a TSD facility and/or generator of $\geq 1,000$ kg of hazardous waste, > 1 kg of acute hazardous waste, or > 100 kg of acute hazardous waste spill cleanup in <u>one or more months</u> of the report year (or State equivalent LQG regulations)</p>	
<p>2. Site EPA ID Number</p>	<p>EPA ID Number <input type="text" value="N"/> <input type="text" value="V"/> <input type="text" value="D"/> <input type="text" value="9"/> <input type="text" value="8"/> <input type="text" value="0"/> <input type="text" value="8"/> <input type="text" value="9"/> <input type="text" value="5"/> <input type="text" value="3"/> <input type="text" value="3"/> <input type="text" value="8"/></p>	
<p>3. Site Name</p>	<p>Name: 21st Century Environmental Management of Nevada, LLC (21 EMN) Fernley Facility</p>	
<p>4. Site Location Information</p>	<p>Street Address: 2095 Newlands Drive East</p> <p>City, Town, or Village: Fernley County: Lyon</p> <p>State: NV Country: USA Zip Code: 89408</p>	
<p>5. Site Land Type</p>	<p><input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other</p>	
<p>6. NAICS Code(s) for the Site (at least 5-digit codes)</p>	<p>A. <input type="text" value="5"/> <input type="text" value="6"/> <input type="text" value="2"/> <input type="text" value="2"/> <input type="text" value="1"/> <input type="text" value="1"/></p> <p>B. <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/></p> <p>C. <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/></p> <p>D. <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/></p>	
<p>7. Site Mailing Address</p>	<p>Street or P.O. Box: 2095 Newlands Drive East</p> <p>City, Town, or Village: Fernley</p> <p>State: NV Country: USA Zip Code: 89408</p>	
<p>8. Site Contact Person</p>	<p>First Name: Tracy MI: Last: Buono</p> <p>Title: General Manager</p> <p>Street or P.O. Box: same as above</p> <p>City, Town or Village:</p> <p>State: Country: Zip Code:</p> <p>Email: tracy.buono@pscnow.com</p> <p>Phone: 775-575-2760 Ext.: Fax: 775-575-2803</p>	
<p>9. Legal Owner and Operator of the Site</p>	<p>A. Name of Site's Legal Owner: 21 EMN Date Became Owner: 04/01/2008</p> <p>Owner Type: <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other</p> <p>Street or P.O. Box: same as above</p> <p>City, Town, or Village: Phone: same as above</p> <p>State: Country: Zip Code:</p> <p>B. Name of Site's Operator: 21 EMN Date Became Operator: 04/01/2008</p> <p>Operator Type: <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other</p>	

U. Type of Regulated Waste Activity (at your site)

Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

A. Hazardous Waste Activities; Complete all parts 1-10.

- Y N **1. Generator of Hazardous Waste**
If "Yes", mark only one of the following - a, b, or c.
- a. LQG: Generates, in any calendar month, 1,000 kg/mo (2,200 lbs./mo) or more of hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lbs./mo) of acute hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 100 kg/mo (220 lbs./mo) of acute hazardous spill cleanup material.
- b. SOG: 100 to 1,000 kg/mo (220 -- 2,200 lbs./mo) of non-acute hazardous waste.
- c. CESQG: Less than 100 kg/mo (220 lbs./mo) of non-acute hazardous waste.

If "Yes" above, indicate other generator activities in 2-4.

- Y N **2. Short-Term Generator** (generate from a short term or one-time event and not from on-going processes) If "Yes", provide an explanation in the Comments section
- N **3. United States Importer of Hazardous Waste**
- Y N **4. Mixed Waste (hazardous and radioactive) Generator**

- Y N **5. Transporter of Hazardous Waste**
If "Yes", mark all that apply.
- a. Transporter
 b. Transfer Facility (at your site)
- Y N **6. Treater, Storer, or Disposer of Hazardous Waste** Note: A hazardous waste Part B permit is required for these activities.
- Y N **7. Recycler of Hazardous Waste**
- Y N **8. Exempt Boiler and/or Industrial Furnace**
If "Yes", mark all that apply.
- a. Small Quantity On-site Burner Exemption
 b. Smelting, Melting, and Refining Furnace Exemption
- Y N **9. Underground Injection Control**
- Y N **10. Receives Hazardous Waste from Off-site**

B. Universal Waste Activities; Complete all parts 1-2.

- Y N **1. Large Quantity Handler of Universal Waste** (you accumulate 5,000 kg or more) [refer to your State regulations to determine what is regulated]. Indicate types of universal waste managed at your site. If "Yes", mark all that apply.
- a. Batteries
b. Pesticides
c. Mercury containing equipment
d. Lamps
e. Other (specify) _____
f. Other (specify) _____
g. Other (specify) _____
- Y N **2. Destination Facility for Universal Waste**
Note: A hazardous waste permit may be required for this activity

C. Used Oil Activities; Complete all parts 1-4.

- Y N **1. Used Oil Transporter**
If "Yes", mark all that apply.
- a. Transporter
 b. Transfer Facility (at your site)
- Y N **2. Used Oil Processor and/or Re-refiner**
If "Yes", mark all that apply.
- a. Processor
 b. Re-refiner
- Y N **3. Off-Specification Used Oil Burner**
- Y N **4. Used Oil Fuel Marketer**
If "Yes", mark all that apply.
- a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
 b. Marketer Who First Claims the Used Oil Meets the Specifications

Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR Part 262 Subpart K

❖ You can **ONLY** Opt into Subpart K if:

- you are at least one of the following: a college or university; a teaching hospital that is owned by or has a formal affiliation agreement with a college or university; or a non-profit research institute that is owned by or has a formal affiliation agreement with a college or university; **AND**
- you have checked with your State to determine if 40 CFR Part 262 Subpart K is effective in your state

Y N 1. Opting into or currently operating under 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories
See the item-by-item instructions for definitions of types of eligible academic entities. Mark all that apply:

- a. College or University
- b. Teaching Hospital that is owned by or has a formal written affiliation agreement with a college or university
- c. Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

Y N 2. Withdrawing from 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories

11. Description of Hazardous Waste

A. Waste Codes for Federally Regulated Hazardous Wastes. Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112) Use an additional page if more spaces are needed

see attached					

B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes. Please list the waste codes of the State-Regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations Use an additional page if more spaces are needed.

see attached					

12. Notification of Hazardous Secondary Material (HSM) Activity

Y N Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 261.2(a)(2)(ii), 40 CFR 261.4(a)(23), (24), or (25)?

If "Yes", you must fill out the Addendum to the Site Identification Form: Notification for Managing Hazardous Secondary Material.

13. Comments

Multiple empty horizontal lines for providing comments.

14. Certification. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. For the RCRA Hazardous Waste Part A Permit Application, all owner(s) and operator(s) must sign (see 40 CFR 270.10(b) and 270.11).

Signature of legal owner, operator, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
	Mo Azose, Regional Vice President	01/7/13

11.A. Waste Codes for Federally Regulated Hazardous Wastes

EPA HAZARDOUS WASTE CODES

A list of all the hazardous waste codes is shown below. See the regulations for details.

CHARACTERISTICS OF HAZARDOUS WASTE (SEE 40 CFR 261.24) - DXXX

HAZARDOUS WASTE FROM NON-SPECIFIC SOURCES (SEE 40 CFR 261.31) - FXXX

HAZARDOUS WASTE FROM SPECIFIC SOURCES (SEE 40 CFR 261.32) - KXXX

DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUALS, AND SPILL RESIDUES THEREOF - ACUTE HAZARDOUS WASTE (SEE 40 CFR 261.33) - PXXX

DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUALS, AND SPILL RESIDUES THEREOF - TOXIC WASTES (SEE 40 CFR 261.33) - UXXX

D001	F001	K001	K047	K123	P001	P050	P106	U001	U048	U095	U143	U189	U247
D002	F002	K002	K048	K124	P002	P051	P108	U002	U049	U096	U144	U190	U248
D003	F003	K003	K049	K125	P003	P052	P109	U003	U050	U097	U145	U191	U249
D004	F004	K004	K050	K126	P004	P053	P110	U004	U051	U098	U146	U192	U250
D005	F005	K005	K051	K131	P005	P057	P111	U005	U052	U099	U147	U193	U251
D006	F006	K006	K052	K132	P006	P058	P112	U006	U053	U100	U148	U194	U252
D007	F007	K007	K060	K136	P007	P059	P113	U007	U055	U102	U149	U196	U253
D008	F008	K008	K061	K141	P008	P060	P114	U008	U056	U103	U150	U197	U254
D009	F009	K009	K062	K142	P009	P062	P115	U009	U057	U105	U151	U200	U255
D010	F010	K010	K069	K143	P010	P063	P116	U010	U058	U106	U152	U201	U256
D011	F011	K011	K071	K144	P011	P064	P118	U011	U059	U107	U153	U202	U257
D012	F012	K013	K073	K145	P012	P065	P119	U012	U060	U108	U154	U203	U258
D013	F019	K014	K083	K147	P013	P066	P120	U014	U061	U109	U155	U204	U259
D014	F020	K015	K081	K118	P014	P067	P121	U015	U062	U110	U156	U205	U260
D015	F021	K016	K085	K149	P015	P068	P122	U016	U063	U111	U157	U206	U261
D016	F022	K017	K086	K150	P016	P069	P123	U017	U064	U112	U158	U207	U262
D017	F023	K018	K087	K151	P017	P070	P127	U018	U066	U113	U159	U208	U263
D018	F024	K019	K088	K156	P018	P071	P128	U019	U067	U114	U160	U209	U264
D019	F025	K020	K093	K157	P020	P072	P185	U020	U068	U115	U161	U210	U265
D020	F026	K021	K091	K158	P021	P073	P188	U021	U069	U116	U162	U211	U266
D021	F027	K022	K095	K159	P022	P074	P189	U022	U070	U117	U163	U213	U267
D022	F028	K023	K096	K161	P023	P075	P190	U023	U071	U118	U164	U214	U268
D023	F032	K024	K097	K169	P024	P076	P191	U024	U072	U119	U165	U215	U269
D024	F034	K025	K098	K170	P026	P077	P192	U025	U073	U120	U166	U216	U270
D025	F035	K026	K099	K171	P027	P078	P194	U026	U074	U121	U167	U217	U271
D026	F037	K027	K100	K172	P028	P081	P196	U027	U075	U122	U168	U218	U272
D027	F038	K028	K100	K174	P029	P082	P197	U028	U076	U123	U169	U219	U273
D028	F039	K029	K101	K175	P030	P084	P198	U029	U077	U124	U170	U220	U274
D029		K030	K102	K176	P031	P085	P199	U030	U078	U125	U171	U221	U275
D030		K031	K103	K177	P033	P087	P201	U031	U079	U126	U172	U222	U276
D031		K032	K104	K178	P034	P088	P202	U032	U080	U127	U173	U223	U277
D032		K033	K105	K181	P036	P089	P203	U033	U081	U128	U174	U225	U278
D033		K034	K106		P037	P092	P204	U034	U082	U129	U176	U226	U279
D034		K035	K107		P038	P095	P205	U035	U083	U130	U177	U227	U280
D035		K036	K108		P039	P094		U036	U084	U131	U178	U228	U281
D036		K037	K109		P040	P095		U037	U085	U132	U179	U234	U282
D037		K038	K110		P041	P096		U038	U086	U133	U180	U235	U283
D038		K039	K111		P042	P097		U039	U087	U134	U181	U236	U284
D039		K040	K112		P043	P098		U041	U088	U135	U182	U237	U285
D040		K041	K113		P044	P099		U042	U089	U136	U183	U238	U286
D041		K042	K114		P045	P101		U043	U090	U137	U184	U239	U287
D042		K043	K115		P046	P102		U044	U091	U138	U185	U240	U288
D043		K044	K116		P047	P103		U045	U092	U140	U186	U243	U289
		K045	K117		P048	P104		U046	U093	U141	U187	U244	U290
		K046	K118		P049	P105		U047	U094	U142	U188	U246	U291

11.B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes

CA	CA (cont.)	RI	MI (cont.)	MI (cont.)	MI (cont.)
121	491	R001	024U	075U	137U
122	511	R002	025U	076U	138U
123	512	R003	027U	077U	139U
131	513	R004	028U	078U	140U
132	521	R005	152U	079U	141U
133	531	R006	029U	082U	142U
134	541	VT	030U	083U	146U
135	551	VT02	031U	086U	153U
141	581	VT03	032U	088U	154U
161	571	VT06	033U	089U	155U
162	581	VT08	034U	090U	158U
171	591	VT20	150U	092U	165U
172	611	VT99	162U	093U	167U
181	612	MI	036U	094U	168U
211	613	001S	037U	095U	170U
212	711	002S	038U	096U	171U
213	721	003S	163U	097U	172U
214	722	004S	151U	098U	173U
221	723	005S	040U	099U	174U
222	724	006S	041U	100U	175U
223	725	007S	042U	101U	TX
231	726	001K	043U	102U	Class 1
232	727	002K	044U	103U	Class 2
241	728	001U	046U	104U	Class 3
251	741	002U	164U	106U	
252	751	003U	048U	108U	
271	791	004U	049U	110U	
272	792	005U	050U	111U	
281	801	006U	051U	112U	
291	WA	007U	052U	113U	
311	WSC2	008U	054U	115U	
321	WT01	009U	055U	116U	
322	WT02	011U	056U	117U	
331	WP01	012U	057U	118U	
341	WP02	013U	058U	119U	
342	WP03	014U	059U	120U	
343	OR	147U	166U	121U	
351	X001	148U	061U	122U	
352	X007	159U	063U	124U	
411	MO	015U	064U	127U	
421	MH02	016U	065U	128U	
431	D098	017U	068U	129U	
441		020U	070U	131U	
451	SC	160U	071U	132U	
461	K900	161U	072U	134U	
471	5555	022U	073U	135U	
481	7777	023U	074U	136U	

United States Environmental Protection Agency
HARDOUS WASTE PERMIT INFORMATION FORM

1. Facility Permit Contact	First Name: Larry	MI:	Last Name: Wilson
	Contact Title: General Manager		
	Phone: 775-575-2760	Ext.:	Email: Larry.Wilson@pscnow.com
2. Facility Permit Contact Mailing Address	Street or P.O. Box: 2095 Newlands Drive E.		
	City, Town, or Village: Fernley		
	State: NV		
	Country: USA	Zip Code: 89408	
3. Operator Mailing Address and Telephone Number	Street or P.O. Box: same as above		
	City, Town, or Village:		
	State:	Phone:	
	Country:	Zip Code:	
4. Facility Existence Date	Facility Existence Date (mm/dd/yyyy): 12/24/1984		

5. Other Environmental Permits												
A. Facility Type (Enter code)	B. Permit Number											C. Description
P	A	P	4	9	5	3	-	2	2	3	5	Air Quality Operating Permit
E	7	7	3									Lyon County Special Use Permit
N	2	0	1	8	1							Stormwater Discharge Permit
E	6	1	5	4	4	3						USDOT Registration
E	1	2	8	6	2	5						Hazardous Materials Storage Permit

6. Nature of Business: Commercial facility for the storage and treatment of RCRA characteristic, RCRA listed, and state-regulated hazardous wastes.

7. Process Codes and Design Capacities – Enter information in the Section on Form Page 3

- A. PROCESS CODE** – Enter the code from the list of process codes below that best describes each process to be used at the facility. If more lines are needed, attach a separate sheet of paper with the additional information. For "other" processes (i.e., D99, S99, T04 and X99), describe the process (including its design capacity) in the space provided in Item 8.
- B. PROCESS DESIGN CAPACITY** – For each code entered in Item 7.A; enter the capacity of the process.
1. **AMOUNT** – Enter the amount. In a case where design capacity is not applicable (such as in a closure/post-closure or enforcement action) enter the total amount of waste for that process.
 2. **UNIT OF MEASURE** – For each amount entered in Item 7.B(1), enter the code in Item 7.B(2) from the list of unit of measure codes below that describes the unit of measure used. Select only from the units of measure in this list.
- C. PROCESS TOTAL NUMBER OF UNITS** – Enter the total number of units for each corresponding process code.

Process Code	Process	Appropriate Unit of Measure for Process Design Capacity	Process Code	Process	Appropriate Unit of Measure for Process Design Capacity
Disposal			Treatment (Continued) (for T81 – T94)		
D79	Underground Injection Well Disposal	Gallons; Liters; Gallons Per Day; or Liters Per Day	T81	Cement Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; BTU Per Hour; Liters Per Hour; Kilograms Per Hour; or Million BTU Per Hour
D80	Landfill	Acre-feet; Hectares-meter; Acres; Cubic Meters; Hectares; Cubic Yards	T82	Lime Kiln	
D81	Land Treatment	Acres or Hectares	T83	Aggregate Kiln	
D82	Ocean Disposal	Gallons Per Day or Liters Per Day	T84	Phosphate Kiln	
D83	Surface Impoundment Disposal	Gallons; Liters; Cubic Meters; or Cubic Yards	T85	Coke Oven	
D99	Other Disposal	Any Unit of Measure Listed Below	T86	Blast Furnace	
Storage			T87	Smelting, Melting, or Refining Furnace	
S01	Container	Gallons; Liters; Cubic Meters; or Cubic Yards	T88	Titanium Dioxide Chloride Oxidation Reactor	
S02	Tank Storage	Gallons; Liters; Cubic Meters; or Cubic Yards	T89	Methane Reforming Furnace	
S03	Waste Pile	Cubic Yards or Cubic Meters	T90	Pulping Liquor Recovery Furnace	
S04	Surface Impoundment	Gallons; Liters; Cubic Meters; or Cubic Yards	T91	Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid	
S05	Drip Pad	Gallons; Liters; Cubic Meters; Hectares; or Cubic Yards	T92	Halogen Acid Furnaces	
S06	Containment Building Storage	Cubic Yards or Cubic Meters	T93	Other Industrial Furnaces Listed in 40 CFR 260.10	
S99	Other Storage	Any Unit of Measure Listed Below	T94	Containment Building Treatment	Cubic Yards; Cubic Meters; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; BTU Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million BTU Per Hour
Treatment			Miscellaneous (Subpart X)		
T01	Tank Treatment	Gallons Per Day; Liters Per Day	X01	Open Burning/Open Detonation	Any Unit of Measure Listed Below
T02	Surface Impoundment	Gallons Per Day; Liters Per Day	X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Day; Metric Tons Per Hour; or Million BTU Per Hour
T03	Incinerator	Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; BTUs Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Metric Tons Per Hour; or Million BTU Per Hour	X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Short Tons Per Day; BTUs Per Hour; Gallons Per Day; Liters Per Hour; or Million BTU Per Hour
T04	Other Treatment	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Short Tons Per Day; BTUs Per Hour; Gallons Per Day; Liters Per Hour; or Million BTU Per Hour	X04	Geologic Repository	Cubic Yards; Cubic Meters; Acre-feet; Hectare-meter; Gallons; or Liters
T80	Boiler	Gallons; Liters; Gallons Per Hour; Liters Per Hour; BTUs Per Hour; or Million BTU Per Hour	X99	Other Subpart X	Any Unit of Measure Listed Below

Unit of Measure	Unit of Measure Code	Unit of Measure	Unit of Measure Code	Unit of Measure	Unit of Measure Code
Gallons	G	Short Tons Per Hour	D	Cubic Yards	Y
Gallons Per Hour	E	Short Tons Per Day	N	Cubic Meters	C
Gallons Per Day	U	Metric Tons Per Hour	W	Acres	B
Liters	L	Metric Tons Per Day	S	Acre-feet	A
Liters Per Hour	H	Pounds Per Hour	J	Hectares	Q
Liters Per Day	V	Kilograms Per Hour	X	Hectare-meter	F
		Million BTU Per Hour	X	BTU Per Hour	I

Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES										
	(1) PROCESS CODES (Enter Code)										(2) PROCESS DESCRIPTION (If code is not entered in 9.D(1))						
	1				230,000	T											See Item 13 - p. 6 of 6
	2	D	0	0	1		S	0	1	S	0	2	T	0	1		
	3	D	0	0	2		S	0	1	S	0	2	T	0	1		
	4	D	0	0	3		S	0	1	S	0	2	T	0	1		
	5	D	0	0	4		S	0	1	S	0	2	T	0	1		
	6	D	0	0	5		S	0	1	S	0	2	T	0	1		
	7	D	0	0	6		S	0	1	S	0	2	T	0	1		
	8	D	0	0	7		S	0	1	S	0	2	T	0	1		
	9	D	0	0	8		S	0	1	S	0	2	T	0	1		
1	0	D	0	0	9		S	0	1	S	0	2	T	0	1		
1	1	D	0	1	0		S	0	1	S	0	2	T	0	1		
1	2	D	0	1	1		S	0	1	S	0	2	T	0	1		
1	3	D	0	1	2		S	0	1								
1	4	D	0	1	3		S	0	1								
1	5	D	0	1	4		S	0	1								
1	6	D	0	1	5		S	0	1								
	7	D	0	1	6		S	0	1								
1	8	D	0	1	7		S	0	1								
1	9	D	0	1	8		S	0	1								
2	0	D	0	1	9		S	0	1								
2	1	D	0	2	0		S	0	1								
2	2	D	0	2	1		S	0	1								
2	3	D	0	2	2		S	0	1								
2	4	D	0	2	3		S	0	1								
2	5	D	0	2	4		S	0	1								
2	6	D	0	2	5		S	0	1								
2	7	D	0	2	6		S	0	1								
2	8	D	0	2	7		S	0	1								
2	9	D	0	2	8		S	0	1								
3	0	D	0	2	9		S	0	1								
3	1	D	0	3	0		S	0	1								
3	2	D	0	3	1		S	0	1								
3	3	D	0	3	2		S	0	1								
3	4	D	0	3	3		S	0	1								
3	5	D	0	3	4		S	0	1								
	6	D	0	3	5		S	0	1								

9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)					B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES													
	(1) PROCESS CODES (Enter Code)							(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)													
	1	F	0	0	1			S	0	1											
	2	F	0	0	2			S	0	1											
	3	F	0	0	3			S	0	1											
	4	F	0	0	4			S	0	1											
	5	F	0	0	5			S	0	1											
	6	F	0	0	6			S	0	1	S	0	2	T	0	1					
	7	F	0	0	7			S	0	1	S	0	2	T	0	1					
	8	F	0	0	8			S	0	1	S	0	2	T	0	1					
	9	F	0	0	9			S	0	1	S	0	2	T	0	1					
1	0	F	0	1	0			S	0	1	S	0	2	T	0	1					
1	1	F	0	1	1			S	0	1	S	0	2	T	0	1					
1	2	F	0	1	2			S	0	1	S	0	2	T	0	1					
1	3	F	0	1	9			S	0	1	S	0	2	T	0	1					
1	4	F	0	2	0			S	0	1											
1	5	F	0	2	1			S	0	1											
1	6	F	0	2	2			S	0	1											
1	7	F	0	2	3			S	0	1											
1	8	F	0	2	4			S	0	1											
1	9	F	0	2	5			S	0	1											
2	0	F	0	2	6			S	0	1											
2	1	F	0	2	7			S	0	1											
2	2	F	0	2	8			S	0	1											
2	3	F	0	3	2			S	0	1											
2	4	F	0	3	4			S	0	1											
2	5	F	0	3	5			S	0	1											
2	6	F	0	3	7			S	0	1											
2	7	F	0	3	8			S	0	1											
2	8	F	0	3	9			S	0	1											
2	9																				
3	0																				
3	1																				
3	2																				
3	3																				
3	4																				
3	5																				
3	6																				

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9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)					B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES													
								(1) PROCESS CODES (Enter Code)					(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)								
	1	K	0	0	1			S	0	1											
	2	K	0	0	2			S	0	1	S	0	2	T	0	1					
	3	K	0	0	3			S	0	1	S	0	2	T	0	1					
	4	K	0	0	4			S	0	1	S	0	2	T	0	1					
	5	K	0	0	5			S	0	1	S	0	2	T	0	1					
	6	K	0	0	6			S	0	1	S	0	2	T	0	1					
	7	K	0	0	7			S	0	1	S	0	2	T	0	1					
	8	K	0	0	8			S	0	1	S	0	2	T	0	1					
	9	K	0	0	9			S	0	1											
1	0	K	0	1	0			S	0	1											
1	1	K	0	1	1			S	0	1											
1	2	K	0	1	3			S	0	1											
1	3	K	0	1	4			S	0	1											
1	4	K	0	1	5			S	0	1											
1	5	K	0	1	6			S	0	1											
1	6	K	0	1	7			S	0	1											
1	7	K	0	1	8			S	0	1											
1	8	K	0	1	9			S	0	1											
1	9	K	0	2	0			S	0	1											
2	0	K	0	2	1			S	0	1											
2	1	K	0	2	2			S	0	1											
2	2	K	0	2	3			S	0	1											
2	3	K	0	2	4			S	0	1											
2	4	K	0	2	5			S	0	1											
2	5	K	0	2	6			S	0	1											
2	6	K	0	2	7			S	0	1											
2	7	K	0	2	8			S	0	1											
2	8	K	0	2	9			S	0	1											
2	9	K	0	3	0			S	0	1											
3	0	K	0	3	1			S	0	1											
3	1	K	0	3	2			S	0	1											
3	2	K	0	3	3			S	0	1											
3	3	K	0	3	4			S	0	1											
3	4	K	0	3	5			S	0	1											
3	5	K	0	3	6			S	0	1											
3	6	K	0	3	7			S	0	1											

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9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)					B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES													
								(1) PROCESS CODES (Enter Code)					(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)								
3	7	K	0	3	8			S	0	1											
3	8	K	0	3	9			S	0	1											
3	9	K	0	4	0			S	0	1											
4	0	K	0	4	1			S	0	1											
4	1	K	0	4	2			S	0	1											
4	2	K	0	4	3			S	0	1											
4	3	K	0	4	4			S	0	1											
4	4	K	0	4	5			S	0	1											
4	5	K	0	4	6			S	0	1											
4	6	K	0	4	7			S	0	1											
4	7	K	0	4	8			S	0	1											
4	8	K	0	4	9			S	0	1											
4	9	K	0	5	0			S	0	1											
5	0	K	0	5	1			S	0	1											
5	1	K	0	5	2			S	0	1											
5	2	K	0	6	0			S	0	1											
5	3	K	0	6	1			S	0	1											
5	4	K	0	6	2			S	0	1											
5	5	K	0	6	9			S	0	1											
5	6	K	0	7	1			S	0	1											
5	7	K	0	7	3			S	0	1											
5	8	K	0	8	3			S	0	1											
5	9	K	0	8	4			S	0	1											
6	0	K	0	8	5			S	0	1											
6	1	K	0	8	6			S	0	1											
6	2	K	0	8	7			S	0	1											
6	3	K	0	8	8			S	0	1											
6	4	K	0	9	3			S	0	1											
6	5	K	0	9	4			S	0	1											
6	6	K	0	9	5			S	0	1											
6	7	K	0	9	6			S	0	1											
6	8	K	0	9	7			S	0	1											
6	9	K	0	9	8			S	0	1											
7	0	K	0	9	9			S	0	1											
7	1	K	1	0	0			S	0	1											
7	2	K	1	0	1			S	0	1											

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9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)					B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES														
	(1) PROCESS CODES (Enter Code)										(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)											
1	P	0	0	1				S	0	1												
2	P	0	0	2				S	0	1												
3	P	0	0	3				S	0	1												
4	P	0	0	4				S	0	1												
5	P	0	0	5				S	0	1												
6	P	0	0	6				S	0	1												
7	P	0	0	7				S	0	1												
8	P	0	0	8				S	0	1												
9	P	0	0	9				S	0	1												
10	P	0	1	0				S	0	1												
11	P	0	1	1				S	0	1												
12	P	0	1	2				S	0	1												
13	P	0	1	3				S	0	1												
14	P	0	1	4				S	0	1												
15	P	0	1	5				S	0	1												
16	P	0	1	6				S	0	1												
17	P	0	1	7				S	0	1												
18	P	0	1	8				S	0	1												
19	P	0	2	0				S	0	1												
20	P	0	2	1				S	0	1	S	0	2	T	0	1						
21	P	0	2	2				S	0	1												
22	P	0	2	3				S	0	1												
23	P	0	2	4				S	0	1												
24	P	0	2	6				S	0	1												
25	P	0	2	7				S	0	1												
26	P	0	2	8				S	0	1												
27	P	0	2	9				S	0	1	S	0	2	T	0	1						
28	P	0	3	0				S	0	1	S	0	2	T	0	1						
29	P	0	3	1				S	0	1												
30	P	0	3	3				S	0	1												
31	P	0	3	4				S	0	1												
32	P	0	3	6				S	0	1												
33	P	0	3	7				S	0	1												
34	P	0	3	8				S	0	1												
35	P	0	3	9				S	0	1												
36	P	0	4	0				S	0	1												

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9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number		A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES												
								(1) PROCESS CODES (Enter Code)					(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)							
3	7	P	0	4	1			S	0	1										
3	8	P	0	4	2			S	0	1										
3	9	P	0	4	3			S	0	1										
4	0	P	0	4	4			S	0	1										
4	1	P	0	4	5			S	0	1										
4	2	P	0	4	6			S	0	1										
4	3	P	0	4	7			S	0	1										
4	4	P	0	4	8			S	0	1										
4	5	P	0	4	9			S	0	1										
4	6	P	0	5	0			S	0	1										
4	7	P	0	5	1			S	0	1										
4	8	P	0	5	4			S	0	1										
4	9	P	0	5	6			S	0	1										
5	0	P	0	5	7			S	0	1										
5	1	P	0	5	8			S	0	1										
5	2	P	0	5	9			S	0	1										
5	3	P	0	6	0			S	0	1										
5	4	P	0	6	2			S	0	1										
5	5	P	0	6	3			S	0	1										
5	6	P	0	6	4			S	0	1										
5	7	P	0	6	5			S	0	1										
5	8	P	0	6	6			S	0	1										
5	9	P	0	6	7			S	0	1										
6	0	P	0	6	8			S	0	1										
6	1	P	0	6	9			S	0	1										
6	2	P	0	7	0			S	0	1										
6	3	P	0	7	1			S	0	1										
6	4	P	0	7	2			S	0	1										
6	5	P	0	7	3			S	0	1										
6	6	P	0	7	4			S	0	1	S	0	2	T	0	1				
6	7	P	0	7	5			S	0	1										
6	8	P	0	7	6			S	0	1										
6	9	P	0	7	7			S	0	1										
7	0	P	0	7	8			S	0	1										
7	1	P	0	8	1			S	0	1										
7	2	P	0	8	2			S	0	1										

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9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)					B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES														
	(1) PROCESS CODES (Enter Code)										(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)											
7	3	P	0	8	4			S	0	1												
7	4	P	0	8	5			S	0	1												
7	5	P	0	8	7			S	0	1												
7	6	P	0	8	8			S	0	1												
7	7	P	0	8	9			S	0	1												
7	8	P	0	9	2			S	0	1												
7	9	P	0	9	3			S	0	1												
8	0	P	0	9	4			S	0	1												
8	1	P	0	9	5			S	0	1												
8	2	P	0	9	6			S	0	1												
8	3	P	0	9	7			S	0	1												
8	4	P	0	9	8			S	0	1	S	0	2	T	0	1						
8	5	P	0	9	9			S	0	1	S	0	2	T	0	1						
8	6	P	1	0	1			S	0	1												
8	7	P	1	0	2			S	0	1												
8	8	P	1	0	3			S	0	1												
8	9	P	1	0	4			S	0	1	S	0	2	T	0	1						
9	0	P	1	0	5			S	0	1												
9	1	P	1	0	6			S	0	1	S	0	2	T	0	1						
9	2	P	1	0	8			S	0	1												
9	3	P	1	0	9			S	0	1												
9	4	P	1	1	0			S	0	1												
9	5	P	1	1	1			S	0	1												
9	6	P	1	1	2			S	0	1												
9	7	P	1	1	3			S	0	1												
9	8	P	1	1	4			S	0	1												
9	9	P	1	1	5			S	0	1												
100		P	1	1	6			S	0	1												
101		P	1	1	8			S	0	1												
102		P	1	1	9			S	0	1												
103		P	1	2	0			S	0	1												
104		P	1	2	1			S	0	1												
105		P	1	2	2			S	0	1												
106		P	1	2	3			S	0	1												
107		P	1	2	7			S	0	1												
108		P	1	2	8			S	0	1												

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9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number		A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES												
								(1) PROCESS CODES (Enter Code)					(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)							
3	7	U	0	3	8			S	0	1										
3	8	U	0	3	9			S	0	1										
3	9	U	0	4	1			S	0	1										
4	0	U	0	4	2			S	0	1										
4	1	U	0	4	3			S	0	1										
4	2	U	0	4	4			S	0	1										
4	3	U	0	4	5			S	0	1										
4	4	U	0	4	6			S	0	1										
4	5	U	0	4	7			S	0	1										
4	6	U	0	4	8			S	0	1										
4	7	U	0	4	9			S	0	1										
4	8	U	0	5	0			S	0	1										
4	9	U	0	5	1			S	0	1										
5	0	U	0	5	2			S	0	1										
5	1	U	0	5	3			S	0	1										
5	2	U	0	5	5			S	0	1										
5	3	U	0	5	6			S	0	1										
5	4	U	0	5	7			S	0	1										
5	5	U	0	5	8			S	0	1										
5	6	U	0	5	9			S	0	1										
5	7	U	0	6	0			S	0	1										
5	8	U	0	6	1			S	0	1										
5	9	U	0	6	2			S	0	1										
6	0	U	0	6	3			S	0	1										
6	1	U	0	6	4			S	0	1										
6	2	U	0	6	6			S	0	1										
6	3	U	0	6	7			S	0	1										
6	4	U	0	6	8			S	0	1										
6	5	U	0	6	9			S	0	1										
6	6	U	0	7	0			S	0	1										
6	7	U	0	7	1			S	0	1										
6	8	U	0	7	2			S	0	1										
6	9	U	0	7	3			S	0	1										
7	0	U	0	7	4			S	0	1										
7	1	U	0	7	5			S	0	1										
7	2	U	0	7	6			S	0	1										

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9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)					B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES														
	(1) PROCESS CODES (Enter Code)										(2) PROCESS DESCRIPTION (if code is not entered in 9.D.1)											
7	3	U	0	7	7			S	0	1												
7	4	U	0	7	8			S	0	1												
7	5	U	0	7	9			S	0	1												
7	6	U	0	8	0			S	0	1												
7	7	U	0	8	1			S	0	1												
7	8	U	0	8	2			S	0	1												
7	9	U	0	8	3			S	0	1												
8	0	U	0	8	4			S	0	1												
8	1	U	0	8	5			S	0	1												
8	2	U	0	8	6			S	0	1												
8	3	U	0	8	7			S	0	1												
8	4	U	0	8	8			S	0	1												
8	5	U	0	8	9			S	0	1												
8	6	U	0	9	0			S	0	1												
8	7	U	0	9	1			S	0	1												
8	8	U	0	9	2			S	0	1												
8	9	U	0	9	3			S	0	1												
9	0	U	0	9	4			S	0	1												
9	1	U	0	9	5			S	0	1												
9	2	U	0	9	6			S	0	1												
9	3	U	0	9	7			S	0	1												
9	4	U	0	9	8			S	0	1												
9	5	U	0	9	9			S	0	1												
9	6	U	1	0	1			S	0	1												
9	7	U	1	0	2			S	0	1												
9	8	U	1	0	3			S	0	1												
9	9	U	1	0	5			S	0	1												
100		U	1	0	6			S	0	1												
101		U	1	0	7			S	0	1												
102		U	1	0	8			S	0	1												
103		U	1	0	9			S	0	1												
104		U	1	1	0			S	0	1												
105		U	1	1	1			S	0	1												
106		U	1	1	2			S	0	1												
107		U	1	1	3			S	0	1												
108		U	1	1	4			S	0	1												

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9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES													
	(1) PROCESS CODES (Enter Code)						(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)													
109	U	1	1	5			S	0	1											
110	U	1	1	6			S	0	1											
111	U	1	1	7			S	0	1											
112	U	1	1	8			S	0	1											
113	U	1	1	9			S	0	1											
114	U	1	2	0			S	0	1											
115	U	1	2	1			S	0	1											
116	U	1	2	2			S	0	1											
117	U	1	2	3			S	0	1											
118	U	1	2	4			S	0	1											
119	U	1	2	5			S	0	1											
120	U	1	2	6			S	0	1											
121	U	1	2	7			S	0	1											
122	U	1	2	8			S	0	1											
123	U	1	2	9			S	0	1											
124	U	1	3	0			S	0	1											
125	U	1	3	1			S	0	1											
126	U	1	3	2			S	0	1											
127	U	1	3	3			S	0	1											
128	U	1	3	4			S	0	1	S	0	2	T	0	1					
129	U	1	3	5			S	0	1											
130	U	1	3	6			S	0	1											
131	U	1	3	7			S	0	1											
132	U	1	3	8			S	0	1											
133	U	1	4	0			S	0	1											
134	U	1	4	1			S	0	1											
135	U	1	4	2			S	0	1											
136	U	1	4	3			S	0	1											
137	U	1	4	4			S	0	1											
138	U	1	4	5			S	0	1											
139	U	1	4	6			S	0	1											
140	U	1	4	7			S	0	1											
141	U	1	4	8			S	0	1											
142	U	1	4	9			S	0	1											
143	U	1	5	0			S	0	1											
144	U	1	5	1			S	0	1											CONT. ON NEXT PAGE

9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES													
	(1) PROCESS CODES (Enter Code)							(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)												
145	U	1	5	2			S	0	1											
146	U	1	5	3			S	0	1											
147	U	1	5	4			S	0	1											
148	U	1	5	5			S	0	1											
149	U	1	5	6			S	0	1											
150	U	1	5	7			S	0	1											
151	U	1	5	8			S	0	1											
152	U	1	5	9			S	0	1											
153	U	1	6	0			S	0	1											
154	U	1	6	1			S	0	1											
155	U	1	6	2			S	0	1											
156	U	1	6	3			S	0	1											
157	U	1	6	4			S	0	1											
158	U	1	6	5			S	0	1											
159	U	1	6	6			S	0	1											
160	U	1	6	7			S	0	1											
161	U	1	6	8			S	0	1											
162	U	1	6	9			S	0	1											
163	U	1	7	0			S	0	1											
164	U	1	7	1			S	0	1											
165	U	1	7	2			S	0	1											
166	U	1	7	3			S	0	1											
167	U	1	7	4			S	0	1											
168	U	1	7	6			S	0	1											
169	U	1	7	7			S	0	1											
170	U	1	7	8			S	0	1											
171	U	1	7	9			S	0	1											
172	U	1	8	0			S	0	1											
173	U	1	8	1			S	0	1											
174	U	1	8	2			S	0	1											
175	U	1	8	3			S	0	1											
176	U	1	8	4			S	0	1											
177	U	1	8	5			S	0	1											
178	U	1	8	6			S	0	1											
179	U	1	8	7			S	0	1											
180	U	1	8	8			S	0	1											CONT. ON NEXT PAGE

9. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number	A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES														
	(1) PROCESS CODES (Enter Code)							(2) PROCESS DESCRIPTION (If code is not entered in 9.D.1)													
181	U	1	8	9			S	0	1												
182	U	1	9	0			S	0	1												
183	U	1	9	1			S	0	1												
184	U	1	9	2			S	0	1												
185	U	1	9	3			S	0	1												
186	U	1	9	4			S	0	1												
187	U	1	9	6			S	0	1												
188	U	1	9	7			S	0	1												
189	U	2	0	0			S	0	1												
190	U	2	0	1			S	0	1												
191	U	2	0	2			S	0	1												
192	U	2	0	3			S	0	1												
193	U	2	0	4			S	0	1												
194	U	2	0	5			S	0	1												
195	U	2	0	6			S	0	1												
196	U	2	0	7			S	0	1												
197	U	2	0	8			S	0	1												
198	U	2	0	9			S	0	1												
199	U	2	1	0			S	0	1												
200	U	2	1	1			S	0	1												
201	U	2	1	3			S	0	1												
202	U	2	1	4			S	0	1												
203	U	2	1	5			S	0	1												
204	U	2	1	6			S	0	1												
205	U	2	1	7			S	0	1												
206	U	2	1	8			S	0	1												
207	U	2	1	9			S	0	1												
208	U	2	2	0			S	0	1												
209	U	2	2	1			S	0	1												
210	U	2	2	2			S	0	1												
211	U	2	2	3			S	0	1												
212	U	2	2	5			S	0	1												
213	U	2	2	6			S	0	1												
214	U	2	2	7			S	0	1												
215	U	2	2	8			S	0	1												
216	U	2	3	4			S	0	1												CONT. ON NEXT PAGE

10. Map

Attach to this application a topographical map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all spring, rivers, and other surface water bodies in this map area. See instructions for precise requirements.

11. Facility Drawing

All existing facilities must include a scale drawing of the facility (see instructions for more detail).

12. Photographs

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment, and disposal areas; and sites of future storage, treatment, or disposal areas (see instructions for more detail).

13. Comments

The facility receives a broad variety of wastes from off-site generators which may be described by any combination of the waste numbers shown in Item 9. The estimated annual quantity of waste is based on historical records and on conservative estimates of future waste receipts at the facility. This estimate is intended to reflect all regulated hazardous wastes received, regardless of which waste numbers or treatment processes apply.

Incoming wastes are sorted by the appropriate on-site treatment process, which are described in Sections B, C and D of the Part B permit application. Wastes may also be sent off-site for additional management options, including solvent recycling, wastewater treatment/discharge, fuel blending, incineration, stabilization/solidification, and land disposal.

RCRA PERMIT NEVHW0024 21EMN LLC EPA ID# NVD980895338	PERMIT ATTACHMENT 1B	RENEWAL October 2013
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List of Restricted Wastes at 21EMN

[See Permit Condition 2.8]

The Permittee is not authorized to receive, treat, store, dispose of, or otherwise manage the following:

1. Any radioactive material that is not exempt from regulation and licensing or is not expressly authorized for disposal under this Permit;
2. Any radioactive or nuclear waste material, which requires specific licensing or permitting under any other rules of state or federal authorities for disposal or transshipment;
3. Class 1, Division 1.1 or 1.2, or forbidden explosives (49 CFR 173.50), or any explosive material, as defined by USDOT under 49 CFR 173;
4. Chemical Munitions, Biological Agents, Etiologic Agents or infectious wastes;
5. Any material with PCBs greater than 50 ppm;
6. Any material with pH >14; or
7. The hazardous waste described as “prohibited” in:
 - (a) Permit Condition 3.3;
 - (b) Permit Condition 4.1.2;
 - (c) Permit Condition 5.1.2; or
 - (d) Permit Condition 6.2.

RCRA PERMIT NEVHW0024 21EMN LLC EPA ID# NVD980895338	PERMIT ATTACHMENT 2	RENEWAL October 2013
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The following documents are adopted herein as if fully set forth in this permit:

1. 21EMN RCRA Part B Application Volumes I, II, and III – July 2012 and subsequent revisions.
2. Final RCRA Facility Investigation (April 2013)
3. Focused Corrective Measures Study (June 5, 2013)
4. Corrective Measures Implementation Work Plan and Design Report (July 31, 2013)