



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

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

June 28, 2011

Terry Bowman
NVPP
PO Box 249
Valmy NV 89436

Reference: With respect to North Valmy Power Plant (NVPP) and the correspondence dated 1/10/11
Subject: Modification request to Permit SW174REV01 January 10, 2011

Dear Ms. Bowman:

Thank you for your request to revise the Permit to the North Valmy Power Plant (NVPP). Below please find the Nevada Division of Environmental Protections review and comments. Currently the exemption as a hazardous waste for Coal Combustion Residuals 40 CFR §261.4(b)(4)[CCRs] is being re-evaluated by the EPA. Should the EPA remove or modify this exemption the NDEP will reserve authority to re-evaluate the regulatory criteria for the landfill at that time.

General Comments

The Modification request is less than clear as to what is being modified or requested to be modified. Please include a cover letter that details the requests for modification. Also, please provide detailed instructions for which portions of the current application will be amended and/or replaced by the modification request.

Please note that the requirements to determine the background values via the Statistical Method(s) in section 5.8 are now due. Please provide them for review and comment within 30 days of receipt of this letter. Once approved or amended they will become regulated values and part of the Groundwater Monitoring Plan.

Additionally, please include the Groundwater Monitoring Plan within the Application as an Appendix and revise the Table of Contents to reflect the change.

Note that upon review of the original Application, the NDEP has identified regulatory deficiencies within the document. Therefore comments related to both the current modification request and the prior application are contained below.

Specific Comments

Modification Request

Section 4.0 Solid Waste Characterization

Please provide TCLP analysis for the Evaporation Pond Solids. Include periodic characterization of all wastes to be disposed (fly ash, bottom ash and pond solids) in accordance with NAC 444.737 into Section 4.0. Refine the description of Industrial solid waste in section 4.3, specifically please provide a precise description of the proposed waste(s) to be disposed in conjunction with a characterization consistent with NAC 444.737. Additionally include any descriptive criteria that would identify any character that may create an environmental hazard as specified in NAC 444.737.

Please revise Section 5.7 to reflect all waste that will require characterization (C&D, Evap Ponds).

Please provide the engineering calculations that were performed in support of the design of the Run-on and Run-off controls stated in section 5.9. Is the retention basin noted installed and are the drainage ditches in place at the present time?



Current Application

Please include the following information as required by NAC 444.733;

Include a description of the equipment and persons (number, job descriptions etc.) necessary to operate the site.

For example, provide an estimation of the number and a description of each piece of Waste Management Equipment, i.e. number of tipplers, compactors etc. It is not necessary to include personnel equipment. Also, please provide a hierarchical description for the personnel on site starting with the General Manager and working downward in conjunction with the number of people expected to fulfill that job.

Section 7.3 provides for the Winnemucca Volunteer Fire Department to be the primary responder for fire and emergencies. However Winnemucca is some 40 miles distant with a response time well in excess of one hour. Accordingly, as required by NAC 444.733 NVPP shall provide for fire control, with commensurate training as required by #1 below. Additionally, NVPP will provide a **complete** plan of action as required in #2 below.

- 1 Provide for:
 - (a) Adequate fire control methods to extinguish and prevent the spread of accidental fires;
 - (b) The prevention of scattering of papers and other lightweight debris by portable litter fences or other suitable devices.

- 2 Include a **Plan of Action** to be used in the event of an emergency which might occur at the site. The **Plan** must include, without limitation, an organized, coordinated, technically and financially feasible course of action to be taken:
 - (a) If a fire occurs at the site, how and under what circumstances the fire department will be notified; including identifying the nearest fire department.
 - (b) To protect the safety of personnel and users of the site, include training for employees on first aid and the availability of emergency services. The site must have a telephone, radio or other similar communication device to enable the personnel to contact the appropriate providers of emergency services.
 - (c) To shut down the site because of inclement weather or an act of God.
 - (d) If equipment breaks down, including the provision for and a description of backup equipment.
 - (e) If hazardous or toxic materials are released from the site.
 - (f) If the presence of leachate is detected in a structure for the collection of leachate which was previously dry, or if a spill or leak occurs at a tank or surface impoundment for the storage of leachate.

Section 7.8

Please define what would necessitate a repair of the cover or what level of erosion would trigger a repair. For example, in both areal extent and depth "greater than 10 ft² and deeper than 2 inches.

Section 8.0 Closure Plan

It is not clear whether NVPP has requested that the modified language overwrite that in the current Application of amend it. Please clarify.

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Remove the last sentence, this goes without saying but can be submitted as a modification to the current permit.

The current Closure and Post-Closure Plan do not meet the regulatory criteria in NAC 444.6891 through 6894.

In accordance with NAC 444.743 (NAC 444.6891 Requirements for design and construction of system for final cover. (NRS 444.560))

1. The owner or operator of a Class I site shall install a system for a final cover which is designed to minimize infiltration and erosion. Except as otherwise provided in subsection 2, the system must be designed and constructed to:
 - (a) Have a permeability that is less than or equal to the permeability of any system for a bottom liner or natural subsoils present, or have a permeability no greater than 1×10^{-5} centimeters per second, whichever is less;
 - (b) Minimize infiltration through the closed municipal solid waste landfill unit by the use of an infiltration layer which contains at least 18 inches of earthen material; and
 - (c) Minimize erosion of the final cover by the use of an erosion layer which contains at least 6 inches of earthen material which is capable of sustaining the growth of native plants.

Revise Section 8 (of current application) to reflect NAC 444.6892(1), (2), (3) & (6)

Include a section that meets the requirement of NAC 444.6893

Please revise Section 9.0 Post Closure Plan as follows
Modify Section 9.0 to specify the timeframe repairs will be made.

Modify Section 9.2 to reference the Groundwater Monitoring program in Appendix 1.

Any questions regarding this may be directed to the undersigned at 775-687-9477 or jtaylor@ndep.nv.gov.

Sincerely,



Jon Taylor PE/CEM
Staff Engineer III
Solid Waste Branch
Bureau of Waste Management

JT/dl

cc: Art Gravenstein

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