

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

FACT SHEET

(pursuant to NAC 445A.236)

Permittee: Newmont Mining Corporation
1700 Lincoln Street
Denver, Colorado 80203

Permit: NV0021725 - Renewal

Location: Twin Creeks Mine
26 miles northeast of
Golconda, Humboldt County, Nevada

Latitude 41° 13' 48" N, Longitude 117° 09' 10" W
Township 39 N, Range 43 E, Section 29 MDB&M

General: National Pollutant Discharge Elimination System Permit NV0021725 was originally issued to Rabbit Creek Mining, Inc. on November 6, 1990 with a discharge limitation of 3.2 million gallons per day (MGD). The discharge rate has been increased over the years reaching the currently permitted 14.5 MGD in 1998. The NV0021725 Permittee has changed from Santa Fe Pacific Gold Corporation to Newmont Gold Corporation and to Newmont Mining Corporation in 2000. As part of this permit renewal, the Permittee has applied for an increase of the permitted discharge from a daily maximum of 14.5 MGD to 19.872 MGD of treated water produced by mine dewatering wells and sumps located within the open-pit mine to the Humboldt River and groundwater via the ephemeral Rabbit and Kelly Creeks.

The Permittee owns and operates a gold mining operation located in Humboldt County, Nevada, approximately 26 miles northeast of Golconda. The Twin Creeks Mine was formed by the consolidation of the former Rabbit Creek and Chimney Creek Mines in 1993. Mineral processing and the management of all mineral processing fluids at this site are permitted under Water Pollution Control Permits NEV86018 Twin Creeks Mine – North Project and NEV89035 Twin Creeks Mine – South Project issued by the Bureau of Mining Regulation and Reclamation (BMRR).

To ensure stability of open-pit mine walls and to facilitate optimum recovery of the precious metals resources, the Permittee developed and implemented a groundwater management program; the surface water discharge began in 1991. Water is pumped from the pit dewatering wells and in-pit sumps to the Water Distribution Pond (WDP), also known as the Sky Pond. The WDP replaced the mine water settling ponds that were decommissioned in 1993. In March 2006, 23 of the 31 perimeter dewatering wells were pumped. The permit does not regulate the number of dewatering wells or in-pit sumps or the individual pumping rates. This source of water may contain elevated soluble arsenic concentrations greater than the 50 micrograms per liter ($\mu\text{g/L}$) standard, Nevada Administrative Code (NAC) 445A.144. Excess water is diverted to the water treatment plant for arsenic removal before discharge to the Rabbit Creek drainage.

Water from the pit dewatering system is pumped to the seven million gallon, leak detected, 80-mil HDPE-lined, WDP. A geocomposite underdrain system was installed between the liner and the 6 inches of compacted, fine grained liner bedding material to indicate the presence of leakage, should it occur. The leak detection system is monitored but leakage is not recovered. The purpose of the 20-foot deep WDP is to store water from the mine dewatering wells, provide water to the process facilities, provide water for mine site dust control, provide additional time to de-aerate mine water and provide surge capacity prior to the water treatment facility. The WDP was constructed in a mine overburden waste stockpile area to allow gravity flow to the Water Treatment Plant (WTP) and has a 1.5 million gallon reserve capacity below the two 36-inch HDPE pipes to the WTP. The WDP water level is regulated by allowing excess water to flow to the WTP.

The WTP is designed to treat excess mine water containing a maximum of 0.5 mg/L arsenic and 50 mg/L total suspended solids from wells and in-pit sumps at a rate of 15,000 gallons per minute (gpm) through the settling pond treatment system when all three ponds are online. Ferric sulfate is injected into feed water prior to

entering the 80,000-gallon reaction tank. Ferric arsenate is precipitated in the baffled and mechanically agitated reaction tank. Water from the reaction tank overflows to the 10,000-gallon floc addition tank where a flocculent solution, a copolymer of sodium acrylate and acrylamide, is added to promote clarification. All reagents are stored within lined containment. The water overflows from the floc addition tank to one of the twin 3,000-gallon floc growth tanks or to floc channel. The floc growth tanks overflow to the 800,000-gallon, 80-mil HDPE lined settling pond or the 600,000-gallon, 60-mil HDPE lined settling pond; the floc channel discharges to the recently constructed 4,200,000-gallon, 60-mil HDPE lined settling pond, the West Pond. The settling ponds provide adequate time to settle the ferric arsenate and attain the 50 µg/L total arsenic standard before decanting through Parshall flume 1, the old settling ponds, or Parshall flume 2, the new settling pond. Flow is quantified in the flumes with ultrasonic open channel flow/level transmitters and flow recorders prior to discharge to a conveyance ditch that delivers the treated water to Rabbit Creek.

Periodically, the ponds are cleaned and the sludge hauled to the either the Juniper or Pinion Tailings Impoundments for internment as authorized by BMRR.

The WTP also includes a 10,000 gpm PROSYS microfiltration system with an 80,000-gallon reaction tank, five independently operated microfiltration vessels, and an 80,000-gallon discharge equalization tank. This treatment system has not been operated since 1996 due to higher operational and maintenance costs than the settling pond. A revision of the WTP Operations and Maintenance (O&M) Manual must be approved by the Division prior to discharge from this portion of the treatment system.

Most of the discharge water seeps into the ground for water table recharge before reaching the Humboldt River. The Division of Water Resources (DWR) has limited the discharge to the Humboldt River to not more than 2 CFS (898 GPM, 1.3 MGD) annual average. The Division does not monitor compliance with this DWR restriction. Based on 84 years of USGS data, the Humboldt River at Comus 7Q10 low flow is 0.1 cubic feet per second (cfs) and the 7Q10 high flow is 3,027 cfs.

On January 9, 2006, the Division approved the December 2005 Operating & Maintenance Manual for the Twin Creeks Water Distribution System and Water Treatment Plant and the December 2005 5,000 GPM Water Treatment Facility West Pond Record of Construction Report.

The renewed permit has been reviewed under Nevada's antidegradation policy, NRS 445A.565(1). This policy is implemented through the State Environmental Commission's adoption of requirements to maintain higher quality (RMHQs). As described in Nevada's Continuing Planning Process (December 2002), an RMHQ is established when adequate monitoring data document that the existing water quality for specific parameters is significantly better than the standard necessary to protect beneficial uses. Permit effluent limits are then set in accordance with RMHQs where applicable or beneficial use standards for the receiving water where there are no RMHQs.

The ephemeral Rabbit and Kelly Creeks are neither class nor designated waters, and thus do not have either RMHQs or beneficial use standards. RMHQs have been established for the Humboldt River at the crossing of state highway 789, NAC 445A.206, and those RMHQs have been applied in setting effluent limits in the draft permit via the tributary rule.

The permitted discharge is not expected to affect water quality in the Humboldt River. All of the treated discharge water typically infiltrates along the approximately 22 miles of creek bed prior to reaching the Humboldt River. During spring runoff or unusually high precipitation events, a small percentage of the dewatering water may mix with surface runoff in the ephemeral creeks and reach the Humboldt River. From 2002 through 2005, treated discharge water potentially reached the Humboldt River during two months each year. Flow monitoring data document that the rate of infiltration increases as creek flow volumes increase, and a substantial portion of the combined discharge and run-off water infiltrates prior to reaching the Humboldt River. During these infrequent high flow events, flow rates in the Humboldt River are typically several orders of magnitude higher than the potential discharge volume. For example, during 1998, which was an unusually wet year, the estimated monthly average volume of discharge reaching the Humboldt River during those months when there was a potential for discharge ranged from 0.0049% to 0.18% of the monthly average Humboldt River flow measured at the Comus gage. From 2002 through 2005, the estimated monthly

average volume of discharge reaching the Humboldt River during those months when there was a potential for discharge ranged from 0.0009 % to 0.049 % of the monthly average Humboldt River flow measured at Comus. Thus, any potential inflow of treated discharge water would have a negligible effect on water quality in the Humboldt River.

Receiving Water Characteristics: The receiving water for this discharge is the reach of the Humboldt River between the Battle Mountain Gage and the crossing of state highway 789 control points via the ephemeral Rabbit and Kelly Creeks and groundwaters of the State.

The October 2002 303(d) List of Impaired Waterbodies lists the pollutants or stressors of concern for the reach of the Humboldt River from Battle Mountain to Comus, NV04-HR-04, as total boron, total iron, total dissolved solids (TDS), total phosphorus, total suspended solids (TSS), and turbidity. Three of the six parameters, boron, TDS, and TSS, were not included in the previous 303(d) list. This reach is also listed as exceeding the RMHQ water for chlorides, pH, and TDS. This reach of the river has existing total maximum daily loads (TMDL) for total phosphorus, TDS, and TSS.

Based on quarterly sampling by the Bureau of Water Quality Planning (BWQP), the average water quality at the Highway 789 crossing of the Humboldt River during the term of the previous permit was generally good except the 303(d) listed parameters.

The water quality of ephemeral streams, such as Rabbit and Kelly Creeks, is not monitored by BWQP. The groundwaters being recharged by the discharge are not monitored due to the rigorous standards applied to the surface water discharge.

Description of the Location of the Discharge: Treated water is discharged into Rabbit Creek, which flows into Kelly Creek, both ephemeral streams. According to the Permittee, the water infiltrates into the ground along approximately 22 miles of creek bed, but during storm events or wet climatic conditions the treated dewatering water may reach the Humboldt River. The DWR has restricted the discharge to the Humboldt River to 2.0 CFS annual average.

Flow: 19.872 MGD Daily Maximum and 30-day Average

The settling pond treatment system of the WTP has been designed to treat 21.6 MGD, 15,000 gpm. The Permittee has requested that the facility be permitted at 13,800 gpm.

Based on Form 2C of the permit application submitted in September 2005, the daily maximum flow value was 5.54 MGD and the long term average flow was 2.5 MGD. The 30-day average flows for the first quarter of 2006 were 5.67 MGD, 6.62 MGD, and 5.72 MGD for January, February, and March, respectively.

Compliance History: Based on the Division's Compliance Database, the Permittee has had four occurrences of noncompliance since the first quarter of 2002; compliance prior to January 2002 is not tracked in the database. In November 2005, the discharge pH, 6.88 SU, was below the permit limitation range of 7.0 SU to 8.7 SU. In January 2004, the Permittee failed to have the discharge sample characterized for TSS. In the first quarter of 2004, the Permittee failed to have the discharge sample characterized for the Profile I list of parameters. In the third quarter of 2003, the Permittee failed to characterize the water from each dewatering well for the Profile I list of parameters.

From the fourth quarter of 2001 through the first quarter of 2006, only one report value was not in compliance with the permit limitations; the November 2005 low pH discharge to a waterbody that exceeds the RMHQ pH range of 7.0 SU to 8.5 SU. This 6.88 SU pH value was within the 6.5 SU to 9.0 SU single value range for the most restrictive beneficial uses, recreation involving contact with the water and propagation of wildlife.

Due to a lack of information, it is not possible to determine whether the discharge exceeded the TSS permit limitation in January 2004. The other two occurrences of noncompliance were for failure to adequately characterize samples for parameters that were not limited in the previous permit.

Quantities: The 2002 303 (d) List states that this reach of the Humboldt River has existing TMDLs for total phosphorus, TDS, and TSS and is impaired due to total boron, total iron, and turbidity. As stated in Nevada's

December 2002 Continuing Planning Process, there are instances where existing TMDLs may not result in load limits for a discharge. TMDLs were developed for the Humboldt River as part of the “208 Plan for Undesignated Areas”(NDEP, 1994), however no waste load allocations were made. Included in the 208 Plan is the following language:

“Any discharge which improves the existing water quality and has permitted discharge limits as strict or stricter than the water quality standards can be considered in compliance with an established TMDL.”

The Permittee’s discharge to the Humboldt will be required to comply with this requirement and meet the 0.1 mg/L total phosphorus and 500 mg/L TDS standards of water quality and will be significantly below the 80 mg/L TSS River standard, see Rationale for Permit Requirements for further details. The proposed total phosphorus and TDS average load limitations, 16.6 lb/day and 82,900 lb/day, respectively, are based on the permitted flow, 19.872 MGD, and the water quality standards. TSS permitted load limitations, 3,310 lb/day, quarterly average, and 4,970 lb/day, daily maximum, are based on the same permitted flow and the TSS effluent limitations of Code of Federal Regulations, Title 40, Subpart J – Copper, Lead, Zinc, Gold, Silver, and Molybdenum Ores Subcategory, Part 440.104, New Source Performance Standards (40 CFR Part 440.104), 20 mg/L, average, and 30 mg/L, daily maximum, standards.

The total boron, 124 lb/day, and total iron, 166 lb/day, loads are also limited because this reach of the river is listed as impaired for these constituents. Turbidity is not a concentration based parameter, therefore, there is no turbidity load limitation.

These loads are for the discharge to Rabbit Creek at the maximum permitted flow. Based on the 2.0 CFS annual average DWR restriction, the maximum surface water flow load reaching the Humboldt will be less than 7% of the maximum Rabbit Creek loadings.

Calculation of the loadings of the other monitored parameters are not required by the draft permit.

Proposed Effluent Limitations: During the period beginning on the effective date of this permit and lasting until the permit expires, the Permittee is authorized to discharge from the three settling ponds via the two flumes to Rabbit Creek. The discharge shall consist only of treated groundwater pumped from mine dewatering wells and from in-pit sumps.

- a. Effluent samples and measurements taken in compliance with the monitoring requirements specified below shall be taken at:
 - i. Ultrasonic open channel flow/level transmitters and flow recorders (2) at Parshall flume 1 and Parshall flume 2, the discharge channels from the old settling ponds and the new settling pond, respectively;
 - ii. Monitoring point located downgradient of the settling ponds, prior to discharge to Rabbit Creek; and
 - iii. Each dewatering well or in-pit sump used during the calendar year and any new dewatering well or in-pit sump upon commissioning or first pumped for sumps.

- b. The discharge shall be limited and monitored by the Permittee as specified below:

Table 1: Discharge Limitations

PARAMETERS	EFFLUENT DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	30-day Average	Daily Maximum	Sample Location	Measurement Frequency	Sample Type
Flow (MGD)	19.872	19.872	$\Sigma i1. + i2.$	Continuous	Calculation
Flume 1 (MGD)	Monitor & Report		i1.		Flow Meters
Flume 2 (MGD)	7.20	7.20	i2.		
Total Suspended Solids (mg/L)	20	30	ii.	Monthly	Discrete
(lb/d)	3,310	4,970			Calculation
Turbidity (NTU)	---	50	ii.	Quarterly	Discrete
Total Dissolved Solids (mg/L)	500 ¹	---	ii.	Monthly	Discrete
(lb/d)	82,900 ¹	---			Calculation
(mg/L)	Monitor & Report				iii.
pH (SU)	$7.0 \leq \text{pH} \leq 8.5^1$	$7.0 \leq \text{pH} \leq 8.7$	ii.	Monthly	Discrete
	Monitor & Report		iii.	Annually ²	
Arsenic, Total ($\mu\text{g/L}$)	---	50	ii.	Monthly	Discrete
	Monitor & Report		iii.	Annually ²	
Iron, Total ($\mu\text{g/L}$)	---	1,000	ii.	Quarterly	Discrete
	(lb/d)	166			Calculation
	(mg/L)	Monitor & Report		iii.	Annually ²
Total Nitrogen -N (mg/L)	2.9 ¹	3.7 ⁴	ii.	Quarterly	Discrete
	Monitor & Report		iii.	Annually ²	
Total Petroleum Hydrocarbons (mg/L)	---	1.0	ii.	Quarterly	Discrete
	Monitor & Report		iii.	Annually ²	
Hardness as CaCO_3 (mg/L)	Monitor & Report		ii.	Quarterly	Discrete
Total Phosphorus -P (mg/L)	0.1 ⁵	---	ii.	Quarterly	Discrete
	(lb/d)	16.6 ⁵			Calculation
	(mg/L)	Monitor & Report		iii.	Annually ²
Total Ammonia ³ (mg/L)	(⁶)	(⁷)	ii.	Monthly	Discrete
	Monitor & Report		iii.	Annually ²	
Temperature ($^{\circ}\text{C}$)	---	Monitor & Report	ii.	Monthly	Discrete
Boron, total ($\mu\text{g/L}$)	---	750	ii.	Quarterly	Discrete
	(lb/d)	124			Calculation
Cadmium, Total ³ ($\mu\text{g/L}$)	$e^{0.8190 \ln(H) + 1.561}$	$e^{0.8190 \ln(H) + 3.688}$	ii.	Quarterly	Discrete
	Monitor & Report		iii.	Annually ²	
Mercury, Total ($\mu\text{g/L}$)	0.012 ⁸	---	ii.	Annually ²	Discrete
	Monitor & Report		iii.		
CONTINUED ON NEXT PAGE 					
Antimony, Total ($\mu\text{g/L}$)	---	146	ii.	Quarterly	Discrete
	Monitor & Report		iii.	Annually ²	
Fluoride ($\mu\text{g/L}$)	---	1,000	ii.	Quarterly	Discrete

PARAMETERS	EFFLUENT DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	30-day Average	Daily Maximum	Sample Location	Measurement Frequency	Sample Type
	Monitor & Report		iii.	Annually ²	
Nickel, Total (µg/L)	---	13.4	ii.	Quarterly	Discrete
	Monitor & Report		iii.	Annually ²	
Sulfate (mg/L)	---	250	ii.	Quarterly	Discrete
	Monitor & Report		iii.	Annually ²	
Whole Effluent Toxicity	See Part I.A.4.		ii.	See Part I.A.4.	Composite

Notes:

- 1: Annual average, based on the calendar year with compliance determined from the 4th quarter discharge monitoring report.
- 2: Annual analysis performed in the fourth quarter.
- 3: Permittee shall calculate appropriate standards and report in the discharge monitoring report.
- 4: April thru November single value.
- 5: April thru November annual average.

$$6: \left[\frac{0.0577}{1+10^{7.688-pH}} \right] + \left[\frac{2.487}{1+10^{pH-7.688}} \right] x MIN [2.85, 1.45 x 10^{0.028x(25-T)}]$$

Where: T = discharge temperature in degrees Celsius (°C)
 x = multiplication
 MIN = the lesser of the two values separated by the comma

$$7: \left[\frac{0.411}{1+10^{7.204-pH}} \right] + \left[\frac{58.4}{1+10^{pH-7.204}} \right]$$

- 8: A total mercury concentration exceeding the 0.012 µg/L annual analysis limitation shall trigger monthly total mercury analyses with a daily maximum discharge limitation of 2.0 µg/L, the acute standard, until two consecutive analyses meet the chronic standard.
- 9: The mercury source water analyses are not required to be conducted to the chronic standard.

MGD: Million gallons per day. °C: Degrees Celsius.
 mg/L: Milligram per liter. CaCO₃: Calcium carbonate.
 µg/L: Microgram per liter. -P: As phosphorus.
 NTU: Nephelometric turbidity units. -N: As nitrogen.
 SU: Standard units. lb/d: Pounds per day.

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

- a. The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.
- b. Thirty (30) days prior to startup of the microfiltration system, the Permittee shall submit to the Division for review and approval a revised Operations and Maintenance Manual covering the microfiltration portion of the arsenic treatment system.
- c. Ninety (90) days prior to discharging a daily maximum of more than 14.5 MGD, the Permittee shall submit to the Division for review and approval a channel stability analysis for the portions of Rabbit and Kelly Creeks that will convey the increased discharge to the Humboldt River. The analysis shall at a minimum evaluate stream channel capacity, stream channel bank and bed stability, and sediment transport. Based on this analysis, the Permittee may be required to implement mitigative measures to minimize the impact of the increased flow prior to discharge at a rate greater than 14.5 MGD of the previous permit.

Rationale for Permit Requirements: The Permittee is proposing to continue the utilization an arsenic treatment process that results in compliance with all appropriate Humboldt River water quality standards at

the WTP outfall except for temperature and dissolved oxygen. Due to the 22 mile flow path in ephemeral stream channels, Rabbit and Kelly Creeks, these physical standards were not applied to the discharge in the previous permit and are not included in the draft permit.

The previous permit included monthly and quarterly monitoring of the discharge with surface water standards as the discharge limitations for parameters of concern as determined by a reasonable potential analysis. The previous permit also included quarterly monitoring of the version 07/98 NDEP Profile I parameters. This long term discharge water quality data has been used in a reasonable potential analysis to determine whether further monitoring of each parameter is appropriate.

The two ephemeral creeks are neither class nor designated waters, therefore, the Humboldt River at crossing of state highway 789, Standards of Water Quality, NAC 445A.206 (NAC 445A.206) standards have been applied to the discharge via the tributary rule, NAC 445A.145. Because the NAC 445A.144 aquatic life total metals standards are at least as stringent as the 40 CFR Part 440.104 new source performance standards daily maximum effluent guidelines, the state standards have been used to establish the draft permit discharge limitations or to justify revisions to the previously permitted discharge limitations. A Division calculated average hardness of 200 mg/L as CaCO₃ was used to determine the standards for metals with hardness based equations.

The NAC 445A.206 total suspended solids (TSS) beneficial use standard, 80 mg/L, is less restrictive than the 40 CFR Part 440.104 daily maximum standard of 30 mg/L, therefore the 40 CFR Part 440.104 TSS standard has been included in the draft permit.

Flow: The daily maximum and 30-day average flow rate, 19.872 MGD/13,800 gpm, is based on the requested flow limit of the permit application. The expanded three settling pond treatment system has a design capacity of 21.6 MGD/15,000 gpm. The previous permit included a daily maximum flow limitation of 14.5 MGD.

The draft permit is written to allow use of the 14.4 MGD, 10,000 gpm, microfiltration system after Division approval of a revised Operations and Maintenance Manual, provided that the 19.872 MGD discharge limitation is not exceeded.

Total Suspended Solids: The TSS limitations, 30 mg/L daily maximum and 20 mg/L 30-day average, are based on the effluent limitations of 40 CFR Part 440.104. These permit limitations are more restrictive than the 80 mg/L daily maximum of NAC 445A.206, water quality standards for beneficial uses, with aquatic life, warm-water fishery as the most restrictive beneficial use and the previous permit.

During the term of the previous permit, the maximum TSS concentration was 20 mg/L in July 2004 and the long-term average TSS concentration was 6.25 mg/L. Since July 2004, TSS has been detected three times in the discharge at a concentration of 5 mg/L; TSS was not detected in the other 17 analyses at a detection limit of 5 mg/L.

Monthly monitoring of the TSS concentration in the discharge has been retained from the previous permit to ensure adequate retention time for settling of flocculated arsenic compounds.

Due to the Humboldt TSS TMDL, the 30-day average, 3,310 lb/day, and daily maximum, 4,970 lb/day, TSS load limitations have been added to the Rabbit Creek discharge.

Groundwater is not monitored for TSS.

Turbidity: The turbidity limitation, 50 nephelometric turbidity units (NTU), is based on the NAC 445A.206, water quality standards for beneficial uses, with aquatic life, warm-water fishery as the most restrictive beneficial use. The 50 NTU daily maximum is the single value maximum.

The maximum reported turbidity reading since August 1998 was 1.47 NTU in February 2001 and the average turbidity over the term of the previous permit was 0.78 NTU.

Due to the consistently low turbidity readings, the frequency of turbidity monitoring is proposed to be

reduced from monthly to quarterly in the draft permit.

Groundwater is not monitored for turbidity.

Total Dissolved Solids: The TDS limitation, 500 mg/L annual average, is based on the NAC 445A.206, water quality standards for beneficial uses, with municipal or domestic supply as the most restrictive beneficial use. Since the Division lists the reach of the river from Battle Mountain to Comus as exceeding the TDS RMHQ, this standard is not applied to the discharge. The RMHQ and beneficial use standards both contain a 500 mg/L annual average value. Applying the 500 mg/L standard as an annual average, rather than a daily maximum, corrects a mistake in the previous permit that was more restrictive than the RMHQ.

During the term of the previous permit, the average TDS concentration of the discharge was 309 mg/L with a maximum value of 419 mg/L in April 2005.

Monthly monitoring of the TDS concentration in the discharge has been retained from the previous permit.

Due to the Humboldt TDS TMDL, the annual average, 82,900 lb/day, TDS load limitation has been added to the Rabbit Creek discharge.

The water from each dewatering location must be analyzed for TDS without limitation on an annual basis.

pH: The pH limitations are based on the NAC 445A.206, requirements to maintain existing higher quality (RMHQ), with recreation involving contact with the water and propagation of wildlife as the most restrictive beneficial uses. The daily maximum range, $7.0 \leq \text{pH} \leq 8.7$ standard units (SU), is the single value limitation range and the range of the annual average is $7.0 \leq \text{pH} \leq 8.5$ SU. The 40 CFR Part 440.104 pH standard, $6.0 \leq \text{pH} \leq 9.0$ both daily maximum and average, are less restrictive than the previous permit and are not proposed to be applied to this discharge.

During the term of the previous permit, the discharge pH has ranged from 6.88 SU to 8.43 SU with an average pH value of 8.0 SU.

Although the receiving water exceeds the RMHQ, average pH 8.6 SU, the Applicant's discharge has consistently met the RMHQ daily maximum standard, therefore, the discharge limitation of the previous permit has been retained.

The water from each dewatering location must be analyzed for pH without limitation on an annual basis.

Arsenic, total: The total arsenic limitation, 50 $\mu\text{g/L}$, is based on the Standards for Toxic Materials Applicable to Designated Waters, NAC 445A.144 (NAC 445A.144), municipal or domestic supply standard. This permit limitation is consistent with the previous permit.

During the term of the previous permit, the maximum arsenic daily value was 26 $\mu\text{g/L}$ and the September 2005 permit application lists long-term arsenic concentration of 20 $\mu\text{g/L}$ (for non-detect, the arsenic concentration equals the detection limit). At a usual detection level of 25 $\mu\text{g/L}$, one-half the permit limitation, arsenic has been detected once, 7.3 $\mu\text{g/L}$ in October 2005, in the last seventeen monthly analyses.

Monthly monitoring of the total arsenic concentration in the discharge has been retained from the previous permit.

The water from each dewatering location must be analyzed for arsenic without limitation on an annual basis.

Copper, total: The NAC 445A.144 Aquatic Life Standards include equations with hardness as the only variable to determine the 1-hour, acute, and 96-hour, chronic, average dissolved copper standards. The previous permit included a dissolved copper daily maximum discharge limitation of 26 $\mu\text{g/L}$ that may have been derived from an average hardness of 180 mg/L as CaCO_3 . The 40 CFR Part 440.104 total copper standards, 300 $\mu\text{g/L}$ daily maximum and 150 $\mu\text{g/L}$ 30-day average, are less restrictive than NAC 445A.144 standards and the effluent limitation of previous permit.

During the term of the previous permit, dissolved copper was not detected in the 31 quarterly analyses with detection limits of 3 µg/L or 10 µg/L. The calculated acute and chronic dissolved copper toxicities using an average hardness of 200 mg/L as CaCO₃ were 29 µg/L and 18 µg/L, respectively.

Due to the lack of detectable dissolved copper in the discharge, monitoring of total copper is not required by the draft permit.

Iron, total: The proposed total iron limitation, 1,000 µg/L daily maximum, is based on the NAC 445A.144 aquatic life standard. The previous permit included a dissolved iron permit limitation, 600 µg/L daily maximum, that was not supported by NAC 445A.144 nor NAC 445A.206.

During the term of the previous permit, dissolved iron was not detected in 13 of the 16 most recent analyses at a detection limit of 20 µg/L. Overall, dissolved iron has only been detected in 11 of the 40 analyses with a maximum detected concentration of 100 µg/L, an order of magnitude less than the proposed total iron standard. Due to the use of ferric sulfate in the treatment process, the quarterly frequency of iron monitoring from the previous permit has been retained in the draft permit.

Due the Humboldt's listing as being impaired by total iron, the daily maximum, 166 lb/day, total iron load limitation has been added to the discharge to Rabbit Creek.

The water from each dewatering location must be analyzed for iron without limitation on an annual basis.

Lead, total: The total lead limitations are based on the NAC 445A.144 aquatic life standards, with the 1-hour, acute, standard as the daily maximum and the 96-hour, chronic, standard as the 30-day average. The NAC 445A.144 lead standards are for the dissolved fraction, therefore, the 0.50 and 0.25 adjustment factors for acute and chronic toxicity, respectively, have been eliminated from the standard equations. The previous permit included a total lead discharge limitation of 50 µg/L, the NAC 445A.144 municipal or domestic supply standard. The 40 CFR Part 440.104 total lead standards, 600 µg/L daily maximum and 300 µg/L 30-day average, are less restrictive than NAC 445A.144 standards and the limitation of previous permit.

During the term of the previous permit, dissolved lead was not detected in the discharge at detection limits of 40 µg/L in August and September 1998; 3 µg/L from November 1998, November 2005, and February 2006; 2 µg/L from February 1999 through August 2000; 5 µg/L from November 2000 through May 2005; and 7.5 µg/L in August 2005. The calculated acute and chronic total lead toxicities using an average discharge hardness of 200 mg/L as CaCO₃ were 197 µg/L and 7.7 µg/L, respectively.

Due to the lack of detectable total lead in the discharge, monitoring of lead is not required by the draft permit.

Zinc, total: The NAC 445A.144 Aquatic Life Standards include equations with hardness as the only variable to determine the 1-hour, acute, and 96-hour, chronic, average dissolved zinc standards. The previous permit included a dissolved zinc daily maximum discharge limitation of 165 µg/L that may have been derived from the acute equation at an average hardness of 180 mg/L as CaCO₃. The 40 CFR Part 440.104 total zinc standards, 1,500 µg/L daily maximum and 750 µg/L 30-day average, are less restrictive than NAC 445A.144 standards and the limitation of previous permit.

During the term of the previous permit, at varying detection levels of 3 µg/L, 4 µg/L, 5 µg/L and 10 µg/L, dissolved zinc has not been detected in the discharge, 31 analyses. The calculated acute and chronic dissolved zinc toxicities using an average hardness of 200 mg/L as CaCO₃ were 179 µg/L and 162 µg/L, respectively.

Due to the lack of detectable zinc in the discharge, further monitoring of zinc is not required by the draft permit.

Total Phosphates as P: The total phosphates limitation of the previous permit, 0.10 mg/L, has been eliminated. Neither NAC 445A.144 nor NAC 445A.206 include a total phosphates standard, therefore, there is no justification for this discharge limitation. Total phosphates monitoring has been replaced by total

phosphorus monitoring.

During the term of the previous permit, the total phosphates maximum daily value was 0.020 mg/L. At a detection level of 0.01 mg/L, total phosphates have not been detected in the discharge since November 1999.

Un-ionized Ammonia as N: The un-ionized ammonia limitation of the previous permit, 0.02 mg/L daily maximum, has been eliminated. Neither NAC 445A.144 nor NAC 445A.206 include an un-ionized ammonia standard, therefore, there is no justification for this discharge limitation. Un-ionized ammonia monitoring has been replaced by total ammonia monitoring in the draft permit. Un-ionized ammonia is calculated value using pH, temperature, and total ammonia as the variables.

Based on the September 2005 permit application, the ammonia as N maximum daily value was 0.008 mg/L and the long term average value was 0.002 mg/L.

Weak Acid Dissociable (WAD) Cyanide: The WAD cyanide as cyanide limitation, 5 µg/L daily maximum, of the previous permit has been eliminated from the draft permit. Neither NAC 445A.144 nor NAC 445A.206 include a WAD cyanide standard, therefore, there is no justification for this discharge limitation.

The WAD cyanide maximum daily value, and only cyanide detection, under the previous permit was 10 µg/L in November 2003. At detection levels of 4 µg/L and 10 µg/L in November and December 2005, WAD cyanide has not been detected in the most recent 28 WAD cyanide analyses. WAD cyanide was not detected in the 46 analyses conducted under the previous permit prior to November 2003.

The NAC 445A.144, aquatic life standard includes 1-hour, 22 µg/L, and 96-hour, 5 µg/L, standards for total cyanide. Due to the demonstrated absence of WAD cyanide in the discharge under the previous permit and the lack of a cyanide source in the area of dewatering, the total cyanide limitations have not been included in the draft permit.

Total Nitrogen as N: The total nitrogen as N limitations are based on the NAC 445A.206, requirements to maintain existing higher quality. The daily maximum, 3.7 mg/L, is based on the April through November single value limitation. The annual average, 2.9 mg/L, was obtained directly from NAC 445A.206. The previous permit included the NAC 445A.206 annual average standard as the daily maximum effluent limitation.

Since November 2001, the maximum total nitrogen concentration was 0.22 mg/L in November 2001 and May 2002. The 2005 annual average total nitrogen concentration was 0.08 mg/L.

Due to the newly permitted use of in-pit dewatering sumps and the potential nitrogen sources within the pit, the quarterly total nitrogen monitoring frequency of the previous permit has been retained.

The water from each dewatering source must be analyzed for total nitrogen without limitation on an annual basis.

Total Petroleum Hydrocarbons: The extractable TPH discharge limitation, 1.0 mg/L, is based on the State TPH standard for remediation projects and is used for discharges to surface waters.

Since January 2001, TPH has been detected in 16 of 22 analyses at concentrations ranging from 0.5 mg/L to 0.7 mg/L.

This limitation with quarterly analyses has been retained from the previous permit.

The water from each dewatering source must be analyzed for TPH without limitation on an annual basis.

Hardness as CaCO₃: Hardness as calcium carbonate has been added to the permit monitored parameters as monitor and report because the aquatic life standards, NAC 445A.144, for cadmium, chromium, copper, lead, silver, and zinc are functions of the hardness. Quarterly monitoring of total cadmium is required by the draft permit.

Total Phosphorus as P: The total phosphorus as P limitation, 0.1 mg/L seasonal average, is based on the NAC 445A.206, water quality standards for beneficial uses, with aquatic life, warm-water fishery as the most restrictive beneficial use. This limitation is an April through November seasonal average. Total phosphorus as P monitoring was not required by the previous permit and replaces the total phosphates as P limitation that has been eliminated from the NAC and the permit.

Due to the Humboldt total phosphorus TMDL, the April through November annual average, 16.6 lb/day, total phosphorus load limitation has been added to the Rabbit Creek discharge.

The water from each dewatering source must be analyzed for total phosphorus without limitation on an annual basis.

Total Ammonia: The total ammonia limitations are based on the Water Quality Criteria for Total Ammonia, NAC 445A.118. Total ammonia monitoring was not required by the previous permit and replaces the un-ionized ammonia as N limitation that has been eliminated from the NAC. The un-ionized ammonia maximum daily value under the previous permit was 0.02 mg/L. The proposed daily maximum of the draft permit is based on the acute water quality criteria for total ammonia for freshwater aquatic life. The proposed 30-day average of the draft permit is based on the chronic water quality criteria for total ammonia for water where freshwater fish in early life stages may be present.

The water from each dewatering source must be analyzed for total ammonia without limitation on an annual basis.

Temperature: The Humboldt River at crossing of state highway 789, Standards of Water Quality, NAC 445A.206, water quality standards for beneficial uses, with aquatic life, warm-water fishery as the most restrictive beneficial use, includes a single value temperature standard of $\Delta T \leq 2^{\circ}\text{C}$. Monitoring of the discharge temperature was not required by the previous permit.

Temperature monitoring is required because temperature is a variable in the total ammonia acute and chronic toxicity formulas, but is not limited due to the 18-mile flow path via intermittent streams from the discharge point to the confluence of Kelly Creek and the Humboldt River.

Boron: The boron NAC 445A.144, irrigation standard is 750 $\mu\text{g/L}$.

Boron monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of this permit, the average dissolved boron concentration in the discharge was 130 $\mu\text{g/L}$ with a maximum value of 157 $\mu\text{g/L}$ in November 1998.

Due to the long-term low boron concentration in the discharge, further monitoring of boron would not be required except for the 303(d) total boron listing for this reach of the Humboldt. A discharge limitation of 750 $\mu\text{g/L}$ total boron with quarterly analysis has been added to the draft permit.

Due the Humboldt's listing as being impaired by total boron, the daily maximum, 124 lb/day, total boron load limitation has been added to the discharge to Rabbit Creek.

Cadmium, total: The total cadmium limitations are based on the NAC 445A.144, Aquatic Life Standards, with the 1-hour, acute, standard as the daily maximum and the 96-hour, chronic, standard as the 30-day average. The NAC 445A.144 cadmium standards are for the dissolved fraction, therefore, the 0.85 adjustment factor

for the acute and chronic toxicity standard equations has been eliminated from the effluent limitation equations. The 40 CFR Part 440.104 total cadmium standards, 100 µg/L daily maximum and 50 µg/L 30-day average, are less restrictive than NAC 445A.144 standards.

Cadmium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, dissolved cadmium was not detected in 18 of the 23 analyses, but the detection limit was above the chronic toxicity standard, 1.7 µg/L, calculated with the average discharge hardness of 200 mg/L as CaCO₃. The maximum dissolved cadmium concentration was 2.4 µg/L. This concentration occurred several times from May 1999 through May 2000.

Due to the detection limit being above the cadmium chronic toxicity standard, quarterly cadmium monitoring has been retained in the draft permit.

The water from each dewatering source must be analyzed for total cadmium without limitation on an annual basis.

Mercury, total: The NAC 445A.144 Aquatic Life Standards include 1-hour average, 2.0 µg/L, acute, dissolved mercury and 96-hour average, 0.012 µg/L, chronic, total mercury standards. The previous permit did not include any mercury permit limitations. The 40 CFR Part 440.104 total mercury standards, 2 µg/L daily maximum and 1 µg/L 30-day average, are less restrictive than NAC 445A.144 standards.

During the term of the previous permit, at a detection level of 0.2 µg/L (0.3 µg/L in November 1999, only), dissolved mercury has not been detected in the discharge, 31 analyses.

Due to the detection limit of the previous mercury analyses being above the total mercury chronic toxicity standard, annual mercury monitoring at the chronic toxicity standard has been added to the draft permit.

The water from each dewatering source must be analyzed for mercury without limitation on an annual basis.

Antimony, total: The total antimony NAC 445A.144, municipal or domestic supply standard is 146 µg/L.

Antimony monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, the average dissolved antimony concentration in the discharge was 26 µg/L with a maximum value of 100 µg/L in November 2003.

The draft permit has retained quarterly total antimony analysis with a discharge limitation of 146 µg/L added.

The water from each dewatering location must be analyzed for antimony without limitation on an annual basis.

Fluoride: The fluoride limitation, 1,000 µg/L, is based on the NAC 445A.144, irrigation standard.

Fluoride monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, the average total fluoride concentration was 570 µg/L with a maximum single value of 800 µg/L in November 1999.

Because the long-term average fluoride concentration was greater than one-half the standard, quarterly fluoride monitoring has been retained and a discharge limitation has been added to the draft permit. The water from each dewatering location must be analyzed for fluoride without limitation on an annual basis.

Nickel: The total nickel NAC 445A.144, municipal or domestic supply standard is 13.4 µg/L. Using a calculated average hardness of 200 mg/L as CaCO₃, the aquatic life dissolved nickel standards are much higher, acute 2,170 µg/L and chronic 240 µg/L, than the municipal or domestic supply standard.

Nickel monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of this permit, nickel was not detected in the 19 most recent analyses at a detection limit of 10 µg/L. Also, in the majority of the pre-March 2001 analyses, nickel was not detected.

Due to the elevated detection level, quarterly monitoring of nickel has been retained and a permit limitation has been added to the draft permit.

The water from each dewatering location must be analyzed for nickel without limitation on an annual basis.

Sulfate: The sulfate NAC 445A.206, water quality standards for beneficial uses, with municipal or domestic supply as the most restrictive beneficial use, standard is 250 mg/L.

Sulfate monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, the average sulfate concentration in the discharge was 111 mg/L with a maximum value of 144 mg/L in February 2001.

Due to the use of ferric sulfate in the treatment process, the frequency of sulfate monitoring from the previous permit has been retained in the draft permit with the addition of a 250 mg/L discharge limitation.

The water from each dewatering location must be analyzed for sulfate without limitation on an annual basis.

Alkalinity, total as CaCO₃: Neither NAC 445A.144 nor NAC 445A.206 include alkalinity standards.

Alkalinity monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, the average total alkalinity concentration in the discharge was 117 mg/L with a maximum value of 147 mg/L in August 2003.

Because there is not an alkalinity standard in the NAC, further monitoring of alkalinity is not required by the draft permit.

Bicarbonate HCO₃⁻ as CaCO₃: Neither NAC 445A.144 nor NAC 445A.206 include bicarbonate standards.

Bicarbonate monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, the average bicarbonate concentration in the discharge was 117 mg/L with a maximum value of 147 mg/L in August 2003.

Because there is not a bicarbonate standard in the NAC, further monitoring of bicarbonate is not required by the draft permit.

Calcium: Neither NAC 445A.144 nor NAC 445A.206 include calcium standards.

Calcium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of this permit, the average dissolved calcium concentration of the discharge was 45.8 mg/L with a maximum value of 48.1 mg/L in September 1998.

Because there is not a calcium standard in the NAC, further monitoring of calcium is not required by the draft permit.

Magnesium: Neither NAC 445A.144 nor NAC 445A.206 include magnesium standards.

Magnesium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of this permit, the average dissolved magnesium concentration of the discharge was 20.6 mg/L with a maximum value of 22.9 mg/L in August 2000.

Because there is not a magnesium standard in the NAC, further monitoring of magnesium is not required by the draft permit.

Potassium: Neither NAC 445A.144 nor NAC 445A.206 include potassium standards.

Potassium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of this permit, the average dissolved potassium concentration of the discharge was 3.9 mg/L with a maximum value of 4.7 mg/L in February 1999.

Because there is not a potassium standard in the NAC, further monitoring of potassium is not required by the draft permit.

Sodium: Neither NAC 445A.144 nor NAC 445A.206 include sodium standards.

Sodium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of this permit, the average dissolved sodium concentration of the discharge was 27.7 mg/L with a maximum value of 31.3 mg/L in May 2000.

Because there is not a sodium standard in the NAC, further monitoring of sodium is not required by the draft permit.

Aluminum: Neither NAC 445A.144 nor NAC 445A.206 include aluminum standards.

Aluminum monitoring without a discharge limitation was required by Attachment A of the previous permit. At detection levels of 20 µg/L, and 30 µg/L from February 2005 through November 2005, dissolved aluminum had not been detected in 21 consecutive quarterly analyses. During the term of the previous permit, the maximum dissolved aluminum concentration, 100 µg/L, was in February 2006.

Because there is not an aluminum standard in the NAC, further monitoring of aluminum is not required by the draft permit.

Beryllium: The beryllium NAC 445A.144, municipal or domestic supply standard is 0 µg/L. This concentration is below the US Environmental Protection Agency maximum contaminant level goal of 4 µg/L.

Beryllium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of this permit, dissolved beryllium was not detected in the discharge at a detection limit of 2 µg/L.

Due to the lack of detectable beryllium concentrations in the discharge, further monitoring of beryllium is not required by the draft permit.

Chlorides: NAC 445A.206 includes RMHQ, 110 mg/L single value and 60 mg/L annual average, and water quality standards for beneficial uses, 250 mg/L single value, with municipal or domestic use as the most restrictive beneficial use. The receiving water does not meet the RMHQ standard.

During the term of the previous permit, the average chlorides concentration was 18.7 mg/L with a maximum value of 23.7 mg/L in February 2006.

Due to the consistently low concentrations of chlorides in the discharge, monitoring of chlorides is not required by the draft permit.

Nitrate: The nitrate NAC 445A.206, water quality standards for beneficial uses, with municipal or domestic supply as the most restrictive beneficial use, standard is 10 mg/L.

Nitrate monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, nitrate and nitrite as nitrogen were not detected in 20 of the 31 analyses at a detection limit of 0.02 mg/L, including 7 of the 10 most recent analyses. The maximum nitrate

and nitrite value was 0.48 mg/L in May 2003.

Due to the consistently low nitrate concentrations in the discharge and the more restrictive RMHQ based total nitrogen discharge limitation, further monitoring of nitrate is not required by the draft permit.

Barium: The barium NAC 445A.144, municipal or domestic supply standard is 2,000 µg/L.

Barium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, the average dissolved barium concentration was 63 µg/L with a maximum concentration of 70 µg/L in February 2000 and November 2002.

Due to the consistently low barium concentrations in the discharge, further monitoring of barium is not required by the draft permit.

Chromium, total: The total chromium NAC 445A.144, municipal or domestic supply standard is 100 µg/L.

Dissolved chromium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, dissolved chromium was not detected in the discharge with detection limits of 8 µg/L from September 1998 through February 1999, 5 µg/L from May 1999 through May 2000, and 6 µg/L from August 2000 through February 2006.

Due to the lack of detectable chromium concentrations in the discharge, further monitoring of chromium is not required by the draft permit.

Manganese : The manganese NAC 445A.144, irrigation standard, is 200 µg/L.

Manganese monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of this permit, the average dissolved manganese concentration in the discharge was 6 µg/L with a maximum value of 12 µg/L in January 2003.

Due to the consistently low concentration of manganese in the discharge, further monitoring of manganese is not required by the draft permit.

Selenium: The total selenium NAC 445A.144, aquatic life standards are 20 µg/L 1-hour average and 5.0 µg/L 96-hour average.

Selenium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, dissolved selenium was not detected in the discharge with detection limits of 2 µg/L from September 1998 through August 2000, 10 µg/L from November 2000 through August 2004, and 3 µg/L from November 2004 through February 2006.

Due to the lack of detectable dissolved selenium, further monitoring of selenium is not required by the draft permit.

Silver, total: The dissolved silver NAC 445A.144 aquatic life standard using a calculated average hardness of 200 mg/L is 11.4 µg/L. The total silver standard using a hardness of 200 mg/L is 13.4 µg/L.

Silver monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, silver was not detected in 25 of the 31 silver analyses at a detection level of 5 µg/L. The maximum detected silver concentration was 7 µg/L in August 2000.

Due to the consistently low dissolved silver concentrations in the discharge, monitoring of total silver is not required by the draft permit.

Thallium: The total thallium NAC 445A.144, municipal or domestic supply standard is 13 µg/L.

Thallium monitoring without a discharge limitation was required by Attachment A of the previous permit. During the term of the previous permit, dissolved thallium was not detected in the discharge with detection

limits of 1 µg/L from September 1998 through February 2003 and 2 µg/L from May 2003 through February 2006.

Due to the lack of detectable dissolved thallium concentrations in the discharge, monitoring of total thallium is not required by the draft permit.

Whole Effluent Toxicity Testing: Acute toxicity testing using a 96-hour juvenile *Pimephales promelas* percent survival test is included in the draft permit to verify the cumulative effects of the discharge on aquatic life. WET testing was required by the previous permit.

Proposed Determination: The Division has made the tentative determination to issue the proposed permit for a five (5) year period.

Procedures for Public Comment: The Notice of the Division's intent to issue a permit authorizing the Permittee to continue to discharge treated mine dewatering water to the Humboldt River and groundwater via Rabbit and Kelly Creeks subject to the conditions contained within the permit, is being sent to the **Reno Gazette-Journal** and the **Humboldt Sun** for publication. The notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing until 5:00 PM September 16, 2006, a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator of EPA Region IX or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determined to be appropriate. All public hearings must be conducted to accordance with NAC 445A.238.

The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NRS 445A.238.

Prepared by: Bruce Holmgren
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