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

Jim Gibbons, Governor
Allen Biaggi, Director
Leo M. Drozdoff, P.E., Administrator

September 24, 2007

Mark Paris
President and CEO
Basic Remediation Company
875 West Warm Springs Road
Henderson, NV 89011

RE: ISSUANCE OF PERMIT FOR HAZARDOUS REMEDIATION WASTE MANAGEMENT ACTIVITY at the *Remediation Waste Management Site* owned and operated by Basic Remediation Company (BRC) in Henderson Nevada (EPA ID# NVD074150798)

Ref: DRAFT PERMIT dated July 24, 2007

Dear Mr. Paris:

The public comment period for the referenced DRAFT PERMIT ended on September 21, 2007. No comments were received by the Division. Therefore, NDEP is hereby issuing the enclosed Remedial Action Plan Permit effective September 24, 2007 for a period of five (5) years. The Division will notify you if this decision is appealed within the next 10 days in accordance with NAC 459.9995.

If you have any questions, please contact me at (775) 687-9465.

Sincerely,

Jeff Denison, P.E.
Supervisor
RCRA Facilities Branch
Bureau of Waste Management

JD:db

enc: BRC RAP Permit, w/o permit attachments

cc: Leo Drozdoff, NDEP Administrator
Tom Porta, NDEP Deputy Administrator
Colleen Cripps, NDEP Deputy Administrator
Jim Najima, Chief, NDEP-Bureau of Corrective Actions
Eric Noack, Chief, NDEP-Bureau of Waste Management

PERMIT FOR HAZARDOUS REMEDIATION WASTE MANAGEMENT ACTIVITY

This PERMIT is issued by the Nevada Division of Environmental Protection (Division) under the authority of Nevada Revised Statutes (NRS) 459.520 and Nevada Administrative Code (NAC) 444.842 through 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. This PERMIT is prepared as a Remedial Action Plan (RAP) and is issued in accordance with the provisions of 40 CFR Part 270 Subpart H and the requirements of 40 CFR 270.135.

The PERMIT hereby authorizes the owner and operator (Permittee) known as:

Basic Remediation Company (BRC)
875 West Warm Springs Road
Henderson, Nevada 89011
(702) 567-0400

To construct and operate the *Remediation Waste Management Site* (RWMS) identified as:

BRC CAMU (Landfill)
Clark County, Nevada
22S/62E/11 and 12
EPA ID #: NVD074150798

Located at: Latitude: 36:03N, Longitude: 115:01W

Whose structure and boundaries are shown on the maps in Attachments A and B of the RAP Permit Application as revised and updated March 2007 (Application). The RWMS includes a *Corrective Action Management Unit* (CAMU) as defined in 40 CFR Part 264.552 and is described as a landfill. The CAMU is designated for the purpose of managing *remediation waste* in accordance with 40 CFR 264.552(a) and shall be constructed and operated in accordance with the following terms and conditions.

TERMS AND CONDITIONS

I. General

The Permittee shall comply with the general terms and conditions of 40 CFR Part 270.30.

II. Pre-construction

A. At least 30 days prior to excavation or construction, the Permittee shall submit a final design (including engineered drawings) that complies with the terms and conditions of this Permit and conforms with the conceptual design described in Attachment J. The final design shall be incorporated as Attachment K. [Note: All Attachments, unless otherwise noted, refer to Attachments to the RAP Application.]

B. At least 30 days prior to excavation or construction, the Permittee shall submit a final *Construction Quality Assurance Plan* (CQAP) in accordance with 40 CFR 264.19 and Attachment L.

III. Design, Construction and Operation

A. The landfill shall be designed and constructed using a liner system that satisfies the requirements of 40 CFR 264.301(d) as described in Attachment J and K.

B. The Permittee shall construct the landfill, including installation of a liner system, in accordance with Attachment J, K and L.

C. The landfill shall be designed and constructed in a manner such that it is completely above the seasonal high-water table.

D. Prior to final preparation of the foundation grade and installation of the liner system, the Permittee shall obtain written concurrence from the Division that excavation and compaction is satisfactory and complete.

E. The Permittee shall conduct the monitoring and inspection activities during construction and installation of the liner system as required in 40 CFR 264.303(a) in accordance with the CQAP and Attachment L.

F. The Permittee shall use moisture and synthetic control measures as described in Attachment L to prevent the occurrence and dispersal of dust during excavation, construction and operation of the landfill.

G. The Permittee shall manage all excavated and subgrade material within the boundaries of the RWMS unless the material is determined to be free of contamination in accordance with an acceptable "exit criteria" as approved by the Division. The Permittee shall obtain case-by-case approval for release of specific volumes of material originating within the RWMS destined for off-site use or management. Native soils used from within the RWMS for the construction of the berms and cover of the landfill shall also meet the same "exit criteria."

H. The landfill shall be designed and constructed using a leachate collection system as described in Attachment J that is:

(1) constructed with a bottom slope of one percent or more;

(2) constructed of granular drainage materials with a hydraulic conductivity of $1x10^{-2}$ cm/sec or more and a thickness of 12 inches (30.3 cm) or more; or constructed of synthetic or geonet drainage material with a transmissivity of $3x10^{-5}$ m^2/sec or more;

(3) constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the landfill;

(4) designed and operated to minimize clogging during the active life and closure and post-closure care period; and,

(5) constructed with sumps, risers and portals of sufficient size to collect, detect and remove (i.e., pump) liquids from the sumps and prevent liquids from backing up into the drainage layer during the active life and closure and post-closure care period.

I. The Permittee shall collect and remove pumpable liquids in the leachate collection system sumps to minimize head on the bottom liner. At no time shall the head on the liner be allowed to exceed one (1) foot. The Permittee shall measure and record the volume of leachate removed in accordance with the Operation and Monitoring Plan (Attachments M and N)

J. The Permittee shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 100-year storm.

K. The Permittee shall design, construct, operate, and maintain a run-off management system to collect and control at least the volume of water resulting from a 24-hour, 100-year storm.

L. The Permittee shall empty, or otherwise manage, run-on and run-off control systems immediately after storm events to maintain design capacity.

M. The Permittee shall notify the Division and submit the certification required by 40 CFR 264.19(d) [i.e., certification signed by CQA officer] at least 10 days prior to the expected date of initial receipt of waste at the RWMS.

N. The Permittee shall maintain records and documentation of all information obtained and used to provide the certification by the CQA officer until completion of post-closure care.

O. The Permittee shall obtain written acceptance by the Division of the CQA officer's certification prior to receiving the first volume of remediation waste at the RWMS.

P. Prior to acceptance of the first volume of waste, the Permittee shall install and maintain a groundwater monitoring system as specified in the Application.

Q. The Permittee shall sample and analyze for constituents identified in the groundwater in accordance with the CAMU (Landfill) Monitoring Plan (Attachment N).

R. The Permittee shall report the results of groundwater sampling and analysis in accordance with Attachment N.

S. The Permittee shall establish and maintain financial assurance, as demonstrated in Attachment R to ensure closure and post-closure of the CAMU.

T. The Permittee shall obtain and maintain liability coverage for sudden and non-sudden accidental occurrences as required by 40 CFR 264.147 and Attachment S.

U. The Permittee shall not accept for disposal, or otherwise manage, any material that is not a remediation waste as defined in 40 CFR 260.10.

V. The Permittee shall only accept remediation waste which originates from the source areas described in Attachment B in accordance with the Waste Analysis Plan (Attachment C) unless otherwise approved by the Division.

W. The Permittee shall comply with the requirements of 40 CFR 264.1(j)(1) through 264.1(j)(13), inclusively, as outlined and described in the Application and its attachments. These requirements include, but are not limited to: personnel training; access restrictions; accident prevention; emergency response; operating procedures; inspection procedures; and waste characterization.

IV. Closure and Post-Closure

A. The Permittee shall submit a final cover design and *Closure and Post-Closure Care Plan* that meets the requirements of 40 CFR 264.310(a), 264.310(b)(1), 264.310(b)(2), 264.310(b)(4), 264.310(b)(5), and 264.310(b)(6) at least 180 days prior to the expected date of closure. The final cover design and *Closure and Post-Closure Care Plan* shall conform to the conceptual cover design and closure and post-closure activities described in Attachments O and P of the Application.

B. The Permittee shall notify the Division at least 60 days prior to the date on which closure of the landfill is expected to begin.

C. The Permittee shall construct a final cover at the time of closure that meets the requirements of 40 CFR 264.310(a), 264.310(b)(1), 264.310(b)(2), 264.310(b)(4), 264.310(b)(5) and 264.310(b)(6).

D. The Permittee shall conduct closure and post-closure activities in accordance with 40 CFR Part 264 Subpart G and Attachment O of the Application.

E. The Permittee shall complete closure activities within 180 days after receiving the final volume of remediation waste.

F. The Permittee shall certify closure within 60 days of completion of closure in accordance with 40 CFR 264.115.

V. Modification, Revocation, Reissuance, and Renewal

A. The Permitte may request a modification of the RAP in accordance with 40 CFR 270.170 and the applicable requirements of 40 CFR 270.40 through 270.42.

B. The Administrator may direct a modification of the RAP in accordance with 40 CFR 270.175.

C. The Administrator may revoke and reissue the RAP in accordance with 40 CFR 270.180, 270.185 and 270.190, and the applicable requirements in 40 CFR 270.41 and 270.43, or terminate the RAP according to the applicable requirements of 270.43.

D. The RAP may be renewed in accordance with 40 CFR 270.200.

EFFECT AND LIMIT OF REMEDIAL ACTION PLAN

Any inaccuracies found in the Application or any information submitted by the Permittee may be grounds for the termination, revocation and reissuance, or modification of this PERMIT and may result in enforcement action by the Division. The Permittee must inform the Division of any deviation from, or changes in, the information in the Application which would affect the Permittee's ability to comply with the conditions of the PERMIT. Failure to comply with any term or condition set forth in this RAP 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 September 24, 2007, and shall remain in effect until September 24, 2012, unless revoked and reissued under 40 CFR 270.41, 270.180 and NAC 444.8632, terminated under 40 CFR 270.43, 270.185 and NAC 444.8632, or continued in accordance with 270.51(d) and NAC 444.8632.

9/24/07
Date

R. Eric Noack, Chief
Bureau of Waste Management