

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
FACT SHEET
(Pursuant to NAC 445A.236)

Permittee Name: KAPEX, LLC (formerly U.S. AVESTOR, LLC)
P.O. Box 751149
Las Vegas, NV 89136

Permit Number: NEV89052

Location: KAPEX, LLC
11101 U.S. Hwy 93 North
Las Vegas, NV 89124

Township 18 South, Range 63 East, Section 15 MDB&M
Latitude: 36° 23' 16" N, Longitude: 114° 55' 41" W

Corrective Actions Sites: The KAPEX Facility, located 20 mi northeast of downtown Las Vegas, is outside the 1-mile radius from any Bureau of Corrective Actions remediation site.

Wellhead Protection Area: The KAPEX Facility is located outside of the 6,000 ft Drinking Water Protection Area #4 (DWPA #4) for supply wells in this area. The NDEP – iMap (GIS) application also shows the facility is not located within a delineated wellhead capture zone.

Receiving Water Characteristics: The KAPEX Facility's supply well is sited 1¼ miles east (T18S, R63E, Sec.16) of the main entrance (admin bldg) where the static water level was reported as 578 ft below ground surface. The general groundwater flow gradient is from west to east and west to northeast following surface drainage runoff. The reported depth to groundwater in two other supply wells (T18S, R63E, Sec. 15, owned by Duke Energy Moapa, LLC) located northeast of this facility averaged 429 ft below ground surface. Based on the prevailing depth to groundwater and ISDS discharge, groundwater monitoring is not required at this facility.

General: In 1991, this 3,250-acre property was developed by Kerr-McGee into a light-industrial facility used for the storage and blending of ammonium perchlorate (oxidizer). In 2002, the property was sold to U.S. AVESTOR and redeveloped for the manufacturing of lithium vanadium oxide (LVO) used in dry-cell battery production. In 2006, LVO manufacturing ceased, and the site was sold to KAPEX. Presently, all manufacturing operations are idle, and the owner's intent is to redevelop the site as a multi-tenant light-industrial park. The renewal application requests the permitting of the following ten outfalls listed in Table 1 on the following page. It is noted that flow from Outfall # 001 (cooling tower bleed for drip landscape irrigation) is currently inactive, Outfall # 002 is also inactive and the pond now used only for firewater storage and Outfalls # 007 through 010 not constructed but proposed for future building occupancy. An NDEP site inspection of this facility on 2/6/07 identified only limited activity at the site mainly confined to ISDS (Individual Septic and Disposal Systems) usage by several employees working in the Administration Building. The double-lined containment pond (Outfall #002) was used for firewater storage. Currently, a municipal sewer collection and disposal system in this industrial development and the surrounding area (Apex) is not available.

Table #1: Requested Outfalls per Permit Application

Outfall #	Description	Capacity	Status
001	LVO Cooling Tower Bleed (landscape irrigation)	5 GPM (30-day Average) & 8 GPM (Daily Maximum)	Inactive (constructed)
002	LVO Containment Pond (double-lined)	300,000 gal (¼-acre area)	Inactive (constructed)
003	Admin ISDS	1,500 gal	Active (constructed)
004	Change House ISDS	2,500 gal	Active (constructed)
005	Maintenance/Warehouse ISDS	1,000 gal	Active (constructed)
006	Blending (LVO) ISDS	1,000 gal	Active (constructed)
007	Tech Center ISDS	1,500 gal (proposed)	Inactive (not constructed)
008	QC Lab ISDS	3,000 gal (proposed)	Inactive (not constructed)
009	R&D Bldg ISDS	7,900 gal (proposed)	Inactive (not constructed)
010	Pilot Plant Bldg ISDS	3,700 gal (proposed)	Inactive (not constructed)

Flow: A flow meter is required on Outfall # 001 should the facility enact landscape irrigation from the cooling tower bleed. Individual flow in the ISDS (septic systems) is not metered. To provide proper treatment, the daily flow into each septic tank should not exceed its rated capacity.

Proposed Discharge Limitations and Special Conditions:

Flow: Outfall # 001 (drip irrigation) is limited to the applicant's requested flow rate of 5 (30-Day Average) & 8 (Daily Maximum) Gallons per Minute (GPM). Determination that the water source is non-contact cooling tower bleed stream is confirmed by an annual Profile 1 Analysis.

Freeboard: Surface acreage of the storage pond (Outfall # 002) is less than one acre. Thus, the minimum freeboard requirement is 2 ft. Inflow into this pond is limited to site surface runoff collection (storm water) and makeup water addition from the facility's supply well for firewater storage.

ISDS: Discharge into the eight ISDS tanks (Outfalls # 003 through 010) is limited to domestic wastewater to prevent upset of normal anaerobic biological activity within the septic tanks. In conformance with NDEP policy on Large Capacity Septic Systems (LCSS) for individual or combined tank capacity of $\geq 5,000$ gallons, NDEP proposes the facility to complete a biennial LCSS evaluation report (Attachment 1) every second year. The LCSS evaluation consists of a determination of tank scum and sludge levels and an inspection of the leach (drain) field condition. The first LCSS evaluation from this facility shall be submitted by January 28, 2010 in the Annual 4th Quarter DMR Report.

Table 2: Discharge Limitations (Outfalls 001 & 002)

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	30-Day Average	Daily Maximum	Daily Maximum	Sample Type
Cooling Tower Flow, 001 (for Drip Irrigation)	5 GPM	8 GPM	Continuous	Flow Meter
Cooling Tower pH, 001 (for Drip Irrigation)	Within 6.0 – 9.0 S.U.		Quarterly	Discrete
Cooling Tower TDS, 001 (for Drip Irrigation)	Monitor & Report		Quarterly	Discrete
Cooling Tower Profile 1 Analysis, 001 (for Drip Irrigation)	Monitor & Report		Annually (4 th Quarter)	Discrete
LVO Pond Freeboard, ft	Minimum of 2.0		Quarterly	Staff Gage or Visual Observation
LVO Leak Detection Sump, gallons accumulated	Monitor & Report		Quarterly	Field Measurement

Table 3: Septic System Requirements (Outfalls 003 through 010)

Outfall #	Description	Inspection Frequency
003	Admin ISDS	Biennial (complete and submit LCSS form)
004	Change House ISDS	Biennial (complete and submit LCSS form)
005	Maintenance/Warehouse ISDS	Biennial (complete and submit LCSS form)
006	Blending (LVO) ISDS	Biennial (complete and submit LCSS form)
007	Tech Center ISDS	Biennial (complete and submit LCSS form)
008	QC Lab ISDS	Biennial (complete and submit LCSS form)
009	R&D Bldg ISDS	Biennial (complete and submit LCSS form)
010	Pilot Plant Bldg ISDS	Biennial (complete and submit LCSS form)

Schedule of Compliance: Within ninety (90) days of the permit renewal date, the Permittee shall update any changes to the facility's O&M Manual, dated March 25, 2004 (including emergency contacts).

Procedures for Public Comment: The Notice of the Division's intent to issue (renew) this discharge permit, subject to the conditions contained within the permit is being sent to the **Las Vegas Review-Journal** newspaper for publication. The notice is also being electronically mailed to interested persons on our public notification mailing list. Anyone wishing to comment on the proposed permit can do so in writing for a period of thirty (30) days following the date of publication of the public notice in the newspaper. The comment period can be extended at the discretion of the Administrator. The deadline date and time by which all comments are to be submitted (via postmarked mail or time-stamped faxes, e-mails, or hand-delivered items) to the Division is **Wednesday, July 8, 2009, by 5:00 P.M. PST.**

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator 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 determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.238.

The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NRS 445A.605.

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

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Date: June 3, 2009