

STATE OF NEVADA  
Department of Conservation and Natural Resources  
Division of Environmental Protection  
Bureau of Mining Regulation and Reclamation

**Water Pollution Control Permit**

Permittee: **Tonkin Springs LLC  
Tonkin Springs Project  
2215 N. 5th St.  
Elko, NV 89801**

Permit Number: **NEV0085021**  
Review Type/Year/Revision: **Renewal 2020, Revision 00**

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this Permit authorizes the Permittee to close the **Tonkin Springs Project**, in accordance with the limitations, requirements, and other conditions set forth in this Permit. The Permittee is not authorized to mine or process ore.


The facility is located in Eureka County, within Sections 2, 3, and 4 Township 23.5 North (T23.5N), Range 49 East (R49E), and Sections 20, 21, 27, 28, 29, 32, 33, and 34, T24N, R49E, Mount Diablo Baseline and Meridian, approximately 55 miles northwest of the town of Eureka, Nevada.

The Permittee must comply with all terms and conditions of this Permit and all applicable statutes and regulations.

This Permit is based on the assumption that the information submitted in the Final Plan for Permanent Closure, dated 28 January 2011, as modified by subsequent approved amendments, is accurate and that the facility is being closed as specified in the application. The Permittee must inform the Division of any deviation from, or changes in, the information in the application, which may affect the ability of the Permittee to comply with applicable regulations or Permit conditions.

This Permit is effective as of **24 September 2020**, and shall remain in effect until **6 August 2025**, unless modified, suspended, or revoked.

Signed this 4 day of **September 2020**.

  
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Joseph Sawyer, P.E.  
Chief, Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

A. In accordance with operating, facility design, and closure plans reviewed and approved by the Division the Permittee shall:

1. Construct, operate, and close the facility in accordance with those plans;
2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event. Any new process components or material modifications of existing process components shall be designed to contain all process fluids including all meteoric waters which enter the system as a result of the 500-year, 24-hour event; and
3. Not release or discharge any process or non-process contaminants from the fluid management system except as approved by the Division in accordance with this Permit and any associated plans, reports, studies, and designs.

B. Schedule of Compliance:

1. By 30 September 2020, the Permittee shall submit to the Division, for review and approval, an engineering design change (EDC) for TSP backfilling and closure of the TSP-1 Pit and closure of the Tailings Storage Facility (TSF). The EDC shall include the detailed backfilling plan, technical specifications, and the construction quality assurance plan.
2. By 30 September 2020, the Permittee shall submit to the Division, for review and approval, an EDC for Evaporation Pond Construction and Heap Leach Pad (HLP) Launder Closure. The EDC shall include construction-level drawings, technical specifications, and the construction quality assurance plan.
3. By 1 July 2021, the Permittee shall complete Evaporation Pond Construction per the Division-approved design, including extension of the conveyance pipeline. The permittee shall prepare an interim as-built report as needed to coordinate immediate approval to impound, shall divert flows to the pond following commissioning, and shall submit the final as-built report within 30 days of construction completion.
4. By 1 July 2021, the Permittee shall complete the Weep Line Rerouting and Event Pond Closure per the Division-approved design and closure plan, including construction of the infiltration system and submittal of an interim as-built report as needed to coordinate immediate system commissioning. The Permittee shall submit the final as-built report within 30 days of construction completion.
5. By 15 October 2021, the Permittee shall complete the backfilling and closure of the TSP-1 Pit per the Division-approved design and closure plan. The Permittee shall submit the final as-built report within 30 days of construction completion.
6. By 15 October 2022, the Permittee shall complete the permanent closure of the TSF and Tailings Seepage Collection Tank (TSCT), per the Division-approved design and closure plan. The Permittee shall submit the final as-built report within 30 days of construction completion.

The schedule of compliance items above are not considered completed until approved in writing by the Division.

C. The fluid management system covered by this Permit consists of the following components:

1. Lined heap leach pad, transfer channel, Event Pond, and associated leak detection and recovery systems;
2. Tailings impoundment, seepage collection system, Seepage Collection Tank, and associated leak detection and recovery systems;
3. TSP-1 pit sump, pH adjustment system (caustic addition) for pit sump and effluent; and
4. Transfer pipes, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements:

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
1. <u>Site Monitoring Wells</u> GWM-2 GWM-3 GWM-4 GWM-8	Profile I <sup>(1)</sup> , water and collar elevations (feet AMSL)	Quarterly
2. <u>Heap Leach Pad Leak Detection</u> HLPLDP-4 HLPLDP-3 <sup>(2)</sup>	Profile I <sup>(1)</sup> ; Average daily flow (gpd)	Quarterly; Weekly <sup>(3)</sup>
3. <u>Event Pond</u> Leak Detection Port (EP-LDP); EP-LDP	Profile I <sup>(1)</sup> ; Average daily accumulation (gpd)	Quarterly <sup>(4)</sup> , when in use; Daily <sup>(3)</sup> when in use
4. <u>Tailings Seepage Collection Tank Leak Detection Sump (capacity)</u> TSCTLD (2,070 gal)	Average daily flow (gpd)	Weekly <sup>(3)</sup>
5. <u>TSP-1 and HLP Conveyance Pipelines Leak Detection</u> TSP1-LDP1 TSP1-LDP2 TSP1-LDP3 HLP-LDP5	Average daily flow (gpd)	Weekly <sup>(3)</sup>
6. <u>Heap Leach Pad Effluent</u> HLPE <sup>(2)</sup>	Profile I <sup>(1)</sup> ; Average daily flow (gpm)	Quarterly; Weekly

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
7. <u>TSP-1 and HLP Effluent</u> Combined at discharge point into tailings impoundment (TSP-1HEC) <sup>(2)</sup>	Profile I <sup>(1)</sup> ; Average daily flow (gpm)	Quarterly; Weekly
8. <u>Event Pond French Drain Outflow</u> FDO <sup>(2)</sup>	Profile I <sup>(1)</sup> ; Average daily flow (gpm)	Quarterly; Weekly
9. <u>Heap Leach Pad Underdrain</u> HLP ( a.k.a. "Weep Line") <sup>(2)</sup>	Profile I <sup>(1)</sup> ; Average daily flow (gpm)	Quarterly; Weekly, when constructed
10. <u>Tailings Solution</u> TIS	Profile I <sup>(1)</sup> , solution elevation (feet AMSL)	Annually (4 <sup>th</sup> quarter)
11. <u>Tailings Seepage Collection Tank</u> TSCT <sup>(2)</sup>	Profile I <sup>(1)</sup> ; Average daily flow (gpm)	Quarterly; Weekly
12. <u>Surface Water</u> SW-1;  Tonkin Springs Reservoir	Surface Water Profile <sup>(5)</sup> ;  Surface Water Profile <sup>(5)</sup>	Quarterly, when flowing;  Semi-annually (1 <sup>st</sup> and 3 <sup>rd</sup> Quarters)
13. <u>Waste Rock Storage Facilities (WRSF)</u>  Stockpiles TSP-1 TSP-3A TSP-3B TSP-4 TSP-5 Rooster;  Each seep that is flowing	Visual inspection for physical stability and presence of water <sup>(6)</sup> ;        Profile I <sup>(1)</sup> ; photograph(s), field pH (SU), specific conductance (µS/cm)	Quarterly;        Quarterly

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
<p>14. <u>TSP-1 Monitoring</u><sup>(2)</sup></p> <p>Sump solution;</p> <p>Post-treatment effluent</p>	<p>Profile III<sup>(7, 12)</sup>, acidity<sup>(8)</sup>, Average daily in-flow (gpm);</p> <p>Profile I<sup>(1)</sup>, acidity<sup>(8)</sup>, Average daily out-flow (gpm)</p>	<p>Quarterly;</p> <p>Quarterly</p>
<p>15. <u>Pit Lake Monitoring</u></p> <p>TSP-1<sup>(12)</sup>                      TSP-2                      TSP-3                      TSP-4                      TSP-5                      TSP-6                      TSP-6E                      TSP-7                      Rooster Pit;                      Each pit lake that forms</p>	<p>Visual inspection for presence of water<sup>(9)</sup>;</p> <p>Profile III<sup>(7)</sup>, photograph, lake surface elevation (feet AMSL), area (acres), maximum lake depth (feet), volume of water removed from sump;</p> <p>Water temperature (°F)<sup>(13)</sup>, field pH (SU), field Eh (mV) and specific conductance (µS/cm) at lake surface, and for any lake ≥ 25 feet in depth, the same measurements at intermediate and bottom depths, plus the measurement depth (feet)</p>	<p>Quarterly;</p> <p>Quarterly, when present;</p> <p>Quarterly, when present</p>
<p>16. <u>Weather Station Facility</u>  <u>Ambient Conditions</u></p>	<p>Ambient Temperature (min/max), Relative Humidity (%), Wind Speed (mph), Wind Direction (azimuth degree), Total Precipitation (mm), Solar Irradiation (W/m<sup>2</sup>), Snow Water Equivalent (SWE) (mm)</p>	<p>Daily</p>

The Permittee may request a reduction of the monitoring frequency after four quarters of complete monitoring based on justification other than cost. Such reductions may be considered modifications to the Permit and require payment of modification fees.

**Abbreviations:**

AMSL = above mean sea level; CaCO<sub>3</sub> = calcium carbonate; DO = dissolved oxygen; e = the base of the natural logarithm with approximate value of 2.718; \* = multiplication symbol; Eh = chemical reduction potential; °F = degrees Fahrenheit; gal = gallons; gpm = gallons per minute; gpd = gallons per day; ≥ = greater than or equal to; HLP = heap leach pad; ln = natural logarithm with base e; mph = miles per hour; mm = millimeters; µg/L = micrograms per liter; mg/L = milligrams per liter; mV = millivolts; µS/cm = microSiemens per centimeter; min/max = minimum/maximum; N = nitrogen; NAC = Nevada Administrative Code; NDEP = Nevada Division of Environmental Protection; P = phosphorous; PCS = Petroleum-Contaminated Soil; PCU = platinum cobalt units; pH = the negative of the base 10 logarithm of the activity of the hydrogen ion; NTU = nephelometric turbidity unit; % = percent; SU = standard units; WAD = weak acid dissociable; W/m<sup>2</sup> = watts per square meter

**Footnotes:**

(1) Profile I:

Alkalinity (as CaCO <sub>3</sub> )	Cadmium	Magnesium	Silver
Bicarbonate	Calcium	Manganese	Sodium
Total	Chloride	Mercury	Sulfate
Aluminum	Chromium	Nitrate + Nitrite (as N)	Thallium
Antimony	Copper	Nitrogen, Total (as N)	Total Dissolved Solids
Arsenic	Fluoride	pH (± 0.1 SU) <sup>(8)</sup>	WAD Cyanide
Barium	Iron	Potassium	Zinc
Beryllium	Lead	Selenium	-

- (2) Sample collection shall be conducted on the same day as flow measurement.
- (3) The sump must be inspected and evacuated on a more frequent basis than weekly if the fluid level is above the top of the sump or the invert of any pipe which discharges into the sump, whichever level is lower, or if the potential exists to exceed the sump capacity. The sumps must also be inspected during, if possible, and after major storm events in accordance with Part I.I, and at any other time when an increase in leakage flow may occur (e.g., during spring melt, etc.). Records are required documenting volume, date, and time of extraction to show that sumps are maintained in this condition.
- (4) Quarterly and daily monitoring of the EP-LDP is required and Part I.G.9 is in effect when pond is in use.

- (5) Surface Water Profile – Tonkin Springs Reservoir and Denay Creek (per NAC 445A.1516 and NAC 445A.1236):

Alkalinity (as CaCO <sub>3</sub> ) Bicarbonate Total	Chromium (III), Dissolved <sup>(10)</sup>	Nitrate (as N)
	Chromium (VI), Dissolved <sup>(10)</sup>	Nitrite (as N)
	Color (PCU)	pH (± 0.1 SU) <sup>(8)</sup>
Hardness (as mg/L CaCO <sub>3</sub> ) <sup>(11)</sup>	Copper, Dissolved	Phosphorous, Total
Ammonia, Total (as N)	Cyanide, Free	Potassium
Antimony, Total	Dissolved Oxygen	Selenium, Total
Arsenic, Dissolved	Fluoride	Silver, Dissolved
Barium, Total	Iron, Total	Sulfate
Beryllium, Total	Lead, Dissolved	Sulfide, Total (as undissociated hydrogen sulfide)
Boron, Total	Magnesium	Thallium, Total
Cadmium, Dissolved	Manganese, Total	Total Dissolved Solids
Calcium	Mercury, Dissolved	Total Suspended Solids
Chloride	Molybdenum, Total	Turbidity (NTU)
Chromium, Total	Nickel, Dissolved	Zinc, Dissolved

- (6) Provide a visual evaluation of each waste rock storage facility for physical stability (e.g., stable, unstable, or slope failure), presence of water, and seepage. If visibly unstable, or slope failure, describe. For presence of water, identify whether the surface and toes of the waste rock storage facility are dry, damp, or wet (ponded or flowing water). If seepage is emanating from any portion of a waste rock storage facility, the Permittee shall perform the required monitoring for seeps.

- (7) Profile III:

Alkalinity (as CaCO <sub>3</sub> ) Bicarbonate Total	Calcium	Mercury	Strontium
	Chloride	Molybdenum	Sulfate
	Chromium	Nickel	Thallium
Aluminum	Copper	Nitrate + Nitrite (as N)	Tin
Antimony	Fluoride	Nitrogen, Total (as N)	Total Dissolved Solids
Arsenic	Iron	pH (± 0.1 SU) <sup>(8)</sup>	Total Suspended Solids
Barium	Lead	Phosphorus	Uranium
Beryllium	Lithium	Potassium	Vanadium
Boron	Magnesium	Selenium	Zinc
Cadmium	Manganese	Sodium	-

- (8) All sample analyses resulting in a pH value less than or equal to 5.0 SU shall also be analyzed for acidity (mg/L, as CaCO<sub>3</sub> equivalent).

- (9) For presence of water, state whether the pit surface is dry, damp, or wet (ponded or flowing water). If ponded water has been present for at least one year and sufficient water is present for sampling, the Permittee shall perform the required monitoring for pit lakes.
  - (10) Analyze and calculate for chromium species only if total chromium exceeds 0.005 mg/L.
  - (11) Hardness =  $(2.497 * Ca) + (4.118 * Mg)$ , where Ca is the calcium concentration in mg/L and Mg is the magnesium concentration in mg/L.
  - (12) If TSP-1 sump fails to drain, perform pit lake monitoring as per Part I.D.15. Otherwise, perform monitoring as specified in Part I.D.14.
  - (13) Field measurements (e.g., temperature, specific conductance, pH, Eh, etc.) shall be made at the Project site concurrent with the monitoring activity using a calibrated instrument, and do not require analysis by a laboratory certified or approved by the State of Nevada as otherwise specified in Part II.E.5. Field measurements must be accompanied by appropriate calibration information.
- E. Quarterly and annual monitoring reports and release reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
1. The daily accumulation or flow exceeding 20 gallons per day averaged over the quarter in the leak detection ports identified in Part I.D.2.
  2. The daily accumulation or flow exceeding 10 gallons per day averaged over the year in the leak detection ports identified in Part I.D.2.
  3. The daily accumulation or flow exceeding 150 gallons per day averaged over the quarter in the leak detection port identified in Part I.D.3, when the Event Pond is in use.
  4. The daily accumulation or flow exceeding 50 gallons per day averaged over the year in the leak detection port identified in Part I.D.3, when the Event Pond is in use.
  5. The daily accumulation of flow exceeding 150 gallons per day averaged over the quarter in the leak detection sumps identified in Parts I.D.4 and I.D.5.
  6. The daily accumulation of flow exceeding 50 gallons per day averaged over the year in the leak detection sumps identified in Parts I.D.4 and I.D.5.
  7. When the pH adjustment system is operational, the combined TSP-1 and HLP effluent shall have a combined pH of 6.5 – 8.5 SU at the end of the pipe discharge to the tailings impoundment
  8. Failure to meet a Schedule of Compliance date or requirement.
  9. The storage of process solution in a single-lined pond, or the Event Pond, for more than 20 consecutive days for any single event.
  10. Except as otherwise allowed by this Permit, a minimum 2-foot freeboard shall be maintained in all ponds.



11. Tailings material may not be removed from the tailings impoundment, except with prior written authorization from the Division.
12. The facility shall not degrade waters of the State to the extent that applicable water quality standards or reference values, and background concentrations, are exceeded.
13. The following Surface Water Profile and associated Most Restrictive Beneficial Use Standards apply to Denay Creek and its tributaries including Tonkin Springs Reservoir (ref. NAC 445A.1516 and NAC 445A.1236):

<b>Parameter</b>	<b>Standard or Standard Calculation Equation<sup>(c)</sup></b> (µg/L, except as noted)
Alkalinity (as CaCO <sub>3</sub> )	≥ 20 mg/L
Ammonia, Total (as N)	mg/L per NAC 445A.118 <sup>(c)</sup>
Antimony, Total	146
Arsenic, Dissolved <sup>(a)</sup>	150
Barium, Total	2.0 mg/L
Beryllium, Total	100
Boron, Total	750
Cadmium, Dissolved <sup>(a)(b)</sup>	$(1.101672 - \{\ln(\text{hardness})(0.041838)\}) * e^{(0.7409\{\ln(\text{hardness})\} - 4.719)}$
Calcium, Dissolved	Measure and report (as mg/L calcium) for hardness determination
Chloride	230 mg/L
Chromium, Total	100
Chromium (III), Dissolved <sup>(a)(b)</sup>	$(0.860) * e^{(0.8190\{\ln(\text{hardness})\} - 0.6848)}$
Chromium (VI), Dissolved <sup>(a)</sup>	11
Color	75 PCU
Copper, Dissolved <sup>(a)(b)</sup>	$(0.960) * e^{(0.8545\{\ln(\text{hardness})\} - 1.702)}$
Cyanide, Free <sup>(a)</sup>	5.2
Dissolved Oxygen	≥ 5.0 mg/L
Fluoride	1.0 mg/L
Hardness <sup>(b)</sup>	Calculate and report (as mg/L CaCO <sub>3</sub> )
Iron, Total <sup>(a)</sup>	1.0 mg/L
Lead, Dissolved <sup>(a)(b)</sup>	$(1.46203 - \{\ln(\text{hardness})(0.145712)\}) * e^{(1.273\{\ln(\text{hardness})\} - 4.705)}$
Manganese, Total	200
Magnesium, Dissolved	Measure and report (as mg/L magnesium) for hardness determination
Mercury, Dissolved <sup>(a)</sup>	0.77
Molybdenum, Total <sup>(a)</sup>	1.65 mg/L



<b>Parameter</b>	<b>Standard or Standard Calculation Equation<sup>(c)</sup></b> (µg/L, except as noted)
Nickel, Dissolved <sup>(a)(b)</sup>	$(0.997)*e^{(0.8460\{\ln(\text{hardness})\}+0.0584)}$
Nitrate (as N)	10 mg/L
Nitrite (as N)	1.0 mg/L
pH	6.5 – 9.0 SU
Phosphorus, Total (as P)	100
Selenium, Total (a)	5.0
Silver, Dissolved <sup>(a)(b)</sup>	$(0.85)*e^{(1.72\{\ln(\text{hardness})\}-6.59)}$
Sulfate	250 mg/L
Sulfide, Total (as un-dissociated hydrogen sulfide) <sup>(a)</sup>	2.0
Thallium, Total	13
Total Dissolved Solids	500 mg/L
Total Suspended Solids	80 mg/L
Turbidity	50 NTU
Zinc, Dissolved <sup>(a)(b)</sup>	$(0.986)*e^{(0.8473\{\ln(\text{hardness})\}+0.884)}$

- (a) The standard may be exceeded once every three years per NAC 445A.1236.
- (b) For calculated aquatic life standards, hardness (as mg/L CaCO<sub>3</sub>) is determined via the equation in Part I.D., Footnote (11). See Part I.D. Abbreviations for reference. Include all calculated standards with each monitoring report, as applicable.
- (c) For a complete list of applicable surface water standards, refer to NAC 445A.118, 445A.121, 445A.122, 445A.1236, and 445A.1516.

Exceedances of these limitations may be Permit violations and shall be reported as specified in Part II.B.4.

- H. The facility shall maintain an automated or manual calibrated weather station, which shall be monitored daily per Part I.D.16 when the site is manned. A written and/or electronic record of measurements shall be maintained at the office of record of the Permittee. Depending on site topography and size, multiple meteorological stations may be required.
- I. The Permittee shall inspect all control devices, systems, and facilities weekly, and during (when possible) and after major storm events. These inspections are performed to detect evidence of:
  1. Deterioration, malfunction, or improper operation of control or monitoring systems;
  2. Sudden changes in the data from any monitoring device;
  3. The presence of liquids in leak detection systems; and
  4. Severe erosion or other signs of deterioration in dikes, diversions, closure covers, or other containment devices.

If detected, the Permittee shall report the above conditions in accordance with Part II.B.4, except such a report is not required for the presence of liquids in leak detection systems unless a leak detection limitation in Part I.G is exceeded.

- J. Prior to initiating permanent closure activities at the facility, or at any process component or other source within the facility, the Permittee must have an approved final plan for permanent closure.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this Permit and every year thereafter until the Permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or treat Petroleum-Contaminated Soil (PCS) on the mine site without first obtaining from the Division approval of a PCS Management Plan.
- M. When performing dust suppression activities, the Permittee shall use best management practices and appropriate selection of water source and additives to prevent degradation of waters of the State. If a dust suppressant exceeds a water quality standard and the corresponding natural background water concentration in the area where dust suppression will occur, the Permittee shall demonstrate no potential to degrade waters of the State.
- N. Continuing Investigations: None Required

## II. General Facility Conditions and Limitations

### A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the Permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued Permit if he or she determines good and valid cause (such as an act of God, a labor strike, materials shortage, or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, and systems installed or used by the Permittee to achieve compliance with the terms and conditions of this Permit.
- 3. Whenever the Permittee becomes aware that he or she failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this Permit and appropriate enforcement action.

### B. Reporting Requirements

- 1. The Permittee shall submit quarterly reports, in both hard copy and a Division-approved electronic format, which are due to the Division on or before the 28<sup>th</sup> day of the month following the quarter and must contain the following:

- a. Analytical results of the solution collected from monitoring locations identified in Parts I.D.1, I.D.2, I.D.3, I.D.6, I.D.7, I.D.8, I.D.9, I.D.11, I.D.13, and I.D.14, as applicable, reported on NDEP Form 0190 or equivalent;
- b. Water and collar elevations in feet AMSL of wells identified in Part I.D.1;
- c. Monitoring results from the leak detection systems identified in Parts I.D.2, I.D.3, I.D.4, and I.D.5 reported on NDEP Form 0590 or equivalent;
- d. Surface water monitoring analyses as identified in Part I.D.12 as applicable;
- e. Analytical results of the sump solution and pit lake water collected from the monitoring locations identified in Parts I.D.14 and I.D.15, as applicable, reported on NDEP Form 0290 or equivalent;
- f. All other monitoring data for locations identified in Parts I.D.6, I.D.7, I.D.8, I.D.9, I.D.11, I.D.13, I.D.14, and I.D.15, as applicable; and
- g. A record of releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any non-compliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

2. The Permittee shall submit an annual report, in both hard copy and a Division-approved electronic format, by February 28<sup>th</sup> of each year, for the preceding calendar year, which contains the following:
  - a. Graphs of leak detection flow rates, pH, arsenic, chloride, fluoride, nitrate + nitrite (as N), sulfate, total dissolved solids (TDS), total nitrogen (N), , and WAD cyanide concentration (as applicable), versus time for all fluid sampling points. These graphs shall display the history since the component(s) commenced closure activities. Additional parameters may be required by the Division if deemed necessary.
  - b. Analytical results for the location identified in Part I.D.10 reported on NDEP Form 0190 or equivalent;
  - c. Tailings solution elevation in feet AMSL, identified in Part I.D.10, as applicable;
  - d. A synopsis of releases on NDEP Form 0390 or equivalent;
  - e. A brief summary of site care, maintenance, and closure operations;
  - f. An updated version of the facility monitoring and sampling procedures and protocols;
  - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization.
  - h. Monthly averages of weather monitoring results identified in Part I.D.16 including a table of total monthly precipitation amounts reported for the five-year history previous to the date of submittal or the history since initial Permit issuance, whichever is shorter.

3. Release Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all releases must be reported as per NAC 445A.347 or NAC 445A.3473, as appropriate.
  - a. A release of any quantity of hazardous substance, as defined at NAC 445A.3454, to surface water, or that threatens a vulnerable resource, as defined at NAC 445A.3459, must be reported to the Division as soon as practicable after knowledge of the release, and after the Permittee notifies any emergency response agencies, if required, and initiates any action required to prevent or abate any imminent danger to the environment or the health or safety of persons. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within 10 days in accordance with Part II.B.4.b.
  - b. A release of a hazardous substance in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 Code of Federal Regulations (CFR) Part 302 must be reported as required by NAC 445A.3473 and Part II.B.3.a.
  - c. A release of a non-petroleum hazardous substance not subject to Parts II.B.3.a. or II.B.3.b., released to soil or other surfaces of land, and the total quantity is equal to or exceeds 500 gallons or 4,000 pounds, or that is discovered in or on groundwater in any quantity, shall be reported to the Division no later than 5:00 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within 10 days in accordance with Part II.B.4.b. Smaller releases, with total quantity greater than 25 gallons or 200 pounds and less than 500 gallons or 4,000 pounds, released to soil or other surfaces of land, or discovered in at least 3 cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.
  - d. Petroleum Products and Coolants: If a release is subject to Parts II.B.3.a. or II.B.3.b., report as specified in Part II.B.3.a. Otherwise, if a release of any quantity is discovered on or in groundwater, or if the total quantity is equal to or greater than 100 gallons released to soil or other surfaces of land, report as specified in Part II.B.3.c. Smaller releases, with total quantity greater than 25 gallons but less than 100 gallons, released to soil or other surfaces of land, or if discovered in at least 3 cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.
4. The Permittee shall report to the Administrator any noncompliance with the Permit.
  - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5:00 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
    - i. Name, address, and telephone number of the owner or operator;
    - ii. Name, address, and telephone number of the facility;
    - iii. Date, time, and type of incident, condition, or circumstance;

- iv. If reportable hazardous substances were released, identify material and report total gallons and quantity of contaminant;
  - v. Human and animal mortality or injury;
  - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
  - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.
- b. A written summary shall be provided within 10 days of the time the Permittee makes the oral report. The written summary shall contain:
- i. A description of the incident and its cause;
  - ii. The periods of the incident (including exact dates and times);
  - iii. If reportable hazardous substances were released, the steps taken and planned to complete, as soon as reasonably practicable, an assessment of the extent and magnitude of the contamination pursuant to NAC 445A.2269;
  - iv. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
  - v. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
- i. Determine the effect and extent of each incident;
  - ii. Minimize any potential impact to the waters of the State arising from each incident;
  - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
  - iv. Minimize the endangerment of the public health and safety which arises from each incident.
- d. If required by the Division, the Permittee shall submit, as soon as reasonably practicable, a final written report summarizing any related actions, assessments, or evaluations not included in the report required in Part II.B.4.b., and including any other information necessary to determine and minimize the potential for degradation of waters of the State and the impact to human health and the environment. Submittal of the final report does not relieve the Permittee from any additional actions, assessments, or evaluations that may be required by the Division.

### C. Administrative Requirements

1. A valid Permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed and termination of the Permit has been approved in writing by the Division, the Permittee shall apply for Permit renewal not later than 120 days before the Permit expires.

2. Except as required by NAC 445A.419 for a Permit transfer, the Permittee shall submit current Permit contact information described in paragraphs (a) through (c) of subsection 2 of NAC 445A.394 within 30 days after any change in previously submitted information.
3. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
4. All reports required by this Permit, including, but not limited to, monitoring reports, corrective action reports, and as-built reports, as applicable, and all applications for Permit modifications, shall be submitted in both hard copy and a Division-approved electronic format.
5. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this Permit, or to determine compliance with this Permit.
6. The Permittee shall maintain a copy of, and all modifications to, the current Permit at the office of record of the Permittee at all times.
7. The Permittee is required to retain during closure, and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart or data logger recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
8. The provisions of this Permit are severable. If any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not thereby be affected.
9. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this Permit. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, 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 the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this Permit. NRS 445A.675 provides that any person who violates a Permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

#### D. Division Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

1. Enter the premises of the Permittee where a regulated activity is conducted or where records are kept per the conditions of this Permit;
2. Have access to and copy any record that must be kept per the conditions of this Permit;
3. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this Permit; and



4. Sample or monitor for any substance or parameter at any location for the purposes of assuring Permit and regulatory compliance.

E. Sampling and Analysis Requirements

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. For each measurement or sample taken pursuant to the conditions of this Permit, the Permittee shall record the following information:
  - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
  - b. The person(s) who inspected, observed, measured, or sampled.
3. Samples must be taken, preserved, and labeled according to Division approved methods.
4. Standard environmental monitoring chain of custody procedures must be followed.
5. Samples shall be analyzed by a laboratory certified or approved by the State of Nevada, as applicable for the method(s) being performed. The Permittee must identify in all required reports the certified and approved laboratories used to perform the analyses, laboratory reference numbers, and sample dates, and for the electronic version of each report only, include all associated laboratory analytical reports, including test results, test methods, chain-of-custody forms, and quality assurance/quality control documentation.
6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and be reliable to at least two significant digits. The analytical methods used must have a practical quantitation limit (PQL) equal to or less than one-half the reference value for Profile I, Profile III, and Surface Water Profile parameters. Laboratories shall report the lowest reasonable PQL based on in-house method detection limit studies. Samples for Profile I parameters shall be filtered and analyzed for the dissolved fraction, unless otherwise required by the Division; samples for Profile III parameters shall be unfiltered and analyzed for the total recoverable fraction; samples for Surface Water Profile parameters shall be analyzed in accordance with NAC 445A.1236 and other applicable surface water regulations. Unless otherwise approved by the Division, analytical results that are less than the PQL shall be reported quantitatively by listing the PQL value preceded by the "<" symbol.

F. Permit Modification Requirements

1. Any material modification, as defined at NAC 445A.365, plan to construct a new process component, or proposed change to Permit requirements must be reported to the Division by submittal of an application for a Permit modification, or if such changes are in conformance with the existing Permit, by submittal of a written notice of the changes. The Permit modification application must comply with NAC 445A.391 through 445A.399, 445A.410, 445A.412, 445A.414, 445A.415, 445A.416, 445A.417, 445A.440, and 445A.442, as applicable. The construction or modification shall not commence, nor shall a change to the Permit be effective, until written Division approval is obtained.

2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in a previously submitted application or report, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials and areas to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as Permit modification.
3. The Permittee shall notify the Division in writing at least 30 days before the introduction of process solution into a new process component or into an existing process component that has been materially modified, or of the intent to commence active operation of that process component. Before introducing process solution or commencing active operation, the Permittee shall obtain written authorization from the Division.
4. The Permittee must obtain a written determination from the Administrator of any planned process component construction or material modification, or any proposed change to Permit requirements, as to whether it is considered a Permit modification, and if so, what type.
5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with Permit requirements.

Prepared by: Karl W. McCrea  
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