

STATE OF NEVADA  
Department of Conservation and Natural Resources  
Division of Environmental Protection  
Bureau of Mining Regulation and Reclamation  
**Water Pollution Control Permit**

Permittee: **Borealis Mining Company, LLC  
Borealis Mine Project  
9650 Gateway Drive, Suite 202  
Reno, NV 89521**

Permit Number: **NEV2005101**  
Review Type/Year/Revision: **Renewal 2021, 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 construct, operate, and close the **Borealis Mine Project**, in accordance with the limitations, requirements, and other conditions set forth in this Permit. The Permittee is authorized to process up to **7,450,000 tons** of ore per year.

The facility is located in Mineral County, within Sections 8, 9, 10, 16, and 17, Township 6 North, Range 29 East, Mount Diablo Baseline and Meridian, approximately 12 miles southwest (by air) of the town of Hawthorne, 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 application of **08 February 2005**, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated 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 **31 July 2021**, and shall remain in effect until **27 January 2026**, unless modified, suspended, or revoked.

Signed this 16<sup>th</sup> day of **July 2021**.

  
Aimee Keys  
Chief, Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

A. In accordance with operating plans and facility design 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; and
3. Not release or discharge any process or non-process contaminants from the fluid management system.

B. Schedule of Compliance:

1. Within 120 days of the 2021 Permit renewal (**28 November 2021**), the Permittee shall provide a characterization plan, for Division review and approval, that proposes a strategy to characterize mined materials in accordance with the most recent update of the Divisions guidance document titled "*Waste Rock, Overburden, and Ore Characterization and Evaluation*". This plan will need to include an anticipated timeframe for testing and submittal of a final characterization report. The characterization conclusions drawn from the final characterization report will be utilized to update site closure strategies, as necessary.
2. Within 120 days of Permit issuance (**28 November 2021**), the Permittee shall submit a plan to install a site meteorological station so that the parameters listed in Part I.D.10 of the Permit can be monitored and data collected.

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 process components:

1. Lined heap leach pad (HLP-6) and solution collection area;
2. Solution collection pipe and lined solution collection ditch;
3. Leak detection system for the pad, solution collection area, and collection ditch;
4. Double-lined Pregnant, Barren solution ponds and Phase 2 Stormwater Ponds and corresponding leak detection systems;
5. Transfer pipes, valves, and pumps used in conveyance, control, or detection of process fluids between process components; and
6. Adsorption Desorption Regeneration Plant including, but not limited to, the containment system, all tanks, basins, sumps, pumps, and piping necessary to interconnect the components within the building.

D. Monitoring Requirements:

<b><u>Identification</u></b>	<b><u>Parameter</u></b>	<b><u>Frequency</u></b>
1. <u>Water Supply Wells</u> WW-1A and WW-2A	Profile I <sup>(1)</sup>	Annually
2. <u>Pond Leak Detection [sump capacity]</u> Pregnant Pond (S-1) [750 gal] Barren Pond (S-2) [750 gal] Phase 2 Stormwater Pond (S-3) [750 gal]	Average daily accumulation (gpd)	Weekly <sup>(2)</sup>
3. <u>Process Solution</u> Pregnant Pond (S-1) Barren Pond (S-2) Phase 2 Stormwater Pond (S-3)	Profile I <sup>(1)</sup>	Quarterly
4. <u>Mined Materials</u> Freedom Flats (WRF) Borealis (WRB) East Ridge/Goldview (WRE) Northeast Ridge (WRN) Polaris/Deep Ore Flats (WRP) Leach Pad Ore (LO)	MWMP <sup>(3)</sup> -Profile I <sup>(1)</sup> and ANP/AGP <sup>(4)(5)</sup>	Quarterly (if generated any time during quarter)  Quarterly
5. <u>Site Monitoring Wells</u> Alluvial (Shallow) Wells <sup>(9)</sup> MW-175S, MW-178S, and MW-177S Bedrock (Deep) Wells <sup>(10)</sup> PMW-2A, PMW-3, PMW-4, PMW-5, MW-170, MW-175D, MW-176D, MW-177D, and MW-178D	Profile I <sup>(2)</sup> , water and collar elevation (feet AMSL)	Quarterly

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
<p>6. <u>Pit Lake Monitoring</u>            East Ridge/Goldview and            Northeast Ridge;</p> <p>General Monitoring – each pit            lake;</p> <p>Water Column Monitoring<sup>(8)</sup> –            each pit lake;</p> <p>Surface Samples<sup>(10)</sup> – each pit            lake;</p> <p>Depth Samples<sup>(11)</sup> – each pit lake            that is &gt;25 feet deep or has            an outflow to groundwater</p>	<p>Presence of Water<sup>(7)</sup>;</p> <p>Photograph, lake surface            elevation (ft amsl),            maximum lake depth            (ft), lake area (acres);</p> <p>Continuous field            temperature (°F)<sup>(9)</sup> and            specific conductance            (µS/cm)<sup>(9)</sup> with depth            (ft);</p> <p>Field pH (SU)<sup>(9)</sup>, field            Eh (mV)<sup>(9)</sup>;</p> <p>Profile III<sup>(12)</sup>;</p> <p>Field pH (SU)<sup>(9)</sup>, field            Eh (mV)<sup>(9)</sup>, depth below            surface (ft);</p> <p>Profile I<sup>(1)</sup>, depth below            surface (ft)</p>	<p>Quarterly;</p> <p>Monthly;</p> <p>Monthly;</p> <p>Monthly;</p> <p>Quarterly;</p> <p>Monthly;</p> <p>Quarterly</p>
<p>7. <u>Waste Rock Storage Facilities</u>            All waste rock facilities;</p> <p>Each seep that is flowing</p>	<p>Physical stability,            presence of water<sup>(14)</sup>;</p> <p>Profile I<sup>(1)</sup>, photograph,            field pH (SU), field            specific conductance            (µS/cm)</p>	<p>Semi-Annually            (Q2 and Q4);</p> <p>Semi-Annually,            when flowing (Q2            and Q4)</p>
<p>8. <u>Weather Station Facility</u>            Ambient Conditions</p>	<p>Ambient temperature,            (min/max), relative            humidity (%), wind            speed (mph), wind            direction (azimuth            degree), total            precipitation (inches),            solar irradiance (W/m<sup>2</sup>),            and SWE (inches)</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 and Definitions:**

AMSL = above mean sea level; ANP/AGP = Acid Neutralizing Potential:Acid Generation Potential ratio; ASTM = American Society for Testing and Materials; CaCO<sub>3</sub> = calcium carbonate; Eh = chemical reduction potential; EPA = U.S. Environmental Protection Agency; epilimnion = the uppermost layer in a stratified lake; gal = gallons; gpd = gallons per day; gpm = gallons per minute; hypolimnion = a lower layer in a thermally stratified lake below the metalimnion; metalimnion = a middle layer in a thermally stratified lake characterized by a temperature decrease with depth; mg/L = milligrams per liter; monimolimnion = the lower layer in a chemically stratified lake that does not mix with other layers; mV = millivolts; MWMP = Meteoric Water Mobility Procedure; N = nitrogen; NAC = Nevada Administrative Code; NDEP = Nevada Division of Environmental Protection; PCS = Petroleum-Contaminated Soil; pH = the negative of the base 10 logarithm of the activity of the hydrogen ion; Q = calendar quarter of the year; stratified = a pit lake that has distinct chemical and/or temperature layers; SU = standard units for pH measurement; SWE = snow water equivalent; WAD = weak acid dissociable; < = less than; °F = degrees Fahrenheit; µS/cm = microSiemens per centimeter

**Footnotes:**

(1) Profile I:

Alkalinity (as CaCO <sub>3</sub> ) Bicarbonate Total	Cadmium	Magnesium	Silver
	Calcium	Manganese	Sodium
	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>(13)</sup>	WAD Cyanide
Barium	Iron	Potassium	Zinc
Beryllium	Lead	Selenium	-

(2) 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. Records are required documenting volume, date, and time of extraction to show that sumps are maintained in this condition.

- (3) The Meteoric Water Mobility Procedure (MWMP) shall be performed by a Nevada-approved laboratory, in accordance with ASTM Method E 2242-13 (or the most current method).
- (4) When static testing<sup>(5)</sup> characterization of Mined Materials shows the potential for acid generation as set forth in the current version of the Division guidance document "Waste Rock, Overburden, and Ore Evaluation," the Permittee shall, as applicable, notify the Division in writing and initiate kinetic testing<sup>(6)</sup> within 10 days.

If the kinetic test results indicate acid generation conditions exist, the Permittee shall submit in writing, within 30 days, the methods proposed for providing containment of these materials and the anticipated impact this acid generation potential may have on final stabilization of all components affected as defined in Nevada Administrative Code (NAC) 445A.359.

- (5) Acid Neutralizing Potential/Acid Generating Potential (ANP/AGP, also known as static testing or acid-base accounting) shall be performed by a Nevada-approved laboratory, using a LECO-type analysis, with full sulfur speciation if ANP/AGP < 1.2, in accordance with the most current update of the Nevada Modified Sobek Procedure.
- (6) Kinetic testing (humidity cell testing) shall be performed by a Nevada-approved laboratory, in accordance with ASTM Method D 5744-18 Option 'A' (or the most current approved method); tests shall be run for a minimum of 20 weeks and for a longer duration if warranted or recommended by the analytical laboratory or required by the Division; samples shall be collected weekly (all weeks) and measurements shall be recorded for redox potential, pH, specific conductance ( $\mu\text{S}/\text{cm}$ ), acidity and/or alkalinity (as deemed appropriate by the laboratory), sulfate, iron (total, plus ferric and ferrous speciation if total iron > 0.6 mg/L and pH < 5 SU), and dissolved calcium and magnesium; weekly filtered extracts per the method will be digested and analyzed for total recoverable concentrations during week 0, 1, 2, 4, 8, 12, 16, and 20; 4-week extracts thereafter (i.e., week 24, 28, 32, etc.) shall be analyzed by a Nevada-certified analytical laboratory for Profile I<sup>(1)</sup> parameters, and specific conductance ( $\mu\text{S}/\text{cm}$ ) and acidity and/or alkalinity shall be recorded as recommended by the analytical laboratory; final results reported shall include initial and final static test results<sup>(5)</sup>, a Profile I<sup>(1)</sup> analysis of the final leachate, all kinetic test results above, and any additional analyses required by the Division.
- (7) 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, the Permittee shall perform the required monitoring for pit lakes.
- (8) A continuous temperature-conductivity profile shall be completed for the entire water column at the deepest location in each pit lake.

- (9) 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.
- (10) The surface samples must be collected less than 10 feet below the surface of the pit lake.
- (11) Depth sampling shall be performed at the deepest location in each pit lake. The number and depth of samples shall be determined based on the temperature-conductivity profile of the water column at the time of sampling. If the lake is stratified, collect a separate depth sample from each distinct layer in the water column (e.g., from the epilimnion, metalimnion, hypolimnion, and monimolimnion, as applicable; however, note that the quarterly sample from the surface layer [epilimnion] must be analyzed for Profile III constituents per the surface sample requirements whereas the quarterly depth samples from all other layers are analyzed for Profile I constituents). If the lake is unstratified and between 25 and 50 feet deep, collect one depth sample from the lower half of the water column. If the lake is unstratified and greater than 50 feet deep, collect two depth samples consisting of an intermediate sample from the middle third of the water column and a deep sample from the lower third of the water column. If the lake is less than 25 feet deep but includes an outflow to groundwater (i.e., it is a hydrologic flow-through pit lake), collect a quarterly Profile I surface sample in addition to the quarterly Profile III surface sample.

(12) 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>(13)</sup>	Total Suspended Solids
Barium	Lead	Phosphorus	Uranium
Beryllium	Lithium	Potassium	Vanadium
Boron	Magnesium	Selenium	Zinc
Cadmium	Manganese	Sodium	-

- (13) 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).

(14) 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.

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 150 gallons per day averaged over the quarter in the leak detection sump identified in Part I.D.2.
2. The daily accumulation or flow exceeding 50 gallons per day averaged over the year in the leak detection sump identified in Part I.D.2.
3. Failure to meet a Schedule of Compliance date or requirement.
4. The storage of process solution in a single-lined pond for more than 20 consecutive days for any single event.
5. Except as otherwise allowed by this Permit, a minimum 2-foot freeboard shall be maintained in all ponds.
6. Heap leach pads, as measured vertically from the top of the synthetic liner for any point on the pad, constructed in excess of a maximum permitted elevation of 200 feet over minimum 60-mil thickness HDPE synthetic liner.
7. The cumulative solution application rate to the heap leach pad should not exceed the permitted 2,600 gallons per minute (gpm). Additionally, the solution application rate *per unit area* should not exceed 0.005 gpm/ft<sup>2</sup>.
8. 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

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

H. The facility shall maintain automated or manual calibrated rain and snow gauge(s), which shall be monitored at least daily to record precipitation (inches of water, including snow water equivalent). A written and/or electronic record of precipitation data, and any other weather data required in Part I.D.8, shall be maintained on site and shall be submitted to the Division upon request, with each Permit renewal application, and pursuant to Parts II.B.1 and II.B.2, as applicable, in a Division-approved electronic format.



- 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, closer covers or other containment devices.
- J. Prior to initiating permanent closure activities at the facility, or 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:
  1. The Permittee shall submit to the Division for review and approval an updated groundwater flow model and pit lake study with each Permit renewal and with any application to modify the Permit that could affect the pit lake predictive model. The submittal shall also include an ecological risk assessment if the predictive pit lake model indicates the potential for exceedance of a Division Profile III reference value, unless the constituent concentration for each predicted Profile III exceedance is no greater than the concentration evaluated in a previous Division-approved ecological risk assessment for the Project. These studies and assessments shall address, at a minimum, the requirements of NAC 445A.429, and shall include all available data, alternative pit lake or backfill scenarios, and mitigations to reduce ecological risk and the potential to degrade groundwater, as applicable. Approval may require modification of the Permit and payment of modification fees

2. The Permittee shall submit to the Division for review and approval an updated waste rock management plan (WRMP) with each Permit renewal and with any application to modify the Permit that could affect the WRMP. A revised WRMP must also be approved prior to initiating mining or in-pit backfill activities not previously approved. The WRMP must include representative characterization data for all anticipated waste rock and overburden in accordance with the current version of the Division guidance document "Waste Rock, Overburden, and Ore Evaluation," in addition to a detailed description of how, when, and where the materials will be managed and monitored, and appropriate controls to eliminate any potential to degrade waters of the State, if applicable. Approval may require modification of the Permit and payment of modification fees.

## 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, or 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. Monitoring results from the leak detection sumps identified in Part I.D.2, reported on Nevada Division of Environmental Protection (NDEP) Form 0590 or equivalent;

- b. Analytical results of the solution collected from monitoring locations identified in Part I.D.3, 5, and 7, reported on NDEP Form 0190 or equivalent (as applicable);
- c. Water and collar elevations for site monitoring wells identified in Part I.D.5;
- d. Analytical results of the MWMP-Profile I and ANP/AGP testing for the materials identified in Part I.D.4, reported on NDEP Form 0190 and 0620 or equivalent;
- e. Analytical results for the pit lakes identified in Part I.D.6, reported on NDEP Form 0290 and NDEP Form 0190 or equivalent, as applicable;
- f. Other monitoring results for the pit lakes and waste rock storage facilities identified in Part I.D.6 and 7;
- g. A record of releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent; and
- h. For any kinetic test initiated, continued, or terminated with Division approval during the quarter, provide a brief report of the test status and an evaluation of the results to date, which shall include all analytical data generated from the date testing was initiated through the reporting quarter.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance 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. Analytical results of water quality samples collected from water supply wells in Part I.D.1, reported on NDEP Form 0190 or equivalent;
  - b. A synopsis of releases on NDEP Form 0390 or equivalent;
  - c. A brief summary of site operations, including the number of tons of ore milled or placed on heaps (as applicable) during the year, construction and expansion activities, and major problems with the fluid management system;
  - d. A table of total monthly precipitation amounts and other weather data, as applicable, recorded in accordance with Parts I.D.8 and I.H, reported for either a five-year history previous to the date of submittal or the history since initial Permit issuance, whichever is shorter;
  - e. An updated version of the facility monitoring and sampling procedures and protocols, as applicable;

- f. An updated evaluation of the closure plans, as applicable, using specific characterization data for each process component with respect to achieving stabilization; and
  - g. Graphs of leak detection flow rates, pH, total dissolved solids (TDS), sulfate, chloride, nitrate + nitrite (as N), WAD cyanide, fluoride, zinc, and arsenic concentration (as applicable), versus time for all fluid sampling points. These graphs shall display either a five-year history previous to the date of submittal or the history since initial Permit issuance, whichever is shorter. Additional parameters may be required by the Division if deemed necessary.
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 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 and post-closure monitoring are complete. Therefore, unless permanent closure and post-closure monitoring have 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. The Permittee shall submit any new or updated Universal Transverse Mercator (UTM) location data for all monitoring points specified in Part I.D, expressed in meters and decimals of a meter, using the Nevada Coordinate System of 1983 (also known as the North American Datum of 1983 or NAD83, ref NRS 327.005), with each Permit renewal, as-built report, and monitoring plan update, as applicable. Data shall be submitted electronically to the Division in Excel format.
6. 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.

7. The Permittee shall maintain a copy of, and all modifications to, the current Permit at the permitted facilities at all times.
8. The Permittee is required to retain during operation, 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.
9. 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.
10. 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 and Profile III 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. 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.414, 445A.4155, 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: Matthew Schulenberg

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Revision 00: 2021 Renewal – Permit effective 31 July 2021. “Boiler Plate” updates and addition of SOC Item 1 for additional characterization of mined materials to update closure plans and SOC Item 2 for the installation of an on-site meteorological station.