

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

**Water Pollution Control Permit**

Permittee: **STC (Schlumberger Technology Corporation)  
Clayton Valley Rapid Infiltration Basins  
5599 San Felipe  
Houston, TX 77056**

Permit Number: **NEV2022101**  
Review Type/Year/Revision: **New Permit 2023, 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 **Clayton Valley Rapid Infiltration Basins** and grants a **limited exemption of the water quality standards** for the Clayton Valley Aquifer (Hydrographic Area 143), in accordance with the limitations, requirements, and other conditions set forth in this Permit. The Permittee is authorized to discharge to rapid infiltration basins up to **168,000 gallons per day and no more than 50-acre feet in total discharge volume**.

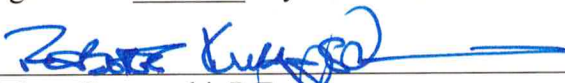
The facility is located in Esmeralda County, within Section 29, Township 2 South, Range 40 East, Mount Diablo Baseline and Meridian, approximately 3 miles southeast of the town of Silver Peak, Nevada.

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 14 February 2022, 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 **17 March 2023** and shall remain in effect until **16 March 2028**, unless modified, suspended, revoked, or requested termination.

Signed this 2<sup>ND</sup> day of **March 2023**.

  
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Robert Kuczynski, P.E.  
Chief, Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

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

1. Construct, operate, and close the facility in accordance with those plans;
2. Except for the discharge authorized by this Permit (WPCP NEV2022101), and any other approved uses, contain within the fluid management system all dewatering water and all meteoric waters that enter the system as a result of the 100-year, 24-hour storm event;
3. Not release or discharge any contaminants from the fluid management system that would result in degradation of waters of the State as subject to the limited exemption provided for in this Permit pursuant to NAC 445A.424 and explained further in the Fact Sheet that accompanies this Permit and in the record that supports it.
4. This Permit is only valid for the proposed discharge of 168,000 gallons per day and a maximum of 50 acre-feet in total.
5. Justification for issuance of the permit is fact specific and it is not intended to serve, and its issuance will not be used as precedent for future exemption requests for discharges to this basin or any other basin in the State of Nevada.

B. Schedule of Compliance:

1. Prior to the initial operation of the RIBs, the Permittee shall determine the suitability of the spent brine tank discharge solution generated from the operation of the pilot facility (WPCP NEV2020114).

The Permittee shall operate the pilot facility to gather multiple samples from CV-9. Spent brine will be discharged to the double-lined above ground storage tanks. After the process has stabilized, at least three-acre ft of spent brine shall be accumulated in the above ground storage tanks and an aggregate sample will be taken from within the tank (the "Tank Discharge Sample" or TD) to determine suitability for discharge. Profile I, Sulfites, and TOCs will be measured in the TD. All samples will be analyzed by a Nevada-certified lab and will follow chain of custody and other applicable procedures.

- a. For the Profile I analysis, the maximum value of constituents within the TD shall be no more 10% above the maximum value of the measured and reported concentration samples collected from CV-9.
- b. For TOCs and Sulfites, the TD shall contain no more than the average value in samples measured and reported from CV-9.
- c. The maximum value of constituents from CV-9 will be determined by samples taken twice daily on a rolling basis for two weeks from the initiation of pilot plant operation. The maximum value of the constituents from those samples will be used as the "measuring stick" or "reference

- point” against which the proposed discharge will be compared as outlined in the WPCP.
- d. Prior to discharge, STC will compare the tanked brine to the natural maximum values measured in the CV-9 samples to ensure the discharge is within 10% of the maximum values collected from the sampling campaign.
  - e. These criteria consider natural variations in the native brine and the process performance due to these natural variations.
  - f. TD meeting these criteria shall be authorized for discharge to the RIBs and the Schedule of Compliance (SOC) Item shall be considered complete.
  - g. TD not meeting the above criteria shall not be discharged to the RIBs and must be either retreated to meet the above-mentioned criteria or evaporated.
2. The Permittee shall submit a Profile I analysis of the discharge and monitoring well, CV-MW-2, for the Division to establish background groundwater quality. facility. Background water quality shall be established and incorporated into this Permit prior to initiating operations.
  3. Prior to initiating operations, piezometers (CV-PZ3, CV-PZ4, and CV-PZ-5) shall be installed and as-builts submitted to the Division for approval.
  4. Thirty days prior to initiation of operations, the Permittee shall submit to the Division a written notice of intention to begin operation pursuant to Nevada Administrative Code (NAC) 445A.426.
  5. Thirty days prior to initiation of operations, the Permittee shall schedule a reasonable time for the Division to conduct a facility inspection to ascertain compliance of the constructed facility with the approved design and Permit.
  6. Any proposed modification to increase the volume of permitted discharge to the RIBs and/or groundwater pumping rate shall require the submittal of a new Permit application. The Division shall require the Permittee to include with the application, a revised, full-scale numerical groundwater flow model for prior review and approval and written authorization from the Nevada Department of Water Resources (NDWR) that the prerequisite water rights have been obtained.

The numerical model shall allow for 3D simulation of groundwater flow paths and a greater degree of complexity to be incorporated in the model framework, thus permitting a better understanding of impacts to surface and groundwater resources and nearby receptors. Additionally, the numerical model shall incorporate basin-scale climate (precipitation, evapotranspiration, etc.), nearby surface water features, geology, hydraulic stresses, steady-state and transient calibration, and any other aquifer testing as deemed necessary by the Division. The numerical groundwater flow model shall be constructed using Division-

approved code ([https://ndep.nv.gov/uploads/land-mining-regs-guidance-docs/20210830\\_BMRR\\_CodesListing\\_Rev01\\_ADA.pdf](https://ndep.nv.gov/uploads/land-mining-regs-guidance-docs/20210830_BMRR_CodesListing_Rev01_ADA.pdf)).

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 water management process components:

1. Brine extraction well, CV-9;
2. Transfer pipes, valves, pumps and other devices used to convey, control or monitor spent brine; and
3. Discharge pipeline and two RIB cells.

D. Monitoring Requirements:

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
1. <u>Brine Well</u> CV-9	Cumulative volume pumped (gal) <sup>(4)</sup> ; Profile I <sup>(1)</sup> , sulfite, and Total Organic Carbon	Monthly;  Initial Pilot Plant Operations Two (2) samples collected daily for a fourteen (14) day period to establish maximum constituent concentrations and reported after fourteen days.  After fourteen (14) days: One (1) sample collected weekly and reported quarterly.

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
2. <u>Pilot Facility Discharge Effluent:</u>  Depleted Brine Stream (DB), Reverse Osmosis Reject Stream (RO);  Tank Discharge to RIBS <sup>(3)</sup> (TD)	Profile I <sup>(1)</sup> , sulfite, and Total Organic Carbon  Cumulative volume pumped for each stream (gal) <sup>(4)</sup> ;  Total volume discharged (gal) <sup>(4)</sup> ; and Profile I <sup>(1)</sup> , sulfite, and Total Organic Carbon  Total cumulative volume discharged (gal) <sup>(4)</sup>	Weekly;  Daily;  Weekly;  Monthly
3. <u>Rapid Infiltration Basin Cells:</u>  Cell-1, Cell-2	Freeboard (ft) <sup>(6)</sup>	Weekly
4. <u>Monitoring Wells:</u>  CV-MW-1 and CV-MW-2	Collar Elevation (ft amsl) Water elevation (ft amsl); Profile I <sup>(1)</sup> , sulfite, and Total Organic Carbon	Initially; Quarterly Quarterly
5. <u>Infiltration Mound Piezometers:</u>  CV-PZ3, 4, and 5	Water elevation (ft amsl)	Weekly

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; ASTM = American Society for Testing and Materials; CaCO<sub>3</sub> = calcium carbonate; EPA = U.S. Environmental Protection Agency; gal = gallons; gpd = gallons per day; gpm = gallons per minute; mg/L = milligrams per liter; N = nitrogen; NAC = Nevada Administrative Code; NDEP = Nevada Division of Environmental Protection; pCi/L = picocuries per liter; pH =

the negative of the base 10 logarithm of the activity of the hydrogen ion; SU = standard units for pH measurement.

**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 ( $\pm 0.1$ SU) <sup>(5)</sup>	Uranium*
Barium	Iron	Potassium	Zinc
Beryllium	Lead	Selenium	-

\* If uranium concentration is  $\geq 0.010$  mg/l, additional analysis for uranium (total) is required. If the uranium (total) concentration is  $\geq 0.030$ , additional analysis for the Profile I-R is required.

(2) Profile I-R includes Profile I<sup>(1)</sup> in addition to the following parameters:

Parameter	Reference Value
Gross Alpha*	15 pCi/L
226Radium + 228Radium	5 pCi/L
Uranium	0.03 mg/L

\*Report gross alpha and adjusted gross alpha in pCi/L.

Radiological analyses shall be performed on unfiltered samples for the total recoverable fraction. If the standard deviation (SD) of the gross alpha analysis is  $\geq 15$  pCi/L, the sample shall be re-analyzed for gross alpha using the co-precipitation method, EPA 00-02.

If Uranium is  $>0.03$  mg/L in solution the Permittee should contact the Nevada Department of Health and Human Services - Radiation Control Program to discuss characterization and associated Permitting or licensing requirements.

- (3) The discharge volume will be measured at the inlet at any active RIB.
- (4) In-line installation and operation of flow totalizers are required for determination of cumulative flow.
- (5) 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).
- (6) The RIB freeboard shall be determined in half-foot increments using a staff gauge or other similar measuring device.

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. Prior to the initial operation of the RIBs, the Permittee shall determine the suitability of the spent brine tank discharge solution generated from the operation of the pilot facility (WPCP NEV2020114).

The Permittee shall operate the pilot facility to gather multiple samples from CV-9. Spent brine will be discharged to the double-lined above ground storage tanks. After the process has stabilized, at least three-acre ft of spent brine shall be accumulated in the above ground storage tanks and an aggregate sample will be taken from within the tank (the “Tank Discharge Sample” or TD) to determine suitability for discharge. Profile I, Sulfites, and TOCs will be measured in the TD. All samples will be analyzed by a Nevada-certified lab and will follow chain of custody and other applicable procedures.

- a. For the Profile I analysis, the maximum value of constituents within the TD shall be no more 10% above the maximum value of the measured and reported concentration samples collected from CV-9.
  - b. For TOCs and Sulfites, the TD shall contain no more than the maximum value in samples collected from CV-9.
  - c. The maximum value of constituents from CV-9 will be determined by samples taken twice daily on a rolling basis for two weeks from the initiation of pilot plant operation. The maximum value of the constituents from those samples will be used as the “measuring stick” or “reference point” against which the proposed discharge will be compared as outlined in the WPCP.
  - d. Prior to discharge, STC will compare the tanked brine to the natural maximum values measured in the CV-9 samples to ensure the discharge is within 10% of the maximum values collected from the sampling campaign.
  - e. These criteria consider natural variations in the native brine and the response of the process due to those natural variations.
  - f. TD meeting these criteria shall be authorized for discharge to the RIBs and the Schedule of Compliance (SOC) Item shall be considered complete.
  - g. TD not meeting the above criteria shall not be discharged to the RIBs and must be either retreated to meet the above-mentioned criteria or evaporated.
2. The total discharge rate to the RIB shall not exceed 168,000 gallons per day and no more than 50 acre-feet in total.
  3. The fluid management system shall be managed to prevent the following: overflow or surface discharge from RIBs; the formation of surface seeps, artificial springs, or other surface water bodies; or significant increases in water level or flow rate of existing surface water bodies.

4. A minimum 2-foot freeboard must be maintained in all RIBs.
5. The facility shall not degrade waters of the State to the extent that the aquifer water quality is substantially altered based on existing beneficial uses.
6. Failure to meet a Schedule of Compliance date or requirement.

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

- H. The Project shall maintain an automated or manual calibrated rain gauge, which shall be monitored at least daily to record precipitation (inches of water). A written and/or electronic record of all daily accumulations of precipitation shall be maintained on site.
- 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 (if applicable);
  3. The presence of liquids in leak detection systems (if applicable);
  4. Unauthorized discharges; and
  5. Severe erosion or other signs of deterioration in RIBs, dikes, diversions, closure covers, or other containment devices.
- J. Prior to initiating permanent closure activities at the water management facility, or at any water management process component or other source within the facility, the Permittee must have an approved final plan for permanent closure. A Tentative Plan for Permanent Closure for the Pilot Facility and RIBs has been submitted and approved by the Division. Approval of the Final Plan for Permanent Closure for both facilities is pending.
- 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, and I.D.4, reported on Nevada Division of Environmental Protection (NDEP) Form 0190 or equivalent;
  - b. Daily, weekly, and monthly measurements of volume, depth, elevation, and freeboard identified in Parts I.D.1, I.D.2, I.D.3, I.D.4 and I.D.5;
  - c. 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, construction, or discharge, must submit a quarterly report identifying the status of mining, construction, and discharge. 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. A synopsis of releases on NDEP Form 0390 or equivalent;

- b. Analytical results of the water collected from dewatering wells identified in Part I.D.1, reported on NDEP Form 0190 or equivalent;
  - c. A brief summary of site operations, including the total cumulative volume of water discharged to the infiltration basins to date, identified in Part I.D.3, construction and expansion activities, and major problems with the fluid management system;
  - d. A table of total monthly precipitation amounts recorded in accordance with Part 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;
  - f. An updated evaluation of the closure plans using specific characterization data for each process component with respect to achieving stabilization; and
  - g. Graphs of volume, depth, elevation, freeboard, arsenic, chloride, fluoride, nitrate + nitrite (as N), pH, sulfate, and total dissolved solids (TDS) (as applicable), versus time for all fluid monitoring 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 RIBs have an approved Emergency Response Plan provided in “Clayton Valley Pilot Plant Discharge Water Pollution Control Permit Application (NEV 2022101)—Attachment I Emergency Response Plan”. The Permittee has identified the overtopping of the RIBs due to multiple 500-year or greater precipitation events and/or unsafe ground conditions as the result of these precipitation events or earthquakes as the most probable types of releases that may occur. Authorized discharges to the RIBs as a result of normal operations are not considered a release.
- 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 and any immediately downgradient existing operations, 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 workday 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 and renewals, 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 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. 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. The Nevada Division of Water Resources (NDWR) has limited the Permittee to pump no more than 50 acre-feet of brine solution in total. Any increase above this volume will require the Permittee to negotiate additional water rights with NDWR.
2. RIB permits cannot be modified to accommodate any requested increases in volume of water discharged to the RIB. In the event an increase in discharge

to the RIBs is requested, the Permittee shall submit an updated groundwater flow model incorporating any new data along with a revised application and fee for a new Permit. Approval of a new Permit by the Division is required prior to increasing the volume of water discharged to the RIBs greater than 50 acre-ft. The new Permit 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, modification, and/or discharge to the RIBs at an increased rate shall not commence, nor shall a change to the Permit be effective, until written Division approval is obtained.

3. 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.
4. 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 discharge solution to the RIBs, the Permittee shall obtain written authorization from the Division.
5. 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.
6. 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.

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