



May 9, 2025

**NOTICE OF DECISION
NEVADA UNDERGROUND INJECTION CONTROL PERMIT
UNEV2002202**

**NUGGET CASINO RESORT – TOWER #2
SPARKS, WASHOE COUNTY, NEVADA**

The Nevada Division of Environmental Protection (NDEP) (Division) has decided to issue an Underground Injection Control permit (UNEV2002202). This authorizes the permittee to discharge GAC-treated effluent from a permanent dewatering system in the basement of Tower #2 to a drain field on property. The permanent dewatering system is designed to reduce or prevent buoyant and hydrostatic pressures on the basement foundation of the west tower. This permit is issued in accordance with the provisions of Nevada Revised Statute (NRS) 445A.300 to 445A.730, inclusive.

This Permit will become effective on May 9, 2025. The final determination may be appealed to the State Environmental Commission pursuant to NRS 445A.605 and Nevada Administrative Code (NAC) 445A.407. The appeal must be requested within ten (10) days of the date of this Notice of Decision and in accordance with the administrative rules of the Commission.



RESPONSES TO COMMENTS RECEIVED DURING PUBLIC COMMENT PERIOD ENDING MARCH 6, 2025:

1. Part I.A.2.a. (Attachment 1 – checklist)

Public Comment:

- Parameters Identified in Table 1 should reflect the parameters listed in the previous permit renewal. The Original permit was issued in 1997 and during the span of the permit, many changes were made through discussion with NDEP (Russ Land) and permittee. The longevity of the permit monitoring has shown that the only contaminant of concern for the site is PCE which is monitored as part of the VOC EPA Method 8260 monitoring requirement. The changes to the permit over time have been made to minimize costs and streamline the compliance monitoring to focus on known contaminants of concern. As such the permittee requests that the parameter of Table 1 from the previous permit renewal be reinstated for this renewal.

NDEP Response:

- Permit conditions can evolve with each renewal cycle. In light of this, the permittee respectfully requests the removal of nitrate from the list of analytes in the permit's monitoring requirements, citing insufficient rationale for its inclusion. The factsheet notes that 'Nitrate as nitrogen concentration ranges from approximately 1-13 milligrams per liter (mg/L)' based on previous discharge stream monitoring, and that 'analyses of groundwater samples collected during construction dewatering activities showed the presence of PCE ≤ 25 $\mu\text{g/L}$ and nitrate (as nitrogen) ≤ 29 mg/L.' The likely source of nitrate in the groundwater is believed to be leaking sanitary sewer connections. While the potential for sewer leaks remains a concern, the continued monitoring of nitrate is warranted due to the ongoing risk of such leaks and the fact that the Maximum Contaminant Limit (MCL) for nitrate in the federal Primary Drinking Water Standards (10 mg/L) falls within the range of concentrations observed in both the discharge stream and receiving groundwater.*
- The permittee requests that (1) no analytes be added to the monitoring requirements and (2) monitoring activity frequencies remain unchanged from the 2017 permit.*

2. Part I.A.2.a. (Attachment 1 – Table 1)

Public Comment 1:

- The monitoring period provides early detection of carbon breakthrough and provides an adequate buffer to allow for GAC units to undergo maintenance. This helps reduce the likelihood that carbon breakthrough of PCE, the only identified constituent of concern for this site, will occur.

NDEP Response:

- Per request, quarterly monitoring frequency of VOC's proposed in the draft permit will be changed to monthly, in keeping with the frequency requirement in the current/2017 permit. In response to the comment that PCE is the only constituent of concern at this site, monitoring data since 1996 under discharge permits UNEV2002202 and NEV96000*



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Greg Lovato, Administrator

shows otherwise. Over the past twenty-nine years, petroleum hydrocarbons, TCE, chloroform, and nitrate have been intermittently detected in varying concentrations. This aligns with the nature of the known contaminant sources, and the expectation of consistent contamination within a narrow range is not supported by past monitoring.

Public Comment 2:

- TOC, DOC and TPH elements have been discussed previously with NDEP personnel and removed from compliance monitoring and reporting as they were deemed unnecessary. Permittee requests removal of these parameters from the monitoring requirements.

NDEP Response:

- *See response to Comment 1. None of the additional (relative to the 2017/current permit) analytes proposed in the draft permit were added to the monitoring requirements for the renewal because they were not requested during the application process.*

Public Comment 3

- Nitrate is not nor has ever been a constituent of concern at this site and as such should be discontinued from compliance monitoring.

NDEP Response:

- *See response to Comment 1.*

Public Comment 4:

- Monitoring of the Water table depth at the leach field is an O&M element intended to evaluate the condition of the leach field's operational status. Since the inception of the permit, there has never been measurable standing water detected. The previous requirement of quarterly monitoring seems sufficient for O&M purposes.

NDEP Response:

- *Monthly monitoring was initially included in the permit due to the ongoing concern of mounding, as well as the shallow depth and the rapid seasonal and episodic fluctuations of the water table.*

3. Part I.A.4.

Public Comment:

- Semi-annual reporting was negotiated with NDEP (Russ Land) as a cost saving measure. Permittee requests this permit reporting remain semiannual.



NDEP Response:

- *Reporting frequency will remain semi-annual in this renewal.*

4. Part I.A.6.

Public Comment:

- Add text: "... immediately *[and the system designated bypass, will be used until acceptable injectate water standard can be confirmed].*"

NDEP Response:

- *The draft permit language has been changed to reflect the 2017 permit language (pertaining to this comment).*

5. Part I.B.

Public Comment:

- Correction of O&M Manual due date year from 2022 to 2024.

NDEP Response:

6. Correction was made.

7. Part II.B.5.

Public Comment:

- This is not to be confused with the designed bypass system which allows for maintenance and or emergency bypass to the sanitary sewer which is allowed in the original permit.

NDEP Response:

- *Included the following language: "Any diversion from or unapproved bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited except where unavoidable to prevent loss of life or severe property damage."*