



NOTICE OF PROPOSED ACTION

The Administrator, Division of Environmental Protection, Carson City, Nevada is issuing the following notice of proposed action under the Nevada Revised Statutes and/or the Clean Water Act, where applicable. The Administrator has received an application for a Groundwater Discharge, permit number NS2001516 from the following applicant:

EMD ACQUISITION LLC DBA: BORMAN SPECIALTY MATERIALS
560 W. LAKE MEAD PARKWAY
HENDERSON, NV - 89015

Permit NS2001516, EMD ACQUISITION LLC DBA: BORMAN SPECIALTY MATERIALS:

The Permittee, EMD Acquisition LLC dba Borman Specialty Materials (Borman), operates an inorganic chemical processing facility located in the Black Mountain Industrial (BMI) Complex in Henderson, Nevada. The Permittee operates four holding ponds for the storage of process water and other waters. The holding ponds have double-lined, leak-detectable holding systems to protect State groundwater resources. The engineered evaporation ponds as constructed, and when operated and maintained properly, prevent discharge to groundwater of the State, as all liquid contained inside the ponds is reclaimed for reuse in the facility, or evaporates. Being double-lined ponds, leaks from the primary (upper) liner are designed to be contained by the secondary (lower) liner to prevent discharge to groundwater. Pond MN-2 is the primary receiving pond for the Boron processing area, pH adjustment plant and containment areas that require pumping. As the primary pond, this pond receives discharge that contains a high volume of solids and does require those solids to be removed regularly. Pond MN-1 is the backup pond for MN-2. Borman has also constructed a concrete-lined (with secondary synthetic liner) solids drying bed on the western end of MN-2. Currently wastewater held in the WC-East Pond is processed through an on-site wastewater treatment plant. The clean, solids-free material is normally recycled within the factory as make-up water for the process or boilers, while another option would allow for some of the distillate from the facility's wastewater treatment plant to be used as dust control water on site.

On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, and implementing regulations, the Administrator proposes to issue Permit NS2001516 to discharge for a five (5) year period, subject to certain effluent limitations.

Persons wishing to comment upon or object to the proposed determinations by the Administrator regarding permit issuance should submit their comments or request, in writing, hand delivered or postmarked no later than 5:00 P.M. on 03/01/2025, either in person or by mail to:

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, NV 89701

The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. All comments or objections received within the thirty (30) day period will be considered in the formulation of final determination(s) regarding the application. If written comments indicate a significant degree of public interest in the proposed permit, the Administrator shall hold a public hearing. A public notice of such hearing will be issued not less than thirty (30) days prior to the hearing date.

If no hearing is held and the determinations of the Administrator are substantially changed from the tentative determinations, the Administrator will give public notice of the revised determinations.

Additional comments and objections will be considered at that time.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator of EPA Region IX or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determined to be appropriate. All public hearings must be conducted in accordance with NAC 445A.238.

The applications, proposed permits, comments received, and other information are on file and may be copied or copies may be obtained by writing to the above address or by contacting Melissa Marr, Bureau of Water Pollution Control, at (775) 687-9315 or at mmarr@ndep.nv.gov. The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following website: <https://ndep.nv.gov/posts/category/water>.

Please bring the forgoing notice to the attention of all persons whom you know would be interested in this matter.