



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources

Joe Lombardo, Governor
James A. Settelmeyer, Director
Jennifer L. Carr, Administrator

December 22, 2023

Mr. Brian Clifton
Assistant Manager for Operations and Safety
National Nuclear Security Administration
Nevada Field Office
P.O. Box 98518
Las Vegas, NV 89193-8518

RE: Application for Modification of Area 23 Solid Waste Disposal Site (SWDS), Permit Number SW 13 097 04

Dear Mr. Clifton:

The Nevada Division of Environmental Protection, Bureau of Federal Facilities (NDEP) staff has received and reviewed the National Nuclear Security Administration, Nevada Field Office's (NNSA/NFO) *Application for Modification of Area 23 Solid Waste Disposal Site (SWDS), Permit Number SW 13 097 04*. The NNSA/NFO's initial submittal was April 5, 2023. The NDEP submitted comments to the NNSA/NFO in a letter dated June 5, 2023. Following several meetings and correspondence exchanges, the NNSA/NFO submitted a revised Application dated October 2, 2023. The revised application has satisfactorily addressed NDEP's comments. As such, the NDEP approves the Application for Modification of Solid Waste permit SW 13 097 04.

Enclosed is the official Solid Waste Permit SW 13 097 04, Revision 7, and is effective immediately.

If you have any questions, please contact Kyle Jones at (702) 668-3906, Meghan Lyle at (702) 668-3924 or me at (702) 668-3911.

Sincerely,

Christine D. Andres
Chief
Bureau of Federal Facilities

CDA/ML/KJ

cc: R. J. Poderis, MSTs
A. Rasmussen, MSTs
K. Olsen, MSTs

Mr. Brian Clifton
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N. Lankford, NNSA/NFO
C. Alfaro, NNSA/NFO
V. Shaffer NNSA/NFO
B. Stolte, NNSA/NFO
MSTS Correspondence Management

SOLID WASTE DISPOSAL  SITE PERMIT CLASS II	OWNER U.S DEPARTMENT OF ENERGY NEVADA FIELD OFFICE	PERMIT # SW 13 097 04 REVISION 7
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1.0 FACILITY SUMMARY

The Area 23 Class II Solid Waste Disposal Site (SWDS) is located in the southern tip of the Nevada National Security Site (NNSS), formerly the Nevada Test Site, adjacent to base operations in Mercury, Nevada. The landfill is utilized for disposal of rubbish, garbage, sewage sludge, putrescible waste, friable and non-friable asbestos containing material, empty pesticide containers, oily rags, and industrial solid waste.

1.1 GENERAL DESCRIPTION

This Permit authorizes the operation of a Class II disposal site, consisting of one municipal solid waste landfill unit, contiguous land, structures, and other appurtenances and improvements for the disposal of municipal waste as approved by the solid waste management authority, hereby referred to as the Nevada Division of Environmental Protection (NDEP). The Permit Application provides that an interim cover will be installed with ongoing operations, with a final cover to be installed at time of closure. The Owner/Operator will perform closure and post-closure care in accordance with this Permit.

There are no requirements for solid waste permits to have expiration dates within NAC 444. Solid waste permits have provisions under NAC 444.643 and NAC 444.6435 of when a permit modification is required.

1.2 OWNER/OPERATOR

Owner: U.S. Department of Energy
National Nuclear Security Administration
Nevada Field Office
P.O. Box 98518
Las Vegas, NV 89193-8518

Authorized Agent: David R. Bowman, PhD
Manager
NNSA/NFO

Operator: Mission Support and Test Services, LLC
P. O. Box 98521
Las Vegas, Nevada 89193-8521

Authorized Agent: John S. Contardi
Senior Director
Mission Support and Test Services, LLC

1.3 FACILITY LOCATION

Nevada National Security Site – Area 23, NNSS, Nye County

1.4 FACILITY DESIGN

Permitted Design Summary

Class II	Revision 7
Disposal Area (acres)	45
Maximum Elevation (ft amsl)	3,645
Minimum Elevation (ft amsl)	3,600
Disposal Capacity (yds ³)	426,142

ft amsl = feet above mean sea level

yds³ = cubic yards

2.0 GENERAL PERMIT CONDITIONS

2.1 DEFINITIONS

Unless the context otherwise requires, the definitions used in this Permit have the meanings ascribed to them in NAC 444.5701 to 444.631.

“Asbestos” means asbestiform varieties of Chrysotile, Crocidolite, Amosite, Anthophyllite, Tremolite, or Actinolite.

“Industrial Solid Waste” means solid waste derived from industrial or manufacturing processes.

“Landfill volume” means the quantity of space contained above the bottom liner and including the final cover of a landfill design.

“Landfill disposal capacity” means the quantity of solid waste, by volume, that can be placed in a landfill, given its landfill volume and plan of operations.

“Municipal Solid Waste Landfill Unit” means a discrete area of land or an excavation that receives household waste. A municipal solid waste landfill unit may receive other types of solid waste, including sludge and industrial solid waste.

“Operator” means the person responsible for the overall operation of a disposal site or any part of that site.

“Owner” means the person who owns a disposal site or any part of that site.

“Polychlorinated biphenyl” PCB and PCBs mean any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combinations of substances which contains such substance. Refer to 40 CFR § 761.1(b) for applicable concentrations of PCBs. PCB and PCBs as contained in PCB items are defined in § 761.3. For any purposes under this part, inadvertently generated non-Aroclor PCBs are defined as the total PCBs calculated following division of the quantity of monochlorinated biphenyls by 50 and dichlorinated biphenyls by 5.

“Solid Waste Management Authority” means in all other areas of the state and pursuant to NRS 704.7318 the Division of Environmental Protection of the State of Nevada’s Department of Conservation and Natural Resources.



2.2 PERMIT ACTIONS (NAC 444.643)

This Permit is based upon the information available to the NDEP and information submitted in the Permit Application. This Permit may be modified by the NDEP, for cause, in accordance with NAC 444.643 or if there is a change in the statutes or regulations upon which the issuance of the Permit is based or if a modification is otherwise necessary to protect public health, safety and the environment. This Permit may be revoked or suspended if written notice is given by the NDEP and the disposal site does not remain in compliance with the applicable statutes and regulations. The filing of a request by the Owner/Operator for a Permit modification or termination, or a notification of planned changes or anticipated noncompliance, or termination of activities authorized in the Permit does not stay any Permit condition. The Owner/Operator shall inform the NDEP of any deviation from or change in the operations as presented in the Permit Application, which may affect the Owner/Operator's ability to comply with applicable regulations or conditions of this Permit. This Permit may be transferred to a subsequent owner or operator only if the NDEP approves the transfer based on documentation of financial responsibility provided by the new owner or operator.

2.3 AVAILABILITY OF PERMIT DOCUMENTS

The Owner/Operator shall keep, at the disposal site, a complete copy of this Permit and incorporated documents, as identified herein.

2.4 COMPLIANCE WITH STATUTES AND REGULATIONS

The Owner/Operator shall comply with NRS 444.440 through 444.620, and NAC 444.570 through 444.7499 as applicable.

2.5 DUTY TO PROVIDE INFORMATION

The Owner/Operator shall furnish to the NDEP, within a reasonable time, any relevant information which the NDEP may request to determine compliance with this Permit or to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit. The Owner/Operator shall also furnish to the NDEP, upon request, copies of records required to be kept by this Permit.

2.6 INCIDENT REPORTING

The Owner/Operator shall report incidents to the NDEP as provided in the Operating Plan. In addition, the Owner/Operator shall report any noncompliance, imminent or existing hazard from a release of waste or hazardous constituents, or from a fire or explosion at the facility, which may endanger human health or the environment to the NDEP as provided in Section 10.0 of the Operating Plan. Such information shall be reported by telephone to 888-331-6337 within twenty-four (24) hours from the time the Owner/Operator becomes aware of the circumstances. A written report shall be submitted within 15 days of the incident and shall include the following:

- i. Name and title of person making report;
- ii. Date, time, and type of incident;
- iii. Name and quantity of material(s) involved;
- iv. A complete description of the occurrence and its cause;
- v. The extent of injuries, if any;
- vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable;
- vii. Estimated quantity and disposition of recovered material that resulted from the incident; and
- viii. Actions taken by the Owner/Operator in response to the incident.

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2.7 REPORTING ANTICIPATED NON-COMPLIANCE

The Owner/Operator shall give advance notice to the Director, or their designee, of any planned changes in the permitted facility or activity that may result in noncompliance with Permit requirements.

2.8 INSPECTION AND ENTRY

The Owner/Operator shall allow the NDEP, or an authorized representative, upon the presentation of credentials or other documents as may be required by law to:

- i. Enter at reasonable times upon the Owner/Operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- iii. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- iv. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized, any substances or parameters at any location subject to the Permit.

3.0 PERMIT DOCUMENTS

The following documents, as submitted by the Owner/Operator and approved by the NDEP also describe and/or restrict the operation of this disposal site:

- i. Permit Application (October 2023)
- ii. Operating Plan for Area 23 Class II Solid Waste Disposal Site Permit No. SW 13 097 04

4.0 WASTE ACCEPTANCE CRITERIA

Section 7.0 of the Operating Plan.

4.1 SOLID WASTES PERMITTED FOR DISPOSAL

1. Municipal Solid Waste as described in Section 2.1 of this Permit.
2. Friable and non-friable asbestos
3. Garbage as defined in NAC 444.578
4. Rubbish as defined in NAC 444.612
5. Putrescible as defined in NAC 444.608
6. Polychlorinated biphenyl (PCB) waste that meets the requirements for disposal as specified in Section 7.5.5 Table 2 of the Operating Plan.
7. Other waste(s) as specified in Section 7.5.2 through 7.5.4 of the Operating Plan.
8. Other waste(s) on a case-by-case basis, with concurrence from the NDEP.

4.2 PROHIBITED SOLID WASTES

1. Liquid waste as defined by NAC 444.692(4)
2. Hazardous waste, as defined NAC 444.580
3. Medical waste as defined by NAC 444.589
4. Pathological Waste as defined by NAC 444.600



**SOLID WASTE DISPOSAL
SITE PERMIT
NDEP CLASS II**

**OWNER
U.S DEPARTMENT OF ENERGY
NEVADA FIELD OFFICE**

**PERMIT #
SW 13 097 04
REVISION 7**

5.0 RECORDKEEPING

The Owner/Operator shall maintain records at the site as described in Section 9.3 of the Operating Plan. The Owner/Operator shall notify the NDEP when documentation listed in Section 5.1 of this Permit has been placed in or added to the operating records. All information contained in the operating records must be furnished upon request to the NDEP or be made available at all reasonable times for inspection by the NDEP.

5.1 CLASS II FACILITY RECORDS:

- i. How the site conforms to the restrictions on location set forth in NAC 444.706; and
- ii. Records of inspection, training procedures and procedures for notification required by NAC 444.6665; and
- iii. Any demonstration, certification, finding, monitoring, testing or analytical data from the program for monitoring ground water required pursuant to NAC 444.7481 to 444.7499, inclusive; and
- iv. Plans for closure and post-closure care and any monitoring, testing or analytical data required pursuant to NAC 444.6891 to 444.6896, inclusive.

6.0 REPORTING

1. Submit semiannually to the NDEP a report of the solid waste received at the site. The report must be submitted by January 31 and July 31 of each year and shall include:
 - i. All off-normal conditions experienced during the calendar year.
 - ii. The weight and volume of waste disposed of in both annual and quarterly totals.
 - iii. All exceptions to the Waste Acceptance Criteria (as found in the Permit Application).
2. The Owner/Operator shall submit online (<https://nvwastemanagementreports.ndep.nv.gov/submitdisposal/>) semiannually the weight and volume of waste disposed of the solid waste received at the site. The online reporting is due by January 31 and July 31 of each calendar year.
3. The Owner/Operator shall by December 31, 2023, and at least once every 5 years thereafter until the site is closed, conduct a topographic survey or other volumetric survey of the site and submit a report to the NDEP. Each report must:
 - i. Indicate the remaining volume and disposal capacity of the site;
 - ii. Indicate the volume used and waste disposed of since the original report of design; and
 - iii. Calculate the remaining life of the site, in years.
4. All reports, notifications, or other submissions which are required by this Permit must be submitted by the specified due date to:

Bureau of Federal Facilities
Nevada Division of Environmental Protection
375 East Warm Springs Road, Suite 200
Las Vegas, NV 89119

6.1 FINANCIAL ASSURANCE REPORTING. THE OWNER/OPERATOR SHALL:

NAC Code 444.685 exempts entities of the federal government from the financial assurance requirements outlined in the state of Nevada solid waste disposal regulations.

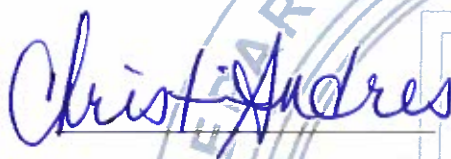
6.2 NOTIFICATION OF NEW CELL CONSTRUCTION

In accordance with NRS 444.556, the Owner/Operator shall notify the NDEP in writing within 10 days following the commencement of construction of a new cell.

7.0 GROUNDWATER MONITORING

Groundwater monitoring requirements have been waived since it has been demonstrated that there is no potential for migration of pollutants and contaminants from the site to the waters of the state during the active life of the site, including the period of closure and post closure (NAC 444.683).

8.0 AUTHORIZATION

<i>Signature of Approving Officer</i>	<i>Name and Title of Approving Officer</i>	<i>Date of Issuance</i>
	<i>Christine D. Andres, Chief Bureau of Federal Facilities</i>	<i>December 22, 2023</i>
		<i>Date</i>