

**Permit Type: Wastewater Discharge**

**Permit No. NEV96021**

**Nevada Division of Environmental Protection**

**AUTHORIZATION TO DISCHARGE**

In compliance with Chapter 445A of the Nevada Revised Statutes,

UNITED STATES DEPARTMENT OF ENERGY  
**National Nuclear Security Administration**  
Nevada Field Office  
P. O. Box 98518  
Las Vegas, Nevada 89193-8518

is authorized to discharge from a facility located at/within:

**NEVADA NATIONAL SECURITY SITE  
NYE COUNTY, NEVADA**

to receiving waters named the

WATERS OF THE STATE

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Sections 1.0 through 6.0 of this permit.

This permit shall become effective on February 24, 2023.

This permit and the authorization to discharge shall expire at midnight on February 23, 2028.

Signed this day of February 24, 2023, by,

DocuSigned by:  
*Christine Andres* 2/24/2023 | 2:30 PM PST  
EFC70BFBCD02477...

Christine D. Andres, Chief  
Bureau of Federal Facilities

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## **1.0 INTRODUCTION:**

- 1.1** The Permittee, the National Nuclear Security Administration/Nevada Field Office (NNSA/NFO), owns and operates through their Management and Operating contractor, the Nevada National Security Site (NNSS), located approximately sixty-five miles northwest of Las Vegas, Nevada in Nye County, Nevada.
- 1.2** During the period beginning on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized, within the limitations set forth in this permit, to discharge industrial wastewater from the portal of E-Tunnel, through the discharge pipeline, into five basins located on the NNSS. This system is collectively referred to throughout this permit as the E-Tunnel Discharge System (ETDS).
- 1.2.1** The five evaporation/infiltration basins are named “Pond 4,” “Pond 5,” “Pond 6A,” “Pond 6B,” and “Pond 6C.” These sequential, earthen dammed basins release the industrial wastewater through evaporation or infiltration into the alluvial soils beneath them.
- 1.2.2** This permit requires the Permittee to convey the E-Tunnel industrial wastewater without loss from the E-Tunnel portal to the evaporation/infiltration basins. If successfully conveyed without loss, then the Nevada Division of Environmental Protection (NDEP) deems the quality of the industrial wastewater infiltrating from the basins equivalent to the water quality at the ETDS discharge point, known as the Tunnel Discharge Monitoring Station (TDMS).
- 1.2.3** This permit only authorizes the Permittee to allow infiltration of industrial wastewater from one or more of the basins into the unsaturated zone below them. It does not allow the Permittee to discharge from any of the basins to the surface of the surrounding watershed.
- 1.3** A discharge to the watershed except to the basins in the ETDS is a violation of the terms and conditions of this permit. The Permittee must report all discharges to the watershed outside of the basins before the end of the next business day after discovering said events, by telephone or email, followed up with a written report to the address in Section 3.1 within 15 calendar days.
- 1.4** This permit prohibits the Permittee from discharging waste containing constituents with concentrations that are defined or declared as hazardous waste, per 40 CFR 261.24, into a pond/basin without concurrence from the NDEP.
- 1.5** This permit requires the Permittee to maintain Well ER 12-1 to monitor groundwater near the ETDS.
- 1.6** The Permittee shall report precipitation data obtained from the rain gauge or meteorological station maintained by National Oceanographic and Atmospheric Administration nearest to the ETDS. The Permittee shall report the total precipitation to the nearest 0.1 inch for each month of the calendar quarter in the Discharge Monitoring Report (DMR).

- 1.7 Effluent samples and measurements taken in compliance with the monitoring requirements specified in Sections 2.0 and 4.0 of this permit shall be taken at the sample locations listed in Table 1, below.

**Table 1: Sampling and Monitoring Locations for Evaporation/Infiltration Basins and Well ER 12-1:**

Sample Location	Location Description	Northing (meters) UTM NAD 83	Easting (meters) UTM NAD 83	Latitude	Longitude
001	Tunnel Discharge Monitoring Station [TDMS]	N 4,116,053.00	E 571,485.60	37.188196 N	116.194605 W
002	Well ER 12-1	N 4,115,690.34	E 572,333.05	37.184862 N	116.185093 W

- 1.7.1 Discharge samples and measurements taken from the TDMS and ETDS in compliance with the monitoring requirements specified in Sections 2.0 and 4.0 of this permit shall be taken at Sample Location 001.
- 1.7.2 Well ER 12-1 groundwater samples and measurements taken in compliance with the monitoring requirements specified in Sections 2.0 and 4.0 of this permit shall be taken at Sample Location 002.

## 2.0 **EFFLUENT LIMITATIONS:**

### 2.1 Discharge Limitations for the Evaporation/Infiltration Basins and Well ER 12-1:

The discharge shall be limited and monitored by the Permittee at each sample location. Tables 2, 3, and 4 below describe the discharge limitations and monitoring requirements for each sample location that shall be taken either monthly, annually, or biennially to ensure permit compliance (NAC 445A.243).

**Table 2: Monthly Discharge Limitation Table for Sample Location 001  
(Tunnel Discharge Monitoring Station [TDMS])**

Parameter	Limit	Reporting Frequency	Sample Type
Flow (g/day)	M&R <sup>1</sup>	Quarterly	Field Measurements
Specific Conductance (microsiemens/cm)	≤ 1500	Quarterly	Field Measurements
pH (SU)	6.0-9.0	Quarterly	Field Measurements

<sup>1</sup>M&R: Monitoring and Reporting

**Table 3: Annual Discharge Limitation Table for Sample Location 001  
(Tunnel Discharge Monitoring Station [TDMS])**

Parameter	Notification Limit pCi/L <sup>1</sup>	Reporting Frequency	Sample Type
Adjusted Gross Alpha (pCi/L)	N/A	Annual	Grab
Gross Beta (pCi/L)	N/A	Annual	Grab
Tritium (pCi/L)	500,000 <sup>2</sup>	Annual	Grab

<sup>1</sup> picocuries per liter

<sup>2</sup> Exceedance requires immediate notification to NDEP due to the reversal of the historic downward trend. Exceedance also requires immediate investigation into the cause of the trend reversal.

**Table 4: Biennial Monitoring Requirements for Sample Location 002 (Well ER 12-1)**

Limitations & Monitoring Requirements			
Parameter	Limit	Reporting Frequency	Sample Type
Specific Conductance (microsiemens/cm)	≤ 1500	Every 24 months	Field Measurement
pH (SU)	6.0-9.0	Every 24 months	Field Measurement
Adjusted Gross Alpha (pCi/L)	15	Every 24 months	Grab
Gross Beta (pCi/L)	50	Every 24 months	Grab
Tritium (pCi/L)	20,000	Every 24 months	Grab
Beryllium (mg/L)	0.004	Every 24 months	Grab
Cadmium (mg/L)	0.005	Every 24 months	Grab
Chromium (mg/L)	0.10	Every 24 months	Grab
Lead (mg/L)	0.015	Every 24 months	Grab
Mercury (mg/L)	0.002	Every 24 months	Grab
Total Nitrate and Nitrite (mg/L)	10	Every 24 months	Grab

**3.0 SCHEDULE OF COMPLIANCE:**

- 3.1** The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, or designee, including in said implementation and compliance, any additions or modifications, which the Administrator, or designee, may make in approving the schedule of compliance. All compliance deliverables shall be addressed to the attention of the Bureau of Federal Facilities:

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

- 3.2** The Permittee shall achieve compliance with the Effluent Limitations and Monitoring Requirements in Sections 2.0 and 4.0 upon issuance of the permit.
- 3.3** No later than 14 calendar days following a date identified in a schedule for new construction or for physical modification of an existing system, the Permittee shall submit either a written notice of compliance or a written notice of noncompliance. In the latter case, the notice shall include the cause, the known or expected effect upon the ability to comply with the terms and conditions of the permit or schedule, and the actions necessary to meet the next scheduled obligation.
- 3.4** Alternative methods for monitoring or sample collection shall be submitted to the NDEP for review and concurrence within forty-five days subsequent to two consecutive quarters of the inability to monitor the systems as authorized by this permit.
- 3.5** The Permittee shall submit two copies of an updated Operations and Maintenance (O&M) Manual for review by the NDEP within 120 days of permit issuance as addressed in Section 5.0 of this permit. The O&M Manual shall be prepared by a Professional Engineer licensed in the State of Nevada or other NDEP-approved qualified person (i.e., the manager responsible for this facility).

#### 4.0 **MONITORING AND REPORTING:**

- 4.1 **Sampling and Measurements:** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Analyses, other than specific conductance and pH, shall be performed by a State of Nevada certified laboratory. A summary of results from the laboratory, along with any field measurements, must accompany the Discharge Monitoring Report (DMR).
- 4.2 **Elevated Sampling Results:** If any sampling result exceeds the respective limit established in Table 2 with respect to the parameters pH and specific conductance, the Permittee shall collect a confirmatory sample before the end of the next business day after discovery and analyze for the parameter exceeded.
- 4.3 **Confirmatory Sampling:** If any sampling result for a parameter in Tables 3 and 4 exceeds its Limit as stated in Table 3 and 4, the Permittee shall take a confirmatory sample within 30 calendar days of receipt of analytical results. If any parameter upon re-analysis still exceeds its respective Limit, the Permittee shall implement monthly sampling and analysis of the effluent or Well ER 12-1 for the parameter(s) of concern in the next month, as described in Section 4.4, below.
- 4.4 **Monthly Sampling:** If any confirmatory sampling result for a parameter in Tables 3 and 4 exceeds its Limit, the Permittee shall implement monthly sampling and analysis in the next month for the parameter(s) of concern. Sampling shall continue until the cause(s) of the variance is determined. The monthly sampling program shall not be less than three consecutive months following receipt of the initial sample analyses for Tables 3 and 4 parameters. When the average concentration(s) for three consecutive months are less than the Limit(s), monitoring shall return to the routine conditions in Tables 3 and 4. The Permittee shall submit the analytical results in accordance with Section 3.1.
- 4.5 **Quarterly Reporting (Discharge Monitoring Report (DMR)):** Monitoring results obtained during the previous three months shall be summarized for each month and reported on a DMR Form received in the NDEP office no later than the 28th day of the month following the completed reporting period. The first report is due on July 28, 2023. An original signed copy of these, and all other reports required herein, shall be submitted electronically or to the NDEP at the address listed in Section 3.1 of this permit. An electronic signature with a date/time stamp is equivalent to an original signature.
- 4.6 **Annual Report:** The fourth quarter report shall contain plots of concentration (y-axis) versus date (x-axis) for each analyzed constituent identified in the Discharge Limitation Tables in Section 2.1. The plots shall include data from the preceding five years, if available. Any data point from the current year that is greater than the limits identified in the applicable tables and conditions above must be explained by a narrative.
- 4.7 **Analytical Data:** Analytical data and monitoring results shall be summarized and/or tabulated for presentation in DMRs. Laboratory reports for quantitative analyses conducted by State of Nevada certified laboratories shall be available upon request.



- 4.8** Schedule: DMRs shall be received by the 28th day of the month following the third month of each quarter (reporting period). Quarterly and annual reporting periods are based on the standard annual cycle, January 1 through December 31. The first report is due on July 28, 2023. If no discharge occurs during the reporting period, report "no discharge" on the submitted DMR.
- 4.9** Recording the Results: For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:
- 4.9.1** The exact place, date, and time each sample was taken, or measurement or observation made.
  - 4.9.2** The person(s) who collected the sample, performed the field measurement, or made the field observation.
  - 4.9.3** The date(s) on which each sample was analyzed.
  - 4.9.4** The analytical, observational, and measurement methods used.
  - 4.9.5** The validated results of all required sample analyses and calibrated measurements.
  - 4.9.6** The identification of the Nevada-certified laboratory that performed each analysis.
- 4.10** Additional Monitoring by Permittee: If the Permittee monitors any chemical, physical, biological, or radiological parameter at the location(s) designated in Table 1 more frequently than required by this permit, using approved analytical methods as specified in Sections 4.12 and 4.13, the results of such monitoring shall be included in the calculation and reporting of the values required on the DMR Form. Such increased frequency shall also be indicated.
- 4.11** Well ER 12-1 Reporting Schedule: Should an identifiable increasing trend in the ETDS sampling results develop, the NDEP may require a revised sampling and reporting schedule for Well ER 12-1.
- 4.12** Test Procedures: Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Act, under which such procedures may be required unless other procedures are approved by the NDEP. Other procedures used may be:
- 4.12.1** Selected from SW-846.
  - 4.12.2** An alternate test procedure approved by the NDEP, Environmental Laboratory Services and the U.S. Environmental Protection Agency (EPA).
- 4.13** Laboratory Analysis:
- 4.13.1** All laboratory analyses conducted in accordance with this discharge permit must have detection at or below the permit limits.

- 4.13.2** All analytical results must be generated by analytical laboratories certified by the State of Nevada laboratory certification program.
- 4.13.3** This requirement does not apply if a water quality standard is lowered after the issuance of this permit; however, the Permittee shall review methods used and by letter notify the NDEP if the reporting limit will exceed the new criterion, and if so the NDEP may reopen the permit to impose new monitoring requirements.
- 4.14** Waiver: Should the NDEP grant a waiver of certain permit conditions and/or monitoring requirements to any facility, the NDEP may require the Permittee to collect samples and report results more frequently than specified in Section 2.0. Should the NDEP require any increased requirements, the NDEP will provide them in writing to the Permittee for the specific facility and identify it in Section 2.0 of a revised permit.
- 4.15** Solid Waste Management: All solid, toxic, or hazardous waste shall be properly handled and disposed of pursuant to applicable laws and regulations. Sampling and analysis of basin sediments and matter is required for closure of a discharge basin. The Permittee shall have the samples analyzed for Toxicity Characteristic (see 40 CFR 261.24), using the Toxicity Characteristic Leachate Procedure (see 40 CFR 261) for the contaminants listed in Table 1 of 40 CFR 261.24.
- 4.16** Presumption of Possession and Compliance: Copies of this permit, any subsequent modifications, and the O&M Manual shall be maintained at the NNSS at all times.
- 4.17** Records Retention: All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation, shall be retained for a minimum of five years, or longer if required by the Administrator, or designee.
- 4.18** Other Information: When the Permittee becomes aware of failure to submit any relevant facts in a permit application or the submittal of incorrect information in a permit application or in any report to the Administrator, or designee, the Permittee shall promptly submit such facts or information.
- 4.19** Signatory Requirements:
- 4.19.1** All reports required by this permit and all responses to relevant requests from the Administrator, or designee, shall be signed by either the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency or a delegate of the senior executive officer. A person is a delegate signatory only if:
- 4.19.1a** The delegation is made in writing by the chief or the senior executive officer.
- 4.19.1b** The delegation specifies the individual by name or by function.
- 4.19.1c** A copy of the written delegation is on file with this permit in the NDEP office.

**4.19.2** The person signing a report or response to a request subsequent to this permit shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, and accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

**4.19.3** Knowingly making a false statement on any required report or written response may be cause to seek criminal penalties, as provided by NRS 445A.705.

**5.0 FACILITIES AND OPERATIONS:**

- 5.1** The facility shall be operated in accordance with the NDEP-approved O&M Manual.
- 5.2** An inspection record (physical or electronic), including the name of the inspector, date, time, and general condition of the ETDS must be kept and maintained at the NNSS. The Permittee shall inspect the ETDS in accordance with Section 5.4.4.
- 5.3** Color photograph(s) of the permitted facilities and operations, labeled and dated, shall be submitted to this office annually as part of the fourth quarter DMR.
- 5.4 Evaporation/Infiltration Basins Management:**
- 5.4.1** There shall be no discharge from the ETDS except as authorized by this permit.
- 5.4.2** There shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada.
- 5.4.3** The ETDS shall be adequately posted.
- 5.4.4** The Permittee will establish a routine schedule to inspect each facility, no less than once per month.
- 5.4.5** As a part of the routine schedule, each discrete facility shall be inspected with respect to:
- 5.4.5.a** Ponding;
  - 5.4.5.b** Erosion or sloughing of the interior or exterior slopes of the embankments;
  - 5.4.5.c** Deep-rooting botanicals in the earthen embankments;
  - 5.4.5.d** Mammal, insect, or reptile tunneling or burrowing into the earthen embankments;
  - 5.4.5.e** The physical condition of any perimeter fencing and signage; and,
  - 5.4.5.f** The structural integrity of the ETDS.
- 5.4.6** Inspections and maintenance, including any periodic removal of sediment and any other matter to restore capacity, shall be conducted in accordance with the approved O&M Manual. Summaries of these activities shall be included in the quarterly reports.
- 5.5** Any newly constructed, improved, or rehabilitated collection or conveyance system and/or evaporation/infiltration basin(s) shall be constructed in conformance with plans approved by the NDEP. All plans must be approved by the NDEP prior to the start of construction and must be stamped by a Professional Engineer licensed in the State of Nevada. All changes to any plans approved by the NDEP must be stamped by a Professional Engineer licensed in the State of Nevada and re-approved prior to implementation. The permit will be modified at such time to include any

changed or additional requirements in regard to effluent flow rate, design capacity, reporting requirements, schedule of compliance, etc.

- 5.6** For each new system and/or each modification of an existing system, the Permittee must submit a letter with appropriate design drawings to the NDEP describing the new or modified system, provide the design calculations or any changes in existing design calculations if applicable, and the timeline and effective date of completion. After the NDEP approval is received, the construction may begin. Once the completed system has been approved for operation, a copy of the revised O&M Manual portion(s) must be submitted to the NDEP at the address given in Section 3.1 within 120 days of operational approval. The Permittee shall amend the text of the O&M Manual to account for new systems or modification of existing systems.
- 5.7** For new and/or rehabilitated basins, the Permittee shall include the following requirements, measurements, and observations in an approved O&M Manual:
- 5.7.1** Evaporation/infiltration basins shall have a staff gauge installed in them to indicate the water level depth. The water level in each basin shall be measured monthly and recorded in the operations logbook maintained at the NNSS.
- 5.7.2** For systems that do not contain automated effluent flow monitoring, each new and/or rehabilitated basin will be fitted with a staff gauge, reliable to three inches, or an approved alternative method, which marks the distance from the bottom of the basin to its crest.
- 5.7.3** Each staff gauge, or an approved alternative method, in the final infiltration basin will be prominently marked with a line at an elevation equal to the crest of the basin's embankment and with a line (free board limit and maximum operation level) twenty-four inches below the crest of the embankment.
- 5.7.4** During the monthly inspection, the depth of the liquid in each basin shall be read from the staff gauge, or an approved alternative method. For each basin, the depth of the liquid as the distance from the free board limit shall be reported quarterly.
- 5.8** Closure of an existing active evaporation/infiltration basin requires the Permittee to submit a closure plan and schedule to the NDEP for review and approval 60 calendar days prior to closing any basin permitted for discharge by this permit. The Permittee shall:
- 5.8.1** Submit a letter to the NDEP detailing the reason for closure and the closure timeline.
- 5.8.2** Submit a Closure Plan to the NDEP.
- 5.8.3** Upon approval of the Closure Plan by the NDEP, the Permittee shall implement the Plan.
- 5.9** Summary of Noteworthy or Significant Findings:
- 5.9.1** The inspector shall note in the logbook each routine or additional inspection to include the name of the inspector, date, time, and discrepancies discovered by the inspector or

the inspection team, including the general condition of the ETDS. The inspector will include a concise summary of the noteworthy and significant logbook findings as narrative in the DMR.

**6.0 GENERAL REQUIREMENTS:****6.1 Change in Discharge:**

**6.1.1** Any anticipated system expansions, treatment modifications, reductions or closures that will result in new, different, or increased capability to discharge must be reported by notice to the NDEP. Any changes to the ETDS must comply with applicable Federal and State regulations.

**6.1.2** Pursuant to NAC 445A.262, the permit may be modified to specify and limit any pollutants not previously controlled.

**6.1.3** Upon request by the Permittee and after public notice, the terms and conditions of this permit or any consequent schedule of compliance can be revised or modified, if a good and valid cause (strike, flood, materials shortage or other event over which the Permittee has little or no control or which is reasonably unexpected) exists for such action. Modification necessary to comply with new and relevant regulations does not require a public participation process.

**6.2 Minor Modifications: With the consent of the Permittee and without public notice, the NDEP may make minor modifications in this permit to (NAC 445A.263(4)):**

**6.2.1** Correct typographical errors.

**6.2.2** Clarify permit language.

**6.2.3** Require more frequent monitoring or reporting by the Permittee.

**6.2.4** Change the construction schedule for a new discharge provided that all equipment is installed and operational prior to discharge.

**6.2.5** Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the permit and does not interfere with attainment of the final compliance date.

**6.2.6** Delete a basin when it is no longer used.

**6.3 Transfer of Ownership or Control: This permit is exclusive to the Permittee, the NNSA/NFO, and cannot be transferred, assigned, or converted.****6.4 Re-issuance or Re-application: The NDEP will re-authorize the permit encompassing all operating systems only after receiving and reviewing the completed application forms submitted by the Permittee. The Permittee shall submit completed application forms encompassing the ETDS on the NNSA using the current application forms. Application submittal shall not take place later than 180 calendar days before expiration of this general permit. Under extenuating circumstances, the NDEP can, on its own, or in concurrence with a request of the Permittee, extend the existing permit**

coverage for a time to be determined by review of the conditions existing at that time.

- 6.5** Right of Entry: The Administrator, and designees, recognize that prescribed levels of authorization are necessary for lawful entry into areas on the NNSS. With respect to such prescribed levels of authorization, the Permittee shall allow the Administrator, or authorized designees, to:
- 651** Enter upon the Permittee premises where a source is located or in which any records are required to be kept under the terms and conditions of this permit.
  - 652** Have access to and copy any records required to be kept under the terms and conditions of this permit at reasonable times.
  - 653** Inspect any monitoring equipment or monitoring method required in this permit.
  - 654** Perform any necessary sampling to determine compliance with this permit or to sample any source.
- 6.6** Adverse Impact: The Permittee shall take all reasonable steps to minimize any adverse impact to the Waters of the State ensuing from noncompliance with any discharge limitation specified in this permit, including such accelerated or additional monitoring necessary to determine the magnitude and effect upon the impacted resources of the state.
- 6.7** Toxic Pollutants: If a toxic effluent standard or prohibition is promulgated by the Nevada State Environmental Commission for a toxic pollutant that is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit or any consequent schedule of compliance, this permit or affected schedule shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee shall be notified.
- 6.8** Liability: Nothing in this permit shall be construed to preclude any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal, state, or local laws, statutes, regulations, or ordinances. The conditions agreed to in this permit hereby supersede all previous agreements.
- 6.9** Property Rights: The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws, statutes, regulations, or ordinances.
- 6.10** Severability: 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 and the remainder of this permit shall not be affected.
- 6.11** Noncompliance, Unauthorized Discharge, Bypass and Upset:
- 611.1** Any diversion, bypass, spill, upset, overflow, or discharge of industrial wastewater from the ETDS under the control of the Permittee to navigable waters is prohibited except as authorized by this permit or in accordance with the NDEP's Spill Reporting Policy. The



NDEP may take enforcement action for a diversion, bypass, spill, upset, overflow, or discharge of industrial wastewater to Waters of the State except as authorized by this permit or in accordance with the NDEP's Spill Reporting Policy. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow, or discharge not authorized by this permit or in accordance with the NDEP's Spill Reporting Policy is probable, the Permittee shall notify the Administrator, or designee, immediately.

- 6.11.2** The Permittee shall notify the Administrator, or designee, within 24 hours of any diversion, bypass, spill, upset, overflow or release from the ETDS under the control of the Permittee other than that which is authorized by the permit or in accordance with the NDEP's Spill Reporting Policy. A written report shall be submitted to the Administrator, or designee, within five calendar days of diversion, bypass, spill, upset, overflow, or release, detailing the entire incident including:
- 6.11.2.a** Time, date, and exact location of the event.
  - 6.11.2.b** The estimated or actual quantity released.
  - 6.11.2.c** A map or diagram of the flow path, depicting affected channels, tributaries to rivers or lakes, or other bodies of water of the state.
  - 6.11.2.d** The specific cause or causes of the event.
  - 6.11.2.e** The corrective actions taken to protect the public health or to mitigate damage to the resources of the impacted area.
  - 6.11.2.f** The action or changes necessary to prevent recurrence of the event.
- 6.11.3** In the event of specific, accidental, or naturally caused discharges of potential contaminants, the Permittee shall notify the NDEP within three business days. The Permittee shall have the area characterized by Radiological Control personnel and shall notify and meet with the NDEP to determine a path forward within 30 calendar days.
- 6.11.4** The Permittee shall report all instances of noncompliance not reported under Section 6.11.2 at the time monitoring reports are submitted. The reports shall contain the information listed in Section 6.11.2.
- 6.11.5** The Permittee may allow any bypass to occur that does not cause discharge limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of the applicable section of Section 6.11.
- 6.11.6** If the Permittee knows in advance of the need for a bypass, it shall submit prior notice to the NDEP, if possible, at least ten calendar days before the date of bypass.
- 6.11.7** Bypass is prohibited, and the Administrator, or designee, may take enforcement action against a Permittee for bypass, unless:

- 6.11.7.a** Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
- 6.11.7.b** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance.
- 6.11.7.c** The Permittee submitted notices as required under Sections 6.11.6.
- 6.12** Rain Event: Precipitation shall be monitored and measured from the rain gauge or meteorological station maintained by National Oceanographic and Atmospheric Administration nearest to the ETDS. In the event that precipitation occurs at or in excess of 1.0 inch in a 24-hour period at the subject location of this permit or in the near vicinity, a site inspection shall be required to verify the continued structural integrity of the ETDS. These special event inspections shall document the routine inspection items described in Section 5.4.5 of this permit and also any additional noteworthy or significant findings as described in Section 5.9 of this permit. This documentation shall be included in the DMR.
- 6.13** Fees: For the period of time that the Agreement-in-Principal (AIP) (or equivalent instrument) and its accompanying grant provide funding for the NDEP staff to conduct routine oversight and to inspect the ETDS covered by this permit, the fees required by NAC 445A.232 shall be deemed to have been paid. If the AIP and/or funding through the AIP Grant is terminated, the Permittee is then required to submit an annual review and services fee in accordance with NAC 445A.232 and apply for and obtain an individual permit for the ETDS as required by NAC 445A.228. These actions must be completed no less than 180 days prior to AIP and/or the accompanying grant termination unless an extension in writing has been granted by the Administrator.
- 6.14** Availability of Reports: Except for data determined to be confidential under Nevada Revised Statute (NRS) 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the NDEP's Las Vegas Office. As required by the Clean Water Act, influent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.
- 6.15** Furnishing False Information or Tampering with Monitoring Devices: Any person who intentionally or with criminal negligence makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained by the provisions of NRS 445A.300 through 445A.730, inclusive, or by any permit, rule, regulation, or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 through 445A.730.

- 6.16** Penalty for Violation of Permit Conditions: NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions, as outlined in NRS 445A.690 through 445A.705.
- 6.17** Permit Modification, Suspension or Revocation: After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- 6.17.1** Violation of any terms or conditions of this permit.
  - 6.17.2** Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts.
  - 6.17.3** A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
  - 6.17.4** A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
  - 6.17.5** Material and substantial alterations or additions to the permitted facility or activity.
  - 6.17.6** The Administrator, or designee, has received new information.
  - 6.17.7** The standards or regulations have changed.
- 6.18** Changes to Authorization: If an authorization under Section 4.18 (Signatory Requirements) of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section 4.18 must be submitted to the Administrator, or designee, prior to, or together with, any reports, information, or applications to be signed by an authorized representative.
- 6.19** Prerogative to Reopen: There shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada as defined by the permit. The permit may be reopened, and additional limits imposed, if it is determined that the discharge is causing a violation of ambient water quality standards of the State of Nevada.

**7.0 DEFINITIONS:**

- 7.1 Administrator: the executive head of the Nevada Division of Environmental Protection. (NAC 445A.315)
- 7.2 Adverse Impact: an intensive or chronic harm to the public health and welfare or to the natural resources of the state.
- 7.3 Basin: an artificial impoundment of wastewater for disposal by infiltration, percolation, evaporation, or any combination thereof.
- 7.4 Bypass: the intentional diversion of waste streams from any portion of a wastewater treatment facility.
- 7.5 Daily Maximum: the highest measurement during the monitoring period.
- 7.6 Discharge: any addition of a pollutant or pollutants to water (NRS 445A.345)
- 7.7 Grab Sample: a discrete, single, or individual sample collected in less than 15 minutes.
- 7.8 Industrial Waste: any liquid, gaseous, radioactive or solid waste substance, or combination thereof, resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resource. (NAC 445A.9546)
- 7.9 Permit: a written authorization to discharge pollutants into the Waters of the State in accordance with the Act, the law and the regulations promulgated thereunder. (NAC 445A.098).
- 7.10 Pond: a body of water designed to receive, hold, and treat wastewater through a combination of physical, biological, and chemical processes. If necessary, a Pond is lined with an impermeable material, such as clay or an artificial liner, to prevent leaks to the groundwater.
- 7.11 Treatment or Waste Treatment: the stabilization or alteration of the quality of wastewaters by physical, biological or chemical means or a combination thereof, for the purpose of reducing or eliminating adverse effects on water quality, such that the tendency of the wastes to cause any degradation in water quality or other environmental conditions is reduced or eliminated. (NAC 445A.111)
- 7.12 Upset: an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed wastewater treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 7.13 Wastewater: water that, as a result of domestic, commercial or industrial use, contains, physical, chemical or biological impurities (NAC 445A.6656).

**7.14** Waters of the State: all waters situated wholly or partly within or bordering upon this state, including but not limited to, all streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems, and drainage systems; and all bodies or accumulations of water, surface and underground, natural or artificial. (NRS 445A.415)

**8.0 ACRONYMS:**

**8.1 AIP:** Agreement in Principle

**8.2 DMR:** Discharge Monitoring Report

**8.3 ETDS:** E-Tunnel Discharge System

**8.4 gal/day:** gallon(s) per day

**8.5 mg/L:** milligram(s) per liter

**8.6 M&R:** Monitoring and Reporting

**8.7 NDEP:** Nevada Division of Environmental Protection

**8.8 NNSA/NFO:** National Nuclear Security Administration/Nevada Field Office

**8.9 NNSS:** Nevada National Security Site

**8.10 O&M:** Operations and Maintenance [Manual]

**8.11 pCi/L:** picocurie(s) per liter

**8.12 pH:** Hydrogen ion concentration

**8.13 TDMS:** Tunnel Discharge Monitoring Station