



**Hazardous Waste Management
RCRA Permit NEVHW0034
April 2019**



**Precious Metals Recovery, LLC
Dry Hills Facility
Eureka County, Nevada
EPA ID# NVR000088542**

**State of Nevada
Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Sustainable Materials Management**

**NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF SUSTAINABLE MATERIALS MANAGEMENT**

**FACT SHEET FOR A RCRA HAZARDOUS WASTE PERMIT (*RENEWAL*)
PRECIOUS METALS RECOVERY, LLC (PMR)
EPA ID# NVR000088542
DRAFT PERMIT# NEVHW0034**

The Nevada Division of Environmental Protection (NDEP) has developed this FACT SHEET for the Resource Conservation and Recovery Act (RCRA) Permit (DRAFT PERMIT) which NDEP intends to renew for the **Precious Metals Recovery, LLC (PMR)** Dry Hills Facility in Eureka County, Nevada. The DRAFT PERMIT is based on the renewal application received by NDEP for the construction and operation of a hazardous waste management facility. This FACT SHEET has been prepared in accordance with the public notice requirements of *Nevada Administrative Code (NAC) 444.8632* and *Chapter 40 Code of Federal Regulations (CFR) Section 124.8*. The purpose of this FACT SHEET is to provide interested citizens and other governmental agencies a summary description of the principal facts and significant issues NDEP has considered in reviewing the submitted permit renewal application and developing the DRAFT PERMIT for the proposed management of hazardous waste facility.

BACKGROUND:

Congress passed the Mercury Export Ban Act of 2008 (Export Ban) which generally bans the export of elemental mercury as of January 1, 2013 and mandates a National Mercury Repository (National Repository) where elemental mercury may be stored. The proposed PMR Dry Hills Facility will receive elemental mercury, activated carbon and calomel which will be processed at the facility to produce elemental mercury. The PMR facility is intended only as a treatment and storage facility (TSF) for the mercury containing wastes identified in the permit application; and no hazardous waste disposal is authorized at the site. The elemental mercury received and produced at the proposed TSF will be periodically tested for purity and stored in an elemental mercury storage room. Although storage capacity will be designed into the proposed building, the Dry Hills Facility is not intended for the long-term storage of elemental mercury. Ultimately, the elemental mercury is intended to be transferred to the National Repository for long-term storage. Transfer of elemental mercury will occur at regularly scheduled intervals after the National Repository is operational.

FACILITY DESCRIPTION

PMR is a subsidiary of Barrick Goldstrike Mines, Inc. (BGMI). PMR is a new company that will own and operate the proposed newly designed facility for the expressed purpose to manage mercury and mercury-bearing materials generated by BGMI, primarily near Carlin, Nevada. As designed, the proposed treatment and storage facility is intended as a captive facility, solely for the use of Barrick Gold North America (Barrick).

The facility will be located on private land comprising part of an area known as the Dean Ranch, approximately 40 miles southwest of Elko, Nevada, 17 miles southeast of the town of Beowawe, and 12 miles east of the community of Crescent Valley. The facility will be located in the northwest corner of Section 5, Township 29 North, Range 50 East, MDBM, in an unincorporated area of Eureka County, Nevada.

The facility consists of:

- Four (4) Container Storage Areas;
- Two (2) Above Ground Storage Tanks;
- Four (4) Treatment Tanks;
- Three (3) Miscellaneous Units (1 Filter press, 1 Mercury Retort and 1 Future Mercury Retort)

Since there are no land disposal units, the facility is not required to perform groundwater monitoring.

Container Storage

The DRAFT PERMIT allows the facility to store up to 28,000 gallons of containerized hazardous waste (solids or liquids) in four (4) designated hazardous waste container storage areas. No treatment in containers is permitted. The specific management requirements of each area are in the respective section(s) of the application. The following container storage areas are to be permitted: Elemental Mercury Storage (CS Area 1-A); Calomel Storage (CS Area 1-B); Spent Activated Carbon Storage (CS Area 1-C); and Other Waste Storage (CS Area 1-D).

Tank Storage

The DRAFT PERMIT allows the facility to store up to 7,200 gallons of hazardous waste in two (2) aboveground fiberglass-reinforced plastic tanks. The maximum amount and type of wastes that may be handled are discussed in Permit Condition 4.1.

Tank Treatment

The DRAFT PERMIT allows the facility to treat up to 1,500 gallons of hazardous waste per day in four (4) stabilization tanks. The maximum amount and type of wastes that may be treated in each tank are discussed in Permit Condition 5.1. The containment system employed for these tanks is discussed in detail in Permit Application Section 23 (Treatment and Storage Tanks).

Miscellaneous (Subpart X) Units

The DRAFT PERMIT allows the facility to separate solids from liquids in one (1) Mechanical Processing Unit (Filter Press), not to exceed 400 gallons per day; and to reclaim mercury from mercury-bearing materials in one (1) Thermal Unit (Mercury Retort) and one (1) future Thermal Unit (Mercury Retort), not to exceed 110 gallons per day in each Retort. The maximum amount and type of wastes that may be treated in each Subpart X Unit are discussed in Permit Condition 6.2.

TYPES OF WASTE TO BE HANDLED

The proposed facility will receive both elemental mercury and mercury-bearing waste material (calomel and activated carbon) which are generated from the Goldstrike Mine and other Barrick mine facilities in Nevada. The specific hazardous waste types and quantities are limited to those identified within the RCRA Part A Application and Permit Section 3 (Container Management Conditions). Any waste generated at the facility will be shipped offsite for disposal.

BASIS FOR THE PERMIT CONDITIONS

The DRAFT PERMIT conditions are established pursuant to the authority of *Section 3006 of the Resource Conservation and Recovery Act (RCRA) (Chapter 40 Code of Federal Regulations as codified in Part 271), 40 CFR Parts 124, and 260 through 270, Nevada Revised Statutes (NRS) 459-520 and Nevada Administrative Code (NAC) 444.842 through 444.8746, 444.940 through 444.9555, and 444.960*. These laws and regulations govern the management of hazardous wastes in the State of Nevada. The NDEP, as the authorized permitting agency for the State of Nevada, has reviewed the permit application submitted by PMR and has determined the facility can be operated under the proposed permit conditions in accordance with applicable regulations and in a manner which is protective of public health and the environment.

Unit-specific operation and maintenance requirements in the DRAFT PERMIT also contain provisions for: waste analysis for proper management of hazardous waste; contingency plan and preparedness requirements to prevent and respond to releases of hazardous waste; personnel training requirements; inspection and recordkeeping requirements; and unit-specific closure requirements.

REQUESTED VARIANCES

No variances were requested with this permit renewal.

PROCEDURES FOR REACHING A FINAL DECISION

Section 7004(b) of RCRA, NAC 444.8632, and 40 CFR Section 124.10 require that the public and interested agencies be given at least forty-five (45) days to comment on each DRAFT PERMIT prepared under RCRA. The comment period for the PMR facility will end on **April 15, 2019**. Anyone wishing to submit comments on this DRAFT PERMIT must do so within this forty-five (45) day period.

The ADMINISTRATIVE RECORD for the DRAFT PERMIT, which includes the APPLICATION, AGENCY and APPLICANT CORRESPONDENCE, the DRAFT PERMIT, and this FACT SHEET, are available for public review between the hours of **8:00 a.m. and 5:00 p.m., Monday through Friday** at the NDEP address below. Additionally, a copy of the DRAFT PERMIT, this FACT SHEET and APPLICATION may also be viewed at the Crescent Valley Public Library. Further facility information may be obtained by contacting **Alan Klebenow** of Barrick Goldstrike Mines, Inc., on behalf of Precious Metals Recovery, by phone at **(775) 778-8042** or by email at aklebenow@barrick.com. Permitting information may also be obtained by contacting Maureen Godbout at NDEP by phone at (775) 687-9482, by e-mail at mgodbout@ndep.nv.gov.

Any comments should include all reasonable available references, factual grounds, and supporting material. Persons should submit written comments concerning the permit conditions to NDEP either at the Carson City address shown below or through e-mail at mgodbout@ndep.nv.gov.

**Nevada Division of Environmental Protection
Bureau of Sustainable Materials Management
Attn: Maureen Godbout
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249**

A public hearing may be held to hear further comments if a written notice of opposition is received and a request for such a hearing is submitted. In the event that a public hearing is requested, a time and place for the meeting will be scheduled and announced in a separate public notice at least thirty (30) days prior to the hearing.

When NDEP makes a final decision to either issue or deny the permit, notice will be given to PMR and to each person who submitted written comments or requested a notice of the final decision. If comments are received, the final permit decision shall become effective thirty (30) days after service of notice of the decision, unless a later date is specified or an appeal is filed with the State Environmental Commission (within 10 days after notice of the action of the Department) pursuant to *NAC 445B.890*. If no comments are submitted requesting a change in the draft permit, the final permit, reflecting the conditions in the draft permit, shall become effective immediately upon issuance.

NAME OF PERSON TO CONTACT

NDEP Contact: Maureen Godbout, (775) 687-9482, E-mail: mgodbout@ndep.nv.gov
Facility Contact: Alan Klebenow, (775) 778-8042, E-mail: AKlebenow@barrick.com

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

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		- RCRA Part B Application and other stand-alone documents
		<i>(Separate binders, not physically attached to this Permit)</i>

**RCRA PERMIT
FOR A HAZARDOUS WASTE MANAGEMENT FACILITY**

Permittee:	Precious Metals Recovery LLC	<i>RENEWAL</i>
	Eureka County, Nevada	April 2019
Facility EPA ID#:	NVR000088542	
Permit Number:	NEVHW0034	

This Permit is issued by the Nevada Division of Environmental Protection (NDEP) under the authority of Section 3006 of Resource Conservation and Recovery Act (RCRA) (40 CFR Part 271), Nevada Revised Statutes (NRS) 459.520 and Nevada Administrative Code (NAC) 444.842 through 444.8746 and 444.960. The State of Nevada has adopted 40 CFR Subpart A of Part 2, Subparts A and B of Part 124, and Parts 260 through 270 inclusive, by reference in the NAC at 444.8632 with exceptions listed at 444.86325 and as revised at 444.8633 and 444.8634. This Permit is issued to Precious Metals Recovery LLC (hereafter called the Permittee), to operate a hazardous waste treatment and storage facility (TSF) located in Eureka County, Nevada at latitude 40° 25' 19" N and longitude 116° 22' 40" W, described as follows:

The facility is located on the Dean Ranch in the Crescent Valley in Eureka County, Nevada. The site, which has an Assessor Parcel Number (APN) #005-530-17, is owned by the Permittee. The site is a separate parcel within the proposed TSF compound that will comprise the proposed RCRA facility. The facility consists of:

- Four (4) Container Storage Areas;
- Two (2) Storage Tanks;
- Four (4) Treatment Tanks; and
- Three (3) Miscellaneous Units (1 filter press, 2 mercury retorts, 1 active & 1 future)

Since there are no permitted land disposal units at the site and the facility is proposed to be clean-closed, the facility is not required to perform groundwater monitoring, or post-closure care and monitoring. The Permittee must comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein, the Permit Application, and the applicable regulations contained in 40 CFR Parts 124, 260 through 266, and 270, and Sections 206, 212, and 224 of HSWA, which require corrective action for all releases of hazardous wastes or constituents from any solid waste management unit (SWMU) at a treatment, storage, or disposal unit seeking a Permit, regardless of the time at which waste was placed in such unit, as specified in the Permit. If there are conflicts between this Permit and the Permit Application, the Permit shall prevail. Applicable regulations are those that are in effect on the date of issuance of the Permit, in accordance with 40 CFR 270.32(c) and NAC 444.8632.

This Permit is based on the assumption that the information submitted in the Part A and Part B Permit Application originally dated September 25, 2018, as modified by subsequent amendments¹ is accurate and that the facility will be constructed, operated and closed as specified in the Permit Application and this Permit.

¹ Hereafter referred to as the Permit Application.

Any inaccuracies found in the submitted information may be grounds for the revocation and reissuance, modification, or termination of this Permit in accordance with 40 CFR 270.41, 270.42, 270.43, and NAC 444.8632 and for enforcement action. The Permittee must inform the Director of any deviation from or changes in the information in the application, which would affect the Permittee's ability to comply with the applicable regulations or Permit conditions. Failure to comply with any term or condition set forth in this Permit in the time or manner specified herein will subject the Permittee to possible enforcement action and penalties pursuant to NRS 459.565, 459.570, 459.585, and 459.595.

This Permit is effective as of April 17, 2019 and shall remain in effect until April 17, 2024 unless revoked and reissued under 40 CFR 270.41 and NAC 444.8632, terminated under 40 CFR 270.43 and NAC 444.8632, or continued in accordance with 40 CFR 270.51(a) and NAC 444.8632.

As provided in NRS 459.520 (4) this Permit shall be subject to review by the Director at least every five years from issuance. Pursuant to 40 CFR 270.51 (d), the permit conditions shall remain in effect until such time that the permit is reissued.



Daren Winkelman
Chief, Bureau of Sustainable Materials Management
Nevada Division of Environmental Protection


Date

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1. SUMMARY

The Permittee is a non-commercial hazardous waste Treatment and Storage Facility (TSF). The Permittee may store and treat all waste identified in the *Part A Permit Application* and managed as identified in the *Part B Permit Application*, both of which are adopted by reference and listed as attachments to this permit. Wastes managed include mercury and mercury bearing materials. The facility may receive, store and process wastes bulk or containerized waste. The facility is not currently required to conduct groundwater monitoring and is expected to be clean-closed with no post-closure care necessary.

Storage of waste is described in Sections 3 (Container Management Conditions) and 4 (Tank Storage Conditions), and tank treatment is described in Section 5 (Tank Treatment Conditions). The facility is expected to treat and store only inorganic waste and, as such, may not be subject to RCRA Subparts BB and CC. The requirements identified in Permit Section 9 (Organic Air Emissions Conditions) are reserved for future use, if necessary. The requirements for waste minimization and financial assurance are described in Sections 8 (Waste Minimization Conditions) and 14 (Financial Assurance Conditions), respectively. All regulations cited in this Permit refer to regulations in effect on the date of issuance of this Permit. The Permittee is to maintain compliance with the conditions contained in this Permit and any self-implementing regulations promulgated after issuance.

1.1. EFFECT OF PERMIT

The Permittee is allowed to accept, treat and store hazardous waste in accordance with the conditions of this Permit and its attachments. Any acceptance, treatment or storage of hazardous waste not authorized in this Permit is prohibited. Subject to 40 CFR 270.4, compliance with this Permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of the Resource Conservation and Recovery Act (RCRA), Nevada Revised Statutes (NRS) 459.400 through 459.600, Nevada Administrative Code (NAC) 444.842 through 444.8746, NAC 444.960, and with the Hazardous & Solid Waste Amendments of 1984 (HSWA). Issuance of this Permit does not convey any property rights of any sort, nor any exclusive privilege; nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of 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 Sections 3008(a), 3008(h), 3013, or 7003 of RCRA; Sections 106(a), 104, 107 or 301(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, NRS 459.400 through NRS 459.600, or any other law providing for protection of public health or the environment. Compliance with the terms of this Permit shall not relieve the Permittee of its obligation to comply with any other applicable local, state, or federal laws and regulations.

[40 CFR 270.4, 270.30(g)]

The State of Nevada has adopted 40 CFR Subpart A of Part 2, portions of Subparts A and B of Part 124, Parts 260 through 270 inclusive, by reference in NAC 444.8632 with exceptions listed at NAC 444.86325 and as revised at NAC 444.8633 and NAC 444.8634. Therefore, all references to 40 CFR in this Permit are as they are adopted in NAC 444.8632 through 444.8634.

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1.2. **PERMIT ACTIONS**

1.2.1. Permit Modification, Revocation and Re-issuance, and Termination

This Permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR 270.41, 270.42 and 270.43. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any Permit condition. *[40 CFR 124.5(c), 270.4(a) and 270.30(f)]*

Modifications and/or updates to information provided in the Part A and B Permit Applications may require the Permittee to file a request for a permit modification. As such, the Permittee must provide information on any modifications and/or updates to the Director. Any changes in hazardous waste operating procedures require approval prior to implementation.

1.2.2. Permit Renewal

This Permit may be renewed as specified in 40 CFR 270.30(b) and Permit Condition 1.5.3. Review of any application for a Permit renewal shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

[40 CFR 270.30(b), HSWA Sec. 212]

1.3. **SEVERABILITY**

The provisions of this Permit are severable, and, if any provision of this Permit, or the application of any provision of this Permit, to any circumstance, is held invalid, then the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. *[40 CFR 124.16(a)]*

1.4. **DEFINITIONS**

For purposes of this Permit, terms used herein shall have the same meaning as those in NAC 444.842 through 444.8746, and 40 CFR Parts 124, 260, 261, 264, 266, 268, and 270, unless this Permit specifically provides otherwise. Where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term. For purposes of this Permit, the definitions listed below will apply.

1.4.1. Action Levels

Health- and environmental-based levels determined by EPA or NDEP to be indicators for protection of human health and/or the environment. Contamination exceeding action levels indicates a potential threat to human health and/or the environment, which may require further study. Action levels are also used as reference points for developing final cleanup standards.

1.4.2. Administrator

The Administrator of the Nevada Division of Environmental Protection (NDEP), a designee or an authorized representative.

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1.4.3. Ancillary Equipment

Any device including, but not limited to, piping, fittings, flanges, valves and pumps, that is used to distribute, meter, or control the flow of hazardous waste to a storage or treatment unit or tank, between hazardous waste storage and treatment units or tanks, or to a point of shipment for disposal off-site.

1.4.4. Area of Concern (AOC)

Any area having a probably release of a hazardous waste or hazardous constituent, regardless of whether or not the release originated from a Solid Waste Management Unit, and is determined by the Division to pose a current or potential threat to human health or the environment.

1.4.5. Certified Laboratory

A laboratory that has been approved by the Director to perform specific analyses referenced in NRS 459.500.

1.4.6. Closure Plan

The plan for closure prepared in accordance with the requirements of 40 CFR 264.112.

1.4.7. Compliance Period

The number of years equal to the active life of the unit prior to the Director's approval of certification of closure and subsequent post-closure period, if applicable.

1.4.8. Contamination

The presence of any hazardous constituent in a concentration which exceeds the naturally occurring concentration of that constituent in areas which should not be affected by the operations of the facility.

1.4.9. Corrective Action

May include all corrective actions necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents at the facility, regardless of the time at which waste was placed in the unit, as required under 40 CFR 264.101. Corrective action may address releases to air, soils, surface water sediment, groundwater, or subsurface gas.

1.4.10. Current Closure Cost Estimate

The most recent of the estimates prepared in accordance with 40 CFR 264.142 (a), (b), and (c).

1.4.11. Days

Calendar days, unless otherwise specified.

1.4.12. Director

The Director of the Nevada Department of Conservation and Natural Resources (DCNR), a designee or an authorized representative.

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1.4.13. Discover, Discovery or Discovered

The date on which the Permittee or a Division representative either:

- (1) Visually observes evidence of a new SWME or AOC;
- (2) Visually observes evidence of a previously unidentified release of hazardous constituents to the environment; or
- (3) Receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment.

1.4.14. Division

The Nevada Division of Environmental Protection (NDEP), including personnel thereof authorized by the Administrator to act on behalf of the Division.

1.4.15. Extent of Contamination

The horizontal and vertical area in which the concentrations of hazardous constituents in the environmental media being investigated are above the naturally occurring concentration of that constituent in areas not affected by the operations of the facility.

1.4.16. Facility

Includes all contiguous land, structures, and other appurtenances and improvements on the property, used for the treatment, storage or disposal of hazardous waste. For the purpose of implementing corrective action under 40 CFR 264.100 and 264.101, "facility" includes all contiguous property under the control of the operator seeking a Permit under Subtitle C of RCRA.

1.4.17. Hazardous Constituents

Those substances listed in Appendix VIII of 40 CFR 261 and/or Appendix IX of 40 CFR Part 264, or any pollutant as defined in the NRS 445A.400.

1.4.18. Hazardous Waste Management Unit (HWMU)

A contiguous area of land on or in which hazardous waste is managed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include surface impoundments, waste piles, land treatment areas, landfill cells, incinerators, tanks and their associated piping and underlying containment system, and container storage areas. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are managed.

1.4.19. Interim Measures

Actions necessary to minimize or prevent the further migration of contaminants and limit actual or potential human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented.

1.4.20. Non-Commercial Facility

A facility which provides a service to affiliates and joint venture partners of Barrick Gold of North America only. No services will be offered to the mass market.

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1.4.21. Permittee

The entity (person(s) or corporation) to whom this Permit is issued.

1.4.22. Qualified Professional Engineer

A person who by reason of his/her professional education and practical experience is granted a license by the Nevada State Board of Professional Engineers and Land Surveyors to practice professional engineering.

1.4.23. Regulated Unit

A surface impoundment, waste pile, land treatment unit or landfill that receives hazardous waste [40 CFR 264.90(a)(2)].

1.4.24. Release

Any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

1.4.25. Remediation Waste

All solid and hazardous wastes, and all media (including groundwater, surface water, soils and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under 40 CFR 264.100, 264.100 and RCRA Section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA Sections 3004(v) or 3008(h) for releases beyond the facility boundary.

1.4.26. Schedule of Compliance

A schedule of remedial measures included in this Permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the Resource Conservation and Recovery Act and/or the State of Nevada Hazardous Waste Management Regulations.

1.4.27. Solid Waste

Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

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1.4.28. Solid Waste Management Unit (SWMU)

Any unit which has been used for the treatment, storage, or disposal of solid waste at any time, irrespective of whether the unit is or ever was intended for the management of solid waste. RCRA hazardous waste management units are also solid waste management units. SWMUs include areas that have been contaminated by routine and systematic releases of hazardous waste or hazardous constituents, excluding one-time accidental spills that are immediately remediated and cannot be linked to solid waste management activities (e.g. product or process spills).

1.4.29. Unit

Includes, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, tank, container storage area, wastewater treatment unit, elementary neutralization unit, or recycling unit.

1.5. DUTIES AND REQUIREMENTS

1.5.1. Duty to Comply

The Permittee shall comply with all conditions of this Permit, except that the Permittee need not comply with the conditions of this Permit to the extent and for the duration such noncompliance is authorized by an Emergency Permit (see 40 CFR 270.61). Any Permit noncompliance, except under the terms of an Emergency Permit, constitutes a violation of the appropriate Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. *[40 CFR 270.30(a)]*

1.5.2. Compliance Schedules

Any schedule of compliance established subsequent to the issuance of this Permit shall be adopted by reference as a condition of Permit compliance as if fully set forth herein.

1.5.3. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new Permit at least 180 days prior to this Permit's expiration. *[40 CFR 270.10(h) and 270.30(b)]*

1.5.4. Permit Expiration

Pursuant to NRS 459.520 (4), this Permit shall be effective for a fixed term not to exceed five (5) years. As long as the NDEP is the Permit-issuing authority, this Permit and all conditions herein shall remain effective beyond the expiration date, if the Permittee has submitted a timely, complete application (see 40 CFR 270.10, 270.13 through 270.29) and, through no fault of the Permittee, the Director has not issued a new Permit, as set forth in 40 CFR 270.51.

1.5.5. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee, in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. *[40 CFR 270.30(c)]*

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1.5.6. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures, as are reasonable, to prevent significant adverse impacts on human health or the environment. *[40 CFR 270.30(d)]*

1.5.7. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit.

[40 CFR 270.30(e)]

1.5.8. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition.

[40 CFR 270.30(f)]

1.5.9. Property Rights

This Permit does not convey any property rights of any sort, nor any exclusive privilege.

[40 CFR 270.30(g)]

1.5.10. Duty to Provide Information

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

[40 CFR 264.74(a) and 270.30(h)]

1.5.11. Inspection and Entry

The Permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents, as may be required by law, to:

[40 CFR 270.30(i)]

1. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
4. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location.

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1.5.12. Monitoring and Records

- 1.5.12.1. Samples and measurements taken for monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the Director. Laboratory methods must be those specified in the current edition (and its current update) of EPA manual SW-846: Test Methods for Evaluating Solid Waste, Physical/Chemical Methods – Standard Methods of Wastewater Analysis or an equivalent method, as specified in the Waste Analysis Plan, Section 8 of the Permit Application.

[40 CFR 270.30(j)(1)]

- 1.5.12.1.1. Both groundwater and soil samples for regulatory monitoring and remedial efforts must be sent to a Nevada-certified laboratory for analyses. As a permitted hazardous waste management facility, the on-site laboratory is not required to be state-certified if the laboratory is solely utilized for the purposes of on-site management of wastes and on-site generated lab results are not utilized to demonstrate environmental or regulatory compliance.

[NRS 445A.425 and 445A.427]

- 1.5.12.2. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this Permit, for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application. The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the facility and throughout post-closure. These periods may be extended by request of the Director at any time and are automatically extended during the course of any unresolved enforcement action regarding the facility.

[40 CFR 264.74(b) and 270.30(j)(2)]

- 1.5.12.3. Records of monitoring information shall include:

[40 CFR 270.30(j)(3)]

1. The date(s), exact place(s), and time(s) of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

1.5.13. Signatory Requirement

All applications, reports, or information submitted to or requested by the Director, a designee, or authorized representative, shall be signed and certified in accordance with 40 CFR 270.11.

[40 CFR 270.30(k)]

1.5.14. Reporting Requirements

1.5.14.1. Reporting Planned Changes

The Permittee shall give notice to the Director, as soon as possible, of any planned physical

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alterations or additions to the permitted facility.

[40 CFR 270.30(l)(1)]

1.5.14.2. Reporting Anticipated Non-Compliance

The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in noncompliance with Permit requirements.

[40 CFR 270.30(l)(2)]

1.5.14.3. Certification of Construction or Modification

The Permittee may not commence treatment, storage or disposal of hazardous waste in any modified or newly constructed portion of the facility until:

1. The Permittee has submitted to the Director, by certified mail or hand delivery, a letter signed by the Permittee and a qualified Professional Engineer stating that the facility has been constructed or modified in compliance with the Permit; and

[40 CFR 270.30(l)(2)(i)]

2. (A) The Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the Permit; or

[40 CFR 270.30(l)(2)(ii)(A)]

- (B) Within 15 calendar days of the date of submission of the letter in Permit Condition 1.5.14.3.1, if the Permittee has not received notice from the Director of his or her intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste.

[40 CFR 270.30(l)(2)(ii)(B)]

1.5.14.4. Transfer of Permits

This Permit is not transferable to any person, except after notice to the Director. The Director may require modification or revocation and reissuance of the Permit to change the name of the Permittee and incorporate such other requirements as may be necessary under RCRA. (See 40 CFR 270.40) Before transferring ownership or operation of the facility during its operating life (or during its post-closure period, if applicable), the Permittee shall notify the new owner or operator, in writing, of the requirements of 40 CFR Parts 264 and 270, NAC 444.842 through NAC 444.8746, NAC 444.960, and this Permit.

[40 CFR 270.30(l)(3), 40 CFR 264.12(c), 40 CFR 270.40]

1.5.14.5. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this Permit or as required by a compliance schedule issued pursuant to Permit Condition 1.5.2.

[40 CFR 270.30(l)(4)]

1.5.14.6. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit or issued as an enforcement action, shall be submitted no later than 14 calendar days following each schedule date.

[40 CFR 270.30(l)(5)]

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1.5.14.7. Twenty-Four Hour Reporting

1.5.14.7.1. The Permittee shall report to the Director any noncompliance which may endanger human health or the environment. Any such information shall be reported orally within 24-hours from the time the Permittee becomes aware of the circumstances. This includes any release to the environment pursuant to 40 CFR 264.196(d); and any fire or explosion at or near a permitted unit or hazardous waste management area, even if there is no immediate threat to human health or the environment. The report shall include the following:

1. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
2. Any information of a release or discharge of hazardous waste, or of a fire or explosion from the hazardous waste management facility, which could threaten the environment or human health. *[40 CFR 270.30(l)(6)(i)]*
3. Incidents and releases which may endanger human health or the environment, and spills in excess of Reportable Quantities, shall be reported directly to the NDEP Reporting Hotline at (888) 331-6337 or (775) 687-9485.

1.5.14.7.2. The description of the occurrence and its cause shall include:

1. Name, address, and telephone number of the owner or operator;
2. Name, address, and telephone number of the facility;
3. Date, time, and type of incident;
4. Name and quantity of material(s) involved;
5. The extent of injuries, if any;
6. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
7. Estimated quantity and disposition of recovered material that resulted from the incident. *[40 CFR 270.30(l)(6)(ii)]*

1.5.14.7.3. A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Director may waive the five-day written notice requirement in favor of a written report within 15 days. *[40 CFR 270.30(l)(6)(iii)]*

1.5.14.7.4. In the event of a release to the environment, the Permittee shall submit a report to the Director within 30 days of the detection of the release. The report shall contain the following information: *[40 CFR 264.196(d)(3)]*

1. Likely route of migration of the release;
2. Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);
3. Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Director as soon as they become

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available;

4. Proximity to downgradient drinking water, surface water, and populated areas; and
5. Descriptions of response actions taken or planned.

1.5.14.8. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the Permittee must submit a letter report, including a copy of the manifest, to the Director. (See 40 CFR 264.72)

[40 CFR 270.30(l)(7)]

1.5.14.9. Unmanifested Waste Report

A report must be submitted to the Director within 15 calendar days of receipt of unmanifested hazardous waste. (See 40 CFR 264.76)

[40 CFR 270.30(l)(8)]

1.5.14.10. Biennial Report

A Biennial Report must be submitted by March 1st of each even numbered year, covering facility activities during the previous calendar year and the information in 40 CFR 264.75.

[40 CFR 270.30(l)(9)]

1.5.14.11. Other Noncompliance

The Permittee shall report all instances of noncompliance not otherwise required to be reported above, at the time annual reports are submitted. The reports shall contain the information listed in Permit Condition 1.5.14.7.

[40 CFR 270.30(l)(10)]

1.5.14.12. Other Information

Whenever the Permittee becomes aware that they failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, the Permittee shall promptly submit such facts or information.

[40 CFR 270.30(l)(11)]

1.5.15. Information Repository

The Permittee shall maintain at the facility the information repository created in support of all Permit applications, renewals and modifications pursuant to 40 CFR 124.33(c) through (f) for the life of the facility.

[40 CFR 270.30(m)]

1.6. **REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE DIRECTOR**

All reports, notifications, or other submissions required by this Permit must be sent to the addressee shown below and must be **received by** the specified due date:

RCRA Permitting Branch Supervisor
 Bureau of Sustainable Materials Management
 Nevada Division of Environmental Protection
 901 S. Stewart St., Suite 4001
 Carson City, NV 89701-5249

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Submittals which are not received within 10 days after the specified due date will be considered an instance of noncompliance with applicable conditions of this Permit, unless the Permittee can demonstrate (e.g., certified mail receipt, etc.) that the submittal was sent in a timely manner and that failure of deliverables to arrive on schedule was beyond control of the Permittee.

1.7. CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12, the Permittee may claim confidential, any information required to be submitted by this Permit.

1.8. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility, until closure is completed and certified by an independent qualified Professional Engineer, the following documents and all amendments, revisions and modifications to these documents:

1. Waste Analysis Plan, as required by 40 CFR 264.13 and this Permit;
2. Inspection Schedules, as required by 40 CFR 264.15(b)(2) and this Permit;
3. Personnel Training Documents and Records, as required by 40 CFR 264.16(d) and this Permit;
4. Contingency Plan, as required by 40 CFR 264.53(a) and this Permit;
5. Operating Record, as required by 40 CFR 264.73 and this Permit;
6. Closure Plan, as required by 40 CFR 264.112(a) and this Permit;
7. Annually-adjusted cost estimate for facility closure & post-closure, as required by 40 CFR 264.142(d) & 264.144(d), respectively, and this Permit;
8. Information Repository, as required by 40 CFR 270.30(m) and this Permit;
9. All Groundwater Monitoring Records, inclusive of installation details for all wells, required by this Permit or otherwise;
10. Corrective Action Plans and Reports, if applicable;
11. All instances of implementation of the Contingency Plan;
12. All correspondence between the Division and the facility related to changes or modifications to this Permit or notifications of noncompliance and all inspection reports;
13. Indoor air monitoring data for mercury vapor, and
14. Unusual Occurrence Reports (examples: all manifest discrepancies, deficiencies found as a result of an inspection, all releases whether contained by secondary containment or not, all injuries to personnel, all activations of the alarm system, any non-compliance with this Permit, etc.).

1.9. PERMIT COMPLIANCE SCHEDULES

Refer to specific sections of this Permit for any compliance schedules established by the Director.

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2. **SUMMARY**

The Permittee is required to operate the facility consistent with the accepted practices detailed in this and other sections of this Permit and the corresponding Permit Application in order to minimize the possibility of releases to the environment or harm to either employees or the public at large.

2.1. **DESIGN AND OPERATION OF FACILITY**

The Permittee shall construct, maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by 40 CFR 264.31 and in accordance with the management practices and procedures specified in the permit application.

2.2. **REQUIRED NOTICES**

2.2.1. Hazardous Waste from Off-Site Sources

When the Permittee is to receive hazardous waste from an off-site source (except where the Permittee is also the generator), the Permittee must inform the generator in writing that they have the appropriate Permit(s) for, and will accept, the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the operating record. [40 CFR 264.12(b)]

2.3. **GENERAL WASTE ANALYSIS**

The Permittee shall comply with the waste analysis requirements of 40 CFR 264.13 and follow the Waste Analysis Plan procedures of Permit Application Section 2.2, Appendix 2-A and the conditions listed below:

- 2.3.1. The Permittee shall verify the analysis of each waste stream annually as part of its quality assurance program, in accordance with Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, EPA Publication SW-846 or an equivalent method, as specified in the Waste Analysis Plan and approved by the Director. At a minimum, the Permittee shall maintain proper functional instruments, use approved sampling and analytical methods, verify the validity of sampling and analytical procedures, and perform correct calculations. If the Permittee uses a contract laboratory to perform analyses, then the Permittee shall inform the laboratory in writing that it must use analytical methods and operate under the waste analysis conditions set forth in this Permit.

2.4. **SECURITY**

The Permittee shall comply with the security provisions of 40 CFR 264.14 and the Security Plan in Permit Application Section 3 (Security Plan).

2.5. **GENERAL INSPECTION REQUIREMENTS**

The Permittee shall comply with the Inspection Plan requirements of 40 CFR 264.15 and follow the Inspection Plan procedures in the Permit Application Section 4 (Inspection Plan) and Appendices 4-A and 4-B. The Permittee shall remedy any deterioration or malfunction discovered

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by an inspection, as required by 40 CFR 264.15(c). Records of all inspections shall be kept, as required by 40 CFR 264.15(d).

2.6. **PERSONNEL TRAINING**

The Permittee shall conduct personnel training, as required by 40 CFR 264.16. This training program shall follow the Personnel Training Program procedures in Permit Application Section 12 (Personnel Training Plan) and Appendix 12-A, and maintain training documents and records, as required by 40 CFR 264.16(d) and (e).

2.6.1. Training Program

2.6.1.1. Facility Personnel

Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Permit. The Permittee must ensure that this program includes all the elements described in the document required under 40 CFR 264.16(d)(3).

[40 CFR 264.16(a)(1)]

2.6.1.2. Instructor Qualifications

The training program must be directed by a person trained in hazardous waste management procedures.

[40 CFR 264.16(a)(2)]

2.6.1.3. Training Content

The training program must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

[40 CFR 264.16(a)(2)]

2.6.1.4. Emergency Response

2.6.1.4.1. At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable:

[40 CFR 264.16(a)(3)]

1. Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
2. Key parameters for automatic waste feed cut-off systems;
3. Communications or alarm systems;
4. Response to fires or explosions;
5. Response to groundwater contamination incidents; and
6. Shutdown of operations.

2.6.1.4.2. For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this Permit Section, provided that the overall facility training meets all the

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requirements of this permit.

[40 CFR 264.16(a)(4)]

2.6.2. Training Schedule

Facility personnel must successfully complete the program required in Permit Condition 2.6.1 within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Newly hired employees must not work in unsupervised positions until they have successfully completed the training requirements in Permit Conditions 2.6.1.1 through 2.6.1.4, above.

[40 CFR 264.16(b)]

2.6.3. Annual Review

Facility personnel must take part in an annual review of the initial training required in Permit Condition 2.6.1, above.

[40 CFR 264.16(c)]

2.6.4. Documentation

The Permittee must maintain the following documents and records at the facility:

[40 CFR 264.16(d)]

1. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
2. A written job description for each position listed under (1), above. This description may be consistent in its degree of specificity with descriptions of other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;
3. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under (1), above; and
4. Records that document that the training or job experience required under Permit Conditions 2.6.1, 2.6.2 and 2.6.3, above, has been given to, and completed by, facility personnel.

2.6.5. Recordkeeping

Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

[40 CFR 264.16(e)]

2.7. **SPECIAL PROVISIONS**

2.7.1. Special Provisions for Ignitable, Reactive, or Incompatible Waste

The Permittee shall comply with the requirements of 40 CFR 264.17 and follow the procedures for handling ignitable, reactive, and incompatible wastes set forth in Permit Application Section 2.9 (Screening for Ignitable, Reactive, or Incompatible Wastes) and Appendices 2-A, 2-B and 2-E.

2.7.2. Special Provisions for State-Hazardous Waste

- 2.7.2.1. The Permittee shall manage all waste that is designated as hazardous waste in the state of its origin (e.g., California) [see NAC 444.843.2(c)] as hazardous waste. This shall be done in

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accordance with the terms of this permit, upon acceptance, when brought to the facility and during storage and/or treatment while at the facility.

- 2.7.2.2. Waste originally designated as hazardous waste in its state of origin shall be manifested as hazardous waste when shipped offsite from the permitted facility.

2.8. RESTRICTED WASTES

The Permittee is not authorized to receive, treat, or store, the following:

1. Waste that is not identified in:
 - (a) Permit Section 3.3;
 - (b) Permit Section 4.1;
 - (c) Permit Section 5.1; or
 - (d) Permit Section 6.2;

2.9. PREPAREDNESS AND PREVENTION

2.9.1. Required Equipment

At a minimum, the Permittee shall maintain at the facility the equipment as required by 40 CFR 264.32 and as set forth in the Contingency Plan (Permit Application Section 6 and Appendix 6-A).

2.9.2. Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Condition 2.9.1, as necessary, to assure its proper operation in time of emergency (see Inspection Frequencies in Table 4.0-1 of the Permit Application), as required by 40 CFR 264.33.

2.9.3. Access to Communications or Alarm System

- 2.9.3.1. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. *[40 CFR 264.34(a)]*
- 2.9.3.2. If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio; capable of summoning external emergency assistance. *[40 CFR 264.34(b)]*

2.9.4. Required Aisle Space

The Permittee shall maintain a minimum of three (3) feet of aisle space between container rows, to facilitate inspections and the movement of emergency equipment and personnel. The Permittee shall also maintain a minimum of three (3) feet of clearance between the walls and obstructions, such as storage racks and mechanical equipment, to personnel movement, as stated in Section 5.6 of the Permit Application. *[40 CFR 264.35]*

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2.9.5. Arrangements with Local Authorities

The Permittee shall maintain, as required by 40 CFR 264.37, the arrangements with State and local authorities described in in Permit Application Section 5.2.1 (Arrangements with Local Authorities)ⁱ. If any State or local officials refuse to enter into such arrangements, the Permittee must document this refusal in the Operating Record. *[40 CFR 264.37]*

2.10. **CONTINGENCY PLAN**

The Permittee must have a Contingency Plan for the facility which is designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste. *[40 CFR 264.51(a)]*

2.10.1. Implementation of Plan

The Permittee shall immediately carry out the provisions of the RCRA Contingency Plan, Permit Application Appendix 6-A, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. *[40 CFR 264.51(b)]*

2.10.2. Copies of Plan

[40 CFR 264.53]

A copy of the Contingency Plan and all revisions to the plan must be:

1. Maintained at the facility; and
2. Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

2.10.3. Amendments to Plan

[40 CFR 264.54]

The Contingency Plan must be reviewed and immediately amended, if necessary, whenever:

1. The facility Permit is revised;
2. The plan fails in an emergency;
3. The facility changes – in its design, construction, operation, maintenance, or other circumstances – in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
4. The response necessary in an emergency changes;
5. The list of emergency coordinators changes; or
6. The list of emergency equipment changes.

2.10.4. Emergency Coordinator

A qualified emergency coordinator shall be available at all times in case of an emergency, as required by 40 CFR 264.55. *[40 CFR 264.55]*

2.10.4.1. The Emergency Coordinator shall comply with the emergency procedures described in 40 CFR 264.56. *[40 CFR 264.56]*

ⁱ Section 5.2.1 of the Permit Application states that PMR “will make” arrangements with local authorities. These arrangements must be met prior to beginning operations at the facility.

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2.11. **MANIFEST SYSTEM**

The Permittee shall comply with the manifest requirements of 40 CFR 264.71, 264.72, 264.76 and NAC 444.8666(1)ⁱⁱ, and follow the procedures in Permit Application Section 9 (Manifest System, Recordkeeping, and Reporting), consistent with: *[40 CFR 264.71 and 264.72]*

1. Signing and dating each copy of the manifest to certify that the hazardous waste covered by the manifest was receivedⁱⁱⁱ;
2. Noting any significant discrepancies in the manifest, as defined below, on each copy of the manifest:
 - a. Waste Types - Manifest discrepancies between the type of hazardous waste designated on the manifest or shipping paper, and the type of hazardous waste the facility actually receives, or obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper; or
 - b. Waste Quantities - For bulk waste, variations greater than 10 percent in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload.
3. Immediately giving the transporter at least one copy of the signed manifest;
4. Within 30 days after the delivery, sending a copy of the manifest to the generator;
5. Retaining at the facility a copy of each manifest for at least three years from the date of delivery; and
6. Complying with the manifest discrepancies requirements of 40 CFR 264.72 by reconciling the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the Permittee must immediately submit to the Director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper.

2.12. **RECORDKEEPING AND REPORTING**

In addition to recordkeeping, reporting and fee requirements specified elsewhere in this Permit, the Permittee shall do the following:

2.12.1. Operating Record

- 2.12.1.1. The Permittee shall maintain a written operating record at the facility in accordance with the Permit Application Section 9.3 (Operating Record) and as required by 40 CFR 264.73. *[40 CFR 264.73]*
- 2.12.1.2. The Permittee shall maintain at the facility copies of waste minimization documents required in Permit Section 8 and shall make them available to any authorized representative of the Division or USEPA conducting an inspection. *[40 CFR 264.74]*

ⁱⁱ Compliance with EPA's new Hazardous Waste Electronic Manifest (e-Manifest) System and User Fee Final Rule [\[https://www.gpo.gov/fdsys/pkg/FR-2018-01-03/pdf/2017-27788.pdf\]](https://www.gpo.gov/fdsys/pkg/FR-2018-01-03/pdf/2017-27788.pdf) is required.

ⁱⁱⁱ *[Comment: The Division does not intend that the Permittee (who performs procedures under 40 CFR 264.13(c)) perform that analysis before signing the manifest and returning it to the transporter. 40 CFR 264.72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.]*

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2.12.2. Quarterly Volume Reports and Fees

The Permittee shall submit to the Director a detailed volume fee breakdown report along with the quarterly volume fees due and the e-payment receipt within 30 days after the end of each calendar quarter. *[NAC 444.8452]*

2.12.3. Annual Operating Fee

The Permittee shall pay to the Division the annual operating fee on or before March 1 of each year. *[NAC 444.845]*

2.12.4. Annual Report

In addition to complying with the biennial reporting requirements of 40 CFR 264.75, the Permittee shall prepare and submit an Annual Report to the Director by March 1 of each year with the following information:

1. The facility's EPA identification number, name, and address;
2. The calendar year covered by the report;
3. For each waste stream received by the Permittee during the previous calendar year:
 - a. The EPA identification number of each generator from which a waste stream was received;
 - b. A description and quantity (in tons and cubic feet); and
 - c. The methods of treatment, storage, or disposition for each waste stream received, as well as, generated;
4. The most recent closure estimate (including a summary of cost for each unit);
5. A description of the waste minimization efforts undertaken during the previous year to reduce the volume and toxicity of wastes generated by the Permittee, including a description of the changes in volume and toxicity of waste actually achieved during the year, in comparison to previous years;
6. Unusual Occurrence Report – Incidents for the facility during the previous year; and
7. A certification statement signed by the facility manager or an authorized representative.

2.12.5. Biennial Report

The Permittee shall comply with the reporting requirements of 40 CFR 264.75 by submitting a report to the Division by March 1st of each even numbered year for the previous operating year.

2.13. **GENERAL CLOSURE REQUIREMENTS**

2.13.1. Performance Standard

The Permittee shall close the facility, as required by 40 CFR 264.111 and in accordance with the approved Closure Plan in Appendix 13-A (Closure Plan) of the Permit Application.

2.13.2. Amendment to Closure Plan

The Permittee shall submit a written request for a permit modification, as described in 40 CFR 264.112(c), for any changes in the approved closure plan. *[40 CFR 264.112(c)]*

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2.13.3. Notification of Closure

The Permittee shall notify the Director in writing at least 60 days prior to the date on which the facility expects to begin partial or final closure of the facility, and must fulfill the requirements of 40 CFR 264.112(d).

2.13.4. Time Allowed for Closure

After receiving the final volume of hazardous waste in any or all of the regulated units, the Permittee shall treat and remove from the unit or facility all hazardous wastes and shall complete closure activities, in accordance with 40 CFR 264.113 and the schedules specified in Permit Application Section 13 (Closure and Post-Closure), Table 13.7-1, as determined by the Director.

2.13.5. Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate or ship offsite all contaminated equipment, structures, and soils, as required by 40 CFR 264.114 and the approved Closure Plan.

2.13.6. Certification of Closure

The Permittee shall certify that a portion or all of the facility has been closed in accordance with the specifications in the approved Closure Plan (Appendix 13-A in Permit Application) and as required by 40 CFR 264.115.

2.14. **FINANCIAL REQUIREMENTS FOR FACILITY CLOSURE**

The Permittee shall comply with the conditions in Permit Section 14 for financial assurance requirements and cost estimates.

2.15. **LIABILITY REQUIREMENTS**

The Permittee shall demonstrate continuous compliance with the requirements of 40 CFR 264.147(a) and (b), and with Permit Section 14.

2.16. **INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS**

The Permittee shall comply with 40 CFR 264.148, whenever necessary.

2.17. **COMPLIANCE SCHEDULE**

Task		Date Due
1	The Permittee shall obtain all other required Permits/Approvals and submit an updated Hazardous Waste Permit Part A Form (8700-23) which identifies the respective Permit Numbers in Section 4 of the form.	Prior to commencing operations.
2	<i>Reserved</i>	

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3. SUMMARY

The Permittee is allowed to store waste in containers subject to the terms and conditions of this Permit, as described in this Section. Containers of hazardous waste are managed in the permitted container storage areas noted in Section 22 (Containers and Containment) of the Permit Application. Containerized wastes, both liquids and solids, are accepted and stored while awaiting treatment and/or shipment off-site to other permitted facilities. No treatment of waste in containers is permitted. The storage areas and specific management requirements of each area are specified below, and in the respective sections of the Permit Application.

3.1. CONTAINER STORAGE

The container storage areas are identified in Section 22 (Containers and Containment) of the Permit Application and summarized in Table 3.3, below. The actual locations of these container storage areas can be seen in Appendix 1-A (Drawings), Drawing H340940-0000-50-042-0001, of the Permit Application. The maximum amount and type of wastes that may be handled are discussed below, in Permit Condition 3.3.

3.2. CONTAINER-SPECIFIC INFORMATION TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the facility the following container-specific documents and information, including all amendments, revisions and modifications to these documents and information. These documents shall be maintained until closure is completed for all container storage areas, and certified by a qualified Professional Engineer. *[40 CFR 270.15]*

3.2.1. A description of the containment systems showing the following:

1. Basic design parameters, dimensions, and materials of construction;
2. How the design promotes drainage, or how containers are kept from contact with standing liquids in the containment system;
3. Capacity of the containment system, relative to the number and volume of containers to be stored;
4. Provisions for preventing or managing run-on; and
5. How accumulated liquids can be analyzed and removed to prevent overflow.

3.2.2. For container storage areas holding wastes that do not contain free liquids, the Permittee shall maintain the following documentation onsite:

1. Test procedures and results, or other documentation or information, to show that the wastes do not contain free liquids;
2. A description of how the storage area is designed or operated to drain and remove liquids, or how containers are kept from contact with standing liquids;

3.3 PERMITTED AND PROHIBITED WASTE IDENTIFICATION

3.3.1 The Permittee shall only accept for container storage those hazardous wastes identified in Part A of the Permit Application, and as detailed in Permit Application Section 22 (Containers and

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Containment). Container storage at the facility is subject to the terms and limitations of this Permit.
[See also NAC 444.843 and 444.9453]

3.3.2 The Permittee is prohibited from treating waste in containers. Treatment is defined as “...any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume”. (Note: Treatment does not include the addition of absorbent for incidental liquid spills.) *[40 CFR 260.10]*

3.3.3 The Permittee may store hazardous waste in the container storage areas as listed in Table 3.3, below, and in accordance with Section 22 of the Permit Application.

Table 3.3

Container Storage (CS) Area	Container Management Unit Name	Maximum Volume [Gallons]	Maximum Number and Type of Containers
1-A	Elemental Mercury Storage	19,456	1,024 19 gallon pgs
1-B	Calomel Storage	4,180	76 55-gallon drums
1-C	Spent Activated Carbon Storage	3,330	60 55-gallon drums
1-D	Other Waste Storage	550	10 55-gallon drums
Total Storage Capacity		~28,000	

3.3.4 The Permittee may store hazardous waste for up to one (1) year in Container Storage Areas 1-B through 1-D, as listed in Table 3.3, above. Elemental mercury (CS Area #1-A) may be stored until a Federal National Repository begins to start accepting elemental mercury. *[40 CFR 264.50]*

3.3.5 Aisle space shall be maintained as noted in the Permit Application Section 5.6 (Required Aisle Space) and Permit Condition 2.9.4. *[40 CFR 264.35]*

3.3.6 The Permittee shall perform a Paint Filter Test (EPA method 9095 in SW 846) on all hazardous waste to be placed in CS Areas 1-C or 1-D for which the absence of free liquids cannot be determined by visual inspection.

3.3.7 The Permittee shall not store or place any hazardous waste (whether accepted from offsite or generated onsite) which contains free liquids, as determined by the Paint Filter Test (EPA method 9095 in SW 846) in an area that does not meet the requirements of 40 CFR 264.175(b).

3.3.8 Any container of liquid hazardous waste shall be stored completely within the secondary containment area or within the secondary containment pallet, where permitted. *[40 CFR 264.175(c)]*

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3.4 CONDITION OF CONTAINERS

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. *[40 CFR 264.171]*

3.5 COMPATIBILITY OF WASTE WITH CONTAINERS

The Permittee shall use a container made of, or lined with, materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored. The hazardous waste will be stored so that the ability of the container to contain the waste is not impaired, in accordance with Section 22.3.4 (Waste and Container Compatibility) of the Permit Application. *[40 CFR 264.172]*

3.6 MANAGEMENT OF CONTAINERS

The Permittee shall keep all containers closed during storage or staging, except when it is necessary to visually inspect, add or remove waste; and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak. The Permittee shall follow the container management practices described in Permit Application Section 22.3 (Management of Containers). *[40 CFR 264.173]*

3.7 INSPECTION SCHEDULES AND PROCEDURES

The Permittee shall inspect all container areas in accordance with the Inspection Schedule described in Permit Application Section 4 (Inspection Plan), to detect leaking containers, improperly labeled containers, deterioration of containers and/or the containment system caused by corrosion and other factors. *[40 CFR 264.174]*

3.8 CONTAINMENT SYSTEMS

The Permittee shall construct and maintain the secondary containment systems for the Container Storage Areas, as required by 40 CFR 264.175 and as detailed in Permit Application Sections 22.5 through 22.8.

3.9 RECORDKEEPING

3.9.1 The Permittee shall place the results of all waste analyses, trial tests and inspections in the operating record. *[40 CFR 264.73]*

3.9.2 The Permittee must document compliance with 40 CFR 264.17(a) and (b) and 264.177 in the facility operating record, as required by Permit Condition 2.12.1. *[40 CFR 264.17(c)]*

3.10 SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE

3.10.1 The Permittee shall not locate containers holding ignitable or reactive waste within 50 feet (15 meters) of the facility's property line as required by 40 CFR 264.176.

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3.10.2 The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste as required by 40 CFR 264.17 and 264.176, and follow the procedures specified in Permit Application Section 22.11.1 (Ignitable or Reactive Wastes).

3.11 SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE

3.11.1 The Permittee shall not place incompatible wastes or incompatible wastes and materials in the same container unless 40 CFR 264.17(b) is complied with. *[40 CFR 264.177(a)]*

3.11.2 The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material. *[40 CFR 264.177(b)]*

3.11.3 The Permittee shall completely segregate and separate stored containers of incompatible wastes or materials with a berm, fire wall or other acceptable means, and ensure separate secondary containment by following the procedures specified in Permit Application Section 22.11.2 (Incompatible Wastes). *[40 CFR 264.177(c)]*

3.12 CONTAINER LABELING REQUIREMENTS

3.12.1 The Permittee must clearly label all containers of hazardous waste placed into storage with the date the waste is accepted by the facility, as described in Permit Application Section 22.3.2 (Labeling Containers).

3.12.2 The Permittee must clearly label all containers of hazardous waste with: the words “Hazardous Waste”; the date the waste was placed into storage; the 40 CFR 261 EPA hazardous waste number assigned to the waste; and any State hazardous waste codes for the state in which it was generated. *[40 CFR 262.30-262.32 and NAC 444.8671]*

3.12.3 All container hazardous waste labels must be legible and visible for inspection.

3.13 CLOSURE

Upon closure of any of the container storage areas, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment system or area, as required by 40 CFR 264.178 and in accordance with the closure procedures in the approved Closure Plan (Permit Application Section 13 and Appendix 13-A). *[40 CFR 264.178]*

3.14 COMPLIANCE SCHEDULE

Task		Date Due
1	<i>Reserved</i>	

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4. **SUMMARY**

The Permittee may store hazardous waste in tanks as described in this section. The tank storage portion of the facility includes two (2) aboveground waste solution storage tanks. These storage tanks will be located in the northwest portion of the Process Area and used for storage of treated waste solution prior to shipment off-site for further treatment and/or disposal. The maximum amount and type of wastes that may be managed in each tank are discussed in Permit Condition 4.1. The tanks will be constructed of fiberglass reinforced plastic (FRP) with high-level alarms and shutoff controllers. Details of the waste solution storage tanks are provided in Permit Application Section 23. No organic waste (hence no Volatile Organic Compounds) will be handled at the facility, so the storage tanks are not subject to 40 CFR 264 Subparts BB and CC regulations.

4.1 **PERMITTED AND PROHIBITED WASTE IDENTIFICATION**

- 4.1.1 The Permittee may store in Tanks ST-1 and ST-2 any hazardous waste identified in Part A of the Permit Application, subject to the terms of this Permit.
- 4.1.2 The Permittee is prohibited from storing in Tanks any hazardous waste not identified in Permit Condition 4.1.1.
- 4.1.3 The Permittee may store a total volume of 7,200 gallons of hazardous waste in the tanks listed below, subject to the terms of this Permit, and as follows:

Table 4.1 – Storage Tanks

Tank ID Number	Waste Type	Secondary Containment Required	Permitted Volume [Gallons]
ST-1 (1540 TK-012)	Treated Waste Solution D002, D004, D005, D006, D007, D008, D009, D010 & D011	Yes	3,600
ST-2 (1540-TK-035)	Treated Waste Solution D002, D004, D005, D006, D007, D008, D009, D010 & D011	Yes	3,600
Total Volume =			7,200

- 4.1.4 The Permittee may store hazardous waste for up to one (1) year in any of the storage tanks listed in Table 4.1. *[40 CFR 268.50(b)]*

4.2 **SECONDARY CONTAINMENT AND INTEGRITY ASSESSMENTS**

- 4.2.1 The Permittee shall ensure that all ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction. *[40 CFR 264.192(e)]*

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4.2.2 The Permittee shall design, construct, and operate the secondary containment system(s), in accordance with the detailed design plans and descriptions contained in Permit Application Section 23 (Treatment and Storage Tanks). *[40 CFR 264.193(a)-(f)]*

4.2.3 The Permittee shall submit the integrity assessments required under 40 CFR 264.192 to the Director prior to operation of any new tank system.

4.3 OPERATING REQUIREMENTS

4.3.1 The Permittee shall not place hazardous wastes or treatment reagents in the tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail. *[40 CFR 264.194(a)]*

4.3.2 The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in Permit Application Section 23.6.1 (Overfill Prevention). *[40 CFR 264.194(b)]*

4.4 INSPECTION SCHEDULES AND PROCEDURES

4.4.1 The Permittee shall inspect the tank systems, as required in 40 CFR 264.195 and in accordance with Sections 4 (Inspection Plan) and 23.7 (Inspections) of the Permit Application, and complete the items in Permit Conditions 4.4.2 and 4.4.3 as part of those inspections.

4.4.2 The Permittee shall inspect the overfill controls in accordance with the schedule in Table 4.0-1 and Appendices 4-A and 4-B of the Permit Application. *[40 CFR 264.195(a)]*

4.4.3 The Permittee shall inspect the following components of the tank system at least once each operating day: *[40 CFR 264.195(b), (c) and (f)]*

1. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges) to ensure that the tank system is being operated according to its design;
2. Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
3. Construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation); and
4. Ancillary equipment that is not provided with secondary containment, as described in 40 CFR 264.193(f)(1) through (4) to detect corrosion or releases of waste.

4.4.4 The Permittee shall document compliance with Permit Conditions 4.4.1 through 4.4.3 and place this documentation in the operating record for the facility. *[40 CFR 264.195(h)]*

4.5 RESPONSE TO LEAKS OR SPILLS

4.5.1 In the event of a leak or a spill from the tank system or a secondary containment system, or if any portion of the system becomes unfit for continued use, the Permittee shall comply with Permit Application Section 23.8 (Response to Leaks or Spills and Disposition of Leaking or Unfit-for-

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Use Tank Systems), remove the system from service immediately, and complete the following actions: *[40 CFR 264.196]*

1. Immediately stop the flow of hazardous waste into the tank or secondary containment system and inspect the system to determine the cause of the release. *[40 CFR 264.196(a)]*
2. If the release is from the tank system, the Permittee must, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed. If the Permittee finds that it is not possible to meet this time period, then the Permittee shall notify the Director and demonstrate that a longer period is required. *[40 CFR 264.196(b)]*

If the release is to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

3. Immediately contain releases to the environment, conduct a visual inspection of the release, and, based on that inspection, the Permittee shall: *[40 CFR 264.196(c)]*
 - (a) Prevent further migration of the leak or spill to soils or surface water; and
 - (b) Remove and properly dispose of any visible contamination of the soil or surface water.
4. If the collected material is a RCRA hazardous waste, the waste shall be managed in accordance with all applicable requirements of 40 CFR Parts 262-264. If the collected material is released to the environment, it may be subject to reporting, under 40 CFR Part 302.
5. Unless the Permittee satisfies the requirements of Permit Conditions 4.5.1.5(a) and 4.5.1.5(b), below, the tank system must be closed in accordance with Permit Condition 4.9. *[40 CFR 264.196(e)(1)]*
 - (a) For a release caused by a spill that has not damaged the integrity of the system, the Permittee may return the system to service as soon as the released waste is removed and repairs, if necessary, are made. *[40 CFR 264.196(e)(2)]*
 - (b) For a release caused by a leak from the primary tank system into the secondary containment system, the Permittee shall repair the system prior to returning the tank system to service. *[40 CFR 264.196(e)(3)]*
 - (1) If a component of the tank system is replaced to eliminate the leak, the new component must satisfy the requirements for new tank systems or components in 40 CFR 264.192 and 264.193.

- 4.5.2 For all major repairs of a tank system, the Permittee must obtain a certification by a qualified Professional Engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This must be obtained before the system is returned to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank, or repair or replacement of a secondary containment system. The certification must be placed in the operating records, maintained until closure of the facility, and a copy submitted to the Director. *[40 CFR 264.196(f)]*

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4.6 RECORDKEEPING AND REPORTING

- 4.6.1 The Permittee shall report to the Director, within 24 hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment. (A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported.) If the Permittee has reported the release pursuant to 40 CFR Part 302, that report satisfies the requirements of this Permit Condition. *[40 CFR 264.196(d)(1) and (2)]*
- 4.6.2 Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Director: *[40 CFR 264.196(d)(3)]*
1. Likely route of migration of the release;
 2. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
 3. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee should provide the Director with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
 4. Proximity of down-gradient drinking water, surface water, and populated areas; and
 5. Description of response actions taken or planned.
- 4.6.3 The Permittee shall submit to the Director all certifications of major repairs to correct leaks within seven days from returning the tank system to use. *[40 CFR 264.196(f)]*
- 4.6.4 The Permittee shall maintain at the facility a record of the results of leak tests and integrity tests conducted in accordance with 40 CFR 264.192(a) and (d).
- 4.6.5 The Permittee shall obtain and keep on file at the facility the written statements by those persons (e.g. qualified Professional Engineer) required to certify the design and installation of the tank system. *[40 CFR 264.192(g)]*

4.7 SPECIAL TANK PROVISIONS FOR IGNITABLE OR REACTIVE WASTES

- 4.7.1 The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system, unless the procedures specified in Permit Application Section 23.10 (Special Requirements for Ignitable or Reactive Waste) are followed. *[40 CFR 264.198(a)]*
- 4.7.2 The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981). *[40 CFR 264.198(b)]*

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4.8 SPECIAL TANK PROVISIONS FOR INCOMPATIBLE WASTES

- 4.8.1 The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same tank system or the same secondary containment system, unless the procedures specified in Permit Application Section 23.11 (Special Requirements for Incompatible Materials) are followed and 40 CFR 264.17(b) is complied with. *[40 CFR 264.199(a)]*
- 4.8.2 The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material. *[40 CFR 264.199(b)]*

4.9 CLOSURE

- 4.9.1 At closure of the tank system(s), the Permittee shall follow the procedures in the Closure Plan, Permit Application Section 13 and Appendix 13-A, for the tanks identified in Table 4.1, above. *[40 CFR 264.197(a)]*
- 4.9.2 If the Permittee demonstrates that not all contaminated portions of the tank system, residuals, soil and/or groundwater can be practicably removed or decontaminated in accordance with the Closure Plan, then the Permittee shall close the tank system(s) and perform post-closure care in accordance with 40 CFR 264.197(b).

4.10 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	Permittee shall conduct Tank Integrity Assessments on Tanks ST-1 and ST-2 and submit the Certification by a Nevada registered Professional Engineer to the Director.	Prior to commencing tank operation.
2	<i>Reserved</i>	

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5. SUMMARY

The amount and type of wastes that may be treated in tanks are discussed in this permit section. The containment systems employed for the treatment tanks are discussed in detail in Permit Application Section 23.2. There are four (4) treatment tanks for the treatment of calomel (mercury chloride mineral) wastes using a caustic leach process (see Table 5.1). The maximum amount and type of wastes that may be treated are discussed in Permit Condition 5.1. The Tank layout can be seen in Drawing Number H340940-000050-042-0002 in Appendix 1-A (Drawings) of the Permit Application. No organic waste (hence no Volatile Organic Compounds) will be handled at the facility, so the treatment tanks are not subject to 40 CFR 264 Subparts BB and CC regulations.

5.1 PERMITTED AND PROHIBITED WASTE IDENTIFICATION

- 5.1.1 The Permittee may treat in tanks any hazardous waste identified in Part A of the Permit Application in the stabilization tanks listed in Table 5.1 within the parameters outlined in Permit Application Section 23 (Treatment and Storage Tanks).
- 5.1.2 The Permittee is prohibited from treating in tanks any hazardous waste not identified in Permit Condition 5.1.1.
- 5.1.3 The Permittee may treat a total volume of 1,500 gallons of hazardous waste per day, with no more than 400 gallons per day each in Treatment Tanks TT-1 through TT-3 and 300 gallons per day in TT-4, subject to the terms of this Permit, and as follows:

Table 5.1 – Treatment Tanks

Tank ID Number	Description	Waste Code	Secondary Containment Required	Capacity [Gallons]	Permitted Throughput [Gallons/Day] ⁱ
TT-1 (1420-TK-033)	Decomposition Tank	D002, D004, D005, D006, D007, D008, D009, D010 & D011	Yes	400	400
TT-2 (1420-TK-37)	Waste Solution Treatment Tank	D002, D004, D005, D006, D007, D008, D009, D010 & D011	Yes	400	400
TT-3 (1440-TK-114)	Waste Solution Collection Tank	D002, D004, D005, D006, D007, D008, D009, D010 & D011	Yes	400	400
TT-4 (1440-TK-116)	Waste Solution Settling Tank	D002, D004, D005, D006, D007, D008, D009, D010 & D011	Yes	300	300
Total =					1,500

ⁱ Caustic leach treatment is a batch process which may process more than one batch in a 24-hour period.

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5.2 SECONDARY CONTAINMENT AND INTEGRITY ASSESSMENTS

- 5.2.1 The Permittee shall ensure that all ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction.
[40 CFR 264.192(e)]
- 5.2.2 The permittee shall design, construct, and operate the secondary containment system(s), in accordance with the detailed descriptions contained in Permit Application Section 23 (Treatment and Storage tanks) and Drawing Number H340940-0000-50-015-0008. *[40 CFR 264.193(a)-(f)]*
- 5.2.3 The Permittee shall submit the integrity assessment required under 40 CFR 264.192 to the Director prior to operation of any new tank system and whenever the tanks are re-evaluated.

5.3 OPERATING REQUIREMENTS

- 5.3.1 The Permittee shall not place hazardous wastes or treatment reagents in the tank or tank system if they could cause the tank, its ancillary equipment, or a containment system to rupture, leak, corrode, or otherwise fail.
[40 CFR 264.194(a)]
- 5.3.2 The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in Permit Application Section 23.6.1.
[40 CFR 264.194(b)]

5.4 INSPECTION SCHEDULES AND PROCEDURES

- 5.4.1 The Permittee shall inspect the tank systems, as required in 40 CFR 264.195 and in accordance with the Inspection Plan in Sections 4 (Inspection Plan) and 23.7 (Inspections) of the Permit Application, and complete the items in Permit Conditions 5.4.2 and 5.4.3 as part of those inspections.
- 5.4.2 The Permittee shall inspect the overfill controls, in accordance with the schedule in Table 4.0-1 and Appendices 4-A and 4-B of the Permit Application.
[40 CFR 264.195(a)]
- 5.4.3 The Permittee shall inspect the following components of the tank system at least once each operating day:
[40 CFR 264.195(b), (c) and (f)]
1. Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges) to ensure that the tank system is being operated according to its design;
 2. Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;
 3. Construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system, to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation); and
 4. Ancillary equipment that is not provided with secondary containment, as described in 40 CFR 264.193(f)(1) through (4).
- 5.4.4 The Permittee shall document compliance with Permit Conditions 5.4.1 through 5.4.3 and place this documentation in the operating record for the facility.
[40 CFR 264.195(h)]

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5.5 RESPONSE TO LEAKS OR SPILLS

5.5.1 In the event of a leak or a spill from the tank system, from a secondary containment system, or if any portion of the system becomes unfit for continued use, the Permittee shall comply with Permit Application Section 23.8 (Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems), remove the system from service immediately, and complete the following actions: *[40 CFR 264.196]*

1. Immediately stop the flow of hazardous waste into the tank or secondary containment system and inspect the system to determine the cause of the release. *[40 CFR 264.196(a)]*

2. If the release is from the tank system, the Permittee must, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed. If the Permittee finds that it will not be possible to meet this time period, the Permittee shall notify the Director and demonstrate that a longer period is required. *[40 CFR 264.196(b)]*

If the release is to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

3. Immediately conduct a visual inspection of the release and, based upon that inspection, the Permittee shall:

- (a) Prevent further migration of the leak or spill to soils or surface water; and
- (b) Remove and properly dispose of any visible contamination of the soil or surface water.

4. As the collected material is a RCRA hazardous waste, the waste shall be managed in accordance with all applicable requirements of 40 CFR Parts 262-264. If the collected material is released to the environment, it may be subject to reporting, under 40 CFR Part 302.

5. Unless the Permittee satisfies the requirements of Permit Conditions 5.5.1.5(a) and 5.5.1.5(b), below, the tank system must be closed in accordance with Permit Condition 5.9. *[40 CFR 264.196(e)(1)]*

- (a) For a release caused by a spill that has not damaged the integrity of the system, the Permittee may return the system to service as soon as the released waste is removed and repairs, if necessary, are made. *[40 CFR 264.196(e)(2)]*

- (b) For a release caused by a leak from the primary tank system into the secondary containment system, the Permittee shall repair the system prior to returning the tank system to service. *[40 CFR 264.196(e)(3)]*

- (1) If a component of the tank system is replaced to eliminate the leak, the new component must satisfy the requirements for new tank systems or components in 40 CFR 264.192 and 264.193.

5.5.2 For all major repairs of a tank system, the Permittee must obtain a certification by a qualified Professional Engineer that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This must be obtained before the system is returned to service. Examples of major repairs are: installation of an internal liner, repair of a ruptured tank,

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or repair or replacement of a secondary containment system. The certification must be placed in the operating records, maintained until closure of the facility; and a copy submitted to the Director.
[40 CFR 264.196(f)]

5.6 RECORDKEEPING AND REPORTING

- 5.6.1 The Permittee shall report to the Director, within 24 hours of detection, when a leak or spill occurs from the tank system or secondary containment system to the environment. (A leak or spill of one pound or less of hazardous waste, that is immediately contained and cleaned-up, need not be reported.) If the Permittee has reported the release pursuant to 40 CFR Part 302, that report satisfies the requirements of this Permit Condition. *[40 CFR 264.196(d)(1) and (2)]*
- 5.6.2 Within 30 days of detecting a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Director:
[40 CFR 264.196(d)(3)]
1. Likely route of migration of the release;
 2. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
 3. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee should provide the Director with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
 4. Proximity of down-gradient drinking water, surface water, and populated areas; and
 5. Description of response actions taken or planned.
- 5.6.3 The Permittee shall submit to the Director all certifications of major repairs to correct leaks within seven days from returning the tank system to use. *[40 CFR 264.196(f)]*
- 5.6.4 The Permittee shall maintain at the facility a record of the results of leak tests and integrity tests conducted in accordance with 40 CFR 264.192(a) and (d).
- 5.6.5 The Permittee shall obtain and keep on file at the facility the written statements by those persons (e.g. qualified Professional Engineer) required to certify the design and installation of the tank system. *[40 CFR 264.192(g)]*

5.7 SPECIAL TANK PROVISIONS FOR IGNITABLE OR REACTIVE WASTES

- 5.7.1 The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system, unless the procedures specified in Permit Application Section 23.10 (Special Requirements for Ignitable or Reactive Wastes) are followed. *[40 CFR 264.198(a)]*
- 5.7.2 The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection

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Association's "Flammable and Combustible Liquids Code" (1977 or 1981).

[40 CFR 264.198(b)]

5.8 SPECIAL TANK PROVISIONS FOR INCOMPATIBLE WASTES

5.8.1 The Permittee shall not place incompatible wastes, or incompatible wastes and materials, in the same tank system or the same secondary containment system, unless the procedures specified in Permit Application Section 23.11 (Special Requirements for Incompatible Materials) are followed and 40 CFR 264.17(b) is complied with. *[40 CFR 264.199(a)]*

5.8.2 The Permittee shall not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material. *[40 CFR 264.199(b)]*

5.9 CLOSURE AND POST-CLOSURE CARE

5.9.1 At closure of the tank system(s), the Permittee shall follow the procedures in the Closure Plan, Permit Application Section 13 and Appendix 13-A, for the tanks identified in Table 5.1, above. *[40 CFR 264.197(a)]*

5.9.2 If the Permittee demonstrates that not all contaminated portions of the tank system(s), residuals, soil and/or groundwater can be practicably removed or decontaminated in accordance with the Closure Plan, then the Permittee shall close the tank system(s) and perform post-closure care in accordance with 40 CFR 264.197(b).

5.10 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	Permittee shall conduct Tank Integrity Assessments on Tanks ST-1 and ST-2 and submit the Certification by a Nevada registered Professional Engineer to the Director.	Prior to commencing tank operation.
2	<i>Reserved</i>	

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6. **SUMMARY**

The Precious Metals Recovery (PMR) facility will operate two Subpart X (i.e. Miscellaneous) Units. The Subpart X Units are: (1) one Filter Press, (2) one Retort, and (3) one future Retort. These units will be located in the Process Area of the facility, as shown in Figures 1.2-3 and 1.2-4 in the Permit Application Section 1. The Filter Press will be used to separate solids from liquids and the Retort(s) will be used to separate elemental mercury from mercury-bearing materials.

These RCRA Miscellaneous Units are permitted under the Subpart X requirements of 40CFR 264 (40CFR 264.600 – 264.603) and may include additional requirements pursuant to 40CFR 270.32(b)(2), as described by the Division, for further protective measures for both human health and the environment.

6.1 **MISCELLANEOUS UNIT DESCRIPTION**

The Miscellaneous Units and their surrounding areas are not permitted for the storage of hazardous waste.

6.1.1 Filter Press

The Filter Press will be used to physically separate solids from liquids in process slurries. The unit consists of a shell with plates in a chamber. The unit is constructed of epoxy coated steel. A high density polypropylene filter cloth will be used to filter solids from the waste solution. The Filter Press is a mechanical processing unit not meeting the definition of a tank (40 CFR 260.10). A detailed description of the Filter Press and may be found in Section 1.2.2 of the Permit Application. The Permittee shall operate the Filter Press as described in Permit Application Section 30.2 (Filter Press).

6.1.2 Retort(s)

The Retort will be the primary treatment unit to reclaim elemental mercury from mercury-bearing materials accepted for treatment at the facility and for mercury-bearing wastes generated by the facility. The Retort does not meet the definition of an incinerator, boiler or industrial furnace (40 CFR 260.10) because it is an electric thermal treatment unit with no flame. Mercury-bearing materials are heated in the retort and elemental mercury is recovered (with a purity content of 99.5% or greater) as it vaporizes and separates from the feed, rather than being destroyed. The Permittee shall operate the retort as described in Permit Application Section 30.1 (Retort).

6.2 **PERMITTED AND PROHIBITED WASTE IDENTIFICATION AND PERMITTED CAPACITY – TREATMENT**

The Permittee may only treat at the Filter Press and Retort those waste identified in Table 6.2, below, in the quantities listed.

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Table 6.2 – Subpart X Unit

Description	Miscellaneous Code & Process	Permitted Throughput [Gallons/Day]	Permitted EPA Waste Codes
Filter Press (1420-FL-036)	X02 Mechanical Processing	400	D002, D004, D005, D006, D007, D008, D009, D010 & D011
Retort (1410-MR-003)	X03 Thermal Unit	110 ⁱ	D002, D004, D005, D006, D007, D008, D009, D010 & D011
Retort (Future Unit)	X03 Thermal Unit	110	D002, D004, D005, D006, D007, D008, D009, D010 & D011

- 6.2.1 The Permittee may only treat at the Filter Press and Retort(s) the hazardous waste identified in Table 6.2 within the parameters outlined in Permit Application Sections 30.2 and 30.1, respectively.
- 6.2.2 The Permittee is prohibited from treating in the Filter Press and Retort(s) any hazardous waste not identified in Table 6.2, above.
- 6.2.3 The Permittee may dewater up to 400 gallons of waste solution per day in the Filter press and process up to 110 gallons of mercury-bearing waste per day in each Retort, subject to the terms of this Permit.

6.3 SECONDARY CONTAINMENT

- 6.3.1 The Permittee shall ensure that all ancillary equipment is supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction.
[40 CFR 264.192(e)]
- 6.3.2 The Permittee shall maintain and operate the secondary containment system(s), in accordance with the detailed descriptions contained in Permit Application Section 30 (Miscellaneous Treatment).
[40 CFR 264.193(a)-(f)]
- 6.3.3 The Permittee shall maintain and operate the containment as follows:
1. Keep it free of cracks or gaps and impervious to contain leaks and spills until the collected material is detected and removed;
 2. Prevent stormwater run-on into the containment system; and
 3. Remove spilled waste within 24 hours or in as timely a manner as is possible to prevent overflow of the containment.
- 6.3.4 The Permittee shall submit the integrity assessments required under 40 CFR 264.192 to the Director prior to operation of the Miscellaneous Units.

ⁱ The Retort operation is a batch process (at 110 gallons per batch) which may process longer than 24 hours.

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6.4 OPERATING REQUIREMENTS

The Filter Press and Retort(s) shall be operated in accordance with the requirements of this Permit Section and the vendor operating and maintenance manual, as stated in Permit Application Section 30 (Miscellaneous Treatment).

- 6.4.1 The Permittee shall comply with the Environmental Performance Standard provisions of 40 CFR 264.601 by following the operating procedures and controls described in Section 30 (Miscellaneous Treatment) of the Permit Application.
- 6.4.2 The Permittee shall operate the Miscellaneous Units in accordance with the procedures provided in Section 30 (Miscellaneous Treatment) of the Permit Application.
- 6.4.3 The Permittee shall not place hazardous waste or treatment reagents in a Miscellaneous Unit that could cause the unit, its ancillary equipment, or its secondary containment to rupture, leak, corrode or otherwise fail. *[40 CFR 264.194(a)]*
- 6.4.4 The Permittee shall prevent spills and overflows from a Miscellaneous Unit, its ancillary equipment, or its containment using the methods described in Permit Application Section 30 (Miscellaneous Treatment). *[40 CFR 264.194(b)]*
- 6.4.5 The Permittee shall transfer waste between tanks, containers, or Miscellaneous Units in accord with Permit Application Section 23 (Treatment and Storage Tanks)

6.5 INSPECTION SCHEDULES AND PROCEDURES

- 6.5.1 The Permittee shall inspect the Filter Press and Retort(s), their ancillary equipment, and their secondary containment in accordance with the Inspection Schedule and Checklist described in Section 4 (Inspection Plan) and Appendices 4-A and 4-B of the Permit Application.
- 6.5.2 The Permittee shall inspect the Filter Press and Retort(s), their ancillary equipment, and their secondary containment daily for condition, proper equipment operation, and housekeeping.
- 6.5.3 The Permittee shall perform maintenance and testing on the Filter Press and Retort(s) in accordance with the vendor operating and maintenance manual, as stated in Section 30 (Miscellaneous Treatment).
- 6.5.4 The Permittee shall document compliance with Permit Conditions 6.5.1 through 6.5.3 and place this documentation in the operating record for the facility. *[40 CFR 264.195(h)]*

6.6 RESPONSE TO LEAKS OR SPILLS

- 6.6.1 In the event of a leak or a spill from a Miscellaneous Unit, its secondary containment system, its ancillary equipment, or if any portion of the system becomes unfit for continued use, the Permittee shall comply with Permit Application Section 6 (Contingency Plan), remove the system from service immediately and complete the following actions: *[40 CFR 264.196]*
 - 1. Immediately stop flow of hazardous waste into and out of the Miscellaneous Unit, its secondary containment system, or its ancillary equipment and inspect the system to determine the cause of the release. *[40 CFR 264.196(a)]*
 - 2. If the release is from the Miscellaneous Unit or its ancillary equipment, the Permittee must, within 24 hours after detection of the leak, remove as much of the waste as is necessary to

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prevent further release of hazardous waste to the environment and to allow inspection and repair of the Miscellaneous Unit or its ancillary equipment to be performed. If the Permittee finds that it will not be possible to meet this time period, the Permittee shall notify the Director and demonstrate that a longer period is required.

[40 CFR 264.196(b)]

If the release is to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

3. Immediately contain releases to the environment, conduct a visual inspection of the release, and, based on that inspection, the Permittee shall: *[40 CFR 264.196(c)]*

- (a) Prevent further migration of the leak or spill to soils or surface water; and
 - (b) Remove and properly dispose of any visible contamination of the soil or surface water.

4. If the collected material is a RCRA hazardous waste, the waste shall be managed in accordance with all applicable requirements of 40 CFR Parts 262-264. If the collected material is released to the environment, it may be subject to reporting, under 40 CFR 302.

5. Unless the Permittee satisfies the requirements of Permit Condition 6.6.1 5(a) and 6.6.1 5(b), below, the Miscellaneous Unit must be closed in accordance with Permit Condition 6.8. *[40 CFR 264.196(e)(1)]*

- (a) For a release caused by a spill that has not damaged the integrity of the unit, the Permittee may return the unit to service as soon as the released waste is removed and repairs, if necessary, are made. *[40 CFR 264.196(e)(2)]*

- (b) For a release caused by a leak from the Miscellaneous Unit into the secondary containment system, the Permittee shall repair the system prior to returning the Miscellaneous Unit to service. *[40 CFR 264.196(e)(3)]*

- (1) If a component of the Miscellaneous Unit is replaced to eliminate the leak, the new component must satisfy the requirements for new Miscellaneous Units or components in 40 CFR 264.601 and 264.602.

- 6.6.2 For all major repairs of a Miscellaneous Unit, its ancillary equipment or secondary containment system, the Permittee must obtain a certification by a qualified Professional Engineer that the repaired unit, ancillary equipment or secondary containment system is capable of handling the hazardous wastes without release for the intended life of the system. This must be obtained before the system is returned to service. Examples of major repairs are: installation of an internal liner, repair of a vessel, or repair or replacement of a secondary containment system. The certification must be placed in the operating records, maintained until closure of the facility; and a copy submitted to the Director. *[40 CFR 264.196(f)]*

6.7 RECORDKEEPING AND REPORTING

- 6.7.1 The Permittee shall report to the Director, within 24 hours of detection, when a leak or spill occurs from a Miscellaneous Unit, its secondary containment or its ancillary equipment to the environment. (A leak or spill of one pound or less of hazardous waste that is immediately

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contained and cleaned up, need not be reported.) If the Permittee has reported the release pursuant to 40 CFR Part 302, that report satisfies the requirements of this Permit Condition.

[40 CFR 264.196(d)(1) and (2)]

- 6.7.2 Within 30 days of detecting a release to the environment from a Miscellaneous Unit, its secondary containment or its ancillary equipment, the Permittee shall report the following information to the Director:

[40 CFR 264.196(d)(3)]

1. Likely route of migration of the release;
2. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
3. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee shall provide the Director with a schedule of when the results will be available. This schedule must be provided before the required 30-day submittal period expires;
4. Proximity of down-gradient drinking water, surface water, and populated areas; and
5. Description of response action taken or planned.

- 6.7.3 The Permittee shall submit to the Director all certifications of major repairs to correct leaks within seven days from returning the Miscellaneous Unit to use.

[40 CFR 264.196(f)]

- 6.7.4 The Permittee shall maintain at the facility a record of results of leak tests and integrity tests conducted.

[40 CFR 264.192(a) and (d)]

- 6.7.5 The Permittee shall obtain and keep on file at the facility the written statements by those persons (e.g. qualified Professional Engineer) required to certify the design and installation of the Miscellaneous Unit.

[40 CFR 264.192(g)]

- 6.7.6 The Permittee shall maintain at the facility, until closure is complete for the Miscellaneous Units, and certified by a qualified Professional Engineer, the following Subpart X specific documents and information, including all amendments, revisions and modification to these documents and information:

1. A description of the containment system showing the following:
 - (a) Basic design parameters, dimensions, and materials of construction;
 - (b) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;
 - (c) Capacity of the containment system;
 - (d) Provisions for preventing or managing run-on; and
 - (e) How accumulated liquids can be analyzed and removed to prevent overflow.
2. Where incompatible wastes are stored or otherwise managed in this subpart, a description of the procedures used to ensure compliance with 40 CFR 264.175(a) and (b), and 40 CFR 264.17(b) and (c).

6.8 CLOSURE AND POST-CLOSURE CARE

- 6.8.1 At closure of the Miscellaneous Units, the Permittee shall follow the procedures in the closure Plan, Permit Application Section 13, for the Miscellaneous Units identified in Table 6.2, above.

[40 CFR 264.197(a)]

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- 6.8.2 If the Permittee cannot remove or decontaminate all Miscellaneous Units, secondary containment systems, appurtenances, soil and/or groundwater in accordance with the Closure Plan, then the Permittee shall close the Miscellaneous Unit(s) and perform post-closure care in accordance with 40 CFR 264.603.

6.9 **COMPLIANCE SCHEDULE**

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	In accordance with Permit Condition 1.5.12.1, the Permittee shall provide written notification to the NDEP prior to the installation of an additional retort system. The submitted notification shall include documentation verifying that the operating, maintenance, closure and emergency response procedures, and plans have all been updated adequately to address respective elements for the new retort system. Verification shall also be provided to ensure that the closure cost estimate has been updated to include the additional equipment	At least 60 days prior to commencing installation of any additional retort.
2	<i>Reserved</i>	

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Note: This Section is currently not applicable since no land disposal is proposed at the PMR facility.

Reserved for Future Use

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8. **SUMMARY**

The US EPA's National Waste Minimization Program supports efforts that promote a more sustainable society, reduce the amount of waste generated, and lower the toxicity and persistence of wastes that are generated. The Permittee is required to conduct a Waste Minimization Program in accordance with this Section of the Permit.

8.1 **WASTE MINIMIZATION RECORD**

The Permittee shall maintain at the facility copies of waste minimization documents required in Permit Condition 8.2 and 8.3 and shall make them available to any authorized representative of NDEP or USEPA conducting an inspection.

8.2 **WASTE MINIMIZATION CERTIFICATION**

The Permittee shall annually certify in accordance with 40 CFR 264.73(b)(9):

1. The Permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the facility operations to the degree, determined by the Permittee, to be economically practicable;
2. The method of treatment, storage, or disposal is the only practicable method or combination of methods currently available to the facility, which minimizes the present and future threat to human health and the environment;
3. This certification shall be retained with the facility's operating record and shall comply with the signatory requirements of Permit Condition 1.5.13.

8.3 **SOURCE REDUCTION PLANS AND REPORTS**

8.3.1 Source Reduction Evaluation Review and Plan

Within one (1) year of the effective date of this Permit, and at each permit renewal thereafter, the Permittee shall submit a source reduction evaluation review and plan to the Director. The review and plan should be conducted and prepared in accordance with the procedures and format provided in the EPA Waste Minimization Opportunity Assessment Manual or other equivalent source reduction guidance. The review and plan shall include at a minimum the following:

[40 CFR 270.32(b)]

1. The name and location of the facility.
2. The NAIC/SIC Code of the facility.
3. A copy of any written company policy or statement that outlines the general goals, objectives, and methods of source reduction to be implemented within the next five years.
4. Identification of all routinely generated hazardous waste streams, which result from ongoing processes or operations. For the purposes of this paragraph, a hazardous waste stream is to be included if it meets the following criteria:
 - (a) It is a hazardous waste stream processed in a wastewater treatment unit which discharges to a publicly owned treatment works or under a national pollutant discharge elimination system (NPDES) permit and its weight before treatment

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exceeds 5 percent of the weight of the total yearly volume of hazardous waste generated at the site; or

- (b) It is a hazardous waste stream which is not processed in a wastewater treatment unit and its weight exceeds 5 percent of the weight of the total yearly volume of hazardous waste generated at the site, less the weight of any hazardous waste stream identified in Permit Condition 8.3.1 4(a).
5. For each hazardous waste stream identified in Permit Condition 8.3.1 4 the following information shall be included:
 - (a) An estimate of the quantity of hazardous waste generated; and
 - (b) An evaluation of source reduction approaches available to the Permittee, which are potentially viable. The evaluation shall consider at a minimum the following source reduction approaches:
 - (1) Input change;
 - (2) Operational improvement;
 - (3) Production process change; and
 - (4) Product reformation.
6. Any source reduction and/or recycling measure implemented by the Permittee in the last five years.
7. A specification of, and a rationale for, the technically feasible and economically practicable source reduction measures which will be taken by the Permittee with respect to each waste stream identified. The review and plan shall fully document any statement explaining the Permittee's rationale for rejecting any available source reduction approach identified in Permit Condition 8.3.1.5.ⁱ
8. A detailed description of any programs the Permittee may have to assist generators of hazardous waste in reducing the volume or quantity and toxicity of wastes they produce.
9. An evaluation, and, to the extent practicable, a quantification, of the effects of the chosen source reduction method on emissions and discharges to the air, water, or land environmental mediums.
10. A description of employee training programs and employee incentive programs for source reduction, which may be in effect at the facility.
11. A timetable for making reasonable and measurable progress towards implementation of the selected source reduction measures identified in Permit Condition 8.3.1 7.
12. A summary of the source reduction, evaluation review and plan.
13. Certification of the review and plan and the summary by a qualified Professional Engineer, or by an individual who is responsible for the processes and operation of the facility, or by an environmental assessor, who has demonstrated expertise in hazardous waste management. The engineer, individual, or assessor shall certify the review, the plan and the summary only if the review, the plan and the summary meet all the requirements of Permit Condition 8.3.1.

ⁱ **Note:** NDEP does not consider a source reduction method to be valid if it merely switches the waste load from one environment medium (air, water or land) to another.

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8.3.2 Certification of Plan Implementation

The Permittee shall submit a written statement from a responsible official of the facility certifying that the Permittee has implemented, is implementing, or will be implementing, the source reduction measures identified in the facility's Source Reduction Plan according to the implementation schedule contained in the plan.

8.3.2.1 The Permittee may determine not to implement a measure selected pursuant to Permit Condition 8.3.1 7 only if the Permittee determines, upon conducting further analysis or due to unexpected circumstances, that the selected measure is not technically feasible or economically practicable, or if attempts to implement that measure reveal that the measure would result in or has resulted in, any of the following: *[40 CFR 264.73(b)(9)]*

1. An increase in the generation of waste (hazardous and solid);
2. An increase in the release of hazardous chemicals to other environmental media;
3. Adverse impacts on product quality; or
4. A significant increase in the risk of an adverse impact to human health or the environment.

8.3.3 Source Reduction Plan and Plan Summary Amendments

If the Permittee elects not to implement the measures selected pursuant to Permit Condition 8.3.1 7, the Permittee shall amend its review, plan, and summary to reflect this rejection; and include in the review, plan, and summary, proper documentation identifying the rationale for this rejection. Any amendments to the review, plan, or summary shall be submitted to the Director no later than 30 days prior to implementation of the changes. *[40 CFR 270.32(b)]*

8.3.4 Hazardous Waste Management Performance Report

Within one (1) year of the effective date of this permit and every year thereafter, the Permittee shall prepare a hazardous waste management performance report documenting hazardous waste management approaches implemented at the facility. The report shall be prepared in accordance with the EPA Waste Minimization Opportunity Assessment Manual or other equivalent source reduction guidance. The report shall include, at a minimum, the following: *[40 CFR 270.32(b)]*

1. The name and location of the facility;
2. The SIC Code for the facility;
3. The following information for each waste stream identified pursuant to Permit Condition 8.3.1 4:
 - (a) An estimate of the quantity of hazardous waste generated and the quantity of hazardous waste managed by the Permittee during the current reporting year and the baseline year. The current reporting year is the calendar year immediately preceding the year in which the report is to be prepared. For the initial report, the baseline year is any calendar year selected by the Permittee for which substantial data is available on waste generation, or on-site or off-site management. Alternatively, the Permittee may select the current reporting year as the initial baseline year. For all subsequent reports, the baseline year is the current reporting year of the immediately preceding report.
 - (b) An assessment of the effect, during the current year, of each hazardous waste management measure implemented since the baseline year, upon the generation and

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the on-site and off-site management of hazardous waste. For the initial report, the assessment of the effect required by this condition shall be made for the current year in general terms for any waste management measures implemented in the preceding five (5) years. The report shall consider, but shall not be limited to, measures which use the following approaches:

- (1) Source reduction;
 - (2) Recycling; and
 - (3) Treatment.
- (c) A description of factors during the current reporting year that have affected hazardous waste generation and on-site and off-site hazardous waste management since the baseline year. For the initial report, the description of factors shall be made in general terms for these factors affecting generation and management in the preceding five (5) years. The description shall include, but is not limited to, any of the following:
- (1) Changes in business activity;
 - (2) Changes in waste classification;
 - (3) Natural phenomena; and
 - (4) Other factors that have affected either the quantity of hazardous waste generated or on-site and off-site hazardous waste management requirements.
- (d) A description of any factors, which may have prevented implementation of any aspect of the source reduction plan.
4. A summary of the hazardous waste management performance report;
 5. Certification of the report and summary by a qualified Professional Engineer, an individual who is responsible for the processes and operations of the facility, or an environmental assessor, who has demonstrated expertise in hazardous waste management. The engineer, individual, or assessor shall certify the report and summary only if the report and summary meet all the requirements of Permit Condition 8.3.4.

8.4 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	<i>Reserved</i>	

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Note: This Section is currently not applicable since no organic materials are proposed to be treated, stored or otherwise managed at the PMR facility. However, the PMR facility shall be operated in compliance with the conditions set forth in the air pollution control permit to be issued by the Nevada Division of Environmental Protection (NDEP), Bureau of Air Pollution Control.

Reserved for Future Use

RCRA PERMIT NEVHW0034 PRECIOUS METALS RECOVERY EPA ID# NVR000088542	SECTION 10 <i>RESERVED FOR FUTURE USE</i> <i>GROUNDWATER DETECTION MONITORING</i>	RENEWAL April 2019
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Note: This Section is currently not applicable since no land disposal is proposed at the PMR facility.
[40 CFR 264.90(a)(2)]

Reserved for Future Use

RCRA PERMIT NEVHW0034 PRECIOUS METALS RECOVERY EPA ID# NVR000088542	SECTION 11 <i>RESERVED FOR FUTURE USE</i> <i>GROUNDWATER COMPLIANCE MONITORING</i>	RENEWAL April 2019
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Note: This Section is currently not applicable since no land disposal is proposed at the PMR facility.
[40 CFR 264.90(a)(2)]

Reserved for Future Use

RCRA PERMIT NEVHW0034 PRECIOUS METALS RECOVERY EPA ID# NVR000088542	SECTION 12A CORRECTIVE ACTION CONDITIONS FOR REGULATED UNITS	RENEWAL April 2019
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Note: This Section is currently not applicable since no regulated unitsⁱ (i.e. land disposal units) are proposed to be at this facility.

Reserved for Future Use

P:\BWM\HW Permits\Precious Metals Recovery LLC (Barrick Mercury TSD)\PERMIT 2\2019 FINAL Permit (Renewal)\Section 12A - Reserved for Corrective Action - Regulated Units (April 2019).docx

ⁱ A “regulated unit” is defined in 40 CFR 264.90(a)(2) as “a surface impoundment, waste pile, and land treatment unit or landfill that receives hazardous waste after July 26, 1982

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12B SUMMARY AND APPLICABILITY

The objective of the corrective action program at a permitted hazardous waste management facility is to evaluate the nature and extent of releases of hazardous waste and/or constituents; and if necessary, implement corrective measures to protect human health and the environment. When warranted, the Permittee is required to implement corrective action in accordance with 40 CFR 264.100, 264.101 and the conditions of this Permit. The Permittee shall follow applicable guidance, including but not limited to the RCRA Corrective Action Plan, EPA 520-R-94-004, dated May 1994 (or most recent version). Since the proposed permitted facility is to be newly constructed and there are no corrective action issues prior to issuance of this permit, this permit does not include a compliance schedule for any corrective measures pursuant to 40 CFR 264.101.

12B.1 AUTHORITY

RCRA Section 3004(u) and 40 CFR 264.101, as adopted in NAC 444.8632, require that the Permittee must institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any Solid Waste Management Unit (SWMU) at the permitted facility, regardless of when the waste was placed in the unit. These regulations also require that hazardous waste permits contain schedules of compliance for corrective action, where such corrective action cannot be completed prior to issuance of the permit. NAC 445A.121 sets the standards applicable to all waters of the state and will be used to evaluate the impacts of any releases. NRS 445A.575 and 445A.465 are the statutes which define the authority of the Division to regulate the discharge of hazardous constituents to the waters of the state. Section 301(c) of the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) defines the area under the facility to be natural resources managed or controlled by the State of Nevada.

12B.2 SUMMARY AND HISTORY OF CORRECTIVE ACTION

The facility is proposed to be constructed in a remote area on previously undisturbed land. As such, there are no existing Solid Waste Management Units (SWMUs), nor have there been any prior releases of hazardous waste or constituents at the proposed facility location. Therefore, any future release or discovery of a release at the facility shall be reported and mitigated by the Permittee per the conditions of this permit.

12B.3 CORRECTIVE ACTION FOR SWMUs AND AOCs

The Permittee must institute corrective action, as necessary, to protect human health and the environment for all releases of hazardous waste or constituents from any SWMU at the facility, regardless of the time at which the waste was placed in the unit.

When required, corrective action shall be specified in accordance with this permit section. This section may contain schedules of compliance for such corrective action.

12B.3.1 SWMUs and AOCs Identified by the RFA and Other Means

The initial RCRA Permit Application and subsequent permit renewal applications have identified the SWMUs planned to be constructed at the PMR facility. No Areas of Concern

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(AOCs) have been identified. The planned SWMUs are RCRA Hazardous Waste Management Units (HWMUs) and are listed in Tables 12B.3A, below.

Table 12B.3A – SWMUs/AOCs Regulated under 40 CFR 264 (RCRA HWMUs))

SWMU/AOC No.	SWMU/AOC Name
1	Elemental Mercury Container Storage Area
2	Calomel Container Storage Area
3	Spent Activated Carbon Container Storage Area
4	Other Waste Container Storage Area
5	Treated Waste Solution Storage Tank 1
6	Treated Waste Solution Storage Tank 2
7	Decomposition Tank
8	Waste Solution Treatment Tank
9	Waste Solution Collection Tank
10	Waste Solution Settling Tank
11	Filter Press
12	Retort
<i>Reserved</i>	<i>Reserved</i>

12B.3.2 Additional SWMUs or AOCs

Additional SWMUs or AOCs may be discovered during the course of groundwater monitoring, soil monitoring, field investigations, environmental audits, releases or other means.

12B.3.3 Contamination Beyond Facility Boundary

The Permittee shall implement corrective actions beyond the facility boundary where necessary to protect human health and the environment, unless the Permittee demonstrates, to the satisfaction of the Director, that, despite the Permittee's best efforts, as determined by the Director, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for completion of such off-site corrective action will be required. *[40 CFR 264.110(c)]*

12B.4 NOTIFICATION AND ASSESSMENT REQUIREMENTS FOR NEWLY IDENTIFIED SWMUS AND AOCs

12B.4.1 Notification

The Permittee shall notify the Director orally within 24 hours of discovery and in writing within fifteen (15) calendar days of discovery, of any additional SWMUs, AOCs and/or releases of hazardous waste discovered under Permit Condition 12B3.2. The notification shall include, at a minimum:

1. A unique sequential identification number for the SWMU or AOC;
2. The location of the SWMU or AOC; and

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3. All available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.).

12B.4.2 Assessment Report (AR)

The Permittee shall prepare and submit to the Director, within ninety (90) calendar days of notification, an Assessment Report (AR) for each SWMU, AOC, or release identified under Permit Condition 12B3.2. At a minimum, the AR shall provide the following information:

1. The unique sequential identification number for the SWMU, AOC or release;
2. Location of the unit(s)/area(s) on a topographic map of appropriate scale, such as required under 40 CFR 270.14(b)(19);
3. Designation of type and function of unit(s) and/or use of area(s);
4. General dimensions, capacities and structural description of unit(s)/area(s) (supply any available plans/drawings);
5. Dates the unit(s)/area(s) was operated/used;
6. Specification of all wastes that have been managed at/in the unit(s)/area(s), to the extent available. Include any available data on 40 CFR Part 261 Appendix VIII or 40 CFR Part 264 Appendix IX constituents contained in the wastes; and
7. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s)/area(s) (including groundwater, soil, air, surface water, and/or sediment data).

12B.4.3 Director's Determination

The Director shall determine the need for further investigations at the SWMU(s), AOC(s), or release site(s) covered in the AR. If the Director determines that such investigations are needed, the Permittee shall prepare a plan for such investigations. If the Director determines further investigation of the SWMU(s), AOC(s) or release site(s) is required, the Permittee shall submit an application for a Permit modification, in accordance with 40 CFR 270 Subpart D.

12B.5 WORK TO BE PERFORMED

In the event of a release of a hazardous waste or constituent, or a requirement for conducting corrective action by way of the Division, the Permittee shall complete the following:

12B.5.1 RCRA Facility Assessment (RFA)

The Permittee shall complete a RCRA Facility Assessment (RFA) identifying the type of hazardous waste or constituents released, the location of the release, and any potential pathways. The Permittee shall submit this information to the Division in a written report.

12B.5.2 RCRA Facility Investigation (RFI)

The Permittee shall complete a RCRA Facility Investigation (RFI) characterizing the nature and extent of the release identified in the RFA. This information will be submitted to the Division in a written report.

12B.5.3 Corrective Measures Study (CMS)

If the Division determines that a corrective action is necessary, the Permittee shall conduct a

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Corrective Measures Study (CMS) to determine the most effective cleanup alternative. The purpose of the CMS is to identify and recommend specific corrective measures that will adequately correct the release. Remedy selection is the determination of which cleanup action will be implemented to correct the release and the time frames in which it must be implemented. The Permittee shall submit this information to the Division in a written report.

12B.5.4 Corrective Measures Implementation (CMI)

After the Division evaluates the corrective measure alternatives presented in the approved CMS Report, the Division will propose or accept a corrective measure (or measures) for implementation at the facility. The Permittee shall submit a certified report documenting that the corrective measures have been completed in accordance with the approved remedy.

[40 CFR 264.100(c)]

12B.6 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	<i>Reserved</i>	

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13. **SUMMARY**

At the time this Permit was issued, the facility was proposed to be clean-closed with no post-closure monitoring, corrective action, or post-closure care.

13.1 **APPLICABILITY**

The requirements of 40 CFR 264.117 through 264.119 may apply if the Permittee is unable to achieve clean-closure as described in Permit Application Section 13 (Closure and Post-Closure). If later determined that post-closure care and monitoring is warranted, this permit section shall be modified.

13.2 **COMPLIANCE SCHEDULE**

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	<i>Reserved</i>	

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14. SUMMARY

The Permittee shall comply with the Financial Assurance requirements of this section, and establish and/or maintain approved funding mechanism(s) to fully cover the Closure Costs and any required Corrective Action measures, including Sudden Liability for any accidental release from the facility. The facility is expected to be ‘clean-closed’ without the need for post-closure care and monitoring. As such, the required financial assurance does not include a funding mechanism for any care and monitoring of the facility after closure is completed.

14.1 APPLICABILITY

The requirements of 40 CFR 264.142, 264.143, 264.147, 264.148 and 264.151 apply to the Permittee, except as provided otherwise in this section or in 40 CFR 264.1. The Division may replace all or part of the requirements of this Permit Section applying to any Solid Waste Management Unit (SWMU) with alternative requirements for financial assurance to be set out in this Permit or in an enforceable document (as defined in 40 CFR 270.1(c)(7)), where the Director:

1. Prescribes alternative requirements for the SWMU(s) under 40 CFR 264.140(d).

14.2 MODIFICATIONS

- 14.2.1 For changes or modifications to the facility that may affect financial assurance requirements, the Permittee shall comply with the requirements of Permit Condition 1.2.

14.3 FINANCIAL ASSURANCE FOR FACILITY CLOSURE, SUDDEN LIABILITY AND CORRECTIVE ACTION

Prior to commencement of operations, the Permittee shall demonstrate continuous compliance with 40 CFR 264.142, 264.143 and 264.147 by following the Financial Assurance procedures of Permit Application Section 15.3 (Financial Assurance) and by providing documentation of financial assurance in at least the amount of the cost estimates required by Permit Condition 14.4 and 14.6. Any proposed changes in the financial assurance mechanisms must be approved by the Director pursuant to 40 CFR 264.143, and in accordance with Permit Condition 1.2.1. The Permittee shall comply with both Permit Application Section 15.3 (Financial Assurance) and the requirements of this section.

14.4 COST ESTIMATE FOR CLOSURE

The Permittee shall maintain a detailed written estimate, in current dollars, of the cost of closing the entire facility in accordance with the requirements of 40 CFR 264.111 through 264.115 and applicable closure requirements in 40 CFR 264.178, 264.197, and 264.601 through 264.602.

[40 CFR 264.142(a)]

14.4.1 The Closure Cost Estimate:

- 14.4.1.1 Shall equal the cost of final closure at the point in the facility’s active life when the extent and manner of its operation would make closure the most expensive, as indicated by the facility’s Closure Plan (Permit Application Appendix 13-A); *[40 CFR 264.142(a)(1)]*

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14.4.1.2 Shall be based on the costs of hiring a third partyⁱ to close the facility;
[40 CFR 264.142(a)(2)]

14.4.1.3 May not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes if applicable under 40 CFR 264.113(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure; and
[40 CFR 264.142(a)(3)]

14.4.1.4 May not incorporate a zero cost for hazardous wastes, or non-hazardous wastes if applicable under 40 CFR 264.113(d), that might have economic value.
[40 CFR 264.142(a)(4)]

14.4.2 Adjustment for Inflation

14.4.2.1 During the active life of the facility, the Permittee must annually adjust the closure cost estimate for inflation no later than sixty (60) days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with Permit Condition 14.5. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factorⁱⁱ derived from the most recent Implicit Price Deflator for Gross Domestic Product published by the U.S. Department of Commerce in its *Survey of Current Business*.
[40 CFR 264.142(b)]

14.4.2.2 During the active life of the facility, the Permittee shall revise the closure cost estimate no later than thirty (30) days after the Director has approved the request to modify the Closure Plan, if the change in the Closure Plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation, as specified in Permit Condition 14.4.2.1.
[40 CFR 264.142(c)]

14.4.3 Documentation

The Permittee must keep the following at the facility during the operating life of the facility:
[40 CFR 264.142(d)]

1. The latest Closure Cost Estimate prepared in accordance with Permit Condition 14.4.1; and
2. When this cost estimate has been adjusted in accordance with Permit Condition 14.4.2, the latest adjusted closure cost estimate along with documentation of how the adjusted cost estimate was derived.

14.5 FINANCIAL ASSURANCE FOR CLOSURE

Prior to commencement of operations, the Permittee shall establish and maintain financial assurance for closure of the facility in accordance with Permit Application Appendix 13-A (Closure Plan) and comply with the requirements specified below. Any change in the financial assurance mechanism must be approved by the Director in accordance with Permit Condition 1.2.1. At the time this Permit was issued, the Permittee proposed the use of a Corporate Guarantee

ⁱ A third party is a party who is neither a parent nor a subsidiary of the Permittee (see definition of Parent Corporation in 40 CFR 264.141(d)).

ⁱⁱ The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year. Adjustment is made by multiplying the closure cost estimate for the previous year by the inflation factor.

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form Barrick Gold Corporation pursuant to 40 CFR 264.143(f), to satisfy this financial assurance requirement. However, the specific financial mechanism(s), and/or the percentage of the total cost estimate to be accepted under the proposed mechanism shall be subject to review and approval by the Director, prior to the facility commencing operation. The required conditions specific to the use of Corporate Guarantee as a mechanism are provided in Section 14.5.1. Other conditions may be applied as warranted for alternate financial assurance mechanisms. *[40 CFR 264.143]*

14.5.1 Financial Test and Corporate Guarantee *[40 CFR 264.143(f)]*

If the Permittee elects to utilize Corporate Guarantee as an acceptable financial assurance mechanism, the Permittee shall satisfy the requirements of this section by demonstrating that he passes the financial test described in Section 14.5.1.1 and by submitting the items described in Section 14.5.1.2 to the Director.

14.5.1.1 Financial Test

To pass the financial test the Permittee must meet the criteria of either Condition 1 or 2, below. *[40 CFR 264.143(f)(1)]*

1. The Permittee must have:

- (a) Two of the following three ratios:
 - (1) A ratio of total liabilities to net worth less than 2.0;
 - (2) A ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; and
 - (3) A ratio of current assets to current liabilities greater than 1.5; and
- (b) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
- (c) Tangible net worth of at least \$10 million; and
- (d) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

2. The Permittee must have:

- (a) A current rating for his most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; and
- (b) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates; and
- (c) Tangible net worth of at least \$10 million; and
- (d) Assets located in the United States amounting to at least 90 percent of total assets or at least six (6) times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

14.5.1.2 The phrase "current closure and post-closure cost estimates" as used in Condition 14.5.1.1 refers to the cost estimates required to be shown in paragraphs 1-4 of the letter from the Permittee's chief financial officer (40 CFR 264.151(f)). The phrase "current plugging and abandonment cost estimates" as used in Condition 14.5.1.1 refers to the cost estimates required

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to be shown in paragraphs 1-4 of the letter from the Permittee's chief financial officer (40 CFR 144.70(f)). *[40 CFR 264.143(f)(2)]*

14.5.1.3 Demonstration of Passing Financial Test

To demonstrate that he passes the financial test, the Permittee must submit the following items to the Director: *[40 CFR 264.143(f)(3)]*

1. A letter signed by the Permittee's chief financial officer and worded as specified in 40 CFR 264.151(f); and
2. A copy of the independent certified public accountant's report on examination of the Permittee's financial statements for the latest completed fiscal year; and
3. A special report from the Permittee's independent certified public accountant to the Permittee stating that:
 - (a) He has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - (b) In connection with that procedure, no matters came to his attention which caused him to believe that the specified data should be adjusted.

14.5.1.4 A Permittee of a new facility must submit the items specified in Condition 14.5.1.3 of this Permit to the Director at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. *[40 CFR 264.143(f)(4)]*

14.5.1.5 After the initial submission of items specified in Condition 14.5.1.3, the Permittee must send updated information to the Director within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in Condition 14.5.1.3. *[40 CFR 264.143(f)(5)]*

14.5.1.6 If the Permittee no longer meets the requirements of Condition 14.5.1.3, he must send notice to the Director of intent to establish alternate financial assurance as specified in 40 CFR 264.143. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the Permittee no longer meets the requirements. The Permittee must provide the alternate financial assurance within 120 days after the end of such fiscal year. *[40 CFR 264.143(f)(6)]*

14.5.1.7 The Director may, based on a reasonable belief that the Permittee may no longer meet the requirements of Condition 14.5.1.1, require reports of financial condition at any time from the Permittee in addition to those specified in Condition 14.5.1.3. If the Director finds, on the basis of such reports or other information, that the Permittee no longer meets the requirements of Condition 14.5.1.1, the Permittee must provide alternate financial assurance as specified in 40 CFR 264.143 within 30 days after notification of such a finding. *[40 CFR 264.143(f)(7)]*

14.5.1.8 The Director may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his report on examination of the Permittee's financial statements (see Condition 14.5.1.3 2). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Director will evaluate other qualifications on an individual

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basis. The Permittee must provide alternate financial assurance as specified in 40 CFR 264.143 within 30 days after notification of the disallowance. *[40 CFR 264.143(f)(8)]*

14.5.1.9 The Permittee is no longer required to submit the items specified in Condition 14.5.1.3 when: *[40 CFR 264.143(f)(9)]*

1. A Permittee substitutes alternate financial assurance as specified in 40 CFR 264.143; or
2. The Director releases the Permittee from the requirements of this Permit Section in accordance with 40 CFR 264.143(i).

14.5.1.10 The Permittee may meet the requirements of this Permit Section by obtaining a written guarantee. The guarantor must be the direct or higher-tier parent corporation of the Permittee, a firm whose parent corporation is also the parent corporation of the Permittee, or a firm with a “substantial business relationship” with the Permittee. The guarantor must meet the requirements for Permittees in Conditions 14.5.1.1 through 14.5.1.8 and must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording specified in 40 CFR 264.151(h). The certified copy of the guarantee must accompany the items sent to the Director as specified in Condition 14.5.1.3. One of these items must be the letter from the guarantor’s chief financial officer. If the guarantor’s parent corporation is also the parent corporation of the Permittee, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a “substantial business relationship” with the Permittee, this letter must describe this “substantial business relationship” and the value received in consideration of the guarantee. The terms of the guarantee must provide that: *[40 CFR 264.143(f)(10)]*

1. If the Permittee fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in 40 CFR 264.143(a) in the name of the Permittee.
2. The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the Permittee and to the Director. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the Permittee and the Director, as evidenced by the return receipts.
3. If the Permittee fails to provide alternate financial assurance as specified in 40 CFR 264.143 and obtain the written approval of such alternate assurance from the Director within 90 days after receipt by both the Permittee and the Director of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the Permittee.

14.5.2 Use of Multiple Financial Mechanisms

The Permittee may satisfy the requirements of this section by establishing more than one financial mechanism for the facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, and insurance. The combination of mechanisms must provide financial assurance for an amount at least equal to the current closure cost estimate. The

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Director may use any or all of the mechanisms or NAC 444.846 to provide for closure of the facility. *[40 CFR 264.143(g)]*

14.5.3 Release of the Permittee from the Requirements of Financial Assurance for Closure

Within sixty (60) days after receiving certifications from the Permittee and an independent Nevada registered Professional Engineer that final closure has been completed in accordance with the approved closure plan, the Director will notify the Permittee in writing that the Permittee is no longer required by this permit section to maintain financial assurance for final closure of the facility, unless the Director has reason to believe that final closure has not been in accordance with the approved closure plan. The Director shall provide the Permittee a detailed written statement of any such reason to believe that closure has not been in accordance with the approved closure plan. *[40 CFR 264.143(i)]*

14.6 COST ESTIMATE FOR CORRECTIVE ACTION

Upon direction of the Director, the Permittee shall establish and maintain a financial assurance for any remedial or corrective actions required at the facility as a result of a release of hazardous waste and in accordance with the corrective measures study, the approved corrective measure implementation workplan, and the requirements specified below. Any change in the financial assurance mechanism must be approved by the Director in accordance with Permit Condition 1.2.

14.6.1 The cost estimate for corrective action shall be:

1. Based on the costs of hiring a third partyⁱⁱⁱ to conduct the corrective action activities; and
2. Calculated by multiplying the annual corrective action cost by the number of years of corrective action required by the Director.

14.6.2 Adjustment for Inflation

When required to perform Corrective Action, during the active life of the facility, the Permittee must annually adjust the corrective action cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with Permit Condition 14.7. The adjustment may be made by recalculating the maximum costs of corrective action in current dollars, or by multiplying the corrective action cost estimate by the inflation factor, as described in Permit Condition 14.4.2.

14.6.3 During the active life of the facility, the Permittee shall revise the corrective action cost estimate no later than 30 days after the Director has approved the request to modify the Corrective Action Plan, if the change in the Corrective Action Plan increases the cost of corrective action. The revised corrective action cost estimate must be adjusted for inflation, as specified in Permit Condition 11.6.2. *[40 CFR 264.142(c)]*

ⁱⁱⁱ A third party is a party who is neither a parent nor a subsidiary of the Permittee (see definition of Parent Corporation in 40 CFR 264.141(d)).

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14.6.4 Documentation

The Permittee must keep the following at the facility during the operating life of the facility:

1. The latest corrective action cost estimate prepared in accordance with Permit Condition 14.6.1; and
2. When this cost estimate has been adjusted in accordance with Permit Condition 14.6.2, the latest adjusted corrective action cost estimate along with documentation of how the adjusted cost estimate was derived.

14.6.5 Release from the Requirements of Financial Assurance for Corrective Action

After receiving certifications from the Permittee and a qualified Professional Engineer that corrective action has been completed in accordance with the approved plans, and the Project Coordinator has accepted the final corrective action report and issued a letter indicating no further action, the Director will notify the Permittee that he/she is no longer required to maintain financial assurance for corrective action, unless the Director has reason to believe that corrective action has not been in accordance with the approved corrective action plan. The Director shall provide the Permittee with a detailed written statement of any such reason to believe that corrective action care has not been in accordance with the approved corrective action plan.

14.7 **LIABILITY REQUIREMENTS ~ SUDDEN ACCIDENTAL OCCURRENCES**

Prior to commencement of operations, the Permittee shall demonstrate continuous compliance with Permit Application Section 17.0 (Insurance) and 40 CFR 264.147(a) to establish and maintain financial liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

[40 CFR 264.147]

14.7.1 Coverage for Sudden Accidental Occurrences

The Permittee must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility. The Permittee must have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated by having liability insurance, as follows:

[40 CFR 264.147(a)]

1. Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be identical to the wording specified in 40 CFR 264.151(i). The wording of the certificate of insurance must be identical to the wording specified in 40 CFR 264.151(j). The Permittee must submit a signed duplicate original of the endorsement or the certificate of insurance to the Director at least 60 days before the date on which hazardous waste is first received for treatment or storage. The insurance must be effective before this initial receipt of hazardous waste. If requested by the Director, the Permittee must provide a signed duplicate original of the insurance policy.
2. Each insurance policy must be issued by an insurer, which, at a minimum, is licensed

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to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States, including Nevada.

14.7.1.1 The Permittee shall notify the Director, in writing, within thirty (30) days, whenever:

1. A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in Permit Condition 14.7.1; or
2. A Certification of Valid Claim for bodily injury or property damages caused by a sudden accidental occurrence arising from the operation of the facility is entered between the Permittee and third party claimant for liability coverage under Permit Condition 14.7.1; or
3. A final court order establishing a judgment for bodily injury or property damage caused by a sudden accidental occurrence arising from the operation of the facility is issued against the Permittee or an instrument that is providing financial assurance for liability coverage under Permit Condition 14.7.1.

14.7.2 Adjustments by the Director

If the Director determines that the levels of financial responsibility required are not consistent with the degree and duration of risk associated with the facility, the Director may adjust the level of financial responsibility required under this section, as may be necessary, to protect human health and the environment. The adjusted level will be based on the Director's assessment of the degree and duration of risk associated with the operation of the facility. In addition, if the Director determines that there is significant risk to human health or the environment from non-sudden accidental occurrences resulting from the operations of the facility, he may require that the Permittee comply with 40 CFR 264.147(b). The Permittee must furnish to the Director, within a reasonable time, any information which the Director requests, to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 40 CFR 270.41(a)(2) and 40 CFR 124.5 and comply with Permit Condition 1.2.1.

[40 CFR 264.147(d)]

14.7.3 Period of Coverage

Within sixty (60) days after receiving certifications from the Permittee and a qualified Professional Engineer that final closure has been completed in accordance with the approved closure plan, the Director will notify the Permittee in writing that he is no longer required by this section to maintain liability coverage for the facility, unless the Director has reason to believe that closure has not been in accordance with the approved closure plan. *[40 CFR 264.147(e)]*

14.8 INCAPACITY OF THE OWNERS, OPERATORS, GUARANTORS OR FINANCIAL INSTITUTIONS

14.8.1 Notification

The Permittee must notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the Permittee or parent company as debtor, within ten (10) days after commencement of the proceeding. A guarantor or

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a corporate guarantee shall make such notification if he is named as debtor, as required under the terms of the corporate guarantee. *[40 CFR 264.148(a)]*

14.8.2 Establishment of Alternative Financial Assurance

The Permittee will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of a trustee or issuing institution, or a suspension or revocation of the authority of an institution issuing a corporate guarantee or insurance policy utilized to satisfy the financial assurance obligations of the facility. The Permittee shall establish other financial assurance or liability coverage within sixty (60) days after such an event.

[40 CFR 264.148(b)]

14.9 COMPLIANCE SCHEDULE

The Permittee shall perform the following task(s) by the listed due date(s):

Task		Date Due
1	The Permittee shall provide documentation that acceptable mechanism(s) have been established for the required Financial Assurance for both closure of the permitted facility and for the required liability coverage for accidental occurrences pursuant to 40 CFR 264.143 and 40 CFR 264.147(a).	At least 60 days prior to receiving any hazardous waste at the facility or commencing facility operation.
2	<i>Reserved</i>	

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RCRA Permit Application, Part A *(attached)*

United States Environmental Protection Agency
RCRA SUBTITLE C SITE IDENTIFICATION FORM



1. Reason for Submittal (Select only one.)

<input type="checkbox"/>	Obtaining or updating an EPA ID number for an on-going regulated activity that will continue for a period of time. (Includes HSM activity)
<input type="checkbox"/>	Submitting as a component of the Hazardous Waste Report for _____ (Reporting Year)
<input type="checkbox"/>	Site was a TSD facility and/or generator of > 1,000 kg of hazardous waste, > 1 kg of acute hazardous waste, or > 100 kg of acute hazardous waste spill cleanup in one or more months of the reporting year (or State equivalent LQG regulations)
<input type="checkbox"/>	Notifying that regulated activity is no longer occurring at this Site
<input type="checkbox"/>	Obtaining or updating an EPA ID number for conducting Electronic Manifest Broker activities
<input checked="" type="checkbox"/>	Submitting a new or revised Part A Form

2. Site EPA ID Number

N	V	R	0	0	0	0	8	8	5	4	2
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3. Site Name

Dry Hills Facility

4. Site Location Address

Street Address	APN # 005-530-17		
City, Town, or Village	Crescent Valley	County	Eureka
State	Nevada	Country	USA
Zip Code	89821-1250		

5. Site Mailing Address

☐ Same as Location Address

Street Address	HC 66 Box 1250		
City, Town, or Village	Crescent Valley		
State	Nevada	Country	USA
Zip Code	89821		

6. Site Land Type

<input checked="" type="checkbox"/> Private	<input type="checkbox"/> County	<input type="checkbox"/> District	<input type="checkbox"/> Federal	<input type="checkbox"/> Tribal	<input type="checkbox"/> Municipal	<input type="checkbox"/> State	<input type="checkbox"/> Other
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7. North American Industry Classification System (NAICS) Code(s) for the Site (at least 5-digit codes)

A. (Primary)	562211	C.	
B.		D.	

8. Site Contact Information

☐ Same as Location Address

First Name	Daniel	MI	Last Name	Donnelli	
Title	Environmental Manager				
Street Address	P.O. Box 29				
City, Town, or Village	Elko				
State	NV	Country	USA	Zip Code	89803
Email	ddonnelli@barrick.com				
Phone	775 778-8246	Ext	Fax		

9. Legal Owner and Operator of the Site

A. Name of Site's Legal Owner

☐ Same as Location Address

Full Name	Precious Metals Recovery LLC	Date Became Owner (mm/dd/yyyy)	2/7/2013		
Owner Type	<input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other				
Street Address	460 West 50 North, Suite 500				
City, Town, or Village	Salt Lake City				
State	UT	Country	USA	Zip Code	84101
Email	ddonnelli@barrick.com				
Phone	775 778-8246	Ext	Fax		
Comments					

B. Name of Site's Legal Operator

☐ Same as Location Address

Full Name	Precious Metals Recovery LLC	Date Became Operator (mm/dd/yyyy)	2/7/2013		
Operator Type	<input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other				
Street Address	460 West 50 North, Suite 500				
City, Town, or Village	Salt Lake City				
State	UT	Country	USA	Zip Code	84101
Email	ddonnelli@barrick.com				
Phone	775 778-8246	Ext	Fax		
Comments					

10. Type of Regulated Waste Activity (at your site)

Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

A. Hazardous Waste Activities

<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	1. Generator of Hazardous Waste—If "Yes", mark only one of the following—a, b, c	
<input checked="" type="checkbox"/>	a. LQG	-Generates, in any calendar month (includes quantities imported by importer site) 1,000 kg/mo (2,200 lb/mo) or more of non-acute hazardous waste; or - Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lb/mo) of acute hazardous waste; or - Generates, in any calendar month or accumulates at any time, more than 100 kg/mo (220 lb/mo) of acute hazardous spill cleanup material.
<input type="checkbox"/>	b. SQG	100 to 1,000 kg/mo (220-2,200 lb/mo) of non-acute hazardous waste and no more than 1 kg (2.2 lb) of acute hazardous waste and no more than 100 kg (220 lb) of any acute hazardous spill cleanup material.
<input type="checkbox"/>	c. VSQG	Less than or equal to 100 kg/mo (220 lb/mo) of non-acute hazardous waste.
If "Yes" above, indicate other generator activities in 2 and 3, as applicable.		
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Short-Term Generator (generates from a short-term or one-time event and not from on-going processes). If "Yes", provide an explanation in the Comments section.	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	3. Mixed Waste (hazardous and radioactive) Generator	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	4. Treater, Storer or Disposer of Hazardous Waste—Note: A hazardous waste Part B permit is required for these activities.	
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	5. Receives Hazardous Waste from Off-site	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	6. Recycler of Hazardous Waste	
<input type="checkbox"/>	a. Recycler who stores prior to recycling	
<input type="checkbox"/>	b. Recycler who does not store prior to recycling	
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	7. Exempt Boiler and/or Industrial Furnace—If "Yes", mark all that apply.	
<input type="checkbox"/>	a. Small Quantity On-site Burner Exemption	
<input type="checkbox"/>	b. Smelting, Melting, and Refining Furnace Exemption	

B. Waste Codes for Federally Regulated Hazardous Wastes. Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g. D001, D003, F007, U112). Use an additional page if more spaces are needed.

D002	D008					
D004	D009					
D005	D10					
D006	D11					
D007						

C. Waste Codes for State Regulated (non-Federal) Hazardous Wastes. Please list the waste codes of the State hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.

11. Additional Regulated Waste Activities (NOTE: Refer to your State regulations to determine if a separate permit is required.)**A. Other Waste Activities**

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Transporter of Hazardous Waste—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Underground Injection Control
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	3. United States Importer of Hazardous Waste
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	4. Recognized Trader—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	5. Importer/Exporter of Spent Lead-Acid Batteries (SLABs) under 40 CFR 266 Subpart G—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Importer
<input type="checkbox"/>	b. Exporter

B. Universal Waste Activities

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Large Quantity Handler of Universal Waste (you accumulate 5,000 kg or more) - If “Yes” mark all that apply. Note: Refer to your State regulations to determine what is regulated.
<input type="checkbox"/>	a. Batteries
<input type="checkbox"/>	b. Pesticides
<input type="checkbox"/>	c. Mercury containing equipment
<input type="checkbox"/>	d. Lamps
<input type="checkbox"/>	e. Other (specify) _____
<input type="checkbox"/>	f. Other (specify) _____
<input type="checkbox"/>	g. Other (specify) _____
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Destination Facility for Universal Waste Note: A hazardous waste permit may be required for this activity.

C. Used Oil Activities

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	1. Used Oil Transporter—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Transporter
<input type="checkbox"/>	b. Transfer Facility (at your site)
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	2. Used Oil Processor and/or Re-refiner—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Processor
<input type="checkbox"/>	b. Re-refiner
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	3. Off-Specification Used Oil Burner
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	4. Used Oil Fuel Marketer—If “Yes”, mark all that apply.
<input type="checkbox"/>	a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
<input type="checkbox"/>	b. Marketer Who First Claims the Used Oil Meets the Specifications

12. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR 262 Subpart K.

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Opting into or currently operating under 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories—If “Yes”, mark all that apply. Note: See the item-by-item instructions for definitions of types of eligible academic entities.
<input type="checkbox"/>	1. College or University
<input type="checkbox"/>	2. Teaching Hospital that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/>	3. Non-profit Institute that is owned by or has a formal written affiliation with a college or university
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	B. Withdrawing from 40 CFR 262 Subpart K for the management of hazardous wastes in laboratories.

13. Episodic Generation

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an SQG or VSQG generating hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves you to a higher generator category. If “Yes”, you must fill out the Addendum for Episodic Generator.
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14. LQG Consolidation of VSQG Hazardous Waste

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you an LQG notifying of consolidating VSQG Hazardous Waste Under the Control of the Same Person pursuant to 40 CFR 262.17(f)? If “Yes”, you must fill out the Addendum for LQG Consolidation of VSQGs hazardous waste.
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15. Notification of LQG Site Closure for a Central Accumulation Area (CAA) (optional) OR Entire Facility (required)

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	LQG Site Closure of a Central Accumulation Area (CAA) or Entire Facility.
A. <input type="checkbox"/> Central Accumulation Area (CAA) <input type="checkbox"/> Entire Facility	
B. Expected closure date: _____ mm/dd/yyyy	
C. Requesting new closure date: _____ mm/dd/yyyy	
D. Date closed : _____ mm/dd/yyyy	
<input type="checkbox"/> 1. In compliance with the closure performance standards 40 CFR 262.17(a)(8) <input type="checkbox"/> 2. Not in compliance with the closure performance standards 40 CFR 262.17(a)(8)	

16. Notification of Hazardous Secondary Material (HSM) Activity

<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	A. Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 260.30, 40 CFR 261.4(a)(23), (24), or (27)? If “Yes”, you must fill out the Addendum to the Site Identification Form for Managing Hazardous Secondary Material.
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	B. Are you notifying under 40 CFR 260.43(a)(4)(iii) that the product of your recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate but that the recycling is still legitimate? If “Yes”, you may provide explanation in Comments section. You must also document that your recycling is still legitimate and maintain that documentation on site.

17. Electronic Manifest Broker

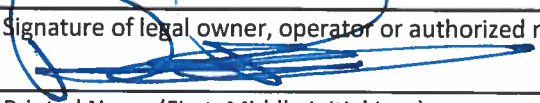
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Are you notifying as a person, as defined in 40 CFR 260.10, electing to use the EPA electronic manifest system to obtain, complete, and transmit an electronic manifest under a contractual relationship with a hazardous waste generator?
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18. Comments (include item number for each comment)

Item 4: The site survey recorded the location of the site in UTM coordinates, North American Datum of 1983, (UTM Zone 11). The coordinates for the northwest corner of the Dry Hills TSF building are: N 14,681,067.24 and E 1,816,741.50. All RCRA hazardous waste units are located within the TSF building.

Item 10, Line B: Waste managed at the Dry Hills Facility is treated for the mercury constituent: other waste codes may also apply to some wastes, and therefore, have been listed here.

19. 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 manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. **Note: For the RCRA Hazardous Waste Part A permit Application, all owners and operators must sign (see 40 CFR 270.10(b) and 270.11).**

Signature of legal owner, operator or authorized representative 	Date (mm/dd/yyyy) 1/29/2019
Printed Name (First, Middle Initial Last) Daniel Steven Donnelli	Title Environmental Manager
Email ddonnelli@barrick.com	
Signature of legal owner, operator or authorized representative	Date (mm/dd/yyyy)
Printed Name (First, Middle Initial Last)	Title
Email	

United States Environmental Protection Agency

HAZARDOUS WASTE PERMIT PART A FORM



1. Facility Permit Contact

First Name	Daniel	MI		Last Name	Donnelli
Title	Environmental Manager				
Email	ddonnelli@barrick.com				
Phone	775 778-8246	Ext		Fax	

2. Facility Permit Contact Mailing Address

Street Address	P.O. BOX 29				
City, Town, or Village	Elko				
State	NV	Country	USA	Zip Code	89803

3. Facility Existence Date (mm/dd/yyyy)

12/31/2014

4. Other Environmental Permits

A. Permit Type	B. Permit Number												C. Description
E													SAD construction permit (not yet issued)
E													CAPP to construct permit, BAPC (not yet issued)
E													CAPP to operate permit, BAPC (not yet issued)
P													Minor Source, CClass II Air permit, (not yet issued)
E													Fire Marshal Hazardous Materials Permit (not yet issued)
E													Uniform Fire Flammable Materials Permit (not yet issued)

5. Nature of Business

Treatment of mercury-bearing mining wastes to recover elemental mercury; storage of pre-treated wastes; interim storage of elemental mercury pending shipment to National Mercury Repository.

6. Process Codes and Design Capacities

Line Number		A. Process Code			B. Process Design Capacity		C. Process Total Number of Units	D. Unit Name
					(1) Amount	(2) Unit of Measure		
0	1	S	0	1	28,000	G	001	Storage in Containers
0	2	S	0	2	7,200	G	002	Waste Solution Tanks
0	3	T	0	1	1,500	U	004	Caustic Leach System
0	4	X	0	2	400	U	001	Filter Press
0	5	X	0	3	220	U	002	Retorts

7. Description of Hazardous Wastes (Enter codes for Items 7.A, 7.C and 7.D(1))

Line No.		A. EPA Hazardous Waste No.				B. Estimated Annual Qty of Waste	C. Unit of Measure	D. Processes											
								(1) Process Codes								(2) Process Description (if code is not entered in 7.D1))			
0	1	D	0	0	9	226	T	S	0	1	X	0	3				elemental mercury		
0	2	D	0	0	2												same as line 1		
0	3	D	0	0	4												same as line 1		
0	4	D	0	0	5												same as line 1		
0	5	D	0	0	6												same as line 1		
0	6	D	0	0	7												same as line 1		
0	7	D	0	0	8												same as line 1		
0	8	D	0	1	0												same as line 1		
0	9	D	0	1	1												same as line 1		
1	0	D	0	0	9	120	T	S	0	1	X	0	3				carbon		
1	1	D	0	0	2												same as line 10		

8. Map

Attach to this application a topographical map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all spring, rivers, and other surface water bodies in this map area. See instructions for precise requirements.

9. Facility Drawing

All existing facilities must include a scale drawing of the facility. See instructions for more detail.

10. Photographs

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment, and disposal areas; and sites of future storage, treatment, or disposal areas. See instructions for more detail.

11. Comments

See page 9

7. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

Line Number		A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Qty of Waste	C. Unit of Measure (Enter code)	D. PROCESSES										(2) PROCESS DESCRIPTION (If code is not entered in 9.D(1))
					(1) PROCESS CODES (Enter Code)										
1	2	D 0 0 4													same as line 10
1	3	D 0 0 5													same as line 10
1	4	D 0 0 6													same as line 10
1	5	D 0 0 7													same as line 10
1	6	D 0 0 8													same as line 10
1	7	D 0 1 0													same as line 10
1	8	D 0 1 1													same as line 10
1	9	D 0 0 9	61	T	S	O	1	D	8	0					treated carbon residue
2	0	D 0 0 2													same as line 19
2	1	D 0 0 4													same as line 19
2	2	D 0 0 5													same as line 19
2	3	D 0 0 6													same as line 19
2	4	D 0 0 7													same as line 19
2	5	D 0 0 8													same as line 19
2	6	D 0 1 0													same as line 19
2	7	D 0 1 1													same as line 19
2	8	D 0 0 9	306	T	S	O	1	T	O	1					calomel
2	9	D 0 0 2													same as line 28
3	0	D 0 0 4													same as line 28
3	1	D 0 0 5													same as line 28
3	2	D 0 0 6													same as line 28
3	3	D 0 0 7													same as line 28
3	4	D 0 0 8													same as line 28
3	5	D 0 1 0													same as line 28
3	6	D 0 1 1													same as line 28
3	7	D 0 0 9	211	T	X	0	2	X	0	3					decomposed filter cake
3	8	D 0 0 2													same as line 37
3	9	D 0 0 4													same as line 37
4	0	D 0 0 5													same as line 37
4	1	D 0 0 6													same as line 37
4	2	D 0 0 7													same as line 37
4	3	D 0 0 8													same as line 37
4	4	D 0 1 0													same as line 37
4	5	D 0 1 1													same as line 37
4	6	D 0 0 9	14	T	S	0	1	X	0	3	D	8	0		treated filter cake residue
4	7	D 0 0 2													same as line 46

7. Description of Hazardous Wastes (Continued. Use additional sheet(s) as necessary; number pages as 5a, etc.)

[illegible]

11. Comments

Item 6, line 1: Storage in containers - capacity primary for elemental mercury recovered from caustic leach process and received from off-site. Estimated storage capacity for the storage area is 28,000 gallons after the facility has been in operation for 11 years (maximum of 226 pigs/yr) 1024 pigs (19 gal/pig = 19,456 gal.; 146 containers (55 gal/container = 8030 gal) of combination of calomel (76 drums), carbon (60 drums), and debris (10 drums).

The amount of elemental mercury in storage; corresponds to Item 7, lines 1, 10, 19, 28, 46, and 64.

Item 6, line 2: two 3,600-gallon tanks #1540-TK-012 and #1540-TK-035; corresponds to Item 9, line 55

Item 6, line 3: four tanks in caustic leach system: Decomposition Tank #1420-TK-033 (400 gal), Waste Solution Tank #1420 -TK-037 (400 gal), Waste Collection Tank #1440-TK-114 (400 gal), and Waste Settling Tank #1440-TK-116 (300 gal); corresponds to Item 9, lines 28 and 55.

Item 6, line 4: Filter Press #1420-FL-036 (400-gal, direct feed from caustic leach system); corresponds to Item 7, line 37

Item 6, line 5: Two retorts (initial unit and future unit) 110 gal per batch each; corresponds to Item 9, lines 1,10,37,46, and 64

Item 7: Refer to Drawings H340940-0000-05-015-0001 and H340940-0000-05-015-0002 (attached).

Item 7, line 1: If a national repository is not available to accept elemental mercury, the amount of mercury in storage after 11 years of operation will be a maximum of 1024 pigs. If PMR is able to transfer elemental mercury to a national repository during the operational life of the TSF, PMR may regularly transfer stored elemental mercury to a national repository off-site.

Item 7, line 19: Treated carbon residue is generated from treatment of spent carbon in line 10.

Item 7, line 28: Recovered mercury is included in the stored mercury total on line 1; mercury may be recovered from the wastes listed on lines 10, 28, 37, 46, and 64.

Item 7, line 37: Filter cake is generated from treatment of calomel on line 28 and retorted in line 46.

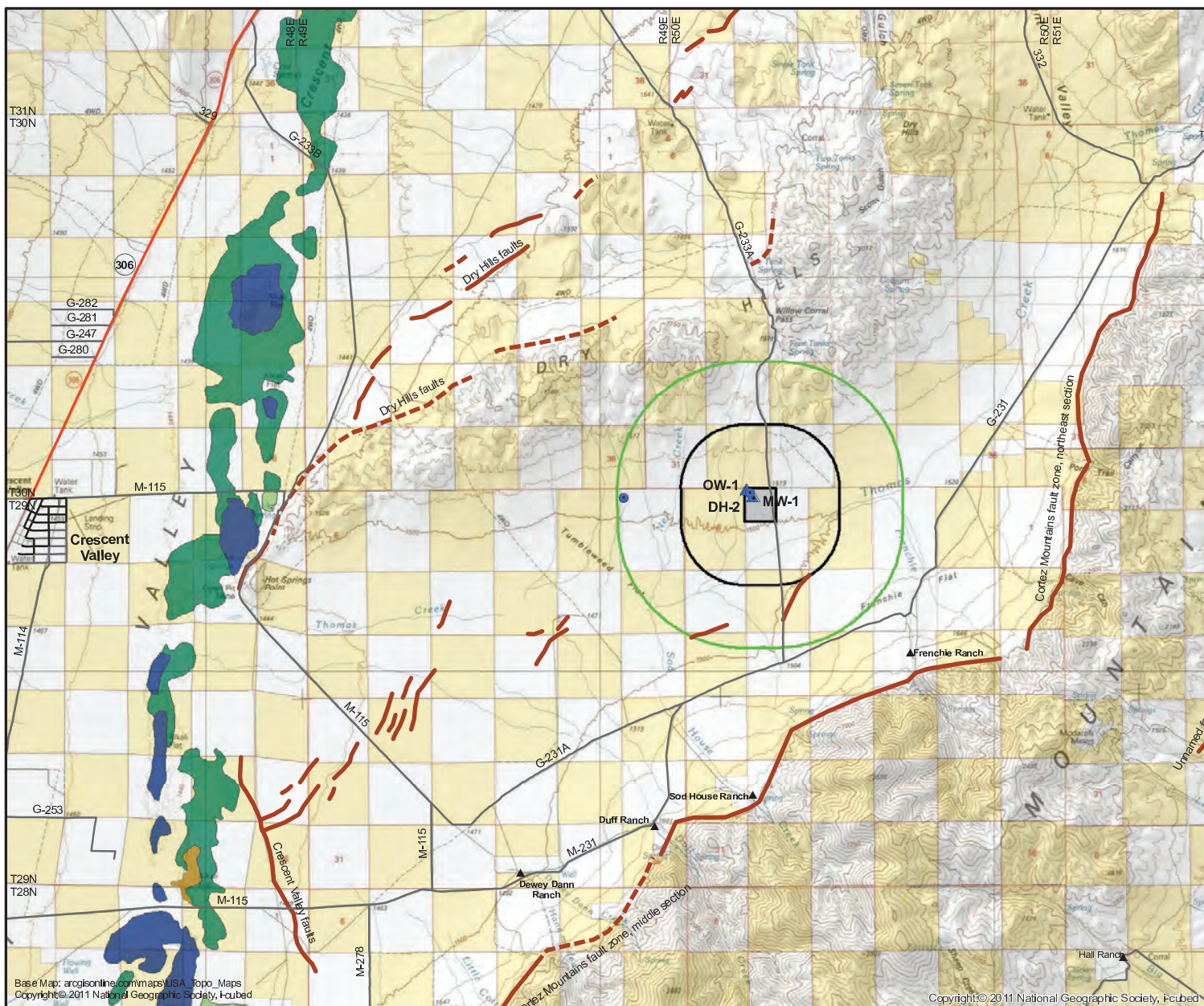
Item 7, line 64: General debris includes PPE, rags, dust, miscellaneous dry waste is treated to recover elemental mercury and meet LDR requirements for D009 waste.

This facility is not permitted for disposal; all disposal occurs at off-site disposal facilities.

Items 8 and 9: Seven maps, drawings or figures are attached to the Part A application. Additional D-size maps and design drawings are included in the Part B application.

Item 9: There is one permitted facility building. All permitted hazardous waste storage and treatment units are located within the confines of the building, see Drawing H340940-0000-50-015-0013, attached. The building houses storage areas and processing areas for thermal treatment by retort, chemical treatment by caustic leach, and mechanical treatment by filter press.

Item 10: This facility is not yet constructed; therefore, no photographs are available.



Legend

Site T29N R50E Sec. 5 NW/4

1 Mile Buffer

2 Mile buffer

Water Well

JBR Wells

Wetlands

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Lake

Other

Quaternary Faults

Well constrained

Moderately constrained

Roads

State Highway

Road, dirt/gravel

Drainage

Artificial Path

Canal Ditch

Connector

Intermittent Stream

Perennial Stream

Land Ownership

BLM

State

Private



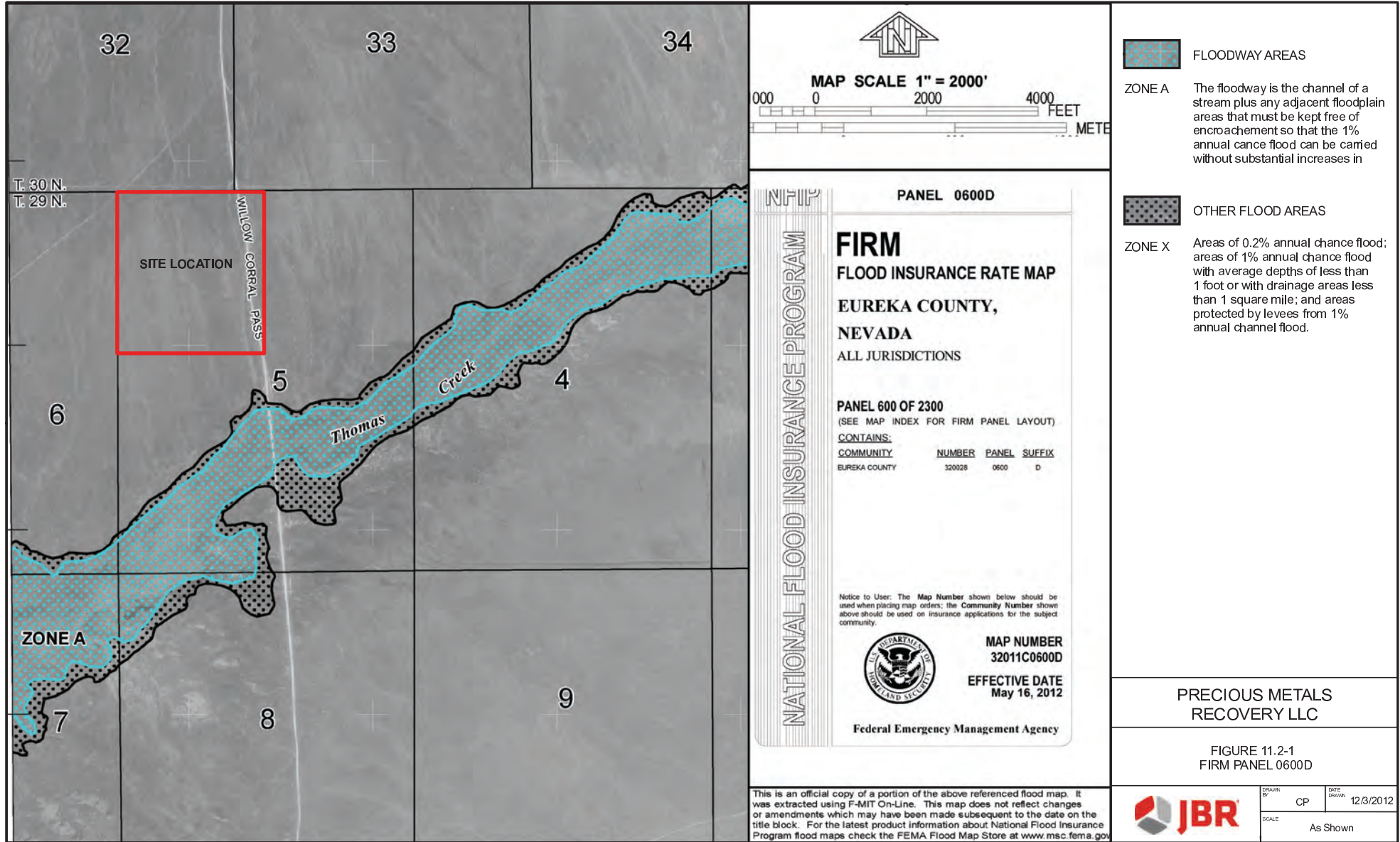
Data Sources
 Water Well Data: State of Nevada Division of Water Resources
 (http://water.nv.gov/data/well/index.cfm)
 Fault Data: USGS Geologic Hazards Science Center
 (http://geohazards.usgs.gov/faults/nv/Nevada.php)
 Wetland Data: U.S. Fish and Wildlife Service National Wetlands
 Inventory (http://www.fws.gov/wetlands/)

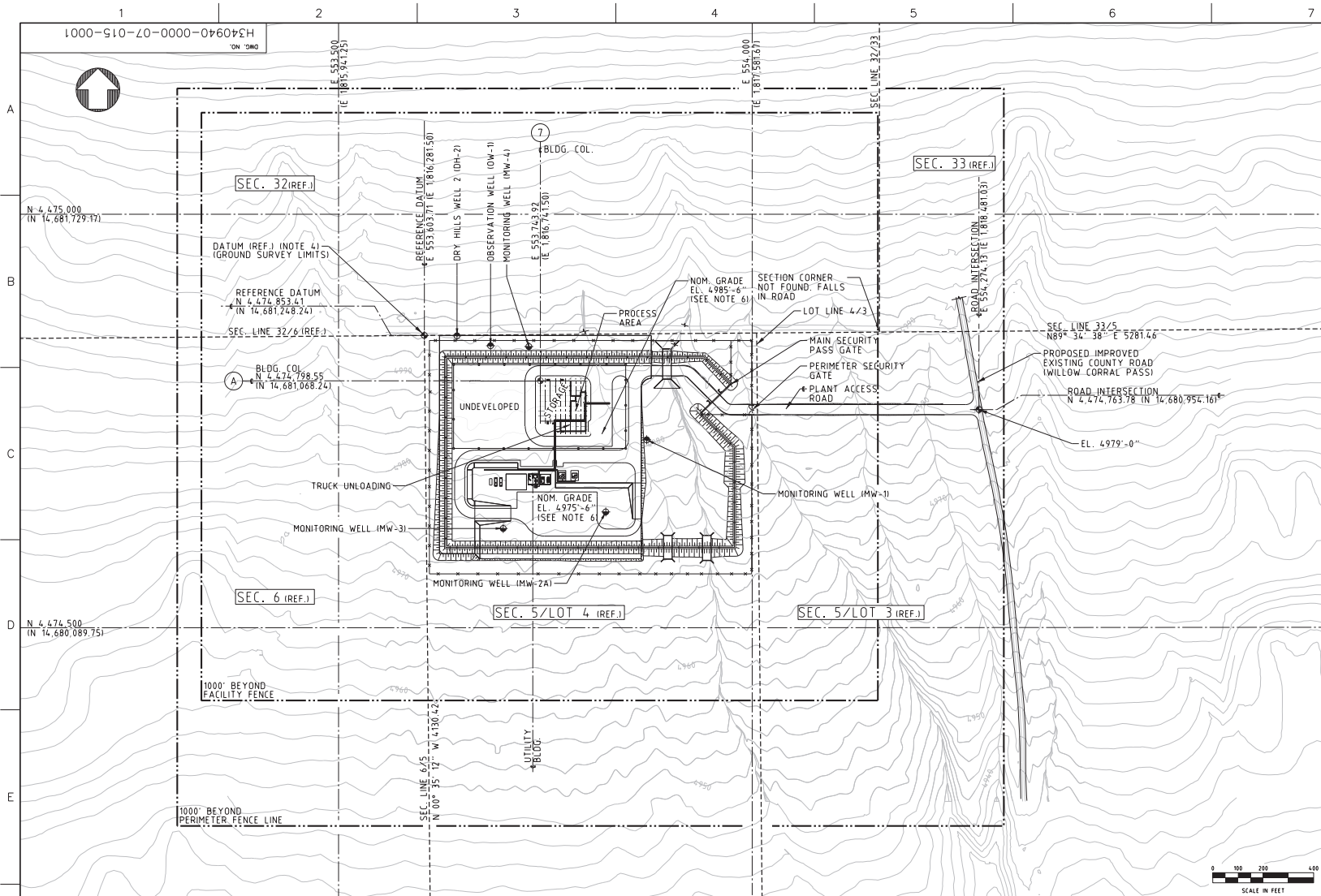
PRECIOUS METALS RECOVERY LLC

FIGURE 11.3-1 SITE MAP, WELL LOCATIONS, FAULTS, WETLANDS, AND LAND OWNERSHIP



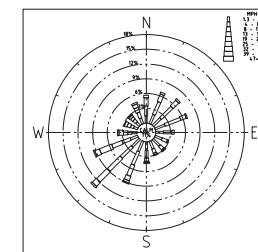
DRAWN BY	CP	DATE DRAWN
		10/30/2012
SCALE		1:100,000





- GENERAL NOTES:**
1. ALL COORDINATES SHOWN ARE IN METERS (BRACKETED COORDINATES ARE IN U.S. SURVEY FEET).
 2. ALL ELEVATIONS ARE IN FEET UNLESS NOTED OTHERWISE.
 3. GRID COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (UTM ZONE 11).
 4. SURVEY COORDINATES AND ELEVATIONS SHOWN ARE AS RECORDED BY SUMMIT ENGINEERING (RYAN COOK - 08/24/2012).
 5. WELL COORDINATES FOR MW-2A, MW-3 AND MW-4 AS PROVIDED BY IJR (09/26/2012).
 6. NATURAL GRADE TOPOGRAPHIC INFORMATION (SUMMIT ENGINEERING SURVEY 08/24/2012) OVERLAYED ON THE ENGINEERED GRADE (INOM. GRADE EL. 4975'-6" & EL. 4985'-6").

WIND ROSE
STATION - CRESCENT VALLEY DEAN RANCH,
NEVADA.



LEGEND:

- +— FACILITY FENCE
- x— PERIMETER FENCE LINE
- x— BERM FENCE
- x— BATTERY LIMIT
- SECTION/LOT LINE
- GRID COORDINATES
- TOPOGRAPHIC MAP BOUNDARY
- EXISTING WATER COURSE
- DATUM POINT
- GROUND SURVEY LIMITS
- WELL (SURVEY 08/24/2012)
- WELL (IJR 09/26/2012)

**FOR INFORMATION
NOT FOR CONSTRUCTION**

HATCH

PRECIOUS METALS RECOVERY LLC

PRECIOUS METALS RECOVERY LLC
DRY HILLS FACILITY PROJECT

DRY HILLS FACILITY
TOPOGRAPHIC MAP
(RCRA PERMIT APPLICATION)

SCALE: DWG. NO.
1"=200'
OR AS NOTED H340940-0000-07-015-0001

DESIGNED BY		DRAWN BY	
J. CHALMERS		E. CRAWFORD	
DATE 25-10-2012		DATE 25-10-2012	
CHECKED BY		DESIGNED BY	
S. SENNIK		R. FUKUZAWA	
DATE 25-10-2012		DATE 25-10-2012	
C. INFORMATION		PROJ. DES. COORD.	
EC SS 15-11-2012		PROJ. ENGR.	
B. INFORMATION		S. SENNIK	
EC SS 14-11-2012		DATE 25-10-2012	
A. INFORMATION		DATE 25-10-2012	
EC SS 25-10-2012		DATE 25-10-2012	
REV. ISSUE FOR		DATE	
M. SUCHARDA		DATE 25-10-2012	

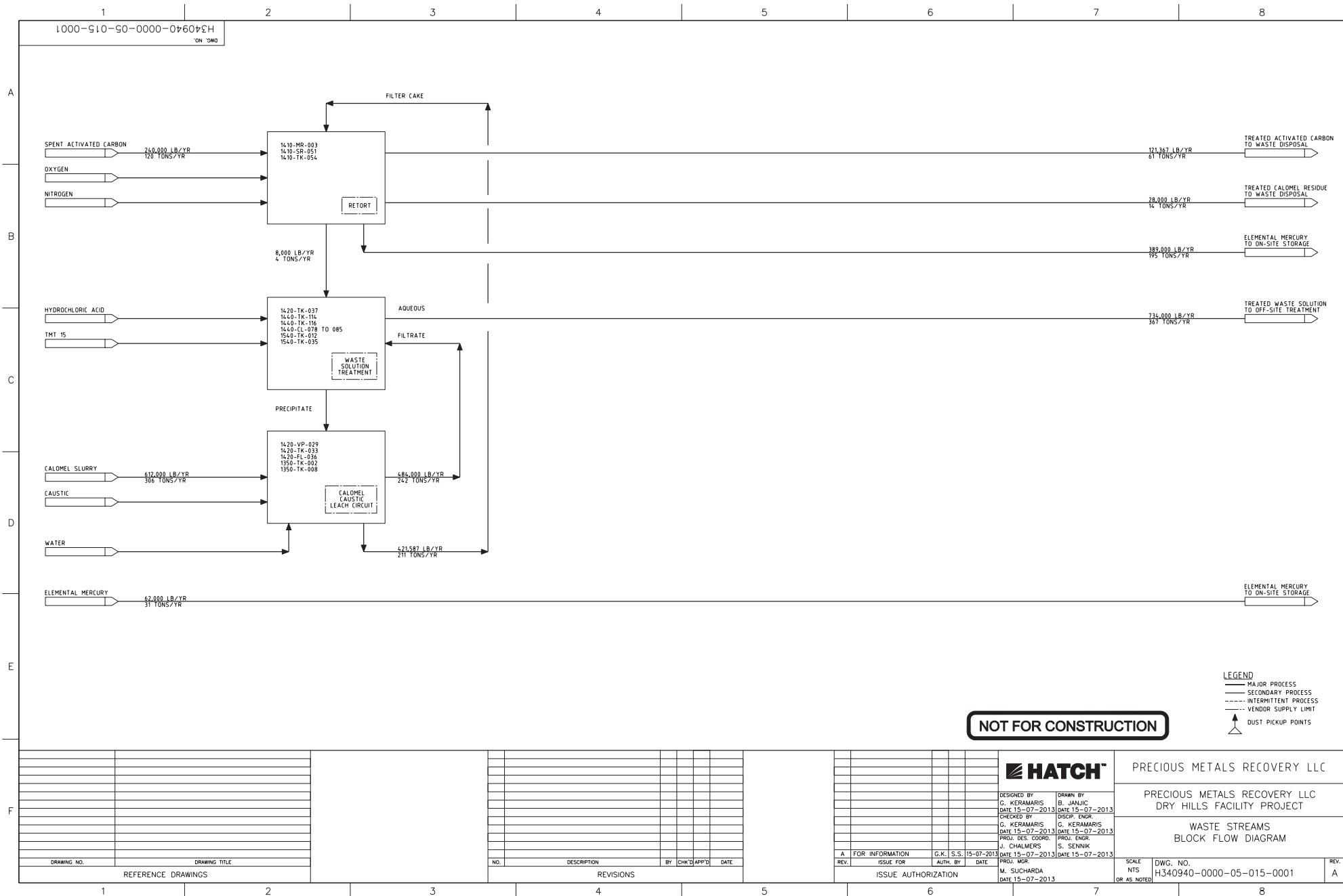
ISSUE AUTHORIZATION

REFERENCE DRAWINGS

REVISIONS

NO.	DESCRIPTION	BY	CHK'D	APP'D	DATE
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DRAWING NO.	DRAWING TITLE
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RCRA PERMIT NEVHW0034 PRECIOUS METALS RECOVERY EPA ID# NVR000088542	PERMIT ATTACHMENT 1B	RENEWAL April 2019
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List of Restricted Wastes at Precious Metals Recovery

[See Permit Condition 2.8]

The Permittee is not authorized to receive, treat, store, or otherwise manage the following:

1. Waste that is not identified in:
 - a. Permit Section 3.3;
 - b. Permit Section 4.1;
 - c. Permit Section 5.1; or
 - d. Permit Section 6.2.

RCRA PERMIT NEVHW0034 PRECIOUS METALS RECOVERY EPA ID# NVR000088542	PERMIT ATTACHMENT 1C	RENEWAL April 2019
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List of Activities Authorized at PMR

1. The Permittee may store a maximum of 19,456 gallons of elemental mercury, as shown in Table 3.3, based on 11-year life of the facility. (Pursuant to the Mercury Export Ban Act, elemental mercury is not subject to the one year storage limit.)
2. The throughput values shown in Table 5.1 for the operations related to the caustic leach process are greater than the design capacity of the tank (400 gallons) since the caustic leach processes may process more than one batch in 24 hours.

RCRA PERMIT NEVHW0034 PRECIOUS METALS RECOVERY EPA ID# NVR000088542	PERMIT ATTACHMENT 2	RENEWAL April 2019
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The following documents are adopted herein as if fully set forth in this permit:

1. PMR RCRA Part A & B Permit Applications – September 25, 2018 and subsequent revisions.