

Nevada Division of Environmental Protection

AUTHORIZATION TO DISCHARGE

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

U.S. Department of the Army  
Hawthorne Army Depot (HWAD)  
Plasma Ordnance Demilitarization  
System (PODS)  
1 South Maine Avenue  
Hawthorne, Nevada 89415

is authorized to store and manage PODS water treatment system effluent, and to store and use cooling system water at the PODS facility located at

Hawthorne Army Depot (HWAD) Plasma Ordnance Demilitarization System near Building 117-2

Hawthorne  
Mineral County, Nevada

Section 32, T. 9N., R. 30E. MDB&M  
Latitude: 38° 35'N.; Longitude: 118° 39'W.

to receiving waters named

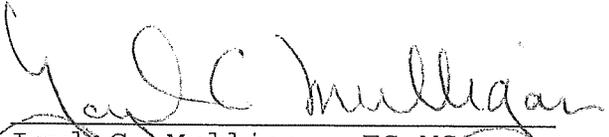
zero discharge into double lined evaporation pond for the water treatment system effluent, to lined storage ponds for the cooling system water, and to groundwater for dust suppression with the cooling water

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Part I, II and III hereof.

This permit shall become effective on March 12, 2004.

This permit and the authorization to discharge shall expire at midnight, March 12, 2009.

Signed this 12<sup>th</sup> day of March, 2004.

  
Icyl C. Mulligan, ES MS  
Bureau of Water Pollution Control

Part I

**A. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS AND CONDITIONS**

1. During the period beginning on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized: to discharge water treatment system effluent to a double lined evaporation pond, Outfall 001; to discharge non-contact cooling water to a lined storage pond, Outfall 002; and to use the stored cooling water for dust suppression Outfall 003, in accordance with the limitations, requirements and conditions of this permit.

Samples taken in compliance with the monitoring requirements specified below shall be taken as follows: the discharge shall be limited and monitored by the Permittee as specified below:

**Table I.1**

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS			
	30 - day Average	Daily Maximum	Sample Locations	Measurement Frequency	Sample Type	
<b>Outfall 001</b> FLOW: GPM	Monitor & Report	15 GPM	prior to discharge to the pond	Continuous	Meter	
<b>Outfall 002</b> FLOW: GPM	Monitor & Report	30 GPM	prior to discharge to the pond	Continuous	Meter	
<b>Outfall 003</b> FLOW: Total gallons	Monitor & Report	----	At truck fill	Each Load	Calculate	
<b>Outfall 001</b> pH: Nitrate as N: Nitrite as N: TDS: Chloride: Priority Pollutant Metals: 624 Leak Detection System Collection Sump	Monitor & Report mg/L  Monitor &  Monitor &	Monitor & Report mg/L  Record  150 GPD	prior to discharge to the pond  evaporation pond  evaporation pond	once each batch discharge  4th quarter annual  Weekly	Discrete  Discrete  Discrete	
<b>Outfall 002</b> TDS:	Monitor & Report mg/L	Monitor & Report mg/L	prior to discharge to the pond	once each batch discharge	Discrete	

## Part I.A. (continued)

I.A.1. A weekly visual inspection of the pond liners shall be conducted, and the results recorded in a log which shall be available for inspection by NDEP staff or their Agents, and shall be reported per Part I.A.10, and I.A.11.

I.A.2. GROUNDWATER MONITORING: PODSMW #1, PODSMW #2

<u>PARAMETERS</u>	<u>DISCHARGE LIMITATIONS</u>	<u>MONITORING REQUIREMENTS</u>	
		<u>Measurement Frequency</u>	<u>Sample Type</u>
Total Dissolved Solids:	Monitor and Report	Quarterly	Discrete
Chlorides:	Monitor and Report	Quarterly	Discrete
Total Nitrogen as N:	Monitor and Report	Quarterly	Discrete
Nitrate as N:	Monitor and Report	Quarterly	Discrete
Groundwater Elevation:	Monitor and Report	Quarterly	Discrete
Depth to Groundwater:	Monitor and Report	Quarterly	Discrete

I.A.3. There shall be no objectionable odors generated by the facility ponds.

I.A.4. There shall be no discharge or release of substances from the facility that would cause a violation of water quality standards of the State of Nevada.

I.A.5. There shall be no discharge from the water treatment and water cooling facilities except as authorized by this permit. All solid toxic or hazardous waste shall be disposed pursuant to all applicable State and Federal laws and regulations. No hazardous or toxic waste shall be placed in the facilities' ponds.

I.A.6. The water treatment and disposal facilities shall be constructed and operated in accordance with plans approved by the Division. Any new plans or changes to existing plans must be approved by the Division prior to the start of construction and all changes to approved plans must be approved by the Division. Any expansion to the disposal or storage ponds shall be constructed in accordance with plans approved by the Division prior to the start of construction.

I.A.7. The Permittee shall operate, manage and maintain all facilities authorized by this permit in compliance with the permit provisions and requirements, and in accordance with the approved U. S. Army HWAD PODS Facility **Operations and Maintenance/Management Manual (O & M)** for the HWAD PODS Facility and Part I.A.1 above. Monitoring and Measurements shall be described in the O & M Manual and shall be implemented in accordance with the written procedures therein. **The results shall be recorded in a permanent record and reported quarterly.**

I.A.8. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1, 2004 and every year thereafter until the permit is terminated.

## Part I.A.

- I.A.9. The Permittee shall maintain a copy of this permit, all subsequent modifications to the permit and a copy of the approved Operations and Maintenance/Management Manual for the U.S. Army HWAD PODS facility at the Permittee's Hawthorne Facility at all times.
- I.A.10. The evaporation pond and the cooling water storage ponds shall be protected from wind uplift or other environmental hazards by maintaining 6 inches of water in the ponds or by the use of suitable weights to keep the liners in place. A minimum of 2' of freeboard shall be maintained. **The ponds and the pond berms shall be inspected weekly and, after storms, and, when possible, during storms.** These inspections are performed to detect evidence of:
- a. Deterioration or damage to the pond liners;
  - b. Damage or deterioration to the effluent supply lines and flow meters at the discharge to the ponds.
  - c. Severe erosion or other signs of deterioration in the pond berms.

If any of the above items are identified, the NDEP must be notified within 5 days, flows shall cease until the cause(s) is determined and plans for correction or repair are submitted to this Division for approval.

- I.A.11. These pond inspections shall be recorded in a permanent record and **reported quarterly** with the DMR in accordance with procedures outlined in the O & M Manual.
- I.A.12. All pond structures shall contain a 25-year, 24-hour storm event, and withstand and remain competent, with no discharge, the run-off from the 100 year, 24-hour storm event.
- I.A.13. The facility shall be fenced and posted with appropriate language as to the nature of the facility.
- I.A.14. This permit may be reopened and modified by the permitting authority to include additional effluent limits, additional testing and or other appropriate actions to address certain parameter exceedances. This permit may also be reopened and modified to incorporate alternative permit conditions, if necessary.
- I.A.15. **Schedule of Compliance**
- a. The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.
  - b. An Operations and Maintenance/Management Manual for the PODS Water Treatment System and cooling water system management, storage, monitoring, including groundwater monitoring, and use for dust suppression shall be submitted to the Division for review and approval by July 30, 2004. **All deliverables shall be directed to Ms. Diana Silsby, at the address listed below.**

**I.B. MONITORING AND REPORTING**

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Analysis shall be performed by a laboratory certified by the State of Nevada.

**2. Reporting**

Monitoring results obtained during the previous three (3) months shall be summarized for each month and reported on a Discharge Monitoring Report Form received in this office no later than the 28th day of the month following the completed reporting period. The first report is due on April 28, 2004. A signed copy of these, and all other reports required herein, shall be submitted to the State at the following address:

Division of Environmental Protection  
Bureau of Water Pollution Control  
ATTN: Compliance Coordinator-Ms. Diana Silsby  
Carson City, Nevada 89706-0851

**3. Definitions**

- a. The "30-day average discharge" means the total discharge during a month divided by the number of samples in the period that the facility was discharging. Where less than daily sampling is required by this permit, the 30-day average discharge shall be determined by the summation of all the measured discharges divided by the number of samples during the period when the measurements were made.
- b. The "daily maximum" discharge means the total discharge during any calendar day.
- c. The "30-day average concentration", other than for fecal coliform bacteria, means the arithmetic mean of measurements made during a month.
- d. The "daily maximum" concentration means the measurement made on any single discrete sample or composite sample.
- e. A "discrete" sample means any individual sample collected in less than 15 minutes.
- f. A "composite" sample for solid material means a combination of no fewer than four individual samples of equal volume collected at equally-spaced locations within the subject body. A "composite" sample means, for flow rate measurements means for flow-rate measurements a "composite" sample means the arithmetic mean of no fewer than six individual measurements

**I.B.3.f. Continued**

taken at equal time intervals for 24 hours, or for the duration of discharge, whichever is shorter. For other than flow-rate a "composite" sample means a combination of no fewer than six individual flow-weighted samples obtained at equal time intervals for 24 hours, or for the duration of discharge, whichever is shorter. Flow-weighted sample means that the volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling.

**4. Test Procedures**

Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Act, under which such procedures may be required unless other procedures are approved by the Division.

**5. Recording the Results**

For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

- a. the exact place, date, and time of sampling;
- b. the dates the analyses were performed;
- c. the person(s) who performed the analyses;
- d. the analytical techniques or methods used; and
- e. the results of all required analyses.

**6. Additional Monitoring by Permittee**

If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

**7. Records Retention**

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer if required by the Administrator.

**8. Modification of Monitoring Frequency and Sample Type**

After considering monitoring data, stream flow, discharge flow and receiving water conditions, the Division, may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.

**PART II.A.****II.A. MANAGEMENT REQUIREMENTS****II.A.1. Change in Discharge**

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, or treatment modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Any changes to the permitted treatment facility must comply with Nevada Administrative Code NAC 445A.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

**II.A.2. Facilities Operation**

The Permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities, collection systems or pump stations installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.

**II.A.3. Adverse Impact**

The Permittee shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**II.A.4. Noncompliance, Unauthorized Discharge, Bypassing and Upset**

- a. Any diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities under the control of the permittee is prohibited except as authorized by this permit. In the event the permittee has knowledge that a diversion, bypass, spill, overflow or discharge not authorized by this permit is probable, the permittee shall notify the Division immediately.
- b. The Permittee shall notify the Division within twenty-four (24) hours of any diversion, bypass, spill, upset, overflow or release of treated or untreated discharge other than that which is authorized by the permit. A written report shall be submitted to the Administrator within five (5) days of diversion, bypass, spill, overflow, upset or discharge, detailing the entire incident including:
  1. time and date of discharge;

## Part II.A.4.b.

2. exact location and estimated amount of discharge;
  3. flow path and any bodies of water which the discharge reached;
  4. the specific cause of the discharge; and
  5. the preventive and/or corrective actions taken.
- c. The following shall be included as information which must be reported within 24 hours: any unanticipated bypass which exceeds any effluent limitation in the permit; any upset which exceeds any effluent limitation in the permit; and violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
- d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.b. at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.A.4.b.
- e. An "upset" means an incident in which there is unintentional and temporary noncompliance with the permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- f. In selecting the appropriate enforcement option, the Division shall consider whether or not the noncompliance was the result of an upset.
- g. The burden of proof is on the Permittee to establish that an upset occurred.

In order to establish that an upset occurred, the Permittee must provide, in addition to the information required under paragraph II.A.4.b. above, properly signed contemporaneous logs or other documentary evidence that:

1. The facility was at the time being properly operated as required in paragraph II.A.2. above; and
2. All reasonable steps were taken to minimize adverse impacts as required by paragraph II.A.3. above.

II.A.5. **Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollution from such materials from entering any navigable waters.

## Part II.A.

II.A.6. **Safeguards to Electric Power Failure**

In order to maintain compliance with the effluent limitations and prohibitions of this permit the Permittee shall either:

- a. provide at the time of discharge an alternative power source sufficient to operate the wastewater control facilities; or
- b. halt or manage necessary discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

II.B. **RESPONSIBILITIES**II.B.1. **Right of Entry**

The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials:

- a. to enter upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. at reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to perform any necessary sampling to determine compliance with this permit or to sample any discharge.

II.B.2. **Transfer of Ownership or Control**

In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. ALL transfer of permits shall be approved by the Division.

II.B.3. **Availability of Reports**

Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Division. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

II.B.4. **Furnishing False Information and Tampering with Monitoring Devices**

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders

**Part II.B.4 Continued**

inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

**II.B.5. Penalty for Violation of Permit Conditions**

Nevada Revised Statutes NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

**II.B.6. Permit Modification, Suspension or Revocation**

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. violation of any terms or conditions of this permit;
- b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

**II.B.7. Toxic Pollutants**

Notwithstanding Part II.B.6. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under NAC 445A for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

**II.B.8. Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

**II.B.9. Property Rights**

The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

## Part II.B.

## II.B.10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

## III.A. OTHER REQUIREMENTS

## III.A.1. Reapplication

If the Permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires on the application forms then in use. The application shall be accompanied by the renewal application fee required by NAC 445A.232.

## III.A.2. Signatures required on application and reporting forms.

- a. Application and reporting forms submitted to the department must be signed by one of the following:
  1. A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates; or
  2. A general partner of the partnership; or
  3. The proprietor of the sole proprietorship; or
  4. A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.
- b. Each application must contain a certification by the person signing the application that he is familiar with the information provided, that to the best of his knowledge and belief the information is complete and accurate and that he has the authority to sign and execute the application.
- c. **Changes to Authorization.** If an authorization under paragraph b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b. of this section must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

Part III.A.

III.A.3. **Holding Pond Conditions**

If any wastewater from the Permittee's facility is placed in ponds, such ponds shall be located and constructed so as to:

- a. contain with no discharge the once-in-twenty-five year 24 hour storm at said location;
- b. withstand with no discharge the once-in-one-hundred year flood at said location; and
- c. prevent escape of wastewater by leakage other than as authorized by this permit.

