FINDINGS

1. Data provided to the NDEP by the Southern Nevada Water Authority (SNWA) during the January 11, 2016 Weir Presentation and data presented in the October 30, 2015 Annual Remedial Performance Report for Chromium and Perchlorate Nevada Environmental Response Trust Site Henderson, Nevada indicates that groundwater in the area of two future SNWA erosion control structures within the Las Vegas Wash contains significant quantities of perchlorate. These structures will be located in an area of the Las Vegas Wash downstream from where the main perchlorate groundwater plume from the Nevada Environmental Response Trust ("NERT") intersects the Las Vegas Wash. This information is available in the site administrative record maintained at the NDEP offices in Las Vegas.

2. Construction of these two erosion control structures is currently scheduled by SNWA to commence in 2016 and be concluded in 2019, and will require Las Vegas Wash stream diversion and construction dewatering. Based on available information, current estimates by the NDEP and SNWA indicate that the groundwater extracted during construction dewatering will contain 3 tons of perchlorate.

3. Direct discharge of this groundwater into the Las Vegas Wash without treatment would substantially contribute to continued exceedance of the current Nevada provisional maximum contaminant level for perchlorate of 18 parts per billion within the Las Vegas Wash.

4. The Las Vegas Wash is tributary to Lake Mead, the primary drinking water source for the Las Vegas Valley, and the Colorado River, which is a significant source of drinking water for populations in Arizona and Southern California. Any increase in perchlorate loading to the Las Vegas Wash would threaten these drinking water sources.

ORDER

This Order is issued under the authority vested in the Director of the Department of Conservation and Natural Resources ("Department") by Nevada Revised Statutes (NRS) 445A.445(1) and 445A.450, delegated to the Division of Environmental Protection ("Division") pursuant to NRS 445A.450(10), and in accordance with NRS 445A.675, and 445A.690. Under this authority, the NDEP has determined that it is necessary and appropriate to require NERT to evaluate options for preventing further exceedances of concentrations of perchlorate that are considered protective of Las Vegas Wash water quality.

DRAFT

IT IS HEREBY ORDERED:

The Nevada Environmental Response Trust (NERT) shall complete the following acts at/or with respect to the NERT Facility located within the Black Mountain Industrial ("BMI") Complex, 560 West Lake Mead Parkway in Henderson, Nevada (hereinafter "the Site") to take action necessary to mitigate and abate substantial hazards to public health pursuant to NAC 445A.22691 and NAC 445A.22695 and consistent with the National Contingency Plan (NCP) by the dates specified:

1. Within ten (10) days of the date of this Order: Submit to the Division a written reply which states NERT's intention to comply with the Order. "Days" as used in this Order shall mean calendar days, excluding state and federal holidays.

2. Within thirty (30) days of the date of this Order: NERT will provide the NDEP and the USEPA with a work plan and a budget (Deliverables) to complete all items within this Order.

3. Within ninety (90) days of the Division's approval of the Deliverables, NERT will provide the Division with an Engineering Evaluation/Cost Analysis (EE/CA) that evaluates the cost, feasibility, schedule and permitting requirements for transferring and treating groundwater extracted during the SNWA Weir construction dewatering. The EE/CA shall include evaluation of the construction of conveyance piping from dewatering locations to the treatment facility, as well as the design, construction, operation, maintenance and reporting associated with the treatment of the groundwater extracted during Weir construction dewatering.

4. NERT should work with NDEP and SNWA staff to obtain the following information and access related to the EE/CA. SNWA's March 15, 2016 letter to the NDEP indicated that SNWA has agreed to work with and to provide the NERT with the necessary information to complete the EE/CA within ninety (90) days of the Division's approval of the Deliverables.

    i. Anticipated schedule for bidding and construction of weirs;
    ii. Access to groundwater monitoring wells along the Las Vegas Wash to characterize groundwater quality at the weir construction area;
    iii. Access to historical construction records regarding the dewatering methods employed, groundwater extraction rates, and measured perchlorate concentrations in groundwater;
    iv. Development of a conceptual dewatering plan to identify the approximate dewatering rate during construction and the approximate schedule at both weir locations;

v. Development of a conceptual design for conveying water from dewatering operations to the treatment system; and
vi. Identifying property ownership along the influent pipeline corridor to the treatment system.

5. Within thirty (30) days of the Division's approval and requested implementation of the EE/CA: NERT must complete a new National Pollutant Discharge Elimination System (NPDES) permit application to facilitate the treatment of the Sunrise Mountain Weir and Historic Lateral Weir groundwater sources.

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Date James (JD) Dotchin, Chief
Bureau of Industrial Site Cleanup