

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

AUTHORIZATION TO DISCHARGE

In compliance with the provisions of the Clean Water Act as amended, (33 U.S.C. 1251 et. seq; the "Act"), and Chapter 445A of the Nevada Revised Statutes (NRS), the Permittee,

**Churchill County
155 N Taylor Street
Suite 190
Fallon, Nevada 89406**

is authorized to discharge from a facility located at:

**Moody Lane Regional Water Reclamation Facility
2831 Moody Lane
Fallon, Churchill County, Nevada 89406
Township 19 N, Range 28 E, Section 14**

Outfall 004

Latitude: 39° 30' 54.18" N

Longitude: 118° 48' 01.55" W

to receiving waters named:

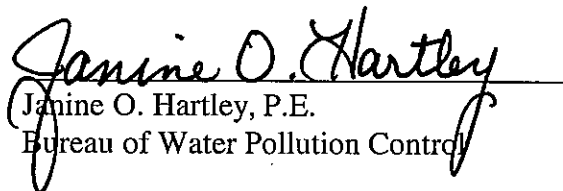
**The Stillwater National Wildlife Refuge,
Via the Newlands Reclamation Project**

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

This permit shall become effective on: **October 12, 2009.**

This permit and the authorization to discharge shall expire at midnight: **October 12, 2014.**

Signed this 9th day of October, 2009,


Janine O. Hartley, P.E.
Bureau of Water Pollution Control



PART I**I.A. EFFLUENT LIMITATIONS, MONITORING, AND CONDITIONS**

There shall be no discharge from the facility property except as authorized by this permit; there shall be no discharge or release of pollutants or toxic contaminants from the facility to the ground surface or waters of the State; and there shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada (State).

I.A.1. Effluent Limitations: During the period beginning on the effective date of this permit and lasting until the permit expires, the Permittee is authorized to discharge treated, disinfected effluent to the Stillwater National Wildlife Refuge, via the Newlands Reclamation Project (Outfall 004).

- a. Samples taken in compliance with the monitoring requirements specified below shall be taken at: the following locations:
 - i. Influent to the treatment plant;
 - ii. Discharge from the treatment plant at the drainage ditch, Outfall 004;
- b. The discharge shall be limited and monitored by the Permittee as specified below:

Table I.1: Effluent Limitations

PARAMETER		DISCHARGE LIMITATION		MONITORING REQUIREMENTS	
		30-Day Average	Daily Maximum	Measurement Frequency	Sample Type
Influent	Flow (MGD)	M & R	M & R	Continuous	Meter
	BOD ₅ (mg/l)	M & R	M & R	Monthly	Composite
	Total Suspended Solids (mg/l)	M & R	M & R	Monthly	Composite
Effluent	Flow (MGD)	0.499	M & R	Continuous	Meter
	BOD ₅ (mg/l)	30	45	Monthly	Composite
	Total Suspended Solids (mg/l)	30	45	Monthly	Composite
	BOD ₅ and TSS Removal (%)	≥85	≥85	Monthly	Calculate
	Total Dissolved Solids (mg/l)	M & R	500	Monthly	Discrete
	pH (Standard Units)	---	6.5 to 9.0	Monthly	Discrete
	Fecal Coliform (cfu or mpn/100 ml)	200	400	Monthly	Discrete
	Dissolved Oxygen (mg/l)	M & R	≥5.0	Monthly	Discrete
	Temperature (°C)	M & R	34	Monthly	Discrete
	Total Nitrogen as N (mg/l)	10	M & R	Monthly	Composite
	Total Ammonia as N (mg/l) (Calculate and report limits with analytical results)	Footnote (1)	Footnote (2)	Monthly	Composite
	Nitrate as N (mg/l)	M & R	M & R	Monthly	Composite
	Total Phosphorus as P (mg/l)	M & R	0.33	Monthly	Composite

Notes: mg/L: Milligrams per liter

MGD:	Million gallons per day.
\geq :	Greater than or equal to
$^{\circ}\text{C}$:	Degrees Celsius
-N:	As nitrogen
-P:	As phosphorus
\leq :	Less than or equal to
\geq :	Greater than or equal to
cfu/ 100mL:	Colony forming units per 100 milliliters

(1) The chronic criteria of water quality with regard to the concentration of total ammonia, for waters where fish may be present in early life stages, are subject to the following:

- (a) The facility discharge Monthly chronic concentration of total ammonia, in milligrams of nitrogen per liter, shall be calculated by the NAC 445A.118 Table 2 chronic concentration formula for the 30-Day average for each discharge sample event as follows:

$$\left[\frac{0.0577}{1 + 10^{7.688 - pH}} \right] + \left[\frac{2.487}{1 + 10^{pH - 7.688}} \right] \times \text{MIN} [2.85, 1.45 \times 10^{0.028 \times (25 - T)}]$$

where : MIN = lesser of comma separated values; T = temp. Celsius deg.; x = multiply

- (b) The concentration of total ammonia, in milligrams of nitrogen per liter, expressed as a 30-day average must not exceed the applicable chronic criterion as calculated more than once every 3 years on average, and the highest 4-day average within the 30-day period must not exceed 2.5 times the applicable chronic criterion.

Measurement frequency of once per 30-day (Monthly) is an acceptable indicator for evaluating total ammonia chronic criterion and may be used in reporting to demonstrate compliance of discharge event calculated limit. However, if a sample analysis exceeds the allowed calculated chronic limit in part (a), the **measurement frequency** must be increased to a minimum of 4 consecutive days within the 30-day period so that chronic criterion part (b) can be applied for determining permit compliance.

(2) The acute criteria for water quality with regard to the concentration of total ammonia are subject to the following:

- (a) The facility discharge Daily Maximum acute concentration of total ammonia, in milligrams of nitrogen per liter, for **cold warm water fisheries** shall be calculated by the NAC 445A.118 Table 1 acute concentration formula for the 1-hour average for each sample event as follows:
- $$\left[\frac{0.411}{1 + 10^{7.204 - pH}} \right] + \left[\frac{58.4}{1 + 10^{pH - 7.204}} \right]$$
- (b) The concentration of total ammonia, in milligrams of nitrogen per liter, must not exceed the applicable acute criterion as calculated more than once every 3 years on average.

Measurement frequency for evaluating total ammonia acute criterion as daily maximum shall utilize the same **measurement frequency** required for that of evaluating the chronic criteria of water quality defined in (1) above. The total ammonia concentration determined by laboratory analysis for each sample event shall be compared to the same event's calculated acute criterion limit.

For each sample event, formula terms contained in 1 and 2 above shall have the following meaning: **pH and Temperature are field measurements of facility discharge** taken at the same time and location as the water sample destined for the laboratory analysis of ammonia.

I.A.2. Schedule of Compliance: The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including in said implementation and compliance, any additions or modifications which the Administrator may make in approving the schedule of compliance.

- The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.
- The Permittee shall submit reports illustrating compliance or noncompliance with specified compliance dates within 14 days of any respective, scheduled compliance date.
- By January 1, 2010**, the Permittee shall submit any updates to the Division approved Operations and Maintenance (O&M) Manual. Any updates, other than

contact list revisions, etc., must be stamped by a professional engineer registered in the State of Nevada.

I.A.3. **Treatment Efficiency:** In addition to the effluent discharge limits specified, the Permittee shall demonstrate that the 30-day average removal efficiency is not less than 85% for 5-day biochemical oxygen demand and for total suspended solids.

I.A.4. **Narrative Standards:** Per Nevada Administrative Code (NAC) 445A.121, discharges shall not cause the following standards to be violated in any surface waters of the State. Waters must be free from:

- a. Substances that will settle to form sludge or bottom deposits in amounts sufficient to be unsightly, putrescent, or odorous;
- b. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to be unsightly;
- c. Materials in amounts sufficient to produce taste or odor in the water, detectable off-flavor in the flesh of fish, or in amounts sufficient to change the existing color, turbidity, or other conditions in the receiving stream to such a degree as to create a public nuisance;
- d. High temperature; biocides; organisms pathogenic to human beings; or toxic, corrosive, or other deleterious substances at levels or combinations sufficient to be toxic to human, animal, plant, or aquatic life;
- e. Radioactive materials resulting in accumulations of radioactivity in plants or animals hazardous or harmful to humans or aquatic life;
- f. Untreated or uncontrolled wastes or effluents that are reasonably amenable to treatment or control; and
- g. Substances or conditions which interfere with the beneficial use of the receiving waters.

Narrative standards are not considered violated when the natural conditions of the receiving water are outside the established limits, including periods of high or low flow. Where effluents are discharged to such waters, the discharges are not considered a contributor to substandard conditions provided maximum treatment in compliance with permit requirements is maintained.

I.A.5. **Odors:** There shall be no objectionable odors from the collection system, treatment facility, disposal area or the biosolids treatment, use, storage, or disposal area.

I.A.6. **Visibility Parameters:** There shall be no discharge of floating solids or visible foam in other than trace amounts.

I.A.7. **Facility Specifications:** The collection, treatment, and disposal facilities shall be constructed in conformance with plans approved by the Administrator of the Division or of the Environmental Protection Agency (EPA) Region IX (Administrator). The plans must be approved by the Administrator prior to initiating construction activities. All

changes to plans that have been approved by the Administrator must be re-approved by the Administrator prior to implementation.

- I.A.8. **Facility Maintenance:** The facility shall be maintained in conformance with the plans approved by the Division, Bureau of Water Pollution Control. The Division must authorize all changes to the approved plans prior to implementation.
- I.A.9. **Process Operations and Maintenance:** The facility shall be operated in accordance with the Operations and Maintenance (O&M) Manual, which must be approved by the Division. The O&M Manual shall be updated whenever there is a change in the operation of the facility.
- I.A.10. **Operations and Maintenance of Permitted Activities:** The facility shall be operated and maintained in compliance with permit provisions and requirements, and in accordance with the approved O&M Manual for management of any waste stream and/or pond systems.
- I.A.11. **Construction Integrity:** Any and all pond liners shall remain free of leaks and defects.
- I.A.12. **Security:** The treatment and disposal facility shall be fenced and posted for hazard notification, with access restricted by means of a locked gate.
- I.A.13. **Best Management Practices:** The Permittee shall implement Best Management Practices (BMPs) at the facility in any and all forms prudent or necessary to protect surface waters and groundwaters of the State.
- I.A.14. **Remediation Activities:** All groundwater and/or soil contamination issues shall be addressed in accordance with the requirements of the Division.
- I.A.15. **Presumption of Possession and Compliance:** Copies of this permit, any subsequent modifications, and the approved O&M Manual shall be maintained at the permitted facility at all times.
- I.A.16. **Stormwater Management Plan:** All *Stormwater Discharges Associated with Industrial Activity*, as defined in Code of Federal Regulations (CFR) 122.26 (b)(14), that are not otherwise controlled under this permit shall be covered by a separate stormwater permit for those discharges. Stormwater permit coverage must be obtained prior to the occurrence of a stormwater discharge associated with industrial activity.
- I.A.17. **Solid Waste Management:** All solid, toxic, or hazardous waste shall be properly handled and disposed of pursuant to applicable laws and regulations. Any sludge generated during this operation shall be characterized and disposed of in accordance with local, State, and Federal regulations.
- I.A.18. **Biosolids:**
 - a. The Permittee shall ensure that all biosolids generated at the facility, including solid waste screening and sewage sludge, shall be used or disposed of in compliance with the applicable sections of the following regulations whether the Permittee uses or disposes of the biosolids or transfers them to another party for further treatment, use, or disposal. Regulations applicable for the proper

treatment, handling, or disposal of biosolids include:

- i. 40 CFR 503: for non-hazardous biosolids that are land applied, placed in surface disposal sites (dedicated land disposal sites or monofills), or incinerated;
 - ii. 40 CFR 258: for biosolids disposed in municipal solid waste landfills as approved by the Administrator and the County;
 - iii. 40 CFR 257: for all biosolids use and disposal practices not covered under 40 CFR 258 or 503; and
 - iv. 40 CFR 261: for hazardous biosolids or 40 CFR 761 for biosolids with a polychlorinated biphenyl (PCB) concentration greater than 50 milligrams per kilogram (mg/kg).
- b. The Permittee is responsible for informing any person or entity that prepares, applies, or disposes of biosolids of the requirement to comply with the applicable regulations listed in Part I.A.1. and I.A.21.a.
 - c. If biosolids are stored at any facility for over two (2) years from the time they are generated, the Permittee shall notify the Division within 30 days and shall ensure compliance with all requirements of surface disposal set forth in 40 CFR 503, Subpart C. Otherwise, the Permittee must submit a written notification to the Division and the EPA providing the information required in 40 CFR 503.20 (b) and demonstrating the need for longer temporary storage.
 - d. Biosolids treatment, storage, or disposal facilities shall be designed to divert stormwater run-on accommodating conditions representing a 100-year storm event, including engineering controls designed to prevent any erosion which could cause biosolids to discharge (run-off) from the facility.
 - e. The Permittee shall ensure that transporters of biosolids use all necessary measures to contain biosolids material during transport.
 - f. Facilities that generate and dispose of sewage sludge shall monitor:
 - i. The concentrations of arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc. Concentrations of these analytes shall be reported in units of milligrams per dry kilogram (mg/dry Kg) of sludge;
 - ii. The pathogen density requirements in 40 CFR 503.32 (a) and (b)(2) through (4); and
 - iii. The vector attraction reduction requirements defined in 503.33(b)(1) through (8) at the frequencies listed below:

Dry Sludge Disposal Rate, X (tons/year)	Monitoring Frequency ¹
$0 < X < 320$	Yearly
$320 \leq X < 1654$	Quarterly
$1654 \leq X < 16538$	Every two months
$X \geq 16538$	Monthly

¹: Frequency is based on a standard calendar year, January 1 through December 31.

< Less than

≤ Less than or equal to

≥ Greater than or equal to

- g. Biosolids designated for land application shall be analyzed for organic nitrogen, ammonia -N, nitrate -N, and total nitrogen -N at the scheduled frequencies defined in Part I.A.21.f.iii.
- h. Biosolids shall be characterized annually pursuant to 40 CFR 261 to determine if they are hazardous.
- i. The Permittee shall comply with the following notification requirements either directly or through contractual arrangements with a biosolids management contractor:
 - i. If biosolids are shipped to another state or to Indian territories, the Permittee shall send notice of the shipment to the appropriate state permitting authority(ies), the collaborating EPA Regional office, and/or the Indian authority(ies) with jurisdiction over the receiving location; and
 - ii. For land application or surface disposal of biosolids, the Permittee must notify the Division 60 days prior to shipment to enable the receiving site to obtain a permit.
- I.A.20. **Certified Operator:** The treatment facility shall be operated by a Nevada Certified Class III (or higher) Operator (NAC 445A.290).
- I.A.21. **Certification of On-Site Operators:** Pursuant to NAC 445A.290(2), any person, other than a supervisor or assistant supervisor, who is working as an operator of a plant for sewage treatment must be certified as at least a Grade I operator of a plant for sewage treatment, or obtain such certification within 1 year after the date on which he begins his employment at the plant for sewage treatment as such an operator
- I.A.22. **Pretreatment of Industrial Wastewaters:** The Permittee shall implement and enforce a pretreatment program under 40 CFR Part 403 (hereinafter 403), including any subsequent regulatory revisions to 403, and shall be responsible and liable for the performance of all Control Authority pretreatment requirements contained in 403. Where Part 403 or subsequent revisions place mandatory actions upon the Permittee as Control Authority, but does not specify a schedule for the completion of the actions, the Permittee shall complete the required actions within six (6) months from the issuance date of this permit or the effective date of the 403 revisions, whichever comes later.

For violations of pretreatment requirements, the Permittee shall be subject to

enforcement actions, penalties, fines, and other remedies required by the U.S. EPA or other appropriate parties, as provided in the Act. EPA may initiate enforcement action against a non-domestic user for noncompliance with applicable standards and requirements as provided in the Act and as provided by the Division and EPA in the enforcement agreement.

- a. The Permittee will comply with the Pretreatment Program submitted to and approved by the Division and the EPA. This program shall include written agreements with all sewage agencies contributing flows to the treatment facility that clearly affords the Permittee with the legal authority to enforce the pretreatment program. The Permittee shall comply with all parts of the schedule listed below, Pretreatment of Industrial Wastewaters.
- b. The Permittee shall enforce the requirements promulgated under 40 CFR Part 307(b) and (c) and 40 CFR Part 402(b) of the Act with timely, appropriate, and effective enforcement actions. The Permittee shall cause all non-domestic users subject to Federal, categorical standards to achieve compliance no later than the date specified in those requirements or, in the case of a new non-domestic user, upon commencement of the discharge.
- c. The Permittee shall perform the pretreatment functions as required in 403 including but not limited to:
 - i. Implementing the necessary legal authorities as provided in Section 403.8(f)(1);
 - ii. Enforcing the pretreatment requirements under Sections 403.5 and 6;
 - iii. Implementing the programmatic functions as provided in Section 403.8(f)(2); and
 - iv. Providing the requisite funding and personnel to implement the pretreatment program as provided in Section 403.8(f)(3).

I.A.23. **Annual Fee:** The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting **July 1, 2010** and every year thereafter until the permit is terminated.

I.B. MONITORING AND REPORTING

I.B.1. Monitoring:

- a. **Representative Samples:** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
- b. **Test Procedures.** Analyses shall be conducted by a "certified laboratory" using an "approved method of testing", as defined in NAC 445A.0564 and NAC 445A.0562, respectively.
- c. **Recording the Results:** For each measurement or sample taken pursuant to the

requirements of this permit, the Permittee shall record the following information:

- i. The exact place, date, and time of sampling;
 - ii. The dates the analyses were performed;
 - iii. The person(s) who performed the analyses;
 - iv. The analytical techniques or methods used; and
 - v. The results of all required analyses, including reporting limits.
- d. **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 any calculation and/or reported value required in this permit. Such increased frequency shall also be indicated in required reports.
- e. **Records Retention:** All records and information resulting from monitoring activities; the permit application; and reporting required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation shall be retained for a minimum of five (5) years or longer if required by the Administrator. Records of monitoring information required by this permit related to the Permittee's sewage sludge use and/or disposal activities shall be retained for a period of at least 5 years or longer as required by 40 CFR 503.
- f. **Reporting Limits.** Unless otherwise allowed by the Division, the approved method of testing selected for analyses shall have a reporting limit which is:
- i. Half or less of the discharge limit; or, if there is no limit,
 - ii. Half or less of the applicable water quality criteria; or, if there is no limit or criteria,
 - iii. The lowest reasonably obtainable using an approved test method.
- g. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, stream flow, discharge flow, and receiving water conditions, the Administrator may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.
- h. **Definitions:**
- i. Daily maximum: is the highest measurement made or obtained during the monitoring period.
 - ii. 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.

- iii. 30-day average concentration: means the arithmetic mean of measurements made during a month (other than for fecal coliform bacteria). The "30-day average concentration" for fecal coliform bacteria means the geometric mean of measurements made during a month. The geometric mean is the " n^{th} " root of the product of " n " numbers. Geometric mean calculations where there are non-detect results for fecal coliform shall use a value of $\frac{1}{2}$ the detection limit to represent the non-detect results.
- iv. "Discrete" sample: means any individual sample collected in less than 15 minutes.
- v. "Composite" sample: (for flow rate measurements) means the arithmetic mean of at least six (6) individual measurements taken at equal time intervals for 24 hours or for the duration of discharge, whichever is shorter.
- vi. "Composite" sample: (for other than flow rate measurements) means a combination of at least six (6) 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.
- vii. Biosolids: are non-hazardous sewage sludge or domestic septage as defined in 40 CFR 503.9.

I.B.2. **Reporting:** Analytical data and monitoring results shall be summarized, tabulated, and/or graphically illustrated for presentation in standardized Discharge Monitoring Reports (DMRs). The Permittee is considered compliant if the reported results are less than established permit limits. If there is no discharge during a reporting period, report this condition as 'no discharge' on the DMR for that period. If applicable, if groundwater wells are dry, report this condition as 'dry' on the DMR for that period. Laboratory reports for quantitative analyses conducted by State of Nevada certified laboratories must accompany all report submittals.

DMRs shall be received by the 28th day of the month following the third month of each quarter (reporting period). Quarterly and annual reporting periods are based on the standard annual cycle, January 1 through December 31. The first report is due on MMM DD, 2009.

Each report submittal (DMR) must be signed with an original signature by the highest ranking certified operator or the person directly responsible for operating the facility. The first report submitted under this permit must include the written designation of the certified operator or an eligible facility representative authorized to sign DMRs or other periodic report submittals. If the certified operator or facility representative in responsible charge changes, a new designation letter must be submitted.

- a. **Quarterly Reports:** Quarterly reports shall be submitted for the quarterly periods corresponding to: January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.
- i. DMRs: Each DMR shall include:
- (1). Monitoring results for effluent discharge parameters described pursuant to Part I.A. of the permit shall be summarized and tabulated for each three (3) month, quarterly period;
 - (2). The 30-day removal efficiency for each month of the preceding quarter; and
 - (3). Monitored analyte concentrations in dry sludge.
- ii. Pretreatment of Industrial Wastewaters - Quarterly Significant Industrial Users (SIU) Compliance Status Reports: These reports shall be submitted with DMRs by the 28th day of the month following the previous quarter, except the quarterly report covering October 1 through December 31, which may be included in the annual report due by February 28th of each year. SIU compliance status reports shall contain:
- (1). The name and address of all SIUs which violated any discharge or reporting requirements during the quarter;
 - (2). A description of any violations including whether any discharge violations were for categorical standards or local limits;
 - (3). A description of enforcement or other actions that were taken to remedy the noncompliance; and
 - (4). The status of active enforcement and other actions taken in response to SIU noncompliance identified in previous reports.
- b. **Annual Reports:**
- i. DMRs: The fourth quarter DMR report be prepared as an annual report and shall contain a plot of concentration (y-axis) versus date (x-axis) for each analyzed effluent discharge constituent defined or limited in Part I.A. The plot shall include data from the preceding five (5) years or from the effective date of the permit whichever is shorter. Any data point from the current year that is greater than the limits in Part I.A. must be explained by a narrative. In addition, an annual report prepared by the Nevada State certified laboratory providing Whole Effluent Toxicity testing data and services shall also be submitted with the fourth quarter, annual DMR.
- ii. Annual Biosolids Monitoring Report (ABMR): By February 19th of each year, the Permittee must submit an ABMR for the previous calendar year. The report shall contain:

- (1). All the required biosolids analytical data;
 - (2). The volume of biosolids generated that previous year;
 - (3). Any volume of biosolids accumulated from previous years;
 - (4). Descriptions of pathogen and vector attraction reduction methods;
 - (5). The required certifications as required by 40 CFR 503.17 and 27;
 - (6). The names, mailing and street addresses, and telephone numbers of all facilities which received biosolids for storage, disposal, use, treatment, land application, or any other use or disposal mechanism not mentioned;
 - (7). The volume of biosolids taken to each facility; and
 - (8). An evaluation of the pretreatment program limits determining if the limits are adequate to achieve threshold metals concentrations established in 40 CFR 503.13 Table 3. The evaluation shall include final conclusions and any recommended actions to be taken in the pretreatment program.
- iii. Pretreatment Annual Report: By February 28th of each year, the Permittee shall submit a report describing the facility pretreatment activities and operations over the previous year. In the event the Permittee is not in compliance with any conditions or requirements of this permit, then the Permittee shall comply with such conditions and requirements. The report shall contain, but is not limited to, the following information:
- (1). A summary of the analytical results from representative, flow-proportioned, 24-hour composite sampling of the influent and effluent through the Publicly Owned Treatment Works (POTW) for those pollutants that EPA has identified under Section 307(a) of the Act to be known or suspected to be discharged by non-domestic users. This will consist of a full priority pollutant scan, with quarterly samples analyzed only for those pollutants detected in the full scan. The Permittee shall also provide any influent or effluent monitoring data for non-priority pollutants which the Permittee believes may be causing or contributing to interferences or pass through. Sampling and analysis shall be performed using the techniques prescribed in 40 CFR 136;
 - (2). A discussion of upset, interference, or pass through incidents, if any, at the treatment plant, which the Permittee knows or suspects were caused by non-domestic users of the POTW system. The discussion shall include the reasons why the incidents occurred, the corrective actions taken, and, if known, the name and address of the non-domestic user(s) responsible. The discussion shall also include a review of the applicable pollutant limitations to determine whether any additional limitations or changes to

existing requirements may be necessary to prevent pass through or interference;

- (3). An update of the Permittee's SIUs, including their names and addresses, and a list of deletions, additions, and SIU name changes keyed to the previously submitted list. The Permittee shall provide a brief explanation for each change. The list shall identify the SIUs subject to federal categorical standards by specifying which set(s) of standards are applicable to each SIU. The list shall also indicate which SIUs are subject to local limitations;
- (4). The Permittee shall characterize the compliance status of each SIU by providing a list or table, which includes the following information:
 - A). Name of the SIU;
 - B). Category, if subject to federal categorical standards;
 - C). The type of wastewater treatment or control process in place;
 - D). The number of samples taken by the POTW during the year;
 - E). The number of samples taken by the SIU during the year;
 - F). For an SIU subject to discharge requirements for total toxic organics, whether all required certifications were provided;
 - G). A list of the standards violated during the year, which also identifies whether the violations were for categorical standards or local limits;
 - H). Whether the facility is in significant noncompliance (SNC) as defined at 403.12(f)(2)(vii) at any time during the year; and
 - I). A summary of enforcement or other actions taken during the year to return the SIU to compliance. Describe the type of action, final compliance date, and the amount of fines and penalties collected, if any. Describe any proposed actions for bringing the SIU into compliance;
- (5). A brief description of any programs the POTW implements to reduce pollutants from non-domestic users that are not classified as SIUs;
- (6). A brief description of any significant changes in operating the

pretreatment program which differ from the previous year including, but not limited to, changes concerning the administrative structure of the program, local limits, monitoring program or monitoring frequencies, legal authority, enforcement policy, funding levels, or staffing levels;

- (7). A summary of the annual pretreatment budget including the cost of the pretreatment program functions and equipment purchases; and
 - (8). A summary of activities to involve and inform the public of the program including copies of newspaper notices, if any, required under 403.8(f)(2)(vii).
- c. Compliance Reports: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.
 - d. Other Information: Where the Permittee becomes aware of failure to submit any relevant facts in a permit application or the submittal of incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or information.
 - e. Planned Changes: The Permittee shall give notice to the Administrator as soon as possible of any planned alterations or additions to the permitted facility. Notice is required only when the alteration or addition to a permitted facility:
 - i. May meet one of the criteria for determining whether a facility is a new source (40 CFR 122.29(b));
 - ii. Could significantly change the nature or increase the quantity of pollutants discharged; or
 - iii. Results in a significant change to the Permittee's sludge management practice or disposal sites.
 - f. Anticipated Noncompliance: The Permittee shall give advance notice to the Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

An original, signed copy of these, and all other reports required herein shall be submitted to the State at the following address:

**Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Water Pollution Control
ATTN: Compliance Coordinator
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701**

I.B.3. Signatory Certification Required on Application and Reporting Forms:

- a. All applications, reports, or information submitted to the Administrator shall be signed and certified by making the following certification:

“I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering 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 fine and imprisonment for knowing violations.”

- b. All applications, reports, or other information submitted to the Administrator shall be signed by one of the following:
- i. 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;
 - ii. A general partner of the partnership;
 - iii. The proprietor of the sole proprietorship; or
 - iv. A principal executive officer, ranking elected official, or other authorized employee of the municipal, state, or other public facility.
- c. If an authorization under Part I.B.3.b. 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 Part I.B.3.b. must be submitted to the Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.

PART II

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 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-Proper Operation and Maintenance:** 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. 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.
- II.A.3. **Adverse Impact-Duty to Mitigate:** The Permittee shall take all reasonable steps to minimize releases to the environment 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. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.
- 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 Administrator immediately.
 - b. The Permittee shall notify the Administrator 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. The following shall be included as information which must be reported within 24 hours:
 - i. Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - ii. Any upset which exceeds any effluent limitation in the permit; and
 - iii. Any violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
 - c. 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:
 - i. Time and date of discharge;
 - ii. Exact location and estimated amount of discharge;
 - iii. Flow path and any bodies of water which the discharge contacts;
 - iv. The specific cause of the discharge; and

- v. The preventive and/or corrective actions taken.
- d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.c. at the time DMRs are submitted. The reports shall contain the information listed in Part II.A.4.c.
- e. A "bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 - i. Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if the bypass is needed to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.A.4.a. and II.A.4.b.
 - ii. Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of bypass.
- f. Bypass is prohibited, and the Administrator may take enforcement action against a Permittee for bypass, unless:
 - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - iii. The Permittee submitted notices as required under Part II.A.4.e.ii.
- g. The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the three conditions listed in Part II.A.4.f.
- h. An "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based 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.
- i. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - i. An upset occurred and that the Permittee can identify the cause(s) of the

upset;

- ii. The permitted facility was at the time being properly operated;
 - iii. The Permittee submitted notice of the upset as required under Part II.A.4.e.ii; and
 - iv. The Permittee complied with any remedial measures required under Part II.A.3.
- j. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part II.A.4.i. are met.
- k. In selecting the appropriate enforcement option, the Administrator shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.

II.A.5. Removed Substances: Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollution from such materials from entering any navigable waters.

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 wastewater control facilities; or
- b. Halt or reduce all discharges upon the reduction, loss, or failure of the primary source of power to wastewater control facilities.

II.B. RESPONSIBILITIES

II.B.1. Right of Entry and Inspection: The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:

- a. Enter at reasonable times 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;
- b. Have access to and copy any records required to be kept under the terms and conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and
- d. Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.

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. The Administrator may require modification or revocation and re-issuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Administrator shall approve all transfer of permits.

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 Administrator. As required by the Act, 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 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: 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:

- a. 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:
 - i. Violation of any terms or conditions of this permit;
 - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - iv. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
 - v. There are material and substantial alterations or additions to the permitted facility or activity;
 - vi. The Administrator has received new information;

- vii. The standards or regulations have changed; or
 - viii. The Administrator has received notification that the permit will be transferred.
 - b. With the consent of the Permittee and without public notice, the Administrator may make minor modifications in a permit to:
 - i. Correct typographical errors;
 - ii. Clarify permit language;
 - iii. Require more frequent monitoring or reporting;
 - iv. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the permit and does not interfere with attainment of the final compliance date;
 - v. Allow for change in ownership;
 - vi. Change the construction schedule for a new discharger provided that all equipment is installed and operational prior to discharge; and
 - vii. Delete an outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- II.B.7. **Toxic Pollutants:** Notwithstanding Part II.B.6., if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act 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, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.
- 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.
- II.B.11. **Duty to Comply:** The Permittee shall comply with all conditions of this permit. Any

permit noncompliance constitutes a violation of the Act and is grounds for: enforcement action, permit termination, revocation and re-issuance, modification, or denial of a permit renewal application.

- II.B.12. **Need to Halt or Reduce Activity Not a Defense:** In an enforcement action, the need to halt or reduce permitted activities in order to maintain compliance with the conditions of this permit shall not be a defense for a Permittee.
- II.B.13. **Duty to Provide Information:** The Permittee shall furnish to the Administrator, within a reasonable time, any relevant information which the Administrator may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating this Permit, or to determine compliance with this permit. The Permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this Permit.

PART III

III.A. OTHER REQUIREMENTS

- III.A.1. **Reapplication:** If the Permittee desires to continue to discharge, they shall reapply not later than 180 days before this permit expires on the application forms then in use. POTWs with permits issued under the National Pollutant Discharge Elimination System shall submit the sludge information listed at 40 CFR 501.15(a)(2) with the renewal application. The renewal application shall be accompanied by the fee required by NAC 445A.232.
- III.A.2. **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-25 year, 24-hour storm at said location;
 - b. Withstand, without structural damage, the once-in-100 year flood of said location; and
 - c. Prevent escape of wastewater by leakage other than as authorized by this permit.
- III.A.3. **Flow Rate Notification:** The Permittee shall notify the Administrator, by letter, not later than ninety (90) days after the 30-day average daily influent flow rate first equals or exceeds 85% of the design treatment capacity of the Permittee's facility designated in Part I.A. The notification letter shall include:
- a. The 30-day average daily influent flow rate;
 - b. The maximum 24-hour flow rate during the same 30-day period and the date the maximum flow occurred;
 - c. An estimate of when the 30-day average influent flow rate will equal or exceed the design treatment capacity of the facility;

- d. A status report on the treatment works which will outline, but not be limited to:
 - i. Past performance;
 - ii. Remaining capacity of the limiting treatment and disposal units or sites;
 - iii. Past operational problems and improvements instituted; and
 - iv. Modifications to the treatment works, which are needed to attain the permitted flow rate due to changing site specific conditions or design criteria; and
- e. A schedule of compliance to provide additional treatment capacity before the 30-day average daily influent flow rate equals the present design treatment capacity of the facility.

III.A.4. Publicly Owned Treatment Works: This section applies only to publicly owned treatment works (POTW) as defined in 40 CFR 122.2.

- a. Per [40 CFR 122.42(b)], all POTWs must provide adequate notice to the Administrator of:
 - i. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301 or 306 of the Act if it were directly discharging those pollutants; and
 - ii. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- b. For the purposes of this paragraph, adequate notice shall include information on:
 - i. The quality and quantity of effluent introduced into the POTW; and
 - ii. Any anticipated impact resulting from a change of quantity or quality of effluent to be discharged from the POTW.