Permit Type: Groundwater Discharge

Permit No. NS2014502

Nevada Division of Environmental Protection

AUTHORIZATION TO DISCHARGE

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

SMITH VALLEY DAIRY
P.O. BOX 367
CHOWCHILLA, CA - 93610

is authorized to discharge from a facility located at:

SMITH VALLEY DAIRY
40 HUNEWILL LANE, WELLINGTON, NV - 89444
LATITUDE: 38.878481, LONGITUDE: -119.379716
TOWNSHIP: T12N, RANGE: R23E, SECTION: S26

to receiving waters named:

WATERS OF THE STATE

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Sections A, B, and C hereof.

This permit shall become effective on March 09, 2015.

This permit and the authorization to discharge shall expire at midnight, March 08, 2020.

Signed this 9th day of March 2015.

Michele Reid
Staff I Associate Engineer
Bureau of Water Pollution Control

SECTION A

A.1. Introduction:

A.1.1. Smith Valley Dairy is a new dairy facility located approximately 6 miles NE of Smith, NV at 40 Hunewill Lane, Sec 26, T12N, R23E, Lyon County Nevada. Dairy construction is industry-typical open corrals with pipe and cable fence, concrete feed aprons and feed bunks, feed alleys and cow movement alleys, feed storage areas and associated storage structures, maintenance facilities, and waste managment/control structures. The maximum capacity at the 140-acre facility will be 7,248 head combined cows, heifers and calves.

A.2. Effluent Limitations, Monitoring Requirements And Conditions:

A.2.1. There shall be no discharge from the facility property except as authorized by this permit.

A.2.2. During the period beginning on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized to:

-discharge manure and process wastwater to land application areas in accordance with a Division reviewed Nutrient Managment Plan (NMP); and -discharge manure and process wastewater in response to storm events or chronic rainfall events that exceed the 25-year 24-hour storm design, provided that the production area is operated in accordance with parts B.CO.3, B.CO.28 and B.CO.29 of this permit.

Effluent samples and measurements taken in compliance with the monitoring requirements specified below shall be taken at:

Sample Location	Location Type	Location Name
001	Internal Outfall	DAIRY TOTALS
002	Internal Outfall	DAIRY LAGOON NORTH
003	Internal Outfall	DAIRY LAGOON SOUTH
004	Monitoring Well	MONITORING WELL #1
005	Monitoring Well	MONITORING WELL #2
006	Monitoring Well	MONITORING WELL #3
007	Surface Disposal Site	DEAD ANIMAL COMPOST
008	External Outfall	STORMWATER DISCHARGE
009	External Outfall	CORRAL/SEPARATOR MANURE TESTING AND TRANSFER
010	Monitoring Well	MONITORING WELL #4

The discharge shall be limited and monitored by the Permittee as specified below. As applicable, exceptions to standard language in this permit are identified and authorized in the Special Approvals / Conditions table:

Groundwater Monitoring Wells Table for Sample Location 004 (Monitoring Well) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Depth to water level ft below landsurface	Daily Maximum	M&R Feet (ft)		Groundwater	004	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	004	Quarterly	DISCRT
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Groundwater	004	Quarterly	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Groundwater	004	Quarterly	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	004	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Groundwater	004	Quarterly	DISCRT

Groundwater Monitoring Wells Table for Sample Location 005 (Monitoring Well) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Depth to water level ft below landsurface	Daily Maximum	M&R Feet (ft)		Groundwater	005	Quarterly	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	005	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Groundwater	005	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	005	Quarterly	DISCRT
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Groundwater	005	Quarterly	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Groundwater	005	Quarterly	DISCRT

Groundwater Monitoring Wells Table for Sample Location 006 (Monitoring Well) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	006	Quarterly	DISCRT
Depth to water level ft below landsurface	Daily Maximum	M&R Feet (ft)		Groundwater	006	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Groundwater	006	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	006	Quarterly	DISCRT
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Groundwater	006	Quarterly	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Groundwater	006	Quarterly	DISCRT

Groundwater Monitoring Wells Table for Sample Location 010 (Monitoring Well) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Depth to water level ft below landsurface	Daily Maximum	M&R Feet (ft)		Groundwater	010	Quarterly	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	010	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Groundwater	010	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	010	Quarterly	DISCRT
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Groundwater	010	Quarterly	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Groundwater	010	Quarterly	DISCRT

CAFO Discharge Limitations Table for Sample Location 001 (Dairy Totals) To Be Reported Monthly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Flow rate	30 Day Average	<= 0.80 Million Gallons per Day (Mgal/d)		Internal Monitoring Point	001	Weekly	METER
Animals, total estimated no. of	30 Day Average		M&R Number (#)	Internal Monitoring Point	001	Monthly	CALCTD

CAFO Discharge Limitations Table for Sample Location 001 (Dairy Totals) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Manure, wet tons removed	30 Day Average		M&R Wet Tons (wet ton)	Internal Monitoring Point	001	Quarterly	ESTIMA
Manure, wet tons total	30 Day Average		M&R Wet Tons (wet ton)	Internal Monitoring Point	001	Quarterly	ESTIMA

CAFO Discharge Limitations Table for Sample Location 002 (Dairy Lagoon North) To Be Reported Semi Annually

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Prior to Irrigation	002	Semiannual	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Prior to Irrigation	002	Semiannual	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	002	Semiannual	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	002	Semiannual	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	002	Semiannual	DISCRT
Phosphorus, total (as P)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	002	Semiannual	DISCRT

CAFO Discharge Limitations Table for Sample Location 002 (Dairy Lagoon North) To Be Reported Annually

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Solids, total suspended	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	002	Annual[1]	DISCRT
BOD, 5-day	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	002	Annual[1]	DISCRT

Notes (CAFO Discharge Limitations Table):

1. Annual measurements shall be conducted in the 4th quarter of each calendar year and submitted with the annual report.

CAFO Discharge Limitations Table for Sample Location 003 (Dairy Lagoon South) To Be Reported Semi Annually

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	003	Semiannual	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	003	Semiannual	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	003	Semiannual	DISCRT
Phosphorus, total (as P)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	003	Semiannual	DISCRT
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Prior to Irrigation	003	Semiannual	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Prior to Irrigation	003	Semiannual	DISCRT

CAFO Discharge Limitations Table for Sample Location 003 (Dairy Lagoon South) To Be Reported Annually

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Solids, total suspended	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	003	Annual[1]	DISCRT
BOD, 5-day	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Irrigation	003	Annual[1]	DISCRT

Notes (CAFO Discharge Limitations Table):

1. Annual measurements shall be conducted in the 4th quarter of each calendar year and be submitted with the annual report.

CAFO Discharge Limitations Table for Sample Location 007 (Dead Animal Compost) To Be Reported Semi Annually

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Internal Monitoring Point	007	Semiannual	COMPOS
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	007	Semiannual	COMPOS
Phosphorus, total (as P)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	007	Semiannual	COMPOS
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Internal Monitoring Point	007	Semiannual	COMPOS

CAFO Discharge Limitations Table for Sample Location 008 (Stormwater Discharge) To Be Reported Annually[1][2]

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Receiving Water	008	Report	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Receiving Water	008	Report	DISCRT
Solids, total suspended	Daily Maximum		M&R Milligrams per Liter (mg/L)	Receiving Water	008	Report	DISCRT
BOD, 5-day	Daily Maximum		M&R Milligrams per Liter (mg/L)	Receiving Water	008	Report	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Receiving Water	008	Report	DISCRT
Phosphorus, total (as P)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Receiving Water	008	Report	DISCRT
Coliform, fecal general	Daily Maximum		M&R Most Probable Number per 100ml T (MPN/100mL)	Receiving Water	008	Report	DISCRT
Flow, total	Daily Maximum	M&R Million Gallons (Mgal)		Receiving Water	008	Report	DISCRT
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Receiving Water	008	Report	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Receiving Water	008	Report	DISCRT

Notes (CAFO Discharge Limitations Table):

1. The Permittee shall report date and time of each discharge and collect the sample within 30 minutes of first knowledge of the stormwater discharge. If sampling in that period is not possible due to dangerous weather conditions, the Permittee shall collect the sample as soon as possible after suitable conditions occur. Reason for the sampling delay shall be documented.
2. Sampling of the representative stormwater discharge shall occur at the point where the overflow first reaches a water of the State. Waters of the State are defined in NRS 445A.415.

CAFO Discharge Limitations Table for Sample Location 009 (Corral/Separator Manure Testing And Transfer) To Be Reported Annually

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Manure, wet tons removed	Annual Total		M&R Tons (ton)	Internal Monitoring Point	009	Annual	CALCTD
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	009	Annual	DISCRT
Phosphorus, total (as P)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	009	Annual	DISCRT

Crop Rotation Table

Field	Area (acres)	Crop In Year					
		2015	2016	2017	2018	2019	2020
SEE ATTACHED NMP SMITH VALLEY DAIRY CAFO NUTRIENT MANAGEMENT (NMP) AND OPERATIONS/MAINTENANCE PLAN, SEPTEMBER 3, 2013, APPENDIX B, NMP TERMS, 2) LAND APPLICATION INFORMATION, TABLE B-2	1636	VARIES	VARIES	VARIES	VARIES	VARIES	

CAFO Nutrient Management Plan (NMP) Table

Field	Area (acres)	Crop	Design Yield (tons/acre)	Hazard Class	Liquid Applied (Million Gallons)	Nitrogen Applied (lbs/acre)	Irrigation Method	Other N Sources	Application Timing
SEE ATTACHED NMP SMITH VALLEY DAIRY CAFO NUTRIENT MANAGEMENT (NMP) AND OPERATIONS/MAINTENANCE PLAN, SEPTEMBER 3, 2013, APPENDIX B, NMP TERMS, 2) LAND APPLICATION INFORMATION, TABLES B-1-A AND B-1-B	0	VARIES	0		0	0	VARIES	VARIES	VARIES

A.3. 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. All compliance deliverables shall be addressed to the attention, Bureau of Water Pollution Control:

SOC – Schedule of Compliance Table

Item #	Description	Due Date
1	Within 30 days of permit issuance, the Permittee shall submit to NDEP for review baseline sampling data for Groundwater. The Permittee shall sample for the following parameters: 1. Depth to water level below land surface (ft). 2. Solids, total dissolved (mg/L). 3. pH (SU). 4. Chloride (as Cl) (mg/L). 5. Total Nitrogen (mg/L)	4/8/2015
2	The Permittee shall submit copies of the well logs and as-built drawings for the completed monitoring wells MW-1, MW-2, MW-3, and MW-4.	6/7/2015

SA – Special Approvals / Conditions Table

Item #	Description
1	Part A, Section A.6 does not apply to this permit. A Certified Operator is not required for this facility.
2	Part B.CO.23 - Soil sampling shall be conducted in accordance with Part IX of the Division reviewed Nutrient Management Plan (NMP) and results shall be submitted to the Division as part of the annual report.
3	Part C, Section C.2 - does not apply to this permit. Operations and Maintenance of this facility are specifically identified in the Division reviewed NMP.
4	Part C, Section C.13 - does not apply to this permit. This section is for biosolids management from treatment facilities. Manure management at this facility is specifically addressed in the Division reviewed NMP.
5	Part C, Section C.32.2 - applies only to Swine, Veal, and Poultry CAFO operations.
6	As indicated in the NMP Part III: Collection Function Requirements - The total required storage period for 5 months (Nov. - Mar.) process water (40 ac-ft), runoff from the 25-year, 24-hour storm event(15.4 ac-ft), and direct precipitation on the ponds is 55.4 ac-ft. Sludge storage and extra working capacity is 16.9 ac-ft. The total operational capacity of the lagoons is 72.3 acre-feet. Transfer Function Requirements - Manure may be stockpiled in and around the pens and in places of the facilty's production area that drain to the wastewater impoundments. Manure may also be transfered to a third party.
7	The Permittee shall maintain compliance with the Management Plan for Nuisance Control (MPNC) submitted to and reviewed by the Division. Any changes to the MPNC for Odor Control, Dust Control, or Pest Control shall be submitted to the Division for review prior to implementing the changes.
8	The SV Dairy NMP is based on the "narrative rate approach" and provides for changes to crop rotation without permit modification provided the crop and nutrient application parameters are identified in the NMP.
9	Part B, Section B.CO.4 - does not apply to this permit. Applies to Swine, Poultry and Veal Calf operations only.
10	Part C, Section C.1.35 does not apply to this permit. This section references treatment of domestic sewage in treatment works.
11	Part C, Section C.1.41 - does not apply to this permit. This section references land application of domestic sewage.
12	Part C, Section C.27 - The Permittee is not required to submit sludge information listed in 40 CFR 501.15 (a)(2) with their renewal application.
13	Part C, Section C.34 does not apply to this facility. This facility does not recieve pollutants from indirect dischargers.
14	Part C, Section C.35 does not apply to this facity. The section references federal CWA permit regulations.

DLV– Deliverable Schedule for Reports, Plans, and Other Submittals

Item #	Description	Interval	First Scheduled Due Date
1	Discharge Monitoring Reports	Quarterly	4/28/2015
2	Discharge Monitoring Reports	Semi Annually	7/28/2015
3	Annual Report	Annually	1/28/2016

A.4. MONITORING AND REPORTING:

A.4.1. Sampling and measurements: Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and must comply with any Division approved sampling plan as required by the Schedule of Compliance. Analyses shall be performed by a State of Nevada certified laboratory. Results from this lab must accompany the Discharge Monitoring Report.

A.4.2. Annual Report: The fourth quarter report shall contain plots of concentration (y-axis) versus date (x-axis) for each analyzed constituent identified in the Monitoring Table. The plots shall include data from the preceding five years, if available. Any data point from the current year that is greater than the limits identified in the applicable tables and conditions above must be explained by a narrative.

A.4.3. Quarterly Reporting: Monitoring results obtained during the previous three (3) months shall be summarized for each month and reported on a Discharge Monitoring Report (DMR) 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, 2015. An original 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
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701

A.4.4. Discharge Monitoring Reports: Analytical data and monitoring results shall be summarized and/or tabulated for presentation in standardized Discharge Monitoring Reports (DMRs). Laboratory reports for quantitative analyses conducted by State of Nevada certified laboratories must accompany DMR submittals.

A.4.5. Schedule: DMRs shall be received by the 28th day of the month following the third month of each quarter (reporting period). Quarterly and annual reporting periods are based on the standard annual cycle, January 1 through December 31. The first report is due on April 28, 2015. If no discharge occurs during the reporting period, report "no discharge" on the submitted DMR.

A.4.6. Recording the Results: For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

A.4.6.1. The exact place, date, and time of sampling;

A.4.6.2. The dates the analyses were performed;

A.4.6.3. The person(s) who performed the analyses;

A.4.6.4. The analytical techniques or methods used; and

A.4.6.5. The results of all required analyses.

A.4.7. 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.

A.4.8. 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. Other procedures used may be:

A.4.8.1. Selected from SW-846;

A.4.8.2. Selected from 40 CFR 503; or

A.4.8.3. An alternate test procedure approved by the Nevada Division of Environmental Protection, Environmental Laboratory Services.

A.4.8.4. All laboratory analyses conducted in accordance with this discharge permit must have detection at or below the permit limits.

A.4.8.5. All analytical results must be generated by analytical laboratories certified by the state of Nevada laboratory certification program

A.4.9. **Reporting Limits:** Unless otherwise approved by the Division, the approved method of testing selected for analysis must have reporting limits which are:

A.4.9.1. Half or less of the discharge limit; or, if there is no limit,

A.4.9.2. Half or less of the applicable water quality criteria; or, if there is no limit or criteria,

A.4.9.3. The lowest reasonably attainable using an approved test method.

A.4.9.4. This requirement does not apply if a water quality standard is lowered after the issuance of this permit; however, the Permittee shall review methods used and by letter notify the division if the reporting limit will exceed the new criterion, and if so the Division may reopen the permit to impose new monitoring requirements.

A.5. **Fees**

A.5.1. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 01, 2015 and every year thereafter until the permit is terminated.

A.6. **Certified Operators**

A.6.1. The facility shall be operated by a Nevada Certified Class Operator (or higher) of classification

[X] None, [ ] Grade 1, [ ] Grade 2, [ ] Grade 3, or [ ] Grade 4.

A.7. **Water Quality Standards:** There shall be no discharge of substances that would cause the groundwater quality to degrade below drinking water standards.

A.8. **Visibility Parameters:** There shall be no discharge of floating solids or visible foam in other than trace amounts.

A.9. **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.

A.10. Presumption of Possession and Compliance: Copies of this permit, any subsequent modifications, and the O&M Manual shall be maintained at the permitted facility at all times.

A.11. Records Retention: All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation, shall be retained for a minimum of five (5) years, or longer if required by the Administrator.

A.12. 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.

A.13. Prerogative to Reopen: There shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada as defined by the permit. The permit may be reopened, and additional limits imposed, if it is determined that the discharge is causing a violation of ambient water quality standards of the State of Nevada.

SECTION B

Site specific requirements are on the following pages:

B.MW. Monitoring Wells:

B.MW.1. Discrete groundwater samples shall be collected to confirm the effective protection of groundwater under the established discharge conditions of this permit.

B.MW.2. All wells shall be monitored in accordance with the parameters identified in the Groundwater Monitoring Well Table(s).

B.MW.3. Increasing concentrations of total nitrogen as nitrogen (-N) in groundwater samples invoke the following response requirements:

B.MW.3.1. If the total nitrogen-N concentration increases to 7.0 mg/L, an alternate method of process wastewater and/or manure storage must be prepared and submitted to the Division for review and approval;

B.MW.3.2. If the total nitrogen-N concentration increases to 9.0 mg/L, construction of the approved alternate process wastewater and/or manure storage facility shall begin; and

B.MW.3.3. If the total nitrogen-N concentration increases to 10.0 mg/L, discharge to groundwater shall cease unless authorized with written approval from the Division.

B.MW.4. To continue discharges under the terms of this permit, the Permittee may submit for review and approval an alternative approach, stamped by a Nevada Registered Professional Engineer, that ensures no further degradation of waters of the State.

B.MW.5. Groundwater monitoring and data rendering activities shall be conducted by, or under the supervision of, an Environmental Manager certified in the State of Nevada, or other qualified person approved by the Division

B.MW.6. Groundwater monitoring wells shall be conspicuously labeled, capped to prevent migration of surface contaminants to the groundwater, and locked to restrict access.

B.MW.7. **Well Abandonment:** Abandonment of any groundwater monitoring wells shall be conducted under the approval of, and in accordance with the requirements established by, the Division and the Division of Water Resources.

B.CO. Concentrated Animal Feeding Operations (CAFO)

B.CO.1. There shall be no discharge to surface Waters of the State of Nevada except as authorized by this permit.

B.CO.2. There shall be no discharge of manure, process water or other pollutants or nutrients from the production area to surface Waters of the State of Nevada, with the exception of pollutants in an overflow that may occur when a storm greater than a 25-year, 24-hour storm event or a chronic rainfall event causes an overflow from the pond or the production area provided that the production area is operated in accordance with B.CO.3, B.CO.29, and B.CO.30 of this permit.

B.CO.3. Facilities and their production area must be properly designed, constructed, operated, and maintained to contain manure, pollutants, direct precipitation, and the runoff from a 25-year, 24-hour storm event.

B.CO.4. New source performance standards (NSPS) for Swine, Poultry and Veal Calf CAFO operations must be designed so that there is no discharge of manure, litter, or process wastewater pollutants into waters of the U.S. from the production area.

B.CO.5. All clean water shall be diverted from the production area.

B.CO.6. Confined animals shall be prevented from coming in direct contact with surface Waters of the State.

B.CO.7. Chemicals and other contaminants handled on-site shall not be disposed of in any manure, litter, process water, or storm water storage or treatment systems unless specifically designed to treat such chemicals and other contaminants.

B.CO.8. **Nutrient Management Plan (NMP):** The facility shall be operated in accordance with a Division-approved NMP. The NMP shall be prepared in accordance with Natural Resource Conservation Service (NRCS) Conservation Practice Standard Code 590 Nutrient Management, June 2002 or more recent, and NRCS Conservation Practice Standard Code 633 Waste Utilization, October 2003 or more recent, and with all other requirements of this permit. The NMP shall be signed by the Permittee and shall contain provisions that address the following criteria:

B.CO.8.1. Ensure adequate storage and handling of manure and process wastewater including procedures to ensure proper operation and maintenance of the storage facilities;

B.CO.8.2. Identify site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices to control runoff to surface Waters of the State;

B.CO.8.3. Identify protocols for appropriate testing of manure, process wastewater, and soil;

B.CO.8.4. Establish protocols to land apply manure or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater; and

B.CO.8.5. Identify specific records that shall be maintained to document the implementation and management of the minimum elements described in the NMP and this part.

B.CO.9. **NMP Updates:** Whenever the facility makes a substantive change in how it manages the operation, including the location, method, timing, or frequency of land application, the Permittee shall amend the NMP and submit it for review and approval to NDEP. These changes may require a major modification of the permit.

B.CO.10. Changes to the proposed crop rotation may be done under minor or major modification of the permit depending on the nature of the proposed change.

B.CO.11. Nutrient Management:

B.CO.11.1. The Permittee shall apply manure and process wastewater at agronomic rates and shall follow sound agricultural irrigation practices and BMPs for the land application of manure and process wastewater.

B.CO.11.2. Tail water, if present, shall be collected in sumps and returned to the lined process wastewater pond.

B.CO.11.3. All nutrients shall be applied in a manner that is consistent with the Division-approved NMP.

B.CO.11.4. Changes in crop rotation and/or nutrient land application rates: Changes to the crop rotation and/or nutrient land application rates may be done under the following conditions:

B.CO.11.4.1. Crop rotation and/or nutrient land application rates may be adjusted in order to account for changes in operational conditions – including nutrient levels encountered during soil testing;

B.CO.11.4.2. Any adjustments to crop rotation and/or nutrient land application rates must be first revised in the facilities' NMP and O&M manual;

B.CO.11.4.3. All proposed crop rotation and/or nutrient land application rate changes shall be documented along with the test results demonstrating their applicability;

B.CO.11.4.4. A revised copy of the facilities' NMP and O&M manual must be provided to the division for approval at least 30 day prior to its implementation; and

B.CO.11.4.5. Adjustments to crop rotation and/or nutrient land application rates may be done as a permit "minor modification".

B.CO.12. Nevada Division of Water Resources (NDWR):

B.CO.12.1. All terms and conditions of this permit shall not supersede the requirements of the Nevada Division of Water Resources (NDWR) or any other state or federal agency.

B.CO.12.2. The Permittee shall contact the NDWR to determine if there are any water rights holders downstream from the site that may be impacted by the site.

B.CO.12.3. The Permittee shall contact NDWR to determine if any proposed or existing water impoundment structures will require permits pursuant to NAC Chapter 535 inclusive.

B.CO.13. Waste Storage Facility Design and Construction: All waste storage and treatment facilities shall be designed and constructed in accordance with NRCS Conservation Practice Standard Code 313, Waste Storage Facility, October 2003 or more recent; NRCS Conservation Practice Standard Code 317, Composting Facility, October 2003 or more recent; and/or NRCS Conservation Practice Standard Code 359, Waste Treatment Lagoon, October 2003 or more recent, as appropriate. All waste storage and treatment facilities shall include a staff gage or other method of determining the available storage capacity of the impoundment. All structures shall be designed, constructed, operated, and maintained to contain all manure and process wastewater from the production area accumulated during the design storage period plus the direct precipitation and run-on resulting from the 25-year, 24-hour storm event.

B.CO.14. **Facility Specifications:** The waste collection, storage, and treatment facilities shall be constructed in conformance with plans approved by the Division. The plans must be approved by the Division prior to initiating construction activities. All changes to approved plans must be approved by the Division prior to implementation.

B.CO.15. **Heavy Use Area Protection:** The Permittee shall construct all new and renovated intensively used areas in accordance with NRCS Conservation Practice Standard Code 561, October 2003 or more recent.

B.CO.16. **Land Application Setback Requirements:** There shall be no application of manure or process wastewater within 100 feet of any down-gradient surface water of the State. A 35-foot vegetated buffer to any down-gradient water of the State where applications of manure or process wastewater are prohibited may be utilized as an alternative to the 100-foot setback requirement. The establishment and maintenance of the setback must be described in the B.NMP.

B.CO.17. **Dry Weather Discharges:** Dry weather discharges of manure and/or process wastewater to surface waters of the State are prohibited from production and land application areas.

B.CO.18. **Stormwater Management:** Except as allowed by this permit, Nevada Water Quality Standards shall not be exceeded. Any overflow that occurs in accordance with this section shall be reported to the Bureau of Water Pollution Control and shall be noted in the operating records for the facility.

B.CO.19. **Outfall Observance:** The Permittee shall visually monitor the outfall(s) every six hours during discharge by observing the receiving surface water at the point of discharge to determine if there is any visible effect to the receiving water from the discharge. Any unnatural turbidity, color, oil film, odor, floating solids, foams, settleable solids, suspended solids, deposits, etc. shall be reported concurrently with the quarterly discharge monitoring reports. Documentation of the outfall observances shall be maintained at the facility.

B.CO.20. **Agricultural Stormwater Exemption:** There shall be no discharge of manure or process wastewater as a result of the application of manure or process wastewater to land application areas under the control of the Permittee, except where the discharge is an agricultural stormwater discharge. Where manure and/or process wastewater have/has been applied in accordance with the Division approved NMP, a precipitation related discharge of manure and/or process wastewater from land under the control of the Permittee is considered to be an agricultural stormwater discharge.

B.CO.21. **Tile Drains:** Manure and/or process wastewater shall not be applied to agricultural fields containing tile drains or other type(s) of subsurface drainage, unless the recovery and handling of this water is described in the approved NMP.

B.CO.22. **Manure Storage Requirements:** Manure shall be stored in a way that minimizes pollution to any waterway and to minimize dust and other particulate matter during storm event or high wind events. Manure Storage procedures must ensure proper operation and maintenance of the storage facility.

B.CO.23. **Manure, Compost, and Soil Sampling:** Manure, compost, and process wastewater shall be analyzed, in accordance with permit conditions, for nitrogen and phosphorus content. Soil shall be analyzed for nitrogen and phosphorus at the frequency specified in Section A. The results of these analyses shall be used in determining application rates for manure, compost, and process wastewater.

B.CO.24. **Manure and Compost Transfer Requirements:** If the manure, compost, or process wastewater is sold, given away, or otherwise transferred to another party, the Permittee shall comply with the following conditions:

B.CO.24.1. Maintain records showing the date and amount of manure, compost, and/or process wastewater that leaves the permitted facility;

B.CO.24.2. Record the name and address of the recipient;

B.CO.24.3. Provide the recipient(s) with representative information that includes the most recent analysis of the nutrient content of the manure, compost, and/or process wastewater; and

B.CO.24.4. Manure transfer records shall be retained on-site for a period of at least five years. The Permittee shall maintain the same records for any manure or process wastewater transferred to its facility for composting or land application. The Permittee shall only accept transferred manure and/or process wastewater from permitted concentrated animal feeding operations. All accepted nutrients shall be included in the facility's NMP prior to land application.

B.CO.25. **Animal Mortality Management Plan:** The Permittee shall implement the Division-approved Animal Mortality Management Plan (AMMP) to ensure proper disposal of dead animals and prevent the discharge of pollutants to Waters of the State. Animal carcasses shall not be disposed of in storage or treatment facilities unless the facility is designed specifically to treat the carcasses.

B.CO.26. **Facility Ownership:** Two or more animal feeding operations under common ownership or management shall be considered a single animal feeding operation if the facilities adjoin each other or if the facilities use a common area or system for disposal of wastes.

B.CO.27. **Inspections:** Inspection records shall be retained on-site for a period of at least five years, and be readily available to the Division or its representative upon request.

B.CO.28. **Inspection Frequency:** The Permittee shall conduct the following inspections and monitoring activities at the designated frequencies:

B.CO.28.1. **Daily:** The Permittee shall perform daily visual inspections of all water lines, including drinking water or cooling water lines, when present, for leakage or deterioration.

B.CO.28.2. **Weekly:** The Permittee shall inspect all stormwater diversion devices, run-on/runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure(s).

B.CO.28.3. **Weekly:** The Permittee shall inspect all waste storage and treatment facilities to identify and abate breached containment conditions. The inspection will note the level in the liquid impoundments as indicated by staff gauge or other method of indicating the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event.

B.CO.28.4. **Monthly:** The Permittee shall inspect all equipment used for land application of manure or process wastewater for leaks.

B.CO.28.5. Any deficiencies identified as a result of these inspections shall be corrected as soon as possible.

B.CO.29. **Freeboard:** A minimum of two (2) feet of freeboard, as indicated by a staff gauge or other method of indicating the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event, shall be maintained in the ponds/impoundments at all times. Ponds/impoundments shall be cleaned as needed, and maintained on a regular basis to maintain storage capacity and freeboard requirements.

B.CO.30. **Construction Integrity:** Any and all liners shall remain free of leaks and defects.

B.CO.31. **Production Area Recordkeeping:** The Permittee shall maintain the following information on-site:

B.CO.31.1. Records documenting the inspections required by the Inspection and Monitoring requirements listed above;

B.CO.31.2. Records documenting any actions taken to correct deficiencies identified during the inspections and monitoring required by the Inspection and Monitoring requirements listed above; and

B.CO.31.3. Records of mortalities management and practices used by the Permittee to comply with the AMMP.

B.CO.32. **Land Application Area Recordkeeping:** The Permittee shall maintain the following information on-site:

B.CO.32.1. Weather conditions at the time of land application and for twenty-four (24) hours prior to and following application;

B.CO.32.2. Date(s) of manure application equipment inspection and calibration;

B.CO.32.3. The expected crop yields;

B.CO.32.4. The date(s) manure, litter or process wastewater is applied to each field;

B.CO.32.5. Test methods used to sample and analyze manure, litter, and process wastewater, and soil;

B.CO.32.6. Results from the manure, litter, and process wastewater, and soil sampling;

B.CO.32.7. Explanation of the basis for determining manure application rates, as provided in the technical standards established by the Division;

B.CO.32.8. Total amount of nitrogen and phosphorus applied to each field, including documentation of calculations for the total amount applied;

B.CO.32.9. The method used to apply the manure, litter, or process wastewater.

B.CO.33. **Security:** Ponds and land application areas shall be fenced and posted with signs that clearly state the storage and application of process water and to avoid contact.

B.CO.34. **Waste Facility Cover:** If the Permittee constructs a cover for a waste treatment or storage facility, the cover shall be designed and constructed in accordance with NRCS Conservation Practice Standard Code 367, Waste Facility Cover , September 2003 or more recent.

B.CO.35. **Best Management Practices:** The Permittee shall implement Best Management Practices (BMPs) at the facility in any and all forms required or necessary to protect waters of the State.

B.CO.36. **Remediation Activities:** All groundwater and/or soil contamination issues shall be addressed in accordance with the requirements of the Division.

B.CO.37. **Closure Activities:** Lagoons, ponds, surface impoundments, and other manure or process wastewater storage facilities shall be maintained at all times until closed in accordance with the requirements of the Division. For all process components that are permanently closed the Permittee shall submit to the Division, for review and approval, a closure plan. All process components must be

properly closed in accordance with an approved closure plan if the Permittee ceases operation.

B.CO.38. **Permit Cancellation:** To terminate permit coverage, a permit cancellation request, Facility Closure Plan, and Schedule shall be submitted to the Division in writing for review and approval. The Facility Closure Plan and Schedule shall address the following, at a minimum:

B.CO.38.1. Post-closure groundwater monitoring and remediation;

B.CO.38.2. Component stabilization (both chemical and physical);

B.CO.38.3. A Schedule specific to closure activities and facility abandonment procedures;

B.CO.38.4. A strategy for abatement of nutrients at the facility;

B.CO.38.5. **Final Closure Report:** The Final Closure Report shall be submitted for review and approval prior to Permit termination and shall contain the following, at a minimum:

B.CO.38.5.1. A Summary of all completed closure-related activities;

B.CO.38.5.2. A Summary of post-closure groundwater monitoring and remediation, as applicable; and

B.CO.38.5.3. Submittal of closure related as-builts.

B.CO.39. **Annual CAFO Reporting Requirements:** In addition to the Annual Report Requirements in Part A.3.1, the Permittee must also submit the following annual report requirements to the Division:

B.CO.39.1. The number and type of animals, whether in open confinement or housed under roof;

B.CO.39.2. Estimated amount of total manure, litter, and process wastewater generated by the CAFO in the previous 12 months (tons/gallons);

B.CO.39.3. Estimated amount of total manure, litter, and process wastewater transferred to other persons by the CAFO in the previous 12 months (tons/gallons);

B.CO.39.4. Total number of acres for land application covered by the Division approved nutrient management plan;

B.CO.39.5. Total number of acres under control of the CAFO that were used for land application of manure, litter and process wastewater in the previous 12 months;

B.CO.39.6. Summary of all manure, litter and process wastewater discharges from the production areas that have occurred in the previous 12 months, including date, time and approximate volume;

B.CO.39.7. A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner; and

B.CO.39.8. The actual crop(s) planted and actual yield(s) for each field, the actual nitrogen and phosphorus content of the manure, litter and process wastewater, the results of land application rate calculations, and amount of manure, litter and process wastewater applied to each field during the previous 12 months.

B.NMP. Nutrient Management Plan:

B.NMP.1. The facility shall be operated in accordance with a Division approved Nutrient Management Plan (NMP). The NMP shall be prepared in accordance with Natural Resource Conservation Service (NRCS) Conservation Practice Standard Code 590 Nutrient Management, June 2002 or more recent, and NRCS Conservation Practice Standard Code 633 Waste Utilization, October 2003 or more recent, and with the requirements of this section.

B.NMP.2. The NMP shall contain provisions that:

B.NMP.2.1. Ensure adequate storage and handling of manure and process wastewater including procedures to ensure proper operation and maintenance of the storage facilities;

B.NMP.2.2. Ensure that stormwater or other water run-on is diverted from the production area;

B.NMP.2.3. Prevent direct contact of confined animals with any water of the State;

B.NMP.2.4. Ensure that chemicals and other contaminants handled at the facility are not disposed in any manure, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants;

B.NMP.2.5. Identify site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices to control runoff to waters of the State;

B.NMP.2.6. Identify protocols for appropriate testing of manure, process wastewater, and soil;

B.NMP.2.7. Establish protocols to land apply manure or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater;

B.NMP.2.8. Identify specific records that shall be maintained to document the implementation and management of the minimum elements described in the NMP and this part; and

B.NMP.2.9. Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities.

B.NMP.3. The NMP shall be signed by the Permittee.

B.NMP.4. A Permittee shall provide to the Division the most current version of the NMP and identify the changes from the previous version, including but not limited to, the location, method, timing or frequency of land application so that the NMP reflects the current operational characteristics and practices of the facility. A review of these changes by the Division may require a major modification of the permit.

B.NMP.5. **Crop Rotation:** The Crop Rotation Table summarizes the Permittee's proposed crops for the five-year term of the permit:

B.NMP.6. **Nitrogen Application:** Nitrogen shall be applied in accordance with the Division approved NMP.

SECTION C

C.1. Definitions

C.1.1. **CWA** means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Public Law 92-500, as amended by Public Law 96-217, Public Law 96- 576, Public Law 97-117, and Public Law 100-4.

C.1.2. **Waters of the State** means all waters situated wholly or partly within or bordering upon this state including but not limited to all streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems, and drainage systems; and all bodies or accumulations of water, surface and underground, natural or artificial.

C.1.3. **30-day average discharge** means the total discharge during a month divided by the number of samples in the period for that discharge facility. 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.

C.1.4. **7-day average concentration** means the arithmetic mean of measurements made during a week. If there is more than one measurement per day, the measurements may be averaged in accordance with Section A (Monitoring: Additional Monitoring by Permittee).

C.1.5. **Daily maximum** means the highest measurement during the monitoring period.

C.1.6. **30-day average concentration** , other than for fecal coliform bacteria, means the arithmetic mean of measurements made during a month. If there is more than one measurement per day, the measurements may be averaged in accordance with Section A (Monitoring: Additional Monitoring by Permittee). The "30-day average concentration" for fecal coliform bacteria means the geometric mean of measurements made during a month. The geometric mean is the "nth" root of the product of "n" numbers. Geometric mean calculations where there are non-detect results for fecal coliform shall use one half the detection limit as the value for the non-detect results.

C.1.7. **mg/L** means milligrams per liter.

C.1.8. **gpd** means gallons per day.

C.1.9. **MG** means million gallons.

C.1.10. **MGD** means million gallons per day.

C.1.11. **Mgal/d** means million gallons per day.

C.1.12. **"-N"** means measured as nitrogen.

C.1.13. **"–P"** means measured as phosphorus.

C.1.14. **mg/kg** means milligrams per kilogram.

C.1.15. **DWB** means Dry Weight Basis.

C.1.16. **CFU** means Colony Forming Unit.

C.1.17. **MPN** means Most Probable Number.

C.1.18. **mL** means milliliter.

C.1.19. **NMP** means Nutrient Management Plan.

C.1.20. **AC** means acre.

C.1.21. **lbs/A** means pounds per acre.

C.1.22. **lbs/day** means pounds per day.

C.1.23. **TDS** means total dissolved solids.

C.1.24. **Cfs** means cubic feet per second.

C.1.25. **CP** means center pivot.

C.1.26. **S** means summer.

C.1.27. **W** means winter.

C.1.28. **Discrete sample** means any individual sample collected in less than 15 minutes.

C.1.29. **For flow-rate measurements a "composite"** sample means the arithmetic mean of no fewer than six individual measurements taken at equal time intervals for 24 hours, or for the duration of discharge, whichever is shorter.

C.1.30. **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.

C.1.31. **Acute Toxicity** is defined in the whole effluent testing procedures presented in this permit Section A (Whole Effluent Toxicity Testing).

C.1.32. **Biosolids** are non-hazardous sewage sludge or domestic septage as defined in 40 CFR 503.9.

C.1.33. **A "bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.

C.1.34. **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.

C.1.35. **Sewage sludge** means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works.

C.1.36. **Agricultural land** means land on which a food crop, a feed crop, or a fiber crop is grown. This includes rangeland and land used as pasture.

C.1.37. **Agronomic rate** means the whole sludge application rate (dry weight basis) designed:

C.1.37.1. To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and

C.1.37.2. To minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

C.1.38. **Manure** means animal excrement and is defined to include bedding, compost, and raw materials or other materials commingled with animal excrement or set aside for disposal.

C.1.39. **Production area** means the portion of the facility that is not used for land application and includes all areas used for animal product production activities. This includes but is not limited to the animal confinement areas, the manure storage areas, the raw materials storage areas, and the waste containment areas.

C.1.40. **Process wastewater** means water directly or indirectly used in the operation of the facility for any of the following:

C.1.40.1. Spillage or overflow from animal watering systems;

C.1.40.2. Washing, cleaning, or flushing pens, barns, manure pits, or other process components;

C.1.40.3. Direct contact swimming, washing, or spray cooling of animals;

C.1.40.4. Dust control, not including uncontaminated groundwater used outside of the production area; and

C.1.40.5. Any water which comes into contact with, or is a constituent of, any raw materials, products, or byproducts including manure, feed, milk, eggs or bedding.

C.1.41. **Land application** means the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

C.1.42. **Land application area** means land under the control of the Permittee, whether it is owned, rented, or leased, to which manure or process wastewater from the production area is or may be applied.

C.1.43. **25-year, 24-hour storm event** means a precipitation event with a probable recurrence interval of once in twenty-five years, as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional or State rainfall probability information developed from this source.

C.1.44. **100-year, 24-hour storm event** means a precipitation event with a probable recurrence interval of once in one hundred years, as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional or State rainfall probability information developed from this source.

C.1.45. **Chronic precipitation event** means a series of wet weather conditions that precludes reducing the volume of properly designed, constructed, operated, and maintained waste storage and/or treatment facilities and that total a volume in excess of the 25-year, 24-hour storm event.

C.1.46. **Vegetated buffer** means a permanent strip of dense perennial vegetation established parallel to the contours of, and perpendicular to, the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants leaving the field and reaching surface waters.

C.1.47. **Feed crops** means crops produced primarily for consumption by animals.

C.1.48. **Food crops** means crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

C.2. **Operations and Maintenance (O&M) manual:**

C.2.1. Pursuant to Section A, the O&M manual shall be prepared and submitted to NDEP for review in accordance with the Division's Operations and Maintenance Manual guidance (WTS-2). http://ndep.nv.gov/bwpc/wts-2.pdf

C.2.2. The operator shall inspect the site at the frequency prescribed in the O&M Manual.

C.2.3. The Permittee shall maintain an operations logbook (hardcopy or electronic) on-site as referenced in the O&M manual.

C.2.4. The logbook shall include the name of the operator, date, time, and general condition of the facility.

C.3. **Planned changes:** The Permittee shall give notice to the Administrator as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition to a permitted facility:

C.3.1. May meet one of the criteria for determining whether a facility is a new source (40 CFR 122.29 (b));

C.3.2. Could significantly change the nature or increase the quantity of pollutants discharged; or

C.3.3. Results in a significant change to the Permittee's sludge management practice or disposal sites.

C.4. **Anticipated non-compliance:** 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.

C.5. **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.The permit may be modified to specify and limit any pollutants not previously limited.

C.6. **Facilities Operation-Proper Operation and Maintenance:** The Permittee shall at all times maintain in good working order and properly operate all treatment and control facilities, collection systems, and 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.

C.7. **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 non-complying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment. If the monitoring program (as required by this permit) identifies exceedances of ambient water quality standards at the boundary of the mixing zone, the Permittee shall notify the Division of the exceedances and describe any mitigation measures being implemented as part of the quarterly monitoring report requirements.

C.8. Noncompliance, Unauthorized Discharge, Bypass and Upset

C.8.1. Any diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities under the control of the Permittee to navigable waters is prohibited except as authorized by this permit or in accordance with the Division's Spill Reporting Policy. The Division may take enforcement action for a diversion, bypass, spill, overflow, or discharge of treated or untreated wastewater to waters of the state except as authorized by this permit or in accordance with the Division's Spill Reporting Policy. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow or discharge not authorized by this permit or in accordance with the Division's Spill Reporting Policy is probable, the Permittee shall notify the Administrator immediately.

C.8.2. 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 from wastewater treatment or conveyance facilities under the control of the Permittee other than that which is authorized by the permit or in accordance with the Division's Spill Reporting Policy. 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:

C.8.2.1. Time and date of discharge;

C.8.2.2. Exact location and estimated amount of discharge;

C.8.2.3. Flow path and any bodies of water which the discharge reached;

C.8.2.4. The specific cause of the discharge; and

C.8.2.5. The preventive and/or corrective actions taken.

C.8.3. The following shall be included as information which must be reported within 24 hours:

C.8.3.1. Any unanticipated bypass which exceeds any effluent limitation in the permit;

C.8.3.2. Any upset which exceeds any effluent limitation in the permit; and

C.8.3.3. Violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.

C.8.4. The Permittee shall report all instances of noncompliance not reported under Section C (Noncompliance, Unauthorized Discharge, Bypassing and Upset) at the time monitoring reports are submitted. The reports shall contain the information listed in Section C (Noncompliance, Unauthorized Discharge, Bypassing and Upset).

C.8.5. **Bypass not exceeding limitations:** The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of the applicable section of Section C (Noncompliance, Unauthorized Discharge, Bypassing and Upset including Prohibition of Bypass).

C.8.6. **Anticipated bypass:** If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of bypass.

C.8.7. **Prohibition of Bypass:** Bypass is prohibited, and the Administrator may take enforcement action against a Permittee for bypass, unless:

C.8.7.1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

C.8.7.2. 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

C.8.7.3. The Permittee submitted notices as required under Section C (Noncompliance, Unauthorized Discharge, Bypassing and Upset).

C.9. 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 Section C (Noncompliance, Unauthorized Discharge, Bypassing and Upset: Prohibition of Bypass).

C.10. **Effect of an upset:** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section C (Noncompliance, Unauthorized Discharge, Bypassing and Upset: Conditions necessary for a demonstration of an upset) are met.

C.11. **Conditions necessary for a demonstration of an upset:** A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

C.11.1. An upset occurred and that the Permittee can identify the cause(s) of the upset;

C.11.2. The permitted facility was at the time being properly operated;

C.11.3. The Permittee submitted notice of the upset as required under this section; and

C.11.4. The Permittee complied with any remedial measures required under Section C (Noncompliance, Unauthorized Discharge, Bypassing and Upset).

C.12. 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.

C.13. All solid waste screening and sewage sludge shall be disposed of or reused in a manner approved by the Division and the County. Facilities that generate and dispose of sewage sludge, or prepare it for reuse, shall monitor the concentrations of arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and zinc and report in mg/dry kg of sludge as outlined below. A monitoring report which includes the analytical data, volume disposed of, facility name, address, phone number and contact where sludge was disposed or reused shall be submitted with the quarterly Discharge Monitoring Report (DMR). Facilities which sample annually shall submit the information annually with the 4th quarter DMR.

Dry Biosolids Disposal rate in metric tons/yr.	**Frequency**
>0 - <290	each year
≥290 -<1500	once a quarter
≥1500 -<15000	once every 2 months
≥15000	once a month

C.14. **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.

C.15. **Safeguards to Electric Power Failure:** In order to maintain compliance with the effluent limitations and prohibitions of this permit the Permittee shall either:

C.15.1. Provide at the time of discharge an alternative power source sufficient to operate the wastewater control facilities; or

C.15.2. Halt or reduce all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

C.16. **Right of Entry and Inspection:** The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:

C.16.1. 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;

C.16.2. Have access to and copy any records required to be kept under the terms and conditions of this permit at reasonable times;

C.16.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and

C.16.4. Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.

C.17. **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 reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Administrator shall approve ALL transfers of permits.

C.18. **Availability of Reports:** Except for data determined to be confidential under Nevada Revised Statute (NRS) 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the 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.

C.19. **Furnishing False Information and Tampering with Monitoring Devices:** Any person who intentionally or with criminal negligence makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 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.

C.20. **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.

C.21. **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:

C.21.1. Violation of any terms or conditions of this permit;

C.21.2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

C.21.3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;

C.21.4. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;

C.21.5. Material and substantial alterations or additions to the permitted facility or activity;

C.21.6. The Administrator has received new information;

C.21.7. The standards or regulations have changed; or

C.21.8. The Administrator has received notification that the permit will be transferred.

C.22. **Minor Modifications:** With the consent of the Permittee and without public notice, the Administrator may make minor modifications in a permit to:

C.22.1. Correct typographical errors;

C.22.2. Clarify permit language;

C.22.3. Require more frequent monitoring or reporting;

C.22.4. 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;

C.22.5. Allow for change in ownership;

C.22.6. Change the construction schedule for a new discharger provided that all equipment is installed and operational prior to discharge;

C.22.7. 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; or

C.22.8. Reallocate the IWLA as long as the ΣIWLA does not change.

C.23. **Toxic Pollutants:** Notwithstanding Section C (Permit Modification, Suspension or Revocation), 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.

C.24. **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. However, except for any toxic effluent standards and prohibitions imposed under section 307 of the Clean Water Act or toxic water quality standards set

forth in NAC 445A.144, compliance with this permit constitutes compliance with Clean Water Act sections 301, 302, 306, 307, 318, 403, 405(a) and (b), and with NRS 445A.300 through 445A.730.

C.25. **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.

C.26. **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.

C.27. **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 reissuance, or modification; or denial of a permit renewal application.

C.28. **Need to Halt or Reduce Activity Not a Defense:** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

C.29. **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 reissuing, 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.

C.30. **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 Permittee shall submit the sludge information listed in 40 CFR 501.15(a)(2) with the renewal application. The renewal application shall be accompanied by the fee required by NAC 445A.232.

C.31. **Signatures, Certification Required on Application and Reporting Forms:** 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."

C.31.1. All applications, reports or other information submitted to the Administrator shall be signed by one of the following:

C.31.1.1. 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;

C.31.1.2. A general partner of the partnership;

C.31.1.3. The proprietor of the sole proprietorship; or

C.31.1.4 A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.

C.32. **Changes to Authorization:** If an authorization under Section C.31 (Signatures, Certification Required on

Application and Reporting Forms) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section C.31 (Signatures, Certification Required on Application and Reporting Forms) must be submitted to the Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.

C.33. **Holding Pond Conditions:** If any wastewater from the Permittee's facilities is placed in ponds owned or operated by the Permittee, such ponds shall be located and constructed so as to:

C.33.1. Contain with no discharge the once-in-the twenty-five year, 24-hour storm at said location;

C.33.2. Withstand with no discharge the once-in-one-hundred year flood of said location; and

C.33.3. Prevent escape of wastewater by leakage other than as authorized by this permit, unless otherwise approved by the Division.

C.34. **Publicly Owned Treatment Works** [40 CFR 122.42(b)]: All POTWs must provide adequate notice to the Administrator of the following:

C.34.1. Any new introduction of pollutants into the Permittee's facilities from an indirect discharger which would be subject to section 301 or 306 of the Act if it were directly discharging those pollutants;

C.34.2. Any substantial change in the volume or character of pollutants being introduced into the Permittee's facilities by a source introducing pollutants into the Permittee's facilities at the time of issuance of the permit.;

C.34.3. For the purposes of this part, adequate notice shall include information on: (1) the quality and quantity of effluent introduced into the Permittee's facilities and (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the Permittee's facilities.

C.35. **Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers** [40 CFR 122.42(a)]: In addition to the reporting requirements under 40 CFR 122.41(l), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Administrator as soon as they know or have reason to believe:

C.35.1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

C.35.1.1. One hundred micrograms per liter (100 µg/l);

C.35.1.2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

C.35.1.3. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

C.35.1.4. The level established by the Administrator in accordance with 40 CFR 122.44(f).

C.35.2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

C.35.2.1. Five hundred micrograms per liter (500 µg/l);

C.35.2.2. One milligram per liter (1 mg/l) for antimony;

C.35.2.3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

C.35.2.4. The level established by the Administrator in accordance with 40 CFR 122.44(f).