TEMPORARY HOLDING TANK GENERAL PERMIT: GNEVTHT09

STATE OF NEVADA
DIVISION OF ENVIRONMENTAL PROTECTION

GENERAL PERMIT FOR DOMESTIC SEWAGE DISCHARGES ASSOCIATED WITH TEMPORARY HOLDING TANKS

AUTHORIZATION TO DISCHARGE

In compliance with the provisions of the Nevada Revised Statutes (NRS 445A) and the Nevada Underground Injection Control Regulations (NAC 445A. 810 through 445A.925), eligible dischargers who have submitted a Notice of Intent and filing fee in accordance with Nevada Administrative Code (NAC) 445A.268, and On-site Sewage Disposal System (OSDS) Regulations (NAC 445A) as defined herein, are authorized to discharge domestic sewage to temporary holding tanks:

In accordance with conditions set forth in Parts I and II hereof

EFFECTIVE DATE OF PERMIT: **Friday January 16th, 2009**

EXPIRATION DATE OF PERMIT (midnight): **Thursday January 16th, 2014**

Signed this 16th day of January, 2009.

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Edward Alan Tinney, P.E. - Supervisor
Nevada Division of Environmental Protection

PART I SPECIFIC CONDITIONS

I.A PERMIT OBJECTIVE

I.A.1 The objective of this permit is to control and reduce pollution of Waters of the State from domestic sewage. Through the use of the Division's Onsite Sewage Disposal System (OSDS) Regulations, OSDS Guidance Manual and good engineering practices, all OSDS/temporary holding tanks will be designed, constructed, operated and maintained to minimize impacts to ground water.

I.A.2 **Waters of the U. S.** is defined at 40 CFR §122.2. Discharges to subsurface disposal systems are not considered to be discharges to Waters of the U.S.

I.A.3 **Domestic Sewage** is defined in NAC 445A and means liquid and water-borne waste that is derived from the ordinary living process and is of such character as to permit its satisfactory disposal into a public sewer without special treatment or into an Onsite Sewage Disposal System. The term does not include industrial waste.

I.A.4 This General Permit covers all discharges of treated domestic sewage and held sewage that are subject to the review and approval by the Nevada Division of Environmental Protection (Division) identified in Parts I.C.3. and I.C.5.

I.A.5 Discharges/disposal shall be in accordance with the provisions of this General Permit.

I.A.6 This permit authorizes the following:

a. Domestic Sewage Discharges to temporary holding tank(s) may only be approved for the following: limited duration events for construction projects (night watchman's trailer, contractors shack); or a holding tank under the control of a city or other legal entity approved for temporary use. Temporary holding tanks cannot be used to service a dwelling or RV.

b. Permit is valid for a period not to exceed 180 days.

I.A.8 **I**ndustrial and other non-domestic waste discharges are prohibited.

I.A.9 The permit may be renewed at the Division's discretion.

I.B ELIGIBILITY, PERMIT REQUIREMENT, AND REQUEST FOR INCLUSION

I.B.1 Only entities authorized to construct, operate and maintain public sewer systems or other federal, state, county or city persons who are conducting or planning to conduct any operations described in Part I.A.6 are eligible for this general permit.

I.B.2 The Permittee shall not begin construction/placement of a holding tank until the Division has issued Construction Authorization. Construction/placement shall conform with the plans and specifications approved by the Division in the Construction Authorization.

I.B.3 Application deadlines are as follows:

a. Existing holding tanks – Systems that are functioning properly and authorized under the Nevada State Health Division's Individual Sewage Disposal Systems permit, Washoe County District Health Departments permit or Southern Nevada Health District permit shall submit a new Notice of Intent (NOI) within 90 days following the effective date of this permit. No fee will be required for existing holding tanks that are properly functioning with a valid permit. Coverage under this permit will take effect after the NOI and sampling results, if required, in Section I.C.3 are submitted to and approved by the Division.

b. New holding tanks - New dischargers are required to request inclusion in this general permit by completing a NOI and submitting the appropriate fee with the Division no later than 2 days prior to the start of discharge. Certification of Completion must be submitted before inclusion will be granted.

I.B.4 The NOI is available through the Division at **http://ndep.nv.gov/bwpc/**. Provisional authorization begins 24 hours following receipt of the electronic NOI form by the Division. Following review of the NOI, the Division will determine the NOI is complete and confirm coverage by providing a notification and an authorization number. The Division may also determine the NOI is incomplete and deny coverage until a completed NOI is submitted, or deny coverage and require an application for an individual permit be submitted. The minimum information required on a NOI consists of:

a. Owner/Operator (Applicant) Information: Name, address, city, state, zip code and phone number.

b. Project/Site Information: Project Name, Project Address/Location, City, State, Zip Code, Latitude, Longitude, County.

c. Address of location of the Operation and Maintenance manual and associated records for viewing, City, State, Zip Code, Phone.

d. Septic Pumping Contractor with current Health authority permit.

e. Certification statement signed and dated by the permittee.

I.B.5 Any person signing a NOI shall make 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. I also confirm that an

contract with a septic pumping contractor has been completed, will be maintained at the project site from the start of activities, and that the holding tank will be compliant. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations."

I.B.6 A Notice of Termination (NOT) shall be submitted to NDEP upon holding tank abandonment to terminate general permit coverage.

I.B.7 The minimum information required on a NOT consists of:

- **a.** Holding Tank general permit number;
- **b.** Facility operator information: name, address, city, state, zip code, and phone number
- **c.** Facility/site location information: name, address, city, state, zip code, and phone number
- **d.** Certification statement signed and dated by the permittee.

I.B.8 Any person signing a NOT shall make the following certification.

''I certify under penalty of law that all domestic sewage discharges associated with holding tank activity from the identified facility that was authorized by a General Permit have been eliminated or that I am no longer the operator of the facility or site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge treated domestic sewage associated with holding tank activity under this General Permit, and that discharging pollutants in treated domestic sewage associated with holding tank activity to waters of the state is unlawful under the Nevada Water Pollution Control Law where the discharge is not authorized by a permit.

I.B.9 The Division may require the general permit permittee to apply for and obtain an individual permit in accordance with NRS 445A.480.

I.B.10 The general permit shall be considered a temporary permit until such time as:

- **a.** Community sewer service is available, or
- **b.** The system fails.

I.B.11 **Limitations on coverage:** This permit does not authorize any discharges subject to effluent limitation guidelines at 40 CFR Part 440.

I.C EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS AND CONDITIONS

I.C.1 During the period beginning on the effective date of this general permit, and lasting until the general permit expires, the activities shall be limited and, as applicable, monitored by the permittee as specified below.

I.C.2 Samples taken in compliance with the monitoring requirements specified below shall be taken prior to discharge into the receiving water. If sampling is required, the effluent sample must be collected from an approved sampling port or taken from the end of the discharge pipe following the final treatment component of the system.

I.C.3 The required sampling type and frequency is based as follows:

a. Effluent from a temporary holding tank – no sample required.

Table I.C.3.a.: Constituents required to be sampled for a holding tank

Constituent	Discharge Limit (mg/l)	Frequency
None	None	None

I.C. 4 Discharge to ground waters of the State under this permit shall not be allowed.

I.C.5 Corrective Action Plan for Exceedances of Water Quality Standards

a. Upon a determination by the permittee or the Division that the discharges are causing or contributing to an exceedance of applicable state water quality standard(s), the permittee shall develop and implement an action plan that includes an implementation schedule to ensure that future discharges do not cause or contribute to degradation of waters of the state. The action plan shall be submitted to NDEP within 60 days of the determination unless additional time is authorized by the Division.

b. Upon review, the Division shall notify the permittee within 30 days if the information is insufficient to ensure compliance with the requirements and objectives of this permit. In such a circumstance, the Division may require modifications to the action plan which must be implemented within a timeframe determined by the Division.

I.C.6 Permittee O & M Manual

a. A permittee shall prepare and implement a maintenance schedule prior to commencement of discharge to a holding tank. A permittee shall implement the requirements to ensure compliance with the terms and conditions of this general permit.

b. The O & M manual shall be prepared in accordance with professional and/or good engineering practice and is subject to approval by the division. **The septic pumping**

contractor may prepare and present the manual on behalf of the permittee.

c. The permittee shall make all records and manuals available upon request to the State or local agency approving the holding tank.

d. Pumping Frequency shall be listed in the O & M manual. System failure due to inadequate pumping shall be considered a violation of the permit and grounds for enforcement action.

I.C.7 Quarterly Reports
Quarterly Reports shall be submitted to the Division each year on or before 15th day of the following month. The reports shall document inspection findings; update spill, leak, and unauthorized discharge information including clean up and preventive actions taken; report any modifications to the holding tank; and evaluate the effectiveness of the holding tank. The annual reports shall include any monitoring data collected, including data collected in accordance with Part I.C of this permit, and a summary and interpretation of that data. Each report shall include a certification that the holding tank is in compliance with the permit, and identify any incidents of non-compliances.

I.D MONITORING AND REPORTING – If Required

I.D.1 Representative Samples: Samples and measurements taken as required herein shall be representative of the nature and volume of the monitored discharge.

I.D.2 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 Clean Water Act, under which such procedures may be required unless the Division approves other procedures. Analysis shall be performed by a State of Nevada certified laboratory.

I.D.3 Modification of Monitoring Frequency and Sample Type: After considering monitoring data, discharge flow and receiving water conditions, the Division, may for just cause, modify the monitoring frequency and/or sample type by issuing an order to the permittee.

I.D.4 Recording the Results: For each measurement or sample taken pursuant to the requirements of this general permit, the permittee shall record the following information:

a. The exact place, date, and time of sampling;

b. The dates the analyses were performed;

c. The person(s) who performed the analyses;

d. The analytical techniques or methods used; and

e. The results of all required analyses.

I.D.5 Additional Monitoring by Permittee: If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this general permit, using approved

analytical methods and laboratories as specified above, the results of that monitoring shall be included in the next annual or monitoring report submitted to the Division on the Discharge Monitoring Report (DMR) Form. Such increased frequency shall also be indicated on the DMR.

I.D.6 **Records Retention:** All records and information resulting from the monitoring activities required by this general permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer if required by the Administrator.

I.D.7 **Detection Limits:** All laboratory analysis conducted in accordance with this discharge general permit must have detection at or below the general permit limits or the method detection limit as defined in the analytical method, whichever is lower.

I.D.8 **Address for Submittal:** All DMRs, Notices of Termination reports, modifications to the O & M manual and any other information submitted pursuant to this permit shall be submitted to the Division at the following address:

Compliance Coordinator
Nevada Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701

PART II GENERAL CONDITIONS

II.A.1 **Annual Fee:** The permittee shall remit a one time permit fee in accordance with NAC 445A under this general permit. Holding tanks that were in existence and functioning properly before the regulations were adopted are not required to submit a fee.

II.A.2 **General Permit Re-issuance For Ongoing Projects:** The permittee will be included in the reissued general permit after this general permit expires, or will be informed of other permitting requirements. The permittee will receive public notice if NDEP determines to reissue the general permit.

II.A.3 **Facilities Operation:** The permittee shall at all times maintain in good working order and operate as efficiently as possible all equipment and ancillary BMPs used by the permittee to achieve compliance with the terms and conditions of this general permit.

II.A.4 **Need to Halt or Reduce Activity Not a Defense:** It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity under the permittee control in order to maintain compliance with the conditions of this permit.

II.A.5 There shall be no discharge of substances to Waters of the State that would cause a violation of water quality standards of the State.

II.A.6 There shall be no objectionable odors resulting from activities authorized by this general permit.

II.A.7 **Removed Substances:** Solids or other pollutants that are removed in the course of treatment

or control of domestic wastewater shall be disposed of in a manner such as to prevent pollution from such materials from entering any surface or groundwater. Removal shall be performed by a licensed septic pumper or other professional.

II.A.8 Noncompliance, Unauthorized Discharge, Bypass, and Upset:

a. Any diversion, bypass, spill, overflow, upset or discharge of treated or untreated domestic wastewater from holding tanks under the control of the permittee is prohibited except as authorized by this permit.

b. In the event the permittee has knowledge that a diversion, bypass, spill, overflow, upset or discharge not authorized by this permit is imminent, the permittee shall notify the Division immediately.

c. The permittee shall notify NDEP verbally within twenty-four hours of any diversion, bypass, spill, overflow, upset or discharge of treated or untreated stormwater other than that which is authorized by the permit. The report shall be made to the Division at (775) 687-9485 during normal business hours. A written report shall also be submitted to the Division within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the event as well as:

i. Time and date of discharge;

ii. The type of discharge (i.e. upset, bypass, violation);

iii. The effluent limitation, condition or standard violated;

iv. Exact location and estimated amount of discharge;

v. Flow path and any surface bodies of water which the discharge reached;

vi. The specific cause of the discharge, and

vii. The preventive and/or corrective actions taken.

d. The following shall be included as information which must be reported within twenty four hours:

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

ii. Any upset which exceeds any effluent limitation in the permit; or

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

e. A "**bypass**" means the intentional diversion from any portion of an OSDS/holding tank.

i. 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 Parts II.A.9.

f. If the permittee knows in advance of the need for a bypass, the permittee shall submit prior notice, if possible at least ten days before the date of bypass.

g. Bypass is prohibited, and the Division may take enforcement action against a permittee for bypass**,** unless:

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

ii. There were no feasible alternatives to the bypass. 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 preventativemaintenance, and

iii.

iv. The permittee submitted notices as required under Part II.A.8.c.

h. The Division may approve an anticipated bypass, after considering its adverse effects, if the Division determines that it will meet the three conditions listed in Part II.A.8.f.

i. 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.

j. An upset constitutes an affirmative defense to an action brought for non-compliance with such technology based permit effluent limitations if the equirements of Part II.A.9.j are met.

k. 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.8.c, and

iv. The permittee complied with any remedial measures required under Part II.A.10.

l. In selecting the appropriate enforcement option, the Division 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.9 Change in Discharge: All discharges authorized herein shall be consistent with the terms and conditions of this general permit. Any anticipated new discharges at the site which will result in new, different, or increased discharges of pollutants must be reported to the Division. Pursuant to NAC 445A.263, the general permit may be modified to specify and limit any pollutants not previously limited.

II.A.10 Adverse Impact: The permittee shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with this general 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.

II.A.11 24 Hour Reporting: As stated in Part II.8.c. the permittee shall verbally report any noncompliance or discharge which may seriously endanger health or the environment as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances. the report shall be made to NDEP at (775) 687-9485 during normal business hours. A written report shall also be submitted to NDEP within ten days of the time the Permittee becomes aware of the circumstances. The written submission shall contain all items listed in Part II.A.8.c to II.A.8.d.

II.A.12 Right of Entry and Inspection: The permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:

a. Enter upon the permittee's premises where a discharge is or could be located or in which any records are required to be kept under the terms and conditions of this general permit;

b. At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this general permit;

c. Inspect any monitoring equipment or monitoring method required in this general permit;

d. Perform any necessary sampling to determine compliance with this general permit or to sample any discharge for any parameter.

II.A.13 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.A.14 Availability of Reports: Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this general permit shall be available for public inspection at the office of the Division. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

II.A.15 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 general 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 general 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.A.16 Penalty for Violation of General Permit Conditions: Nevada Revised Statutes NRS 445A.675 provides that any person who violates a general permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

II.A.17 General Permit Modification, Suspension or Revocation: After notice and opportunity for a hearing, this general permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this general permit;

b. Obtaining this general permit by misrepresentation or failure to disclose fully all relevant facts;

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

d. 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;

e. There are material and substantial alterations or additions to the permitted facility or activity;

f. The Administrator has received new information;

g. The standards or regulations have changed; or

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

II.A.18ssLiability: Nothing in this general 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.A.19Property Rights: The issuance of this general 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.

II.A.20Severability: The provisions of this general permit are severable, and if any provision of this general permit, or the application of any provisions of this general permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

II.A.21Signatures requirements:

a. All Notices of Intent and reporting forms shall be signed as follows:

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 for 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.

b. Annual reports, Monitoring Reports, and all other information required by NDEP shall be signed by a person described in paragraph II.A.21.a or by a duly authorized representative of that person.

II.A.22 Changes to Authorization: If an authorization under paragraph II.A.21 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph II.A.21 must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

II.A.23 Each application, report and any other information submitted must contain a certification by the person signing the application that he is familiar with the information provided, that to the best of his knowledge and belief the information is complete and accurate and that he has the authority to sign and execute the application.