

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

AUTHORIZATION TO DISCHARGE

In compliance with the provisions Chapter 445A of the Nevada Revised Statutes (NRS), the Permittee,

Crafty's Featherworks, Inc.
P.O. Box 370
Overton, Nevada 89040

is authorized to discharge industrial process wastewater, turkey feather wash, dye, and rinse water, from a facility located at:

Crafty's Featherworks Main Plant
480 West Pat Avenue
Overton, Clark County, Nevada 89040

Latitude: 36° 34' 37" N
Longitude: 114° 26' 57" W

Township 16 S, Range 67 E, Section 1 MDB&M

to the Crafty's Featherworks Main Plant double-lined, aerated evaporation pond, in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III hereof.

EFFECTIVE DATE OF PERMIT:

Tuesday December 18th, 2008

EXPIRATION DATE OF PERMIT (midnight):

Wednesday December 18th, 2013

Signed this 18th day of **November, 2008**.



Alexi Lanza - Staff Engineer
Nevada Division of Environmental Protection
Bureau of Water Pollution Control – Permitting Branch



- I.A.3. **Odors:** There shall be no objectionable odors from the treatment facilities or the evaporation pond.
- I.A.4. **Visibility Parameters:** There shall be no discharge of floating solids or visible foam in other than trace amounts.
- I.A.5. **Security:** The treatment and evaporation facilities shall be fenced and posted.
- I.A.6. **Solid Waste Management:** All solid, toxic, or hazardous waste shall be properly handled and disposed of pursuant to applicable laws and regulations. Any sludge generated during this operation shall be characterized and disposed of in accordance with local, State, and Federal regulations.
- I.A.7. **Facility Construction:** Collection, treatment, and evaporation facilities shall be constructed in conformance with plans approved by the Nevada Division of Environmental Protection (Division). All plans must be approved by the Division prior to the start of construction and must be stamped by a Professional Engineer licensed in the State of Nevada. All changes to any plans approved by the Division must be stamped by Professional Engineer licensed in the State and re-approved by the Division prior to implementation.
- I.A.8. **Process Operations and Maintenance:** The facility shall be operated in accordance with a Division-approved Operations and Maintenance (O&M) Manual. The O&M Manual shall be updated whenever there is a change in the operation of the facility.
- I.A.9. **Operations and Maintenance of Permitted Activities:** The Permittee shall operate the permitted facility in compliance with permit provisions and requirements, and in accordance with the approved O&M Manual.
- I.A.10. **Pond Liners:** The primary and secondary pond liners shall remain free of leaks and defects. The condition of the primary liner shall be inspected and recorded in an operations log on a monthly basis.
- I.A.11. **Leak Detection:** The leak detection sump shall be inspected and evacuated, if fluid is present, on a weekly basis. A written weekly inspection record shall note the average daily accumulation of fluid and be submitted as part of the quarterly Discharge Monitoring Report (DMR). When leakage in excess of 10 gal/day is detected, the Permittee shall develop a plan to identify the source of leakage. When leakage in excess of 20 gal/day is detected, this plan shall be initiated. When leakage in excess of 40 gal/day is detected, the facility shall notify the Division in writing within five (5) business days and implement all necessary corrective action measures to mitigate the liner leakage.
- I.A.12. **Freeboard:** A minimum two feet of freeboard shall be maintained in the evaporation pond. The pond shall have a staff gauge, or other Division approved method measuring water level. Staff gauge readings, taken at least weekly, shall be recorded in a log maintained on-site.
- I.A.13. **Best Management Practices:** The Permittee shall develop and implement Best Management Practices (BMPs) at the facility to include, at a minimum, "good housekeeping" measures. Best Management Practices shall be incorporated into a specific section of the O&M Manual.

I.A.14. **Presumption of Possession and Compliance:** Copies of this permit, any subsequent modifications, and the approved O&M Manual shall be maintained at the permitted facility at all times.

I.A.15. **Annual Fee:** The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting **July 1, 2008** and every year thereafter until the permit is terminated.

I.A.16. **Schedule of Compliance:** The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including in said implementation and compliance, any additions or modifications which the Administrator may make in approving the schedule of compliance. The Permittee shall implement and/or execute the following scheduled compliance requirements:

- a. Upon the effective date of this permit, the Permittee shall achieve compliance with the effluent discharge limitations.

I.B. MONITORING AND REPORTING

I.B.1. Monitoring

- a. **Representative Samples:** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
- b. **Test Procedures:** Monitoring for the analysis of pollutants shall be conducted according to test procedures approved under 40 Code of Federal Regulations (CFR) 136 published pursuant to Section 304(h) of the Clean Water Act or other procedures as approved by the Division. Analysis shall be performed by a State of Nevada certified laboratory.
- c. **Recording the Results:** For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:
 - i. The exact place, date, and time of sampling;
 - ii. The dates the analyses were performed;
 - iii. The person(s) who performed the analyses;
 - iv. The analytical techniques or methods used; and
 - v. The results of all required analyses.
- d. **Additional Monitoring by Permittee:** If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in any calculation and/or reported value required by this permit. Such increased frequency shall also be indicated in required reports.

- e. **Records Retention:** All records and information resulting from monitoring activities; the permit application; reporting required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation shall be retained for a minimum of five (5) years or longer if required by the Division.
 - f. **Detection Limits:** All laboratory analysis conducted in accordance with this discharge permit must meet the following criteria:
 - i. The most sensitive analytical method specified or approved in either 40 CFR 136 or SW-846 shall be used, which is required and/or approved under the Nevada State laboratory certification program; and
 - ii. Each parameter shall have detection at or below the permit limits or the method detection limit as defined in the analytical method whichever is lower.
 - g. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, stream flow, discharge flow, discharge frequency, 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.
 - h. **Definitions**
 - i. **30-day average discharge:** means the total discharge during a month divided by the number of samples in the period that the facility was discharging. Where less than daily sampling is required by this permit, the 30-day average discharge shall be determined by the summation of all the measured discharges divided by the number of samples during the period when the measurements were made.
 - ii. **Daily maximum:** is the highest measurement obtained during the monitoring period.
 - iii. **30-day average concentration:** means the arithmetic mean of measurements made during a month.
 - iv. **"Discrete" sample:** means any individual sample collected in less than 15 minutes.
- I.B.2. **Reporting:** Analytical data and monitoring results shall be summarized and/or tabulated for presentation in standardized DMRs. Laboratory reports for quantitative analyses conducted by State of Nevada certified laboratories must accompany DMR submittals.

DMRs shall be received by the 28th day of the month following the third month of each quarter (reporting period). Quarterly and annual reporting periods are based on the standard annual cycle, January 1 through December 31. The first report is due on July 28, 2008. If no discharge occurs during the reporting period, report "no discharge" on the submitted DMR.

DMRs must be signed by the facility's highest-ranking officer. The first DMR submitted under this permit must include the written designation of the authorized representative elected to sign DMRs. The designated representative responsible for facility operations must sign each subsequent DMR submitted to the Division. If the authorized representative changes, a new

designation letter must be submitted.

- a. **Quarterly Reporting:** Monitoring results for the effluent discharge and leak detection system monitoring requirements described in Part I.A.1. shall be summarized and tabulated for each quarter. The Permittee is considered in compliance if the reported results are less than the established permit limit. The Permittee shall also submit reported data in electronic format compatible with Microsoft Office software (version 2003 or later).
- b. **Annual Report:** The fourth quarter report shall contain a plot of concentration or flow (y-axis) versus date (x-axis) for flow, BOD₅, TSS, and TDS in the pond, and flow for the leak detection sump. The plot shall include data from the preceding five years or the lifetime of the permit, whichever is shorter. A narrative must explain any data point from the current year that is greater than the effluent limits designated in Part I.A.1.

The Permittee shall also submit labeled and dated photographs of the evaporation pond taken in both the second and fourth quarter.

- c. **Other Information:** Where the Permittee becomes aware of failure to submit any relevant facts in a permit application or has submitted incorrect information in a permit application or in any report to the Division, the Permittee shall promptly submit such facts or information.
- d. **Planned Changes:** The Permittee shall give notice to the Division 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:
 - i. Could significantly change the nature or increase the quantity of pollutants discharged; or
 - ii. Results in a significant change to the Permittee's sludge management practice or disposal sites.
- e. **Anticipated Noncompliance:** The Permittee shall give advance notice to the Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- f. **Submittal:** An original signed copy of these, and all other reports required herein, shall be submitted to the Division at the following address:

**Division of Environmental Protection
Bureau of Water Pollution Control
ATTN: Compliance Coordinator
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249**

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

- a. All applications, reports, or information submitted to the Administrator shall be signed

and certified by making the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- b. All applications, reports, or other information submitted to the Division shall be signed by one of the following:
 - i. A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates;
 - ii. A general partner of the partnership;
 - iii. The proprietor of the sole proprietorship; or
 - iv. A principal executive officer, ranking elected official, or other authorized employee of the municipal, state, or other public facility.
- c. **Changes to Authorization:** If an authorization under Part I.B.3. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part I.B.3. must be submitted to the Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.

PART II

II.A. MANAGEMENT REQUIREMENTS

- II.A.1. **Change in Discharge:** All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized shall constitute a violation of the permit.

Any anticipated facility expansions or treatment modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Any changes to the permitted treatment facility must comply with NAC 445A.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

- II.A.2. Facilities Operation-Proper Operation and Maintenance:** The Permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment or control facilities, collection systems, or pump stations installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- II.A.3. Adverse Impact-Duty to Mitigate:** The Permittee shall take all reasonable steps to minimize releases to the environment resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.
- II.A.4. Noncompliance, Unauthorized Discharge, Bypassing, and Upset:**
- a. Any diversion, bypass, spill, overflow, or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities under the control of the Permittee is prohibited except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow, or discharge not authorized by this permit is probable, the Permittee shall immediately notify the Division at 775.687.9485.
 - b. The Permittee shall notify the Administrator within twenty-four (24) hours of any diversion, bypass, spill, upset, overflow, or release of treated or untreated discharge other than that which is authorized by the permit. The following shall be included as information which must be reported within 24 hours:
 - i. Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - ii. Any upset which exceeds any effluent limitation in the permit; and
 - iii. Any violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
 - c. A written report shall be submitted to the Division within five (5) days of diversion, bypass, spill, overflow, upset, or discharge detailing the entire incident including:
 - i. Time and date of discharge;
 - ii. Exact location and estimated amount of discharge;
 - iii. Flow path and any bodies of water which the discharge contacts;
 - iv. The specific cause of the discharge; and
 - v. The preventive and/or corrective actions taken.
 - d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.c. at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.A.4.c.
 - e. A “bypass” means the intentional diversion of waste streams from any portion of a

treatment facility.

- i. Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, 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.4.a. and II.A.4.b.
 - ii. Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of bypass.
- f. Bypass is prohibited, and the Division may take enforcement action against a Permittee for bypass, unless:
- i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurs during normal periods of equipment downtime or preventative maintenance; and
 - iii. The Permittee submitted notices as required under Part II.A.4.e.
- g. 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.4.f.
- h. An "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- i. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- i. An upset occurred and the Permittee can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated;
 - iii. The Permittee submitted notice of the upset as required under Part II.A.4.e.; and
 - iv. The Permittee complied with any remedial measures required under Part II.A.3.
- j. An upset constitutes an affirmative defense to an action brought for noncompliance with

such technology-based permit effluent limitations if the requirements of Part II.A.4.i. are met.

- k. In selecting the appropriate enforcement option, the 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.5. Removed Substances: Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of process wastewaters shall be disposed of in a manner such as to prevent any pollution from such materials from entering any navigable waters.

II.A.6. Safeguards to Electric Power Failure: In order to maintain compliance with the effluent limitations and prohibitions of this permit the Permittee shall either:

- a. Provide, at the time of discharge, an alternative power source sufficient to operate the wastewater control facilities; or
- b. Halt or reduce all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

II.B. RESPONSIBILITIES

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

- a. Enter, at reasonable times, upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
- b. Have access to and copy any records required to be kept under the terms and conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and
- d. Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.

II.B.2. Transfer of Ownership or Control: In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. The Administrator may require modification or revocation and re-issuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Division shall approve all transfer of permits.

II.B.3. Availability of Reports: Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public

inspection at the office of the Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

- II.B.4. Furnishing False Information and Tampering with Monitoring Devices:** Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation, or order issued pursuant thereto or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive or by any permit, rule, regulation, or order issued pursuant thereto is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.
- II.B.5. Penalty for Violation of Permit Conditions:** NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.
- II.B.6. Permit Modification, Suspension, or Revocation:** After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- a. Violation of any terms or conditions of this permit;
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- II.B.7. Toxic Pollutants:** Notwithstanding Part II.B.6., if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.
- II.B.8. Liability:** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State, or local laws, regulations, or ordinances.
- II.B.9. Property Rights:** The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, rights, or rights of access or easement; nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.
- II.B.10. Severability:** The provisions of this permit are severable, and if any provision of this permit or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

II.B.11. Need to Halt or Reduce Activity Not a Defense: The need to halt or reduce permitted activities in order to maintain compliance with the conditions of this permit shall not be a defense for a Permittee in an enforcement action.

II.B.12. 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.

PART III

III.A. OTHER REQUIREMENTS

III.A.1. Reapplication: If the Permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires on the application forms then in use. The renewal application shall be accompanied by the fee required by NAC 445A.232.

III.A.2. Flow Rate Notification: The Permittee shall notify the Administrator, by letter, not later than 90 days after the 30-day average daily flow rate first equals or exceeds 95% of the design capacity of the permitted facility or limitations specified in Part I.A. The letter shall include:

- a. The 30-day average daily flow rate;
- b. The maximum 24-hour flow rate measured during the pertinent 30-day period and the date the maximum flow occurred;
- c. An estimate of when the 30-day average flow rate will equal or exceed the design capacity of the permitted facility;
- d. A status report for the facility which will outline, but not be limited to, past performance, remaining capacity of the limiting disposal units or sites, past operational problems and improvement instituted, and modifications to the system which are needed to attain the permitted flow rate due to changing, site-specific conditions or design criteria; and
- e. A schedule of compliance to provide additional capacity before the 30-day average daily flow rate equals the present design capacity of the permitted facility.

III.A.3. Holding Pond Conditions: The construction of any new ponds for process wastewater and stormwater runoff control, modifications to existing ponds, and/or closure or replacement of the existing pond must be approved by the Division prior to commencement of construction. Such ponds shall be located and constructed so as to:

- a. Contain, with no discharge, the once-in-25 year, 24-hour storm event at said location;
- b. Withstand, without structural damage, the once-in-100 year flood of said location; and
- c. Prevent escape of wastewater by leakage other than as authorized by this permit.