

Nevada Division of Environmental Protection

AUTHORIZATION TO DISCHARGE

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

**NV Energy
P.O. Box 10100
Reno, NV 89520**

is authorized to operate six (6) lined evaporation ponds, which are located at:

**North Valmy Generating Station
Interstate I-80 Stonehouse Exit 212
Valmy (Humboldt County), NV 89438**

**Evaporation Ponds A-F (Outfalls 001 – 006)
1st Pond – Pond A:
Latitude: 40° 53' 0" N, Longitude: 117° 9' 23" W
Township 35N, Range 43E, Section 29**

and discharge from this facility cooling tower blow-down and effluent from Ponds D, E and F onto the plant grounds for dust suppression,

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

This permit shall become effective on **Month & Day, 2010**.

This permit and the authorization to discharge shall expire at midnight, **Month & Day, 2015**.

Signed this **XXth** day of **Month 2010**.

Mark A. Kaminski, P.E.
Staff Engineer III
Bureau of Water Pollution Control



PART I

I.A. EFFLUENT LIMITATIONS, MONITORING, AND CONDITIONS

The permissible discharge to the environment at this facility for dust control is cooling tower blow-down and effluent from Ponds D, E, and F. There shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada.

I.A.1. **DISCHARGE MONITORING:** During the period beginning on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized to operate six (6) evaporation ponds and a dust abatement program, which receive facility wastewater in accordance with the permit limitations and monitoring requirements listed in Table 1:

TABLE 1: DISCHARGE LIMITATIONS

PARAMETERS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	30-Day Average	Daily Maximum	Sample Location	Measurement Frequency	Sample Type
Total Pond Inflow, MGD (Million Gallons per Day)	1.5	M&R	Σ 001 through 006 (Ponds A - F)	Continuous	Meter/ Totalizer
Dust Abatement Reuse Flow, MGD (Million Gallons per Day)	M&R	M&R	007	Continuous and/or Logbook	Flow Meter and/or Load Count
NDEP Profile 1, mg/l	M&R		001 – 007	Quarterly	Discrete
Fecal Coliform, CFU/100 ml or MPN	M&R		001 – 006	Quarterly	Discrete
Fecal Coliform, CFU/100 ml or MPN	200	400	007	Quarterly	Discrete
BOD ₅ , mg/l	M&R		001 – 006	Quarterly	Discrete
BOD ₅ , mg/l	30	45	007	Quarterly	Discrete
TSS, mg/l	M&R		001 – 006	Quarterly	Discrete
TSS, mg/l	30	45	007	Quarterly	Discrete
pH, Standard Units (S.U.)	6.0 to 10.0		001 – 007	Quarterly	Discrete
Oil and Grease, mg/l	M&R		001 – 007	Quarterly	Discrete
Full-Range TPH, mg/l (Purge & Extract)	M&R		001 – 007	Quarterly	Discrete
Pond Freeboard, ft.	≥ 2.0		001 – 006	Monthly	Field Measurement
Leak Detection Sump (fluid accumulation rate), gal/day-acre	≤ 50.0		All double-lined ponds	Monthly	Field Measurement

1. Include all NDEP Profile 1 parameters except for Phosphorus, Total and WAD Cyanide.
2. Outfalls 001 through 006 denote Ponds A through F, respectively.
3. Outfall 007 denotes cooling tower blow-down and effluent from Ponds D, E and F for dust control.
4. Double-lined ponds include B (002), C – Under Construction (003), and F (006). Any additional evaporation ponds that will be re-lined or newly constructed during this permit’s term shall be added to this list.

I.A.2. **GROUNDWATER MONITORING:** Groundwater quality samples from the monitoring wells identified as MW-1R, MW-4, MW-5, and one up-gradient well shall be taken by the Permittee as specified below in Table 2:

Table 2: Groundwater Monitoring

PARAMETER	GROUNDWATER LIMITATIONS		MONITORING REQUIREMENTS	
	Sample Location	Daily Maximum	Daily Maximum	Sample Type
Depth to Groundwater, ft.	Each Well	M&R	Quarterly	Field Measurement
Groundwater Elevation, ft. above sea level	Each Well	M&R	Quarterly	Field Measurement
TDS, mg/L	Each Well	M&R	Quarterly	Discrete
Chlorides, mg/L	Each Well	M&R	Quarterly	Discrete
Nitrate as N, mg/L	Each Well	M&R	Quarterly	Discrete
Total Nitrogen as N, mg/L	Each Well	10.0	Quarterly	Discrete
NDEP Profile 1, mg/l	Each Well	M&R	Annually (4 th Quarter)	Discrete

1. Include all NDEP Profile 1 parameters except for Phosphorus, Total and WAD Cyanide.

I.A.3. **Schedule of Compliance:** The Permittee shall implement and comply with the provisions of the Schedule of Compliance after approval by the Division, including in said implementation and compliance, any additions or modifications that the Division may make in approving the Schedule of Compliance. Schedule of Compliance submittals and evidence of compliance documents shall be submitted to the Bureau of Water Pollution Control Compliance Coordinator (listed in Part I.B.2.a of this permit). The Permittee shall implement and/or execute the following scheduled compliance requirements:

a. Within ninety (90) days of the permit renewal date, the Permittee shall provide an updated Operations & Maintenance (O&M) Manual, prepared in accordance with WTS-2: *Minimum Information Required for an Operation and Maintenance Manual for a Wastewater Treatment Plant*.

I.A.4. **Odors:** There shall be no objectionable odor from the evaporation ponds or dust suppression program.

I.A.5. **Visibility Parameters:** There shall be no discharge of floating solids or visible foam in other than trace amounts into the evaporation ponds.

I.A.6. **Security:** The evaporation ponds shall be fenced and posted.

- I.A.7. **Unauthorized Discharges:** There shall be no discharge from this facility except as authorized by this permit.
- I.A.8. **Water Quality Standards:** There shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada.
- I.A.9. **Roadway Posting:** Use of dust control water at this facility shall be denoted by posting with notification sign(s) which state: "Non-Potable Water."
- I.A.10. **Water Trucks:** The water trucks shall be placarded (labeled) as containing "Non-Potable Water."
- I.A.11. **Surface Runoff:** The application of dust control water shall be conducted in a manner to keep standing water to a minimum on the ground. No direct runoff of water from the dust control application areas is allowed.
- I.A.12. **Inclement Weather:** The dust abatement program shall not be operated at this site when the ground is wet, frozen, or covered with snow, such that surface runoff would occur.
- I.A.13. **Facility Construction:** The evaporation ponds 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 a Professional Engineer licensed in the State of Nevada and be approved by the Division prior to implementation.
- I.A.14. **Process Operations and Maintenance:** The evaporation ponds and dust suppression program 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.15. **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.16. **Logbook:** The Permittee shall maintain on-site at the facility an operations logbook (hardcopy or electronic) for the evaporation ponds and reuse program in accordance with the facility's monitoring described in the facility's O&M Manual.
- I.A.17. **Presumption of Possession and Compliance:** Copies of this permit, along with any subsequent modifications, and the approved O&M Manual shall be maintained at the permitted facility at all times.
- I.A.18. **Annual Fee:** The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232, starting **July 1, 2010** and every year thereafter until the permit is terminated.

- I.A.19. **Pond Design:** The pond liners and leak detection systems shall be designed in accordance with WTS-37: *Guidance Document for Design of Wastewater Detention Basins*.
- I.A.20. **Liner Condition:** If evidence of deterioration or damage to a liner is noted, or excessive leakage rate greater than the limit provided in Part I.A.1 (Table 1) is observed in the leak detection system, a corrective actions plan shall be submitted to the Division within one week's time, which outlines the plan for liner repair or replacement.
- I.A.21. **Pond Monitoring & Upkeep:** A staff gage or suitable level measurement sensing system must be installed in the evaporation ponds at a location representative of the liquid level. The pond berms shall be maintained to prevent erosion and kept free of weed growth. Weeds and other nuisance vegetation shall be removed annually.
- I.A.22. **Freeboard:** A minimum freeboard of 2 feet is required in all evaporation ponds.
- I.A.23. **Annual Photographs:** Color photographs of the evaporation ponds, labeled and dated, are to be submitted to this office annually as part of the 4th quarter DMR.
- I.A.24. **Required Signatures:** The Discharge Monitoring Reports (DMRs) must be signed by the facility's highest-ranking officer (employee). The first DMR submitted under this permit must include the written designation of the officer (required by Part I.B.2) as the authorized representative to sign the DMRs. If the officer in responsible charge changes, a new designation letter must be submitted.
- I.A.25. **Groundwater Nitrogen:** If the total nitrogen level in any monitoring well increases to 7.0 mg/L as a result of liner defect (leakage), a liner repair or replacement plan, which reduces the nitrogen loading into the groundwater, shall be selected and submitted for Division review and approval. If the total nitrogen level in any monitoring well increases to 9.0 mg/L as a result of liner defect (leakage), the Permittee must begin implementation of the liner repair or replacement plan. If the total nitrogen level in any monitoring well increases to 10.0 mg/L as a result of liner defect (leakage), the Permittee shall cease discharge to the defective pond liner until the Division has approved the completion of the liner repair or replacement plan.

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. Analyses shall be performed by a State of Nevada certified laboratory. Results from this lab must accompany the Discharge Monitoring Report.
- b. **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 other procedures are approved by the Division.

- i. Analyses shall be performed by a State of Nevada “certified laboratory” using an "approved method of testing", as defined in NAC 445A.0564 and NAC 445A.0562, respectively.
 - ii. Unless otherwise allowed by the Division, detection limits shall be half the discharge limit or less, or, if there is no discharge limit, half the applicable water quality criteria or less, or, if there is no limit or criteria, the lowest reasonably obtainable using an approved method.
- c. **Recording the Results:** For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:
 - i. the exact place, date, and time of sampling;
 - ii. the dates the analyses were performed;
 - iii. the person(s) who performed the analyses;
 - iv. the analytical techniques or methods used; and
 - v. the results of all required analyses, including reporting limits.
- d. **Additional Monitoring by Permittee:** If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, 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.
- e. **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 three (3) years, or longer if required by the Administrator.
- f. **Reporting Limits:** Unless otherwise allowed by the Division, the approved method of testing selected for analyses shall have a reporting limit which is:
 - i. Half or less of the discharge limit; or, if there is no limit,
 - ii. Half or less of the applicable water quality criteria; or, if there is no limit or criteria,
 - iii. The lowest reasonably obtainable using an approved test method.
- g. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, stream flow, discharge flow and receiving water conditions, the Division may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.

h. **Definitions**

- i. The "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. The "daily maximum" is the highest measurement during the monitoring period.
- iii. The "30-day average concentration", other than for fecal coliform bacteria, means the arithmetic mean of measurements made during a month.
- iv. A "discrete" sample means any individual sample collected in less than 15 minutes.

I.B.2. **Reporting**

a. **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 **October 28, 2010**. An original signed copy of these, and all other reports or correspondence required herein, shall be submitted to the State at the following address:

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

DMRs must be signed by the highest ranking certified operator that is responsible for the facility. The first DMR submitted under this permit must include the written designation of the authorized representative elected to sign the 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.

If no discharge occurs during a particular quarter, the DMR shall so note.

b. **Annual Report:**

- i. The fourth quarter report shall serve as the annual report. In addition to the appropriate DMR forms, the fourth quarter report shall contain plots,

of monitoring parameter (y-axis) versus date (x-axis) for each monitored parameter. 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 in Part I.A.1 must be explained by a narrative.

- ii. The Permittee shall submit to this office labeled and dated photograph(s) of the evaporation ponds, annually, as part of the 4th quarter DMR.
- 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 the Division notice 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/solids management practice or disposal sites.
- e. **Anticipated Noncompliance:** The Permittee shall give advance notice to the Division of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

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

- a. Each application 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 authority to sign and execute the application.
- 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.b is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part I.B.3.b must be submitted to the Division. The submittal may be made prior to or together with any reports, information, or applications to be signed by the 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 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, discharge or release of treated or untreated wastewater or other fluids from facilities under the control of the Permittee is prohibited except as authorized by this permit. Pursuant to NAC 445A.345 through 445A.347, in the event the Permittee has knowledge that a diversion, bypass, spill, overflow, discharge or release not authorized by this permit is probable, the Permittee shall immediately notify the Division (888) 331-6337 or (775) 687-9485.
- b. The Permittee shall notify the Administrator within twenty-four (24) hours of any diversion, bypass, spill, upset, overflow, discharge or release of treated or untreated wastewaters or other fluids other than that which is authorized by this

permit. The following shall be included as information that must be reported within twenty-four hours:

- i. Any unanticipated bypass that exceeds any effluent limitation in the permit;
 - ii. Any upset that 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, upset, overflow, discharge or release, 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 reached;
 - 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 or production facility.
- i. Bypass not exceeding limitations: The Permittee may allow any bypass to occur that 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, prior notice must be submitted, 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 that occurs during normal periods of equipment down time or preventive 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 Administrator shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.
- II.A.5. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of 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 the Administrator and/or his authorized representatives, upon the presentation of credentials, to:

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

II.B.2. **Transfer of Ownership or Control:** In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. Division approval is required for 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 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.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 445.730, 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:** Nevada Revised Statutes 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; or
 - 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. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under NAC 445A for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.
- II.B.8. **Liability:** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.
- II.B.9. **Property Rights:** The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor 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 that 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 application shall be accompanied by the renewal application fee required by NAC 445A.232.

III.A.2. Holding Pond Conditions

If any wastewater from the Permittee's facility is placed in ponds, such ponds shall be located and constructed so as to:

- a. contain with no discharge the once-in-twenty-five year 24 hour storm at said location;
- b. withstand with no discharge the once-in-one-hundred year flood of said location; and
- c. prevent escape of wastewater by leakage other than as authorized by this permit.

III.A.3. **Flow Rate Notification:** The Permittee shall notify the Administrator, by letter, not later than ninety (90) days after the 30-day average daily flow rate first equals or exceeds 85% of the permitted flow limit given in Part I.A. above. The letter shall include:

- a. The 30-day average daily flow rate; the maximum 24-hour flow rate during the 30-day period reported above and the date the maximum flow occurred;
- b. The Permittee's estimate of when the 30-day average flow rate will equal or exceed the design storage capacity of the Permittee's facility;
- c. A status report on the evaporation ponds which will outline but not be limited to past performance, remaining capacity of the limiting evaporation ponds, past operational problems and improvements instituted, modifications to the storage capacity which are needed to attain the permitted flow rate due to changing site specific conditions or design criteria; and
- d. The Permittee's schedule of compliance to provide additional storage capacity before the 30-day average daily flow rate equals the present design storage capacity of the Permittee's facility.