

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

FACT SHEET

(pursuant to NAC 445A.236)

Permittee: Nevada Department of Wildlife
1100 Valley Rd, Reno, NV 89512

Permit: NV0020664

Project: Spring Creek Rearing Station

Description of Discharge: Hatchery flow-through and settling pond discharge is released into a ditch entering the Spring Creek channel approximately 250 feet above its confluence with Snake Creek in White Pine County, approximately 6 miles south of Baker, Nevada.

Location: Nevada Department Of Wildlife, Spring Creek Rearing Station
HC64-64900, Baker, NV 89311

Sec. 15: NW4-NE4	Township 12 North	Range 70 East	Mt Diablo Base & Meridian	
FEATURE	LAT (d m s)	LON (d m s)	LAT (decimal °)	LON (decimal °)
Nv Dept Of Wildlife, Spring Creek Rearing Station Office	38° 55' 04.00" N	114° 06' 18.75" W	38.9177778°	-114.1052083°

General Description and Discharge Location: The State of Nevada, Department of Wildlife (NDOW) operates a fish rearing station approximately 6 miles south of Baker, Nevada. The fish rearing station has been in operation since 1950. NDOW raises the fish from the fry stage, 2 inches in length, to release stage, 8 inches in length. The facility is located between Spring Creek and Snake Creek, the east end of the facility being about 250 feet up gradient of the creeks' confluence.

The rearing station receives approximately 75% of its inflow from Spring Creek Spring flowing from the south and approximately 25% of its inflow from Snake Creek flowing from the west. Source water is diverted into a header box, mixed and then directed through three runs, five lanes each, in series and then through two runs, two lanes each. Flow-through water exits the runs (Outfall 001) into a constructed ditch approximately 200 foot long that passes along the south side of the site's two settling ponds. A pipe (Outfall 002) from the second, most easterly, settling pond can discharge into the ditch and mix with the flow-through water exiting the runs before entering the Spring Creek channel and flowing northeasterly approximately 250 feet to the Spring Creek confluence with Snake Creek. Snake Creek flows in an easterly direction approximately three and one-half miles toward the town of Garrison, Utah, where the water is used for stock watering, irrigation and other agricultural needs. The little excess water remaining after these uses flows to the Utah playa and infiltrates or evaporates.

FEATURE	LAT (d m s)	LON (d m s)	LAT (decimal °)	LON (decimal °)
001 Outfall – Flow through discharge ditch at end raceway	38° 55' 03.45" N	114° 06' 14.20" W	38.9176250°	-114.1039444°
002 Outfall - SE cor E Settling Pond to drainage ditch	38° 55' 04.15" N	114° 06' 12.85" W	38.9178194°	-114.1035694°

Each concrete run can be cleaned independently by separate drains that flow to the first of two settling ponds. The first hypalon-lined pond has a capacity of approximately 130,000 gallons and is equipped with two ½-hp aerators. The second hypalon-lined pond has a capacity of approximately 140,000 gallons and is designed to discharge (**Outfall 002**) into the constructed ditch down gradient about 100 feet below the rearing raceway outlet discharge point (**Outfall 001**).

Flow: The daily maximum flow from the two outfalls is 5.5 million gallons per day (MGD); the 30-day average flow from these outfalls is 4.7 MGD. The daily maximum flow from Outfall 001, the flow through water, is 5.0 MGD; the 30-day average flow from this outfall is 4.5 MGD. Due to evaporation from the two settling ponds, there is frequently no discharge from Outfall 002, the pipe from the second settling pond.

Receiving Water Characteristics: The Spring Creek Rearing Station discharges into a constructed ditch that enters the Spring Creek channel then flows to Snake Creek. Favorable habitat conditions for trout remaining in proximity to the rearing station are strongly influenced by natural stream flow conditions. Flows are continuous at all times of the year in the Snake Creek channel passing the rearing station site. This practice allows trout passage to favorable habitat conditions present in the upper Snake Creek watershed even during low flow periods. During periods of low flow, as much as 80% of the Snake Creek flow can be diverted through the rearing station and leave the remaining flow in Snake Creek’s natural channel for safe fish passage past the facility as it operates. All flow conveyed in the constructed ditch is from the rearing station discharges or in response to meteoric events. The facility discharging to receiving waters named in this permit is regulated by the Nevada Administrative Code (NAC). NAC 445A sections used in permit development include:

Permit Receiving Water Name	Waterbody Controls of Water Quality Standards & Criteria per NAC 445A			
	Waterbody	Statewide	Narrative	Beneficial Use
Spring Creek tributary to Snake Creek	126.3	118, 144	121	126.2

Per NAC 445A.126, Snake Creek in White Pine County from the control point above fish hatchery (rearing station) to the Nevada-Utah state line is a Class C waterbody of the state. Spring Creek, tributary to this Class C segment of Snake Creek, is regulated as a Class C water of the state. NAC 445A.126.2 designates beneficial uses of a Class C water as: municipal or domestic supply, or both, following complete treatment, irrigation, watering of livestock, aquatic life, propagation of wildlife, recreation involving contact with the water, recreation not involving contact with the water, and industrial supply. Physical characteristics for this segment of Snake Creek indicate that it functions as a warm waterbody, especially during the typical low flow period from August through October each year. Due to trout escaping from the rearing station they have a limited presence in the near vicinity of the Spring Creek confluence with Snake Creek. Although errant trout may be present periodically when habitat conditions are favorable for migration, the Class C segment of Snake Creek is not managed or stocked by NDOW as a trout water area.

Discharge Characteristics: Discharge Monitoring Report (DMR) submittals during the period June 2001 to December 2008 for this facility have shown consistent achievement of effluent discharge limits set in the previous permit. It is recognized that many of the reported DMR values are predominately influenced by and a reflection of the pre-existing natural conditions for the diverted source waters of which the permittee has little or no control over. The permittee utilizes best management practices (BMPs) developed for aquaculture facilities to manage and control adverse impacts to receiving waters after diversion of natural source water. Operation practices generally provide for the bulk of diverted flows to have short duration direct contact with facility operations. Cleansing flows are directed to the site’s settling ponds and are managed in a manner that discharges from them after treatment minimize the potential to degrade the receiving waters. Review of permit parameters and analysis limits are provided in the following table.

Parameter	DMR Analysis Limit (mg/L unless noted)		DMR Review Results
	30- Day Avg.	Daily Max	
Outfall 001, Rearing runs flow-through	4.5 MGD	5.0 MGD	Avg. ≈ 1.0 to 2.5
Outfall 002, Discharge from settling pond	0.2 MGD	0.5 MGD	Avg. ≈ 0.07
Total Phosphates	--	0.08	Consistently met
Biochemical Oxygen Demand [5-day, 20°C]	--	5.00	Avg. < 1.0
Total Suspended Solids	--	25.00	Consistently met
Total Dissolved Solids	500	500	< 500
pH	7.0 ≤ pH ≤ 8.3 S.U.		Avg. ≈ 8.0
Dissolved Oxygen	≥ 6.0		Consistently met
Temperature	Discharge T ≤ 20° C <u>and</u> Discharge T ≤ Receive T + 2° C		Consistently met
Un-ionized Ammonia as Nitrogen	0.02		Consistently met
Ammonia as Nitrogen	Monitor and Report		Consistently met
mg/L: milligram per Liter; ppm	MGD: Million Gallons per Day	S.U.: Standard Unit	C: Celsius

Proposed Effluent Limitations:

Effluent Limitations: During the period beginning on the effective date of this permit, and lasting until the permit

expires, the Permittee is authorized to discharge from **Outfall 001**, the rearing station raceway flow-through, and **Outfall 002**, the discharge from the second settling pond. Samples taken in compliance with the monitoring requirements specified below shall be taken at:

- a. The weir at the header box, inflow water;
- b. Outfall 001, the rearing station raceway flow through discharge from lanes 18 and 19;
- c. Outfall 002, the discharge pipe from the second hypalon-lined settling pond; and
- d. The constructed drainage ditch monitoring point ten (10) meters downstream of Outfall 002, prior to entering the Spring Creek natural channel. This is the discharge compliance point, except for flow.

The discharge shall be limited and monitored by the Permittee as specified below:

TABLE I.1 – DISCHARGE LIMITATIONS

<u>PARAMETER</u>		<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS ¹</u>		
All concentration units are mg/L unless otherwise indicated.		30-Day Average	Daily Max	Sample Location	Measurement Frequency	Sample Type
Flow (MGD)	Inflow head works	Monitor & Report		a ^{2,3}	Monthly	Discrete
	Outfall 001, raceway	4.5	5.0	b	Monthly	Discrete
	Outfall 002, pond	0.2	0.5	c ⁴	Monthly	Discrete
pH (S.U.)		Monitor & Report		a ³	Monthly	Discrete
		6.5 ≤ pH ≤ 9.0		d ⁴	Monthly	Discrete
Temperature (°C)	Location	Monitor & Report = T _a , T _d		a ³ , d ⁴	Monthly	Discrete
	Change	T _d - T _a ≤ 3.0		a, d ⁴	Monthly	Calculate
Dissolved Oxygen	[Nov 1–Oct 31]	Monitor & Report		a ³	Monthly	Discrete
	[Nov 1–Jul 31]	≥ 6.0		d ⁴	Monthly	Discrete
	[Aug 1–Oct 31]	≥ 5.0		d ⁴	Monthly	Discrete
Total Ammonia as N ⁴	[Aug 1–Oct 31]	Note 4A	Note 4Ba	d ⁴	Monthly ^{4A, 4B}	Discrete
	[Nov 1–Jul 31]	Note 4A	Note 4Bb	d ⁴	Monthly ^{4A, 4B}	Discrete
Biochemical Oxygen Demand_[5a-20°C]		Monitor & Report		a ³	Quarterly	Discrete
		Monitor & Report	≤ 5.00	d ⁴	Quarterly	Discrete
Total Suspended Solids		Monitor & Report		a ³	Quarterly	Discrete
		Monitor & Report	≤ 25.00	d ⁴	Quarterly	Discrete
Total Phosphorus as P		Monitor & Report		a ³	Quarterly	Discrete
		Monitor & Report	≤ 0.33	d ⁴	Quarterly	Discrete
Total Dissolved Solids ⁶		Monitor & Report		a ³	Quarterly	Discrete
		Monitor & Report	≤ 500	d ⁴	Quarterly	Discrete
E. Coli ⁷ (MPN) per 100 ml		Monitor & Report		a ³ , d ⁴	Monthly ⁷ Quarterly ⁷	Discrete
Drugs ⁸: INAD & extralabel		Monitor & Report		Report per 40 CFR 451.3.		
°C: Degrees Celsius [temperature] mg/L: Milligrams per Liter: ppm		ml: milliliter M & R: Monitor and Report		MGD: Million Gallons per Day S.U.: Standard Units		MPN: Most Probable Number TDS: Total Dissolved Solids

1. See Part I.B. of permit for additional information on sampling, testing, reporting, monitoring and definitions related to requirements.
2. Inflow at the head works is from Spring Creek and Snake Creek, approximately 75% and 25% respectively.
3. Any samples taken at location a are considered representative of the sources natural conditions criteria that may be used to formulate a permit limit for the parameter in the future based on analysis of the gathered parameter samples. Until a statistically significant number of samples are collected to develop a limit value based on a natural conditions analysis, the parameter permit limit listed in the above table shall be used.
4. Samples obtained at d reflect co-mingling of facility discharges contributed by Outfall 001 and 002 flows. Flow from 002 is intermittent providing irregular contribution to flows at location d. Samples obtained at d shall be gathered at a time during the parameter measurement frequency period when 002 is contributing flow. However if 002 will not make flow contribution during a measurement frequency, samples obtained at d may be gathered at any time during the parameter measurement frequency period.
5. For each sample event, formula terms contained in A and B below shall have the following meaning: **pH and T are field measurements of**

facility discharge taken at the same time and location as the water sample destined for the laboratory analysis of ammonia.

A. The chronic criteria of water quality with regard to the concentration of total ammonia are subject to the following:

- (a) The facility discharge Monthly chronic concentration of total ammonia, in milligrams of nitrogen per liter, shall be calculated by the NAC 445A.118 Table 2 chronic concentration by **value from table matrix of temperature and pH or by formula** for the 30-Day average for each discharge sample event as follows:
- $$\left[\frac{0.0577}{1 + 10^{7.688 - pH}} \right] + \left[\frac{2.487}{1 + 10^{pH - 7.688}} \right] \times \text{MIN} [2.85, 1.45 \times 10^{0.028 \times (25 - T)}]$$

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

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

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

B. The acute criteria for water quality with regard to the concentration of total ammonia are subject to the following:

- (a) **November 1 through July 31**

The facility discharge Daily Maximum acute concentration of total ammonia, in milligrams of nitrogen per liter, for **cold water fisheries** shall be calculated by the NAC 445A.118 Table 1 acute concentration by **value from table matrix of pH and fishery water type or by formula** for the 1-hour average for each sample event as follows:

$$\left[\frac{0.275}{1 + 10^{7.204 - pH}} \right] + \left[\frac{39.0}{1 + 10^{pH - 7.204}} \right]$$

- (b) **August 1 through October 31 [Typical natural condition low flow period]**

The facility discharge Daily Maximum acute concentration of total ammonia, in milligrams of nitrogen per liter, for **warm water fisheries** shall be calculated by the NAC 445A.118 Table 1 acute concentration by **value from table matrix of pH and fishery water type or by formula** for the 1-hour average for each sample event as follows:

$$\left[\frac{0.411}{1 + 10^{7.204 - pH}} \right] + \left[\frac{58.4}{1 + 10^{pH - 7.204}} \right]$$

- (c) The concentration of total ammonia, in milligrams of nitrogen per liter, must not exceed the applicable acute criterion as calculated more than once every 3 years on average.

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

6. TDS is limited to whichever is less of the 95th percentile value calculated for the receiving water's sample concentrations and 500 mg/L. Until a statistically significant number of samples are collected to develop the 95th percentile value, the TDS permit level is set at 500 mg/L.
7. To establish representative values for this parameter at locations a and d, the permittee, for the first two years of this permit, shall sample monthly May through October, and sample quarterly the remainder of the calendar year. At the end of the first two years of this permit after establishing representative values for this parameter at the respective locations, upon Permittee request to and approval by NDEP, Permittee may reduce sample frequency to quarterly at locations a and d. NDEP may require the higher frequency of samples to continue beyond the anticipated two year time frame depending on reported results.
8. Reporting is not required for an investigational new animal drug (INAD) or extralabel drug use of a drug previously approved by FDA for a different aquatic animal species or diseases if the INAD or extralabel use is at or below the approved dosage and involves similar conditions of use. The permittee shall notify the Division of any anticipated use of a drug that will not qualify for non-reporting in accordance with this provision. Following permittee notification to the Division, the permittee shall, for the drug or constituent of concern, meet the concentration limit and the sampling and reporting frequency set by the Division. The permittee shall apply for permit modification if necessary.

Rationale for Permit Requirements: Per NAC 445A.126, the segment of Snake Creek that is the receiving water in this permit is a Class C waterbody of the state. Physical characteristics for this segment of Snake Creek indicate that it functions as a warm waterbody as it approaches the Nevada-Utah state line, especially during the typical low flow period from August through October each year. However, due to trout escaping from the rearing station, permit limitations are set based on cold water protective criteria except for the low flow period when warm water protective criteria limitations may be set for certain parameters. Even during seasonal low flow periods, there is continuous flow in Snake Creek so that a safe fish passage past the rearing station site always exists.

As stated, the permittee has little or no control over the water quality of the facility's diverted natural water source. Inflow diverted to the raceway manifold head works is from Spring Creek and Snake Creek, approximately 75% and 25% respectively. Samples taken at the head works is considered representative of source and receiving water natural conditions for all permit parameters. Operational practice relegates the bulk of the diversion to be pass-through flows with short duration contact time within the facility. Treated water discharge from the settling ponds is intermittent and minimal in relation to the pass through flow volume. Consequently, analyses for permit parameters are strongly influenced by and/or are a reflection of the source flow water quality composition.

In 2007 several raceway runs were rebuilt, but the refurbishments did not alter the facility operation or maintenance practices from those presently approved for the facility. The facility flow through, Outfall 001, and the intermittent settling pond #2 release, Outfall 002, discharge to and mix in a common constructed drainage ditch prior to entering the natural channel of Spring Creek. A sampling point, located in the drainage ditch ten (10) meters down gradient of Outfall 002, is the designated permit discharge compliance point for all parameters except discharge flow rates/volumes. To ensure analysis of greatest facility discharge impact, samples must be taken at the compliance point during sampling periods when Outfall 002 is contributing discharge flow. Sampling may be performed at any time during the permit period if there will be no Outfall 002 discharge during the entire period.

Flow - Flow through discharge volume for the facility typically ranges from 1.0 MGD to 2.5 MGD and is most significantly influenced by natural precipitation and snowpack runoff conditions. Additional flow may be available during the permit period due to greater than normal precipitation, well construction, etc. Since any increased flow-through benefits fish rearing operations, permit limitations of 4.5 MGD, 30-day average, and 5.0 MGD, daily maximum are set to allow for possible additional water usage at the facility. The discharge from Outfall 002 has averaged approximately 0.07 MGD. Due to evaporation from the two settling ponds, there is frequently no discharge from Outfall 002.

pH - Per NAC 445A.126.3, the Class C water quality standards require that the pH remain between 6.5 to 9.0 Standard Unit (S.U.).

Temperature - Per NAC 445A.126.3, the Class C water quality standards require that the temperature not exceed 20° C for waters with trout and not exceed 34° C for waters without trout. For both situations, the allowable temperature change is 3° C above that of the receiving water. For all times of the year, since the starting temperature of the water used at the rearing facility is obtained by direct diversion of natural flow waters, the temperature change allowed by the facility in the permit shall be related directly to the temperature of the composite source water received from Snake and Spring Creeks. A change of temperature above that of the receiving water caused by facility discharge is limited to 3° C.

Dissolved Oxygen - Per NAC 445A.126.3, the Class C water quality standards require that the dissolved oxygen (DO) concentration be not less than 6.0 mg/L for waters with trout and not less than 5.0 mg/l for waters without trout. Low natural flows in the August to October timeframe are characteristically lower in dissolved oxygen concentration than higher flows typically seen from November 1 to July 31. Permit limits are to be not less than 5.0 and 6.0 mg/l DO concentration for the period August 1 to October 31 and from November 1 to July 31, respectively.

Total Ammonia as N - In June 2008, the State Environmental Commission (SEC) approved modifying NAC 445A.126.3 to include requirement to meet provisions for this parameter as listed in NAC 445A.118. Provision is made in NAC 445A.118 for meeting a Daily Maximum value (acute concentration) and a 30-Day Average value (chronic concentration). This method for analyzing ammonia is new to this permit and replaces the evaluation of un-ionized ammonia and ammonia nitrogen for the protection of aquatic life beneficial use for a Class C receiving waterbody. The DMR records demonstrate that the rearing station discharge meets the limit values set in Tables 1 and 2 of NAC 445A.118 for Total Ammonia as Nitrogen for the pH and water temperature conditions present at the facility and a cold/warm water fishery type. Using the proposed acute and chronic total ammonia concentration criteria from NAC 445A.118 to determine protection of aquatic life is as stringent as the previous permit using un-ionized ammonia and ammonia nitrogen concentration criteria for the protection of aquatic life beneficial use.

BOD (5-day, 20° C) - No five-day biochemical oxygen demand (BOD₅) standard exists for Class C waters; however, a BOD₅ standard limit for a 5.00 mg/L daily maximum concentration is the value established in the preceding permit and has been retained.

Total Suspended Solids - The Class C water quality standards, NAC 445A.126.3, do not include a total suspended solids (TSS) concentration standard. The permit 25.00 mg/l daily maximum limit was established in a previous permit and has been maintained.

Total Phosphorus as P - NAC 445A.126.3 now requires total phosphorus as P as the Class C water quality standard rather than total phosphates as was required in previous permits. Beginning with the 2010 permit for the facility, the total phosphorus as P daily maximum water quality concentration limit is 0.33 mg/L and no value set for the 30-day average concentration limit. Using the proposed concentration criteria limits for total phosphorus as P for a Class C

waterbody is as stringent as the previous permit's concentration criteria having total phosphates for protecting waterbody beneficial uses.

Total Dissolved Solids - Pre-2010 permits established limits for total dissolved solids (TDS) per NAC 445A.126.3, wherein, the Class C water quality standards required TDS concentration not to exceed 500 mg/L or be one third above that characteristic of natural conditions, whichever is less. In June 2008, the State Environmental Commission (SEC) approved modifying NAC 445A.126.3 TDS limits to be the 95th percentile value calculated for the receiving water's historic background concentrations or not to exceed 500 mg/L, whichever is less. Enacting this change is as protective of and stringent as the previous limit in addition to providing an approach that is better able to address characterizing the variability of natural conditions at a given location. Until a statistically significant number of samples are collected at the facility head works to develop the 95th percentile value representative of the receiving water, the TDS permit level is set at 500 mg/L for the facility. A limit of 500 mg/L is protective of the beneficial uses identified for Class C waters in NAC 445A.126.2.

E. Coli - In June 2008, the State Environmental Commission (SEC) approved modifying NAC 445A.126.3 to include criteria for E. Coli being protective of beneficial uses for Class C waters. Limits of E. Coli. number per 100 milliliter sample have not been set for receiving waters of this permit. No limits are set for this parameter until such time as a statistically significant number of samples are collected to develop the individual value for limits to the receiving water. E. Coli. number limits that can be considered as target values for receiving waters of this permit are 126 annual geometric mean and 410 single value. The permittee shall monitor and report samples for this parameter taken at the sample locations and frequency indicated in the permit discharge limitations table.

Fecal Coliform - Although NAC 445A.126.3 water quality standards criteria for Class C waters establishes limits for fecal coliform, pre-2010 permits did not require any limits, monitoring or reporting for this parameter at the facility. Analysis for E. Coli is a 2010 permit requirement and is protective of the beneficial uses identified for Class C waters in NAC 445A.126.2. Analyzing for fecal coliform is resource intensive and redundant of beneficial uses protected by E. Coli limits set in this permit; therefore, fecal coliform sampling and analysis is not required.

DRUGS: INAD & Extralabel- This limit is based on a US EPA final rule, effective on June 30, 2004, addressing effluent guidelines for the aquatic animal production industry and requires that such facilities monitor and report drug use per 40 CFR 451.3. Reporting is not required for an investigational new animal drug (INAD) or extralabel drug use of a drug previously approved by FDA for a different aquatic animal species or diseases if the INAD or extralabel use is at or below the approved dosage and involves similar conditions of use. The permittee shall notify the Division of any anticipated use of a drug that will not qualify for non-reporting in accordance with this provision. Following permittee notification to the Division, the permittee shall, for the drug or constituent of concern, meet the concentration limit and the sampling and reporting frequency set by the Division. The permittee shall apply for permit modification if necessary.

Supplemental Permit Conditions: A statistically significant number of samples must be collected to develop the 95th percentile value that characterizes the background natural conditions of receiving waters for a parameter/location combination. Monitoring and reporting by the permittee for specified parameters is required relative to the receiving waters and facility discharge. Until a sufficient number of representative factors of the combination have been encountered for inclusion in developing the 95th percentile value, the data collection time period at a particular site is indeterminate. In many instances, establishing discharge limits for a given parameter/location that are dependent on receiving waters characterization, may be resource intensive to the permittee. During the period this permit is in force, the permittee may work with NDEP to establish limits and controls by minor modification of the permit. Minor modification is allowed by using available receiving waters characterization results and reviewing, if possible, other appropriate criteria guidelines so long as any resulting limitations established by a minor modification will be protective of the beneficial uses of the receiving water at the given location.

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 that the Administrator may make in approving the schedule of compliance.

- a. **Discharge Limits** - Permittee shall achieve discharge limits compliance upon permit issue.
- b. **Operations and maintenance manual** - An updated operations and maintenance (O&M) manual for the facility must be submitted to NDEP by **July 1, 2010**. The O&M manual must cover, as necessary,
 - i. Facility refurbishment.
 - ii. A requirement by the June 30, 2004, EPA final rule effluent guidelines for the aquatic animal production industry, a Best Management Practice (BMP) plan that describes how the facility will function to meet permit requirements

Proposed Determination: The Division has made the tentative determination to issue (renew) the proposed permit, under the provisions prescribed, for a 5-year period. Under NAC 445A.232, this facility falls under the permit category of DISCHARGE FROM A FISH HATCHERY...2,500,000 gallons or more daily.

Procedures for Public Comment: Notice of the Division's intent to issue a permit authorizing the facility to discharge to waters of the State of Nevada, subject to the conditions contained within the permit, is being sent to the **Las Vegas Review Journal** and **The Ely Times** for publication. Notice is also mailed to interested persons in the NDEP-BWPC mailing list database. Anyone wishing to comment on the proposed permit can do so in writing up through the noticed comment period date, as designated herein, which must be through a period of at least 30 days following the date of the public notice. All materials being submitted must be hand-delivered, e-mailed, faxed or postmarked no later than 5:00 P.M. PST, or PDT if in effect, on **March 26, 2010**, the close of noticed comment period. The comment period can be extended at the discretion of the Administrator. A public hearing on the proposed determination can be requested by the Applicant, any affected state, any affected interstate agency, the Regional Administrator, or any interested agency, person, or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reason(s) why a hearing is warranted.

Any public hearing held by the Administrator will be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings will be conducted in accordance with NAC 445A.238. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NRS 445A.605.

Prepared by: E. Samuel Stegeman, P.E.
January 2010

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