

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

AUTHORIZATION TO DISCHARGE

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

**Encore Energy, Inc.
16640 Wedge Parkway
Reno, NV 89511**

is authorized to discharge treated effluent from an oil-removal treatment system and non-contact cooling tower blow-down discharged from an oil re-refining facility located at:

**Bango Oil, LLC (Bango Oil)
22211 Bango Road
Fallon, NV 89406 (Churchill County)**

**Latitude: 39° 29' 57" N, Longitude: 119° 02' 28" W
Township 19N, Range 26E, SW¹/₄ NW¹/₄ Section 23**

for the purpose of dust control and landscape drip-irrigation,

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

This permit shall become effective on **Month XX, 2009**.

This permit and the authorization to discharge shall expire at midnight, **Month XX, 2014**.

Signed, this XXth day of Month, 2009.

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



Part I

I.A. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS CONDITIONS

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 discharge treated effluent from an oil-removal treatment system and non-contact cooling tower blow-down water for the purpose of: dust control (water truck) and landscape drip-irrigation at the Bango Oil Re-Refining Facility, located at 22211 Bango Road, Fallon, Churchill County, Nevada. Reuse of effluent within the process is considered zero-discharge to the environment.

Samples taken in compliance with the monitoring requirements specified below shall be taken at the following locations:

- a. An effluent sample shall be obtained from each treated water storage tank (Storage Tanks #1-2) prior to and during discharge for dust abatement or drip-irrigation. Discharge of treated water off the production pad shall not occur until receipt of laboratory results indicating compliance with the effluent limits. The Permittee may petition to the Division (after one year of sampling data has occurred) for consideration of a monthly sampling frequency for the TPH (Total Petroleum Hydrocarbons) and BTEX (Benzene, Toluene, Ethylbenzene & Xylenes) parameters in Table 1. This petition shall require a compliance determination of the parameters required in Table 1.

The discharge shall be limited and monitored by the Permittee as specified in Table 1:

Table 1: Plant Discharge Limitations

PARAMETER	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	30-Day Average	Daily Maximum	Measurement Frequency	Sample Type or Location
Treated Effluent Production, (gpd)	14,000	21,000	Continuous	Flow Meter
Treated Effluent Discharged, (gpd)	M&R	M&R	Continuous (Logbook)	Each Water Truck Filled
Purge/Extract TPH (8015B/8260B), mg/l	1.0		Each Discharge	Effluent
Benzene, µg/l	5		Each Discharge	Effluent
Ethylbenzene, µg/l	100		Each Discharge	Effluent
Toluene, µg/l	100		Each Discharge	Effluent
Xylenes (Total), µg/l	200		Each Discharge	Effluent

MTBE, µg/l	20	Quarterly	Effluent
Ethylene Glycol, mg/l	M&R	Quarterly	Effluent
pH, Std. Units	Within 6.0 – 9.0	Quarterly	Effluent
Profile 1 Analysis	M&R (All Parameters)	Annually (4 th Quarter)	Effluent

I.A.2. **GROUNDWATER MONITORING:** A baseline groundwater sample shall be obtained from each of the two wells listed in Table 2 prior to and during discharge for dust abatement or drip-irrigation. Groundwater quality samples shall be taken by the Permittee from the facility’s down-gradient monitoring and supply wells as indicated below:

TABLE 2: GROUNDWATER MONITORING (MW-1 & SUPPLY WELL)

PARAMETER	GROUNDWATER LIMITATIONS	MONITORING REQUIREMENTS	
		Measurement Frequency	Sample Type
Purge/Extract TPH (8015B/8260B), mg/l	1.0 mg/l	Quarterly	Discrete
Depth to Groundwater, ft	Monitor & Report	Quarterly	Field Measurement (MW-1)
Groundwater Elevation, ft	Monitor & Report	Quarterly	Field Measurement (MW-1)
Benzene, µg/l	5	Annually (4 th Quarter)	Discrete
Ethylbenzene, µg/l	100	Annually (4 th Quarter)	Discrete
Toluene, µg/l	100	Annually (4 th Quarter)	Discrete
Xylenes (Total), µg/l	200	Annually (4 th Quarter)	Discrete
MTBE, µg/l	20	Annually (4 th Quarter)	Discrete
Profile 1 Analysis	M&R (All Parameters)	Annually (4 th Quarter)	Discrete

1. Groundwater samples shall be taken only after purging (flushing) at least three (3) well volumes of groundwater from the well casing.

I.A.3. Schedule of Compliance:

The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including in said implementation and compliance, any additions or modifications that the Administrator may make in approving the schedule of compliance

- a. The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.
- b. Upon startup of the oil removal treatment system, the Permittee shall notify the Division in writing within fourteen (14) days.
- c. Prior to discharge, the Permittee shall have submitted plans for a down-gradient monitoring well installed in accordance with Division guidance document WTS-4.
- d. Within ninety (90) days of NDEP approval of the monitoring well location, the Permittee will have installed the monitoring well per the approved plans. Completion of this well shall be documented with submittal of a copy of the Well Driller's Log.
- e. Prior to discharge, the Permittee shall have completed an initial round of sampling specified in Tables 1-2 and demonstrated in written submittal to the Division compliance with the applicable effluent limits. Such submittal shall include copies of the lab results from a State-certified laboratory.
- f. Within thirty (30) days of startup of the oil removal treatment system, the Permittee shall submit a copy of the engineer's Construction Quality Assurance (CQA) letter indicating that the oil removal treatment system was installed in accordance with the approved design plans. The CQA letter shall be wet stamped and signed by a Nevada Professional Engineer (P.E.).
- g. Within thirty (30) days of the startup of the oil removal treatment system, the Permittee shall submit a copy of the as-built design plans wet stamped and signed by a Nevada Professional Engineer (P.E.).
- h. Within ninety (90) days of the startup of the oil removal treatment system, the Permittee shall update the Bango Oil, LLC Operations & Maintenance (O&M) Manual (dated May 2009) to include a site-specific O&M Manual (addendum) for its facility prepared in accordance with the Division's WTS-2 guidance document: *Minimum Information Required for an Operation and Maintenance Manual for a Wastewater Treatment Plant*.

- I.A.4. Notification of Exceedances:** If the process monitoring indicates that these permit limits are exceeded, then the Permittee shall notify the Division in writing within five (5) business days and provide an appropriate corrective actions plan to bring the treatment system in compliance with the required discharge limits.

- I.A.5. **Effluent Odors:** There shall be no objectionable odor from the industrial wastewater accumulation, storage, treatment or disposal facilities. In keeping with **NAC 445B.22087 Odors**, any complaints regarding objectionable odors should be directed to the Bureau of Air Pollution Control.
- I.A.6. **Unauthorized Discharges:** There shall be no discharge from this facility except as authorized by this permit.
- I.A.7. **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.8. **Roadway Posting:** The dust control and drip-irrigation application areas shall be posted prior to the discharge of treated effluent and the notification signs state: "Non-Potable Water. Do Not Drink."
- I.A.9. **Water Trucks:** The Bango Oil water truck(s) shall be placarded (labeled) as containing "Non-Potable Water. Do Not Drink."
- I.A.10. **Hazard Communication:** The truck fill system shall be posted with a conspicuous warning sign clearly stating that the water is treated process wastewater effluent and to not drink this water source. Signs shall be posted in languages clearly understood by personnel or contractors potentially exposed to treated wastewater. The information provided on the hazard communication signs shall be documented in the O&M Manual.
- I.A.11. **Public Notification:** Water trucks discharging treated wastewater must be identified as containing non-potable water and must caution to "Do Not Drink". Dust control areas where public exposure may be reasonably expected to occur must post a sign at each public roadway entrance indicating the use of treated wastewater and that the water is non-potable.
- I.A.12. **Truck Fill Stand Construction:** The truck fill system shall be constructed in accordance with plans approved by the Division. The Division must approve all plans prior to the start of construction. All changes to any plans approved by the Division must be re-approved by the Division prior to implementation.
- I.A.13. **Truck Fill Stand Operation & Maintenance:** The truck fill system shall be operated in accordance with an Operations and Maintenance (O&M) Manual, which must be approved by the Division. The O&M Manual shall be updated whenever there is a change in the construction or operation of the facility. A process logbook shall be maintained at the facility to record the time and date and volume (gallons) loaded into and discharged from each water truck. **Any use of the treated effluent off of the property owned by Bango Oil must be approved in writing by the Division.**
- I.A.14. **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.15. **Inclement Weather:** The water truck(s) shall not be used at the disposal site when the ground is wet, frozen, or covered with snow, such that surface runoff would occur.

- I.A.16. **Hose Bibs:** Water hose stands (spigots) at the concrete pads where the non-potable water is discharged for general wash down water shall be posted (labeled) to indicate “Do Not Drink.”
- I.A.17. **Irrigation Posting:** The non-potable water supply connection into the drip-irrigation line shall be purple-colored to denote the use of reclaimed water and/or posted to denote the use of a non-potable water source.
- I.A.18. **Storage Tanks:** The non-potable water storage tanks located at the Bango Oil processing facility shall be posted (labeled) to indicate “Do Not Drink”.
- I.A.19. **Facility Construction:** The collection, treatment, storage and discharge facilities shall be constructed and operated in accordance with plans approved by the Division. The plans must be approved by the Division prior to the start of construction. Division approval of all changes to approved plans is required prior to implementation.
- I.A.20. **O&M Manual:** The facility shall be operated in accordance with the Operations and Maintenance (O&M) Manual, which must be approved by the Administrator.
- I.A.21. **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.22. **Visibility Parameters:** There shall be no discharges of floating solids or visible foam in other than trace amounts to the non-potable water supply.
- I.A.23. **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.24. **Logbook:** The Permittee shall maintain on-site at the facility an operations logbook for the oil removal treatment works system including, but not limited to: start-ups, shutdowns, and operational periods; sampling dates and times; name(s) of operational personnel performing system maintenance and inspections; and maintenance procedures performed.
- I.A.25. **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.26. **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.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:** Testing in compliance with provisions of this permit shall be done in accordance with the following.
 - i. Analysis shall be performed by a State of Nevada certified laboratory. Analyses shall be conducted by a "certified laboratory" using an "approved method of testing", as defined at 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.
- d. **Additional Monitoring by Permittee:** If the Permittee monitors any pollutant at the location designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR forms. Such increased frequency shall also be indicated on the DMR.
- e. **Records Retention:** All records and information resulting from the monitoring activities, permit application, reporting 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. **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 or approved by 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; or
 - iii. The Permittee is considered in compliance if the reported results are less than the established permit limit.
- g. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, stream flow, discharge flow and receiving water conditions, the Administrator may, for just cause, modify the monitoring frequency and/or

sample type by issuing an order to the Permittee.

h. **Quarterly Reporting**

Monitoring results obtained during the previous three (3) months shall be summarized for each month and reported on a DMR Form received in this office no later than the 28th day of the month following the completed reporting period.

The first report is due on **April 28, 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 official 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.

- i. **Annual Report:** 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 Parts I.A.1 or I.A.2 must be explained by a narrative.
- ii. **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.
- iii. **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.
- iv. **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.2. **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:
 - 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.
 - 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.
- 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. **Flow Rate Notification:** The Permittee shall notify the Administrator, by letter, not later than ninety (90) days after the 30-day average daily influent flow rate first equals or exceeds 85% of the design treatment capacity of the Permittee's facility given in Part I.A. above. The letter shall include:
- a. The 30-day average daily influent flow rate;
 - b. The maximum 24-hour flow rate during the 30-day period reported above and the date the maximum flow occurred;
 - c. The Permittee's estimate of when the 30-day average influent flow rate will equal or exceed the design treatment capacity of the Permittee's facility;
 - d. A status report on the treatment works which will outline but not be limited to past performance, remaining capacity of the limiting treatment and disposal units or sites, past operational problems and improvements instituted, modifications to the treatment works which are needed to attain the permitted flow rate due to changing site specific conditions or design criteria; and
 - e. The Permittee's schedule of compliance to provide additional treatment capacity before the 30-day average daily influent flow rate equals the present design treatment capacity of the Permittee's facility.