

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

CITY OF LAS VEGAS, NEVADA )  
and CITY OF NORTH LAS VEGAS, )  
NEVADA, )  
 )  
Plaintiffs, )  
 )  
v. ) CV-LV-78-117, RDF  
 )  
CLARK COUNTY, NEVADA; THE )  
STATE OF NEVADA; THE UNITED ) CONSENT DECREE  
STATES ENVIRONMENTAL PROTECTION )  
AGENCY; and DOUGLAS M. COSTLE, )  
Administrator of the United )  
States Environmental Protection )  
Agency, )  
 )  
Defendants. )

WHEREAS, Plaintiffs' Complaint in the above-captioned matter filed on July 6, 1978, alleged that Defendants had failed to fulfill the requirements of Section 303 of the Clean Water Act, 33 U.S.C. §1313, and the requirements of the laws of the State of Nevada in establishing water quality standards and water quality related effluent limits; and

WHEREAS, Plaintiffs' Complaint requested an order that Defendants take certain actions and make additional determinations pursuant to Section 303 of the Clean Water Act, 33 U.S.C. §1313 and pursuant to the laws of the State of Nevada; and

WHEREAS, this Court has jurisdiction over the parties and the subject matter of this action pursuant to 28 U.S.C. §1331; and

WHEREAS, without trial or adjudication of any issues of fact or law pertaining to the above-captioned matter, and without admission of liability between the parties, the parties to this action agree that the Consent Decree as hereinafter set forth is a fair, adequate and appropriate resolution of the

issues raised by the Complaint in this action;

NOW, THEREFORE, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

Definitions

Whenever the following terms are used in this Consent Decree, the definitions specified herein shall apply:

- (a) "Cities" refers to the Cities of Las Vegas and North Las Vegas, Nevada.
- (b) "City" refers to the City of Las Vegas, Nevada.
- (c) "County" refers to Clark County, Nevada and includes Clark County Sanitation District No. 1.
- (d) "State" refers to the State of Nevada and all of its associated administrative agencies, boards and commissions.
- (e) "EPA" refers to the United States Environmental Protection Agency and the Administrator of the United States Environmental Protection Agency.
- (f) "Most Cost Effective Treatment" alternative is that waste treatment alternative which will result in the minimum total resource costs over time. The time period to be used for the cost-effective analysis shall be 20 years. The costs used in the cost-effective analysis shall include all capital construction costs and operation and maintenance costs. The procedures to be followed for cost-effective analysis are set forth in 40 C.F.R. Part 35, Subpart E, Appendix A-Cost Effective Analysis Guidelines.

(g) "The Clean Water Act" refers to the Federal Water Pollution Control Act, as amended in 1977, 33 U.S.C. §1251 et seq.

(h) "New Waste Treatment Facility" refers to the wastewater treatment facility currently under construction by Clark County on Hollywood Boulevard, Clark County.

1. The County currently owns and operates a wastewater treatment plant ("County Facility") which has been designed to treat 32 million gallons per day (32 MGD) of wastewater.

2. The City owns and operates a wastewater treatment plant ("City Facility") which has been designed to treat 30 MGD and which currently treats the municipal sewage of the Cities.

3. The County Facility and the City Facility shall continue to achieve the effluent limitations established in Addenda A and B until January 1, 1981.

4. No later than September 30, 1979, the Cities shall submit to the State and EPA a report showing their compliance with the limitations contained in Addendum B.

5. The current flow to both the County Facility and the City Facility is at or near design capacity. It is reasonably anticipated that the sewage treatment needs of the combined service areas served by the Cities and the County will require additional treatment capacity of 37 MGD, for a total of 99 MGD. The 99 MGD capacity, which amount represents the total projected flow from the City Facility, the County Facility and New Waste Treatment Facility, has been reviewed and approved under the planning requirements of the Clean Water Act and the National Environmental Policy Act. The Cities and the

County shall be permitted to expand their sewage service volume from the current total of 62 MGD to a total of 99 MGD. The Cities and the County shall implement the program for water conservation and waste flow reduction developed in accordance with the requirements of Addendum G.

6. The County is currently constructing the New Waste Treatment Facility which is scheduled to commence operation on or before January 1, 1981. After January 1, 1981, unless and until different effluent limitations are established pursuant to the Water Quality Standards Study and administrative determinations referred to in paragraphs 25, 26 and 27 below, the City Facility, the County Facility, and the New Waste Treatment Facility shall be operated to treat up to 99 MGD to meet an effluent limitation of 1 milligram per liter phosphorus (as P) on a 30-day average and the effluent limitations contained in Addenda A and B. The Cities and County shall also meet the requirements of paragraph 12 below.

7. The City shall plan, design, construct and operate a phosphorus removal system at the City Facility to meet the effluent limitations of paragraph 6 above. The City shall construct and operate the most cost-effective alternative for phosphorus removal at the City Facility. EPA shall provide 75% Federal funding for the planning and capital construction cost of the cost-effective alternative for phosphorus removal equipment including piping and associated solids handling equipment which shall be built at the City Facility subject to the requirements of the Clean Water Act and EPA grant regulations. The parties anticipate that the capital cost of the required phosphorus removal equipment at the City Facility will be in the range of two to three million dollars. The State shall adjust its priority list (as developed under 40 C.F.R. Part 35) to permit a timely

EPA grant for this equipment.

8. As soon as possible after the entry of this Consent Decree and subject to appropriate requirements of the Clean Water Act and procedural compliance with EPA grant regulations, EPA shall provide the City with Step I grant funds (as defined in 40 C.F.R. Part 35) for planning and evaluation of phosphorus removal at the City Facility. Within 90 days after receipt of the Step I Grant, the City shall provide EPA with a facility plan for a phosphorus removal operation at the City Facility.

9. The phosphorus removal operations at the City Facility and the County Facility shall commence on or before January 1, 1981.

Treatment Facilities Study - Phase I

10. The parties shall conduct a Treatment Facilities Study - Phase I. The Treatment Facilities Study - Phase I shall identify that combination of individual and/or combined operation or modification of the City Facility, the County Facility and the New Waste Treatment Facility which provides the most cost-effective treatment to achieve the effluent limitations of paragraph 6 above for the 99 MGD projected total flow as described in paragraph 5 above. The Treatment Facilities Study - Phase I shall be based on the following facilities which shall be in place by January 1, 1981:

- (a) A County Facility with the capability to meet the effluent limitations of paragraph 6 above.
- (b) A City Facility with the capability to meet the effluent limitations of paragraph 6 above.
- (c) A New Waste Treatment Facility with the capability to

meet the effluent limitations of paragraph 6 above which shall treat flows in excess of the capacity of the City Facility and the County Facility to meet the effluent limitations of paragraph 6 above.

11. Alternatives to be considered in the Treatment Facilities Study - Phase I shall be limited to the identification of the most cost-effective treatment alternative for achieving the effluent limitations of paragraph 6 above for 99 MGD and shall include:

- (a) Interim or permanent expansion or modification of the County Facility, the City Facility, or both;
- (b) Utilization of the New Waste Treatment Facility modified as necessary to provide additional treatment capacity to achieve a total capacity up to 99 MGD to meet the effluent limitations of paragraph 6 above;
- (c) Selected combinations of the above alternatives.

12. In the event the Treatment Facilities Study - Phase I identifies any potential low-cost treatment options which might provide additional suspended solids and BOD (Biochemical Oxygen Demand) removal, the parties shall implement such low-cost treatment options if such options meet the following cost requirements:

- (a) The low-cost treatment options shall not be implemented if such option(s) will result in an increase in any party's operation and maintenance costs beyond a 15% increase in the estimated operation and maintenance cost which the party would be required to pay to meet the requirements of paragraph 6 above at anticipated 1981 flows. For purposes of this 15% limitation, the Cities' operation and maintenance costs beyond that

required to meet the requirements of paragraph 6 shall in no event exceed \$262,500 per year. (The \$262,500 is calculated as 15% of the City's estimated 1981 operation and maintenance costs of \$1,750,000. The \$1,750,000 is estimated by the EPA and the City's engineering consultant on the basis of the experience at the County Facility and projected costs at the New Waste Treatment Facility.)

- (b) The low-cost treatment options shall not be implemented if such option(s) will increase any party's unit costs for operation and maintenance per pound of pollutant removed above the unit costs incurred to meet the effluent limitations of paragraph 6 above.

13. Any treatment option identified in the Treatment Facilities Study - Phase I, which results in an increase in treatment costs to either the Cities or the County beyond the total operation and maintenance cost limits and operation and maintenance unit cost limits in paragraph 12 above or in any capital cost changes beyond those necessary to meet the effluent limitations of paragraph 6 above must have the consent of all parties including the Cities.

14. The Treatment Facilities Study - Phase I shall begin in March, 1979, or earlier if possible, and shall be completed by September 30, 1979.

15. If after completion of the Treatment Facilities Study - Phase I to identify the most cost-effective treatment alternative to meet the effluent limitations of paragraph 6 above, the Cities and the County are unable to agree on which treatment alternative represents the most cost-effective treatment, the Cities and the County are free to select the in individual choice

of the most cost-effective treatment methods for the flows from their respective service areas, and the flow volumes from their respective service areas may be discharged by the Cities and the County to the Las Vegas Wash as long as the effluent flow discharge meets the effluent concentration limitations of paragraph 6 above. In the event that the Cities and the County select a treatment method other than that identified in the Treatment Facilities Study - Phase I as the most cost-effective treatment method, it is understood that EPA and the State need not provide financial assistance for such treatment method.

16. If the Cities and the County are unable to agree on the feasibility or efficiency of low-cost treatment options for additional treatment which are within the operation and maintenance cost limitations of paragraph 12 above, the Cities and the County shall expend funds equivalent to the amounts set forth in paragraph 12 above at their own facilities to reduce BOD and suspended solids below the level set forth in Addenda A and B.

17. The Treatment Facilities Study - Phase I shall include a review of rate charges to be charged to pay for capital and operating costs as set forth in paragraphs 39 to 43 below. The review shall be called a User Charge Study and shall be performed pursuant to the regulations and guidelines of 40 C.F.R. Part 35, including Subpart E, Appendix B, and shall be completed by March 31, 1980. The User Charge Study shall investigate and verify or amend existing assumptions regarding sewage flows from various domestic, commercial and industrial sources in the service areas of the Cities and the County.

#### Water Quality Standards Study

18. In recognition of the need and common desire to pro-

tect the environmental quality of Lake Mead and the Las Vegas Wash, a comprehensive study shall be performed to determine what different effluent limitations, if any, beyond those of paragraph 6 above, are necessary to protect desired beneficial uses of Lake Mead and the Las Vegas Wash. Such a study shall include all the elements for designation of desired beneficial uses, setting of numerical criteria, maximum pound load and waste load allocations required by Section 303 of the Clean Water Act and 40 C.F.R. Parts 130 and 131. This study shall be called the Water Quality Standards (WQS) Study and shall include, but shall not be limited to the following:

- (a) The WQS Study shall specify the desired beneficial uses to be achieved or maintained.
- (b) In specifying desired beneficial uses, the WQS Study shall investigate and determine whether such desired beneficial uses are "attainable" (as that term is used in 40 C.F.R. §130.17), given environmental, technological, social, economic, and institutional constraints.
- (c) The WQS Study shall identify water quality criteria necessary to achieve and maintain the selected desired beneficial uses.
- (d) The WQS Study shall identify all physical conditions and chemical or biological substances which are causing or will cause a violation of the water quality criteria necessary to support the uses.
- (e) The WQS Study shall develop maximum pound load limitations on those chemical or biological substances which do or will cause violations of the selected water quality criteria. The maximum pound load

limitation shall be set at that level which shall assure that the discharge of those substances will not cause a violation of the numerical water quality criteria with a margin of safety pursuant to Section 303(d) of the Clean Water Act.

- (f) The WQS Study shall then allocate the maximum daily pound load of the substances, if any, identified under paragraph (e) above among the various point and non-point sources. Such allocation shall insure that the maximum daily load for each of the substances identified under paragraph (e) above is not exceeded. Such allocation shall also be made to reflect the most economical method of achieving the maximum daily pound load. The pound load allocation shall be the basis for the establishment, if necessary, of effluent limitations different from those set forth in paragraph 6 above. The effluent limitations selected shall also include limits on physical conditions (e.g., temperature, pH) necessary to assure the achievement and maintenance of the selected water quality criteria.

19. To the extent a desired beneficial use is deemed related to algae, the WQS Study shall identify the type and quantity of algae which are related to the achievement and maintenance of the desired beneficial use and shall develop and produce an empirical data base to show such relationship. To the extent it is determined necessary to restrict the growth of certain types and quantities of algae, the study shall identify the empirical data base and state the reasons why it is necessary to control the amount and type of algae identified.

20. To the extent that such determination as to necessary

limits on the quantity and type of algae is made and an empirical relationship between such limits and a desired beneficial use is shown, the WQS Study shall identify those chemical elements (e.g., nutrients) and physical conditions (e.g., temperature, pH) which must be controlled in order to achieve and maintain such algal limits and shall develop and produce an empirical data base and a statement of reasons which establish:

- REC'D 11/1/77
- (a) A demonstrated relationship between the chemical elements and physical conditions selected for control and the necessary quantity or type of algae;
  - (b) A demonstrated relationship between the per unit of volume concentration of the chemical element selected and the necessary limit on the quantity and type of algae and a demonstrated relationship between the numerical value of the physical condition selected and the necessary limit on the quantity or type of algae;
  - (c) A demonstrated relationship between the per unit of volume concentration of the chemical element selected as an ambient concentration (i.e., in the receiving water) and the maximum daily load; and a demonstrated relationship between the ambient numerical value for the physical condition and the numerical physical condition effluent limitation selected;
  - (d) An analysis of the "most cost-effective" waste load allocation available for each service area which contributes to maximum daily load, as well as for the entire service area.

21. As part of the WQS Study a Treatment Facilities Study - Phase II shall be performed. The Treatment Facilities Study

-- Phase II shall investigate the technological, economic and environmental feasibility of a wide range of alternatives necessary to achieve the waste load allocation needed to achieve various proposed numerical criteria which are considered in the WQS Study as discussed in Addendum E.

22. The WQS Study will be performed under the direction of a Water Quality Study Board consisting of representatives from the County, Cities, State, and EPA. A Technical Advisory Board, consisting of several scientists and engineers, will provide advice during the conduct of the WQS Study and assist in the formulation of recommendations. The relationship and composition of the various groups participating in the WQS Study, as well as additional details, are shown in Addendum C.

23. The WQS Study shall begin no later than April, 1979 and be completed by June 1, 1981 (Addendum D). The monitoring program will cover a period of 24 months in order to establish seasonal variations in water quality. Periodic progress reports will be issued during the course of the WQS Study.

24. The WQS Study shall be funded by all parties to this Consent Decree according to a plan of study and budget (estimated to be \$1,000,000; excluding the cost of Treatment Facilities Study - Phase II) agreed upon by the parties. Subject to the requirements of the Clean Water Act and EPA Grant regulations, it is expected that EPA shall provide a grant or grants of funds pursuant to Section 208 of at least \$600,000 toward the cost of the WQS Study and that the Cities and the County will each pay one-half of the remaining study costs but not to exceed a total of \$400,000 (\$200,000 for the Cities and \$200,000 for the County). The Cities and the County will seek funds from the State or other sources to reduce the respective

commitment of each to fund such study. Any modification to the estimated \$1,000,000 budget shall be subject to the consent of all the parties.

25. The Nevada Division of Environmental Protection shall present the results of the WQS Study to the State. The State shall promptly make the following administrative determinations based on the WQS Study:

- (a) The State shall specify the desired beneficial uses to be achieved or maintained.
- (b) In specifying desired beneficial uses, the State shall investigate and determine whether such desired beneficial uses are "attainable" (as that term is used in 40 C.F.R. §130.17), given environmental, technological, social, economic, and institutional constraints.
- (c) The State shall identify and establish water quality criteria necessary to achieve and maintain the selected desired beneficial uses.
- (d) The State shall identify all chemical or biological substances and physical conditions (e.g., temperature, pH) which are causing or will cause a violation of the water quality criteria necessary to support the uses.
- (e) The State shall develop maximum pound load limitations on those chemical or biological substances which do or will cause violations of the selected water quality criteria. The maximum pound load limitation shall be set at that level which shall assure that the discharge of those substances will not cause a violation of the numerical water quality criteria

with a margin of safety pursuant to Section 303(d) of the Clean Water Act.

- (f) The State shall then allocate the maximum daily pound load of the substances, if any, identified under paragraph (e) above among the various point and non-point sources. Such allocation shall insure that the maximum daily load for each of the substances identified under paragraph (e) above is not exceeded. Such allocation shall also be made to reflect the most cost-effective method of achieving the maximum daily pound load. The pound load allocation shall be the basis for the establishment, if necessary, of effluent limitations different from those set forth in paragraph 6 above.

26. Upon completion of the WQS Study set forth in paragraphs 18, 19 and 20 above and compliance with the procedural requirements imposed on the State by paragraph 25 above, effluent limitations different from those set forth in paragraph 6 above shall be established by the State or EPA as necessary to meet the load allocations developed pursuant to Section 303 of the Clean Water Act on the planned 99 MGD of wastewater discharges. If the WQS Study and administrative determinations of paragraph 25 do not conclude that effluent limitations different from those required by paragraph 6 above are necessary, then the effluent discharged by the Cities and the County may continue at that level necessary to meet the requirements of paragraph 6 above.

27. All of the elements of paragraph 25(a) through (f) shall also be submitted by the State to EPA for review and approval, and EPA in approving or disapproving such elements

shall state the reasons with citation to the record identifying the empirical support for such reasons.

28. The rights of the Cities and the County are expressly reserved to seek administrative or judicial review, or both, of all of the determinations of paragraphs 25, 26, and 27 above.

Treatment Facilities Study - Phase III

29. If as a result of the WQS Study and the administrative determinations set forth in paragraphs 25, 26 and 27 above, effluent limitations more stringent than those required by paragraph 6 above are imposed, then a Treatment Facilities Study - Phase III shall be performed. Such study shall begin within 60 days after the completion of the WQS Study and administrative determinations set forth in paragraphs 25, 26 and 27 above.

30. The Treatment Facilities Study - Phase III shall identify:

- (a) the most cost-effective treatment alternative to treat 99 MGD to the effluent limitation established after the WQS Study and related procedures; and
- (b) if flows in excess of 99 MGD are determined, pursuant to applicable statutes and regulations, to be necessary and appropriate, the most cost-effective treatment alternative to treat such flows beyond 99 MGD to the effluent limitations established pursuant to the WQS Study and related procedures; and
- (c) any combination of (a) and (b) above.

31. The regional secondary plant designed by the County shall not be considered as an alternative in the Treatment Facilities Study - Phase I, but shall be considered as an

alternative in evaluating the most cost-effective alternative to meet the effluent limitations which are the basis of the Treatment Facilities Study - Phase III.

32. The Treatment Facilities Study - Phases I, II and III and the WQS Study will be conducted by consultants identified in Addendum C, providing agreement respecting compensation and services to be performed are approved by the Water Quality Study Board and EPA. The relationship and composition of the various groups involved in these studies are shown in Addendum C. Said studies will be performed under the direction and control of the Water Quality Study Board which will include representatives of the County, Cities, State, and EPA. The Water Quality Study Board, by unanimous consent of all the members, may select substitutes for any of those designated in Addendum C because of unavailability or failure to reach agreement respecting compensation or services. A Technical Advisory Board will advise the Treatment Facilities Study consultants and assist in formulating recommendations. The treatment facilities consultants and water quality consultants identified by Addendum C shall include a consultant selected by the County and one by the Cities.

33. If, after the completion of the Treatment Facilities Study - Phase III, the Cities and the County are unable to agree, after using their best efforts, on which alternative of treatment represents the most cost-effective treatment, the Cities and the County are free to select their individual choice of the most cost-effective treatment methods for their individual respective service areas, as long as the choice selected meets the effluent limitations of paragraph 6 above and any different effluent limitations, if any, established pursuant to the administrative determinations set forth in

paragraphs 25, 26 and 27 above. In the event that the Cities or the County select a treatment method other than that identified in the Treatment Facilities Study - Phase III as the most cost-effective treatment method, it is understood that EPA and the State need not provide financial assistance for such treatment method.

34. The investigation and analysis to be performed in the Treatment Facilities Studies and WQS Study shall be performed in accordance with accepted scientific methods within the existing limitations in the present state of the art. Where it is difficult to define exact empirical relationships among the physical, biological and chemical elements, the studies shall develop and discuss the relationships among such elements to the maximum possible precision given the limitations of the present state of the art. Statistical analysis, based on sound scientific methodology and comprehensive data collection in Las Vegas Bay and Lake Mead, as required in the WQS Study, may be an appropriate scientific method to demonstrate such empirical relationships.

On or before the dates specified in paragraph 36 below for completion of the Treatment Facilities Studies - Phases I, II and III and the WQS Study, the persons conducting these studies shall present the final report and the findings as required by this Consent Decree to the Water Quality Study Board for review and approval and the Water Quality Study Board shall thereupon issue a final report containing the findings required by this Consent Decree. To the extent any person conducting a study required under this Consent Decree does not agree with the conclusions and recommendations of the majority conducting the study, the views of that individual shall be included as an appendix to the relevant study reports.

In the event any party is unable to agree to scientific methodology employed in conducting the Treatment Facilities Studies or WQS Study or with the feasibility of achieving any elements of such studies, that party may present its objections to the Water Quality Study Board.

35. Unless and until different effluent limitations are established pursuant to the WQS Study and the administrative determinations set forth in paragraphs 25, 26 and 27 above, the City Facility, County Facility and New Waste Treatment Facility shall be operated to meet the effluent limitations of paragraph 6 above, and such effluent may be discharged to Las Vegas Wash. In any administrative or judicial proceeding brought to enforce any alleged legal obligation regarding effluent limitations or payments (except as herein provided) which are inconsistent with the rights and obligations set forth in this Consent Decree, it shall be a defense to such action that the Cities and County are in compliance with the effluent limitations and payment schedules set forth in this Consent Decree.

36. It is acknowledged that the implementation of this Consent Decree depends upon the timely completion of all studies described in this Consent Decree and upon prompt implementation of results and recommendations of those studies. In recognition of the critical importance of timely implementation of these studies, the following schedule is established for completion and implementation of these studies:

- (a) Completion of Treatment Facilities Study - Phase I by September 30, 1979, except the User Charge Study which shall be completed by March 31, 1980;
- (b) Submission of a plan to EPA and the State for implementing the recommendations of the Treatment Facilities Study - Phase I by December 31, 1979;

- (c) Submission of a joint plan of study for the WQS Study by April 30, 1979;
- (d) Completion of the WQS Study by June 1, 1981; including the Treatment Facilities Study - Phase II.
- (e) Commencement of operation of phosphorus removal facilities at the City Facility and County Facility by January 1, 1981;
- (f) Implementation of the most cost-effective treatment methods identified in the Treatment Facilities Study - Phase I by January 1, 1981;
- (g) Submission of recommendations for revision or retention of water quality standards based upon the WQS Study to the Nevada Environmental Commission by August 1, 1981;
- (h) Completion of consideration of the revision or retention of the water quality standards by the State by January 1, 1982;
- (i) Completion of the Treatment Facilities Study - Phase III by September 30, 1982; unless extended by EPA or the State;
- (j) Submission of a plan to EPA and the State for implementing the recommendations of the Treatment Facilities Study - Phase III by January 1, 1983; unless extended by EPA or the State.

37. In view of the importance of the above schedule, non-compliance with the above schedule, whether wilful or negligent, shall be a violation of this Consent Decree and shall subject that party to an appropriate order of the Court.

To the extent that a failure to comply with the above schedule is determined by the Court to be beyond the control of any party, such failure shall not be considered to be a violation of this Consent Decree.

38. EPA and the State expressly reserve the right to enforce any effluent limitations referred to in this Consent Decree.

39. The Cities and County respectively shall pay their fair share of the capital and operating costs of constructing and operating jointly-used treatment facilities other than the New Waste Treatment Facility. Each entity's fair share shall be determined by formulae developed in general conformance with EPA user charge regulations and guidelines found in 40 C.F.R. Part 35, including Subpart E, Appendix B. Operation and maintenance expenses for the New Waste Treatment Facility shall be paid by the Cities and County at rates determined in accordance with Section 204(b) of the Clean Water Act to the extent said facility is used by the Cities and the County.

40. To defray in part the costs of construction of the New Waste Treatment Facility, the State, by and through the County, pursuant to Clark County Ordinance Number 531 (Bond Ordinance) and Clark County Ordinance Number 526 (Debenture Ordinance), issued general obligation bonds and debentures, secured by irrevocable pledge of net revenues to be derived from operation of the New Waste Treatment Facility, and no provision of this Consent Decree shall be construed to alter, impair, or diminish the contractual rights of the bond and debenture holders to such payment, nor affect the duty and obligation imposed upon the Cities and County to pay the required debt service upon said bonds and debentures until the

last outstanding bond, note, debenture or loan which may have been issued pursuant thereto has been paid pursuant to the formula and at the times for payment thereof as specified in Sections 4 and 5 of Clark County Ordinance Number 562, which rate of payment shall continue until such time as the User Charge Study based on water flows conducted under §204(b) verifies or adjusts such numbers as provided in paragraph 17 and is approved by the State and EPA, and appropriate adjustment will be made in rate of payments thereafter. No such adjustment may impair the sufficiency of total debt service payments to bond and debenture holders. Nothing in Ordinance Number 562 or any other County ordinance shall be construed to restrict the Cities' rights to discharge to the Las Vegas Wash effluent flows which meet the effluent limitations of paragraph 6 above or the effluent limitations established pursuant to the administrative determinations of paragraphs 25, 26 and 27 above.

41. The County shall complete construction of the New Waste Treatment Facility on Hollywood Boulevard, and the Cities shall contribute to the payment of debt service on securities to finance the capital costs of that New Waste Treatment Facility's construction according to the formula and time schedule as follows:

- (a) Past debt service charges of \$662,564.02 for the City of Las Vegas and \$93,157.00 for the City of North Las Vegas, without interest or penalty, shall be due and payable on or before March 15, 1979;
- (b) Quarterly payment of debt service charges commencing April 1, 1979 in accordance with the provisions of Section 4 of Clark County Ordinance Number 562 until

revised as set forth in paragraph 39 above.

There shall be no limitation upon the Cities and County in utilizing the capacity of the New Waste Treatment Facility. The Cities and the County shall, on or about January 15, 1985, meet and agree as to an allocation of the future use of capacity as to said facility.

42. The State, EPA, the County, and the Cities shall take all necessary procedural steps within their administrative or governmental frameworks to effectuate the rights and obligations created by this Consent Decree.

43. In addition to the provisions of paragraph 24 and subject to availability of legislative appropriations and compliance with the Clean Water Act and applicable regulations, EPA and the State will take affirmative action to establish priority for and expedite approval of grants for the following:

- (a) Treatment Facilities Study - Phase I and interim improvements to the City, County and New Waste Treatment Facility that may be recommended in this study;
- (b) Treatment Facilities Study - Phase II (a part of the WQS Study) to the extent that other funds are not available and study work plan elements are needed to satisfy the requirements of 40 C.F.R. Part 35; and
- (c) Treatment Facilities Study - Phase III and facilities improvements determined to be necessary to meet any new standards established in accordance with paragraphs 25, 26 and 27.

The Cities and the County agree to pay the local share (25%) of

the costs of these studies and to share these costs on the basis of an annual accounting of the proportionate contribution of flows from each service area.

44. Whenever the performance of this Consent Decree falls within the scope of the National Environmental Policy Act, 42 U.S.C. §4321 et seq., such provisions are acknowledged to apply and will be properly implemented.

45. The rights and obligations created by this Consent Decree are considered to be wholly separate and independent from the rights and obligations of the parties under any other agreement and shall not abrogate any of the rights granted or obligations imposed on the parties pursuant to any other agreement.

46. The City Facility, County Facility and New Waste Treatment Facility shall be operated to assure that the flow regime in Las Vegas Wash will preserve, among other things, the wetlands character of Las Vegas Wash, provided such flow does not result in violations of the water quality standards established pursuant to paragraphs 25, 26 and 27 of this Consent Decree or for salinity developed by the Colorado River Basin Salinity Control Forum as adopted by the State.

47. All documents, notes, correspondence, test results, memoranda, computer tapes, cards, files, photographs, or material of any kind relating to any study herein -- whether located in any consultant's office or in any of the offices of any party hereto -- shall be available for inspection and copying by representatives of any of the parties or by the general public.

48. The parties further acknowledge that any Federal

funding which may be made available to the parties, after the appropriate grant and procurement procedures of the Clean Water Act have been followed, may also be limited by the requirements of Section 316 of the Clean Air Act, the State Priority List and other applicable Federal requirements.

49. The parties have represented to the Court that counsel of record have authority to signify the parties' approval by signing below. Each party shall bear its own fees and costs of this action.

50. This Court shall retain jurisdiction to enforce the terms and requirements of this Consent Decree.

Enter: 3/15/79

ROGER D. FOLEY

United States District Judge

Agreed as to form and content:

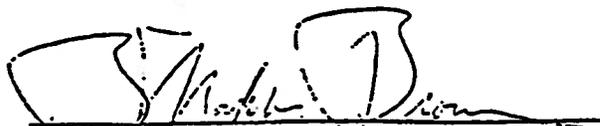
UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY and DOUGLAS M. COSTLE, Its  
Administrator

By Paul De Falco

ATTORNEYS FOR FEDERAL DEFENDANTS:

James W. Meerman  
James W. Meerman  
Assistant Attorney General  
Land and Natural Resources Division  
United States Department of Justice

Barry J. Drilling  
Barry J. Drilling  
Attorney  
United States Department of Justice



B. Robison Brown  
United States Attorney  
District of Nevada



William C. Turner  
Assistant United States Attorney

CLARK COUNTY, NEVADA

By Victor W. Brubaker

THE STATE OF NEVADA

By Steph C. Bullish

THE CITY OF LAS VEGAS, NEVADA and  
THE CITY OF NORTH LAS VEGAS, NEVADA

By Joseph V. Kazand

ADDENDUM A

CLARK COUNTY SANITATION DISTRICT NO. 1  
EFFLUENT LIMITATIONS

Beginning on the date of entry of this Consent Decree, the discharge from outfall serial number 001 (treated domestic wastewater) shall be limited and monitored by the County as specified below:

	<u>Pollution Discharge Rate</u>		<u>Discharge Concentration Limits</u>		<u>Monitoring Requirements</u>	
	kg/day 30-day Ave.	Daily Max.	30-day Ave.	Daily Max.	Measurement Frequency	Sample Type
Flow	---	---	1.76 m <sup>3</sup> /Sec	---	Continuous	Composite
Biochemical Oxygen Demand	4545(10020)	6817(15030)	40 mgd	---	Daily	Composite
Total Suspended Solids	4545(10020)	6817(15030)	30 mg/l	45 mg/l	Daily	Composite
Settleable Solids	---	---	30 mg/l	45 mg/l	Daily	Composite
pH	Shall not be less than 6.0 Standard Units nor greater than 9.0 Standard Units.		0.1 ml/l	0.2 ml/l	Daily	Discrete
Fecal Coliform Bacteria	---	---	200/100 ml	2000/100 ml	Weekly	Discrete
Phosphorus (P)*	152(334)	303(668)	1.0 mg/l	2.0 mg/l	Daily	Composite
Total Dissolved Solids	---	---	---	---	Weekly	Composite
Chemical Oxygen Demand	---	---	---	---	Weekly	Composite
Nitrate (NO <sub>3</sub> )	---	---	---	---	Weekly	Composite
Ammonia Nitrogen	---	---	---	---	Weekly	Composite
Chlorine Residual	---	---	---	---	Weekly	Discrete

\* To become effective not later than January 1, 1981.

ADDENDUM B

CITY OF LAS VEGAS  
EFFLUENT LIMITATIONS

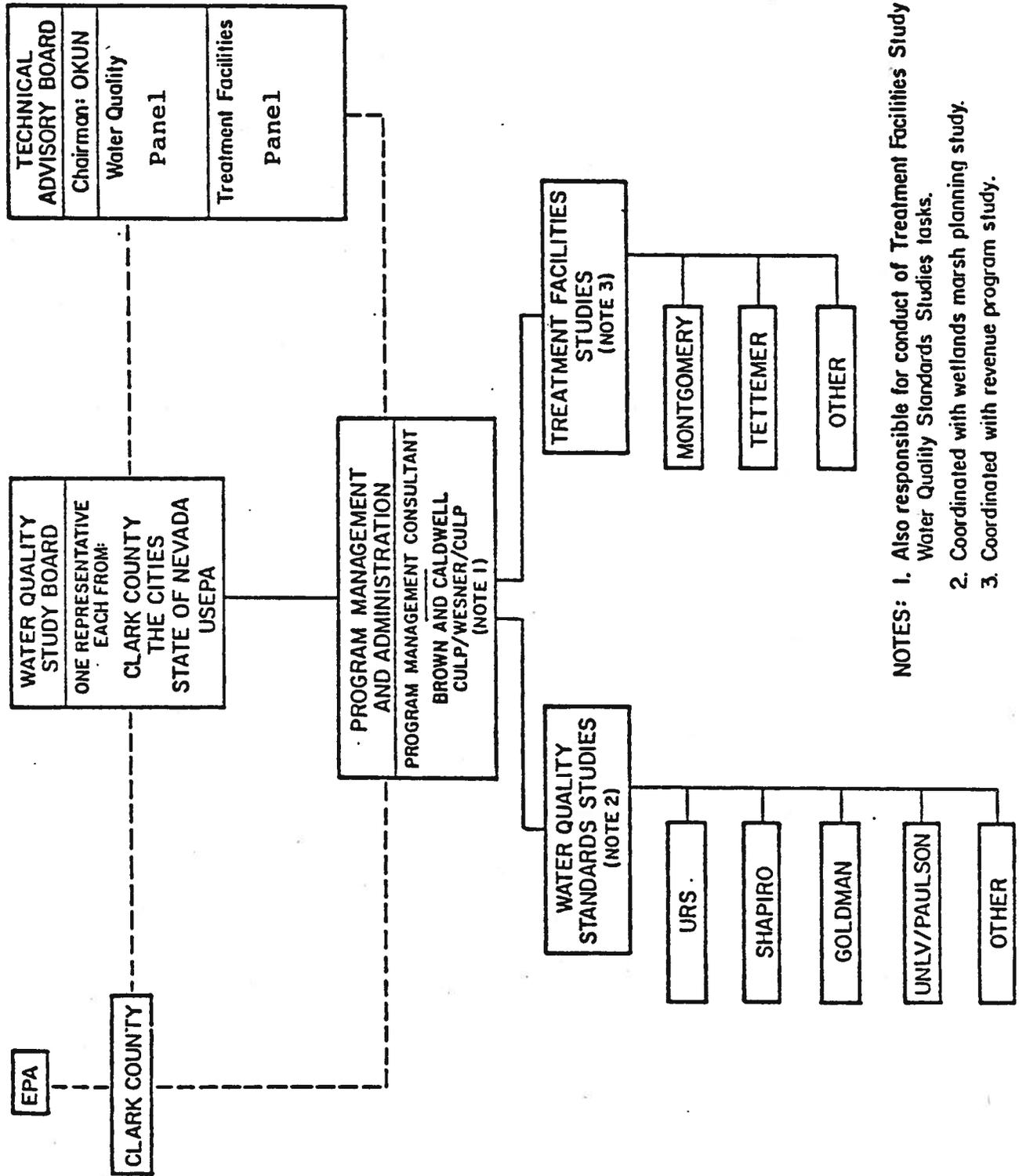
Beginning on the date of entry of this Consent Decree, the discharge from outfall serial number 001 (treated domestic wastewater) shall be limited and monitored by the City as specified below:

	<u>Pollution Discharge Rate</u>		<u>Discharge Concentration Limits</u>		<u>Monitoring Requirement</u>		
	kg/day 30-day Ave.	(lbs/day) Daily Max.	30-day Ave.	Daily Max.	Measurement Frequency	Sample Type	
Flow	---	---	37.5 mgd**	---	Continuous	Composit	
Biochemical Oxygen Demand	4261(9394)	6392(14091)	30 mg/l	45 mg/l	Daily	Composit	
Total Suspended Solids	4261(9394)	6392(14091)	30 mg/l	45 mg/l	Daily	Composit	
Settleable Solids	---	---	0.1 ml/l	0.2 ml/l	Daily	Discrete	
pH	Shall not be less than 6.0 Standard Units nor greater than 9.0 Standard Units.						
Fecal Coliform Bacteria	---	---	200/100 ml	2000/100 ml	Weekly	Discrete	
Phosphorus (P)*	142(313)	284(626)	1.0 mg/l	2.0 mg/l	Daily	Composit	
Total Dissolved Solids	---	---	---	---	Weekly	Composit	
Chemical Oxygen Demand	---	---	---	---	Weekly	Composit	
Nitrate (NO <sub>3</sub> )	---	---	---	---	Weekly	Composit	
Ammonia Nitrogen	---	---	---	---	Weekly	Composit	
Chlorine Residual	---	---	---	---	Weekly	Discrete	

\* To become effective not later than January 1, 1981.

\*\* 37.5 MGD flow is contingent upon the installation of the phosphorus removal facilities set forth in paragraph 1 of this Consent Decree or alternative treatment facilities improvements which will allow flows greater than 30 MGD to be discharged in compliance with the effluent limitations set forth above.

ADDENDUM C  
PAGE 1  
ORGANIZATION CHART



- NOTES: 1. Also responsible for conduct of Treatment Facilities Study and primary Water Quality Standards Studies tasks.  
2. Coordinated with wetlands marsh planning study.  
3. Coordinated with revenue program study.

## ADDENDUM C

### OUTLINE OF RESPONSIBILITIES FOR CONDUCT OF WATER QUALITY AND TREATMENT FACILITY STUDIES

#### 1. Water Quality Study Board

The Water Quality Study Board shall be the governing board directing the conduct of both the Treatment Facilities Studies -- Phases I, II and III -- and the Water Quality Standards Study. The Water Quality Standards Board shall make and adopt procedures required for performance of duties imposed hereby. The Water Quality Study Board shall direct the activities of the Program Management Consultant and the various other consultants who perform any tasks in either the Treatment Facilities Studies or the Water Quality Standards Study. The Water Quality Study Board shall have authority over and be responsible for:

- a. Review and approval of study work plans, budgets and quarterly financial reports.
- b. Review and approval of selection and retention of all consultants not specifically identified in this addendum, and review and approval of all consultant contracts.
- c. Review and approval of work assignments to any consultants.
- d. Review and approval of progress reports at least quarterly.

- e. Review of all draft reports and approval of all final reports from various phases of work set forth in the Work Plan.

The Water Quality Study Board shall consist of one representative from the Cities, the County, the EPA, and the State.

## 2. Clark County

As the recipient of EPA grant assistance for the Water Quality Standards Study, the County shall enter into contracts and compensate consultants following approval of the consultants and the contract terms by the Water Quality Study Board.

## 3. Program Management Consultant

The Program Management Consultant (PMC) shall consist of the firms of Brown and Caldwell and Culp/Wesner/Culp. Brown and Caldwell, the County's consultant, and Culp/Wesner/Culp, the Cities' consultant, will jointly carry out the responsibilities as defined in this section and in the detailed work plans to be developed. Both consultants will participate in identification and resolution of technical issues, conduct of the studies, and in preparation and review of reports. Brown and Caldwell shall be the lead firm in the conduct of the program management effort. The PMC

shall manage and coordinate the conduct of the studies and the work done by study participants. The PMC shall provide staff services for the Water Quality Study Board and the Technical Advisory Board (TAB), and shall provide requested administrative information to the County. The PMC shall:

- a. prepare and recommend draft subconsultant contracts for consideration by the Water Quality Study Board.
- b. Manage the conduct of the Water Quality and the Treatment Facilities Studies including monitoring of work progress and subcontractor expenditures.
- c. Prepare and present to the Water Quality Study Board periodic progress reports and special reports as requested or desirable.
- d. Coordinate studies and resolve any conflicts that develop between subcontractors.
- e. Identify technical issues that require review by the TAB and arrange for and coordinate TAB participation.
- f. Conduct treatment facilities studies.
- g. Conduct designated water quality tasks.
- h. Prepare or review and submit all formal reports resulting from the work.

- i. Prepare and present final reports.

#### 4. Technical Advisory Board

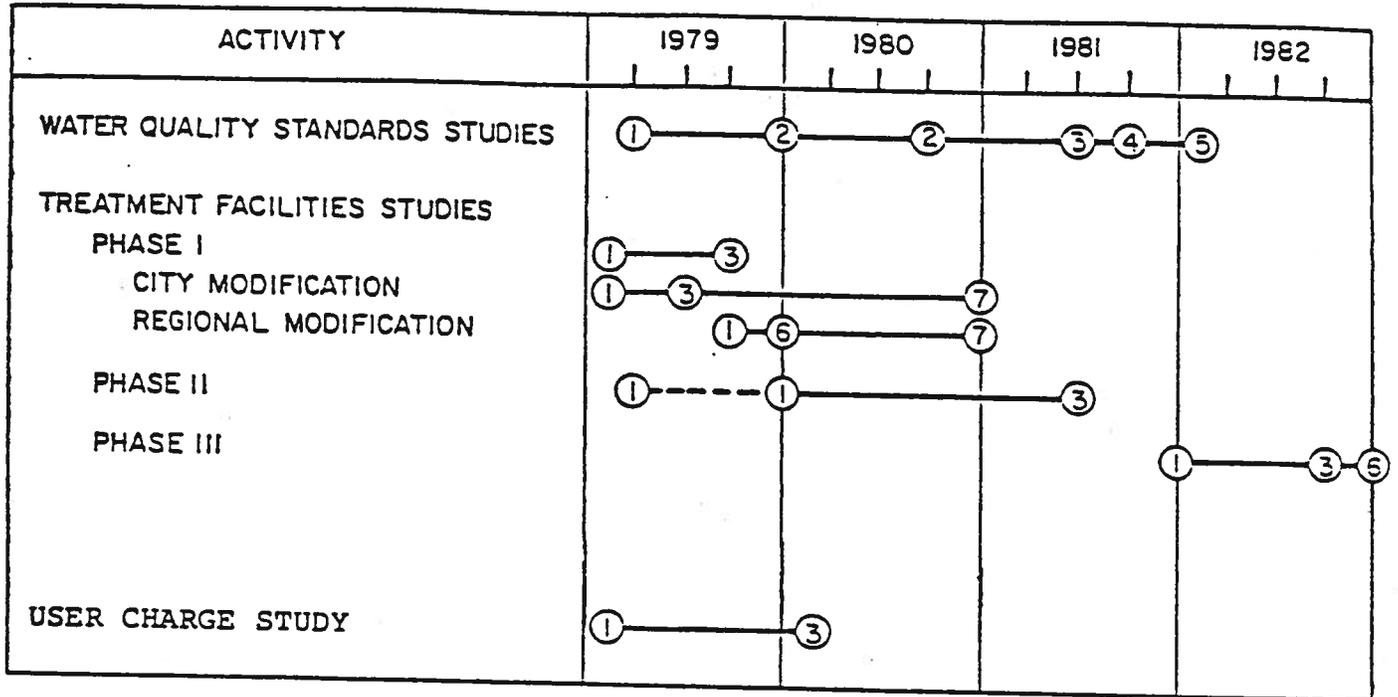
The Technical Advisory Board (TAB) shall consist of two panels: a water quality panel and a treatment facilities panel. Either panel may be convened at the request of the Water Quality Study Board or the PMC. The PMC shall provide needed information and meet the requirements of the TAB. When a panel is convened, each member of that panel shall make oral or written reports of his or her findings and recommendations to the Water Quality Study Board or PMC. Involvement of the TAB may include, as desired by the Water Quality Standard Board or PMC:

- a. Review of draft reports and assistance in formulation of study recommendations.
- b. Review and comment on final reports and technical issues.

No member of any TAB panel shall participate in such panel's review or comment on any study task conducted by him or her or others under his or her direction. The reviewing members may, however, discuss such matters with the excluded member for purposes of information. The members of the water quality panel of the TAB shall be: Joseph Shapiro, Charles Goldman, and Alex Horne. The members of the treat-

ment facilities panel shall be: Ross McKinney, Dennis Parker, Rudy TeKippe, and Gordon Culp. The Chairman of the overall TAB shall be Daniel Okun. The Water Quality Study Board, by unanimous consent of all of the members may select substitutes for any panel member or may add additional members to any panel.

ADDENDUM D  
SCHEDULE FOR WATER QUALITY STANDARDS AND  
TREATMENT FACILITIES STUDIES



- ① SUBMIT PLAN OF STUDY AND START WORK
- ② PROGRESS REPORTS
- ③ COMPLETE STUDY
- ④ SUBMIT STANDARDS RECOMMENDATIONS
- ⑤ STATE COMPLETES STANDARDS REVIEW
- ⑥ SUBMIT IMPROVEMENT PLAN TO STATE AND EPA
- ⑦ TREATMENT PLANT MODIFICATIONS IN OPERATION

2/12/79

## ADDENDUM E

### SUBJECTS TO BE ADDRESSED IN TREATMENT FACILITIES STUDIES

The Treatment Facilities Studies to be conducted in accordance with the provisions of this Consent Decree will be undertaken in three phases. The details of work to be accomplished in each of these phases are outlined in the Consent Decree and will be further described in work plans consistent with the requirements of this Consent Decree to be submitted to the Water Quality Study Board, to the State and EPA for appropriate funding under Section 201 of the Clean Water Act; subject to the requirements of the Clean Water Act and EPA grant regulations.

#### Phase I

This phase will identify facilities needed to achieve the effluent limitations specified in paragraph 6 in this Consent Decree. This phase will consist of the following elements:

#### Treatment Capacity

The wastewater flows used as the basis for Phase I evaluations will be 39 mgd as specified in this Consent Decree. Hydraulic and organic loading capabilities of the existing City and County treatment plants will be reviewed. Critical limitations on the capacity of any particular liq-

uid or solids processing components will be identified. Capacity of the New Wastewater Treatment Plant must be evaluated in light of proposed operating modes. Consideration will also be given to the capacity requirements of the City of Henderson.

#### Area Wide Study and Design

The base condition for this study is that the City and County facilities as well as the New Waste Treatment Facility will have in place the equipment necessary to achieve the 30 mg/l BOD, 30 mg/l SS and 1 mg/l P effluent limitations required by paragraph 6 of this Consent Decree. Per paragraphs 7-9 of this Consent Decree, the City will have its phosphorus removal equipment in operation by January 1, 1981.

The Treatment Facilities Study Phase I shall investigate and identify low cost treatment options which meet the requirements of paragraphs 12 to 16 of this Consent Decree. The implementation (design and construction) of any treatment option beyond those necessary to meet the effluent limitations of paragraph 6 of this Consent Decree (30 mg/l BOD, 30 mg/l SS, 1 mg/l P) must meet the requirements of paragraphs 12 through 16 of this Consent Decree.

The study will also include a revenue rate study of alternative service charge bases including measured water con-

sumption for establishing the relative flow contributions of sewage from various sewage discharges.

Except for the user charge study which shall be completed in 365 days, the study will be completed by September 30, 1979.

## Phase II

The water quality standards study referred to in Addendum F will develop recommended water quality standards for the protection of beneficial uses of Las Vegas Wash and Bay. To evaluate alternative water quality standards which in turn will result in load allocations and permit conditions on waste discharges, it is necessary to consider a range of wastewater management alternatives. This range of alternatives must include consideration of point and nonpoint sources, wastewater treatment alternatives, reclamation and reuse options, and related water management practices including water conservation.

Phase II of the facilities study will provide information on costs and attainability for use in assessing a range of water quality standards and will constitute the preliminary assessment of alternatives for facilities that will be studied in Phase III as part of the formal facilities planning effort to implement the water quality standards, if any, developed pursuant to paragraphs 25, 26, and 27 of this Consent Decree.

Consideration will be given to future capacity requirements including a plan to meet the needs of the region for 20 years and consideration of additional long-term requirements. Water quality management options will include consideration of alternative and innovative technology as well as the management of pollutants through land application in Las Vegas Wash or elsewhere. Specific alternatives to be considered include:

1. Wastewater treatment -- chemical, physical and biological treatment systems using existing or alternative facilities to achieve the most cost-effective pollutant removal -- at the source, in municipal treatment plants, or as part of pre-treatment for subsequent reuse.
2. Reclamation and reuse -- Systems to provide for additional uses of wastewater of varying qualities for industry, agriculture, or landscape irrigation.
3. Water supply -- Options including water conservation and resultant wastewater flow reduction, supply management to control salt concentrations for water quality to achieve desired water uses. Such other management alternatives as may be possible given current or projected technology.

4. Wash management -- The development of the Wash management system will be conducted in two parts. The present and potential biological performance of the Wash will be developed as part of the water quality studies associated with assessing the Bay and Wash conditions. The physical works to manage flows into and through the Wash will be developed as part of Phase II engineering studies. These two elements must be integrated in developing Wash management options to be considered in the final plan to achieve water quality standards and to implement desired wash management plan.
5. Alternative discharge locations and mechanisms.

### Phase III

This phase will consist of the work necessary to implement the treatment system needed to achieve the effluent limitations developed pursuant to paragraphs 25 to 27 of the Consent Decree. It will consist of a Step I facility plan meeting EPA grant requirements for the needed facilities. Although Phase II will have identified a treatment system and its costs to meet the adopted effluent limitations, this phase will analyze the alternative treatment systems in the detail necessary in a Step I report. The environmental impacts of various treatment alternatives and those of any proposed capacity beyond 99 mgd will be evaluated.

An implementation schedule and plan will be developed, including the needed revenue program.

After State and EPA approval of the Step I report, the design of the needed facilities will be accomplished.

## ADDENDUM F

### SUBJECTS TO BE ADDRESSED IN THE WATER QUALITY STANDARDS STUDY

A comprehensive water quality study will be undertaken to develop water quality standards that will assure the protection of the beneficial uses of Las Vegas Bay and Las Vegas Wash. The water quality study will meet the requirement of paragraphs 18 to 24 of this Consent Decree. To provide adequate information for developing the standards, a two-year program is proposed. This program will include an assessment of beneficial uses and limnological and physical surveys of Las Vegas Bay and Wash and other portions of Lake Mead to help establish baseline conditions. This will be followed by a rigorous scientific analysis of all available data. The Las Vegas Wash management plan will be developed including its capability to remove nutrients.

Recommended water quality standards will be used to determine a maximum daily load from Las Vegas Wash, which in turn will be allocated to the individual point and nonpoint sources discharging to Las Vegas Wash.

To evaluate practical methods of achieving beneficial uses, a treatment facilities study (Phase II of Addendum E) will be performed. A new plan of study will be developed for review and approval by all the parties to this Consent Decree. Key elements of the Water Quality Standards Study will be:

1. Planning for beneficial uses.
2. Water quality monitoring of Lake Mead and Las Vegas Bay and Wash.
3. Water quality analysis including: salinity and nutrient budgets, plume dynamics.
4. Wash Management Plan including biological and physical factors.
5. Management alternatives including wastewater treatment, reuse and water conservation and alternative discharge locations and mechanisms.
6. Effluent limitations.

#### Beneficial Uses

The Water Quality Standard Study should identify the desired beneficial uses of both the Lake and Las Vegas Bay. A relationship between the desired uses and existing and prospective conditions and the impact of these conditions on the desired beneficial uses of Las Vegas Bay and the Wash must be developed. This will aid in a determination of which criteria (e.g. chlorophyll a, algal numbers and species, phosphorus, etc.) are both necessary and appropriate to achieve desired beneficial uses. After evaluating the

costs and feasibility of achieving various beneficial uses, desired beneficial uses and necessary supporting numerical criteria shall be recommended.

#### Water Quality Monitoring

Adequate definition of water quality characteristics of Las Vegas Bay and Wash and related portions of Lake Mead, and successful interpretation of past, present, and future water quality conditions depend on adequate data.

Additional data are needed and a comprehensive data gathering program will be conducted.

The proposed monitoring work plan and budget will be prepared. Full consideration will be given to use of results of previous studies considering the need to establish a historic record and to limit study costs.

The monitoring program should begin as soon as possible and continue through March of 1981. This program will gather data on all physical, chemical, and biological parameters of importance to the Water Quality Standards Study. Work will be conducted in conformance with a quality assurance plan developed for the study.

#### Analysis of Lake Water Quality

The analytical work necessary to assure that water quality conditions are achieved through pollutant load limi-

tations is the key component of the Water Quality Standards Study. This work includes analysis of past and present conditions, development of nutrient and salinity budgets, analysis of plume dynamics in Las Vegas Bay and an investigation and analysis of the eutrophication process in Lake Mead and Las Vegas Bay.

#### Water Quality Conditions and Trends

This work will give consideration to all previous technical data. Trends of selected water quality parameters will be defined and related to changes in weather, lake level, and pollutant loads. Particular attention will be given to algal production rates and species distribution recognizing the requirements of this Consent Decree.

#### Salinity and Nutrient Budgets

Inputs and outputs of nutrients and other selected substances and physical conditions to Las Vegas Bay must be as well-defined as the data base will permit. Attention will be given to nutrient and salt inputs from Las Vegas Wash surface water, groundwater, sediments, the atmosphere, exchange at the Boulder Basin boundary, and chemical/biological sources and sinks within the system. Probable future variations in these inputs will be identified.

### Plume Dynamics

Density stratification of inner Las Vegas Bay is known to be an important factor in determining nutrient concentrations and productivity in the near surface water. The mechanics of this hydraulic phenomenon need to be better defined to permit successful eutrophication modeling and to estimate the effect of future changes on the hydraulics of the inner Bay.

### Algal Production

Any analysis of algae in Lake Mead or Las Vegas Bay must meet the requirements of paragraphs 19 and 20 of this Consent Decree.

### Las Vegas Wash System

Further study of the Las Vegas Wash is necessary to define the chemical and biological performance of the existing Wash as a treatment system and the probable performance of the Wash under various proposed management plans. An input-output model will be used to define pollutant removals including seasonal variations of nutrient uptake and returns, evapotranspiration, and salt transfers.

Alternative Wash improvement schemes will consider variables of land use plans for areal extent, types of vegetation, flow distribution, flood control, and other opera-

tional aspects. Performance of the improved marsh will be related to variations of hydraulic and pollutant loads that may result from various levels of pretreatment, a salinity control project, and possible effluent reuse projects.

Results of this portion of the Water Quality Standards Study will be used with Phase II of the Treatment Facilities Study to define the contribution of the marsh to pollutant removal. This information is needed to determine what removals must be provided at the treatment plants to assure maintenance of water quality criteria in Las Vegas Bay.

#### Effluent Limitations

The primary objective of this study is to provide recommended water quality standards based on fully supportable scientific procedures. Through the elements of the study already described, several key steps will be completed: beneficial uses will be reviewed and predicted, and water quality standards to protect these beneficial uses will be developed.

Maximum daily loads from Las Vegas Wash and from upstream discharges must be calculated to select the appropriate management options, to evaluate the costs of standards to be approved, and to comply with regulatory procedures.

## ADDENDUM G

1. The Cities and the County shall submit a proposed "Water Conservation/Waste Flow Reduction Program" (Program) to EPA and the State for review and approval by September 30, 1979.
2. The program shall, as a minimum:
  - a. identify the flows contributed by each sector (e.g. commercial, visitor, residential, industrial, infiltration/inflow) within each political entity in the service area;
  - b. quantify possible flow reduction in each sector within each political entity;
  - c. identify specific changes in local ordinances, building codes, and plumbing codes necessary to realize the reduction quantified in 2, b herein;
  - d. identify flow reduction technology necessary to realize the reduction quantified in subparagraph 2, b herein;
  - e. analyze the local relationship between alternative water pricing schedules and overall flow reduction including installation of water meters in areas not presently metered;

- f. formulate alternatives necessary to realize the reduction quantified in subparagraph 2, b herein and evaluate, on a cost effective basis, each alternative considering, as a minimum, the costs, benefits, and impacts of each alternative; and,
  - g. devise an implementation schedule and assign management and enforcement responsibilities to the appropriate governments, agencies, and institutions in the service area.
3. By September 30, 1979, the Cities and the County shall obtain from Clark County and any affected incorporated municipalities, resolutions committing these entities to implementation and enforcement, to the maximum extent permissible by law, of the "Water Conservation/Waste Flow Reduction Program" developed pursuant to paragraph 2 herein and approved by EPA and the State pursuant to paragraph 1 herein.
4. The Cities and the County shall provide for a public participation and involvement process during the planning and implementation phases of the Program.
5. The Cities and the County shall ensure that the Program, including the public participation and involvement process, will be developed in conjunction with, and reinforce to the maximum extent possible, the Clark County "208" Area-Wide Waste Management Plan.