



A division of the
Nevada Department of Conservation & Natural Resources

NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

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FACTSHEET
(pursuant to NAC 445A.236)

Permittee Name: NEVADA DEPARTMENT OF WILDLIFE (NDOW)
6980 SIERRA CENTER PKWY #120
RENO, NV 89511

Permit Number: NV0020656

Permit Type: EXISTING MANUFACTURING, COMMERCIAL, MINING AND SILVICULTURAL DISCHARGE

Designation: MINOR NPDES

New/Existing: EXISTING

Location: GALLAGHER FISH HATCHERY, ELKO
H.C. 60 BOX 870, RUBY VALLEY, NV 89833
LATITUDE: 40.360207, LONGITUDE: -115.44754960
TOWNSHIP: 29N, RANGE: 58E, SECTION: 28N

Outfall / Well Num	Outfall / Well Name	Location Type	Well Log Num	Latitude	Longitude	Receiving Water
100	COLLECTION DITCH WEIR FOR INFLUENT SAMPLING POINT FROM THE OXBOW NE CORNER	External Outfall		40.18391890	-115.490229	RUBY MARSH
101	MAIN COMPLEX CONSOLIDATED HATCHERY DISCHARGE AT THE SOUTH PARCEL'S OXBOW NW CORNER	External Outfall		40.18419760	-115.491615	RUBY MARSH

Permit History/Description of Proposed Action

The Permittee, Nevada Department of Wildlife (NDOW), has applied for the renewal of their National Pollutant Discharge Elimination System (NPDES) Permit NV0020656, for Gallagher Fish Hatchery (Gallagher). The hatchery is located in Elko County within the Ruby Lake National Wildlife Refuge (RLNWR), 65 miles SSE of Elko, NV. The Permittee proposes to continue discharging hatchery flow-through water to the Ruby Marsh with a maximum daily flow rate of 6.05 million gallons per day (Mgal/d).

The permit was first issued on February 15, 1977. The most recent permit was issued on January 18, 2018, and expired on January 31, 2023; the permit has been administratively continued since.

Facility Overview

Gallagher is a flow-through and recirculating fish hatchery facility. Title 40 of the Code of Federal Regulations (CFR) section 122.24(b) and (c) classifies Gallagher as a Concentrated Aquatic Animal Production (CAAP). The hatchery produces up to 200,000 pounds (lbs) of trout species including rainbow, brown, brook, cutthroat, tiger, and cut-bow (cold-water fish species) annually for stocking in Nevada's lakes and rivers.

Elko County started the facility in 1940, and the hatchery was taken over by the State of Nevada in 1963. It

is currently occupied and operated by NDOW through a cooperative agreement with the U.S. Fish and Wildlife Service (USFWS) on lands of the RLNWR. The hatchery's operations are currently limited to the main hatchery complex, located in the south parcel of the facility (see attached site layout).

The main hatchery complex uses three covered artesian springs (daylight to a manhole), namely Hagar, Nino, and North. Gallagher is not equipped with a method to control the volume of inflow spring water sources; therefore, overflow lines are built into the circulation system. All flows from spring are collected and managed onsite daily to serve the hatchery, brood, and rearing buildings. Pretreatment of the spring water includes ammonia stripping (packed tower stripper) and supplemental oxygen injection. Water can be reused in the raceways using optional recirculation pumps in drought years.

Hagar Spring supplies fresh water to the Hatchery Building where water constantly flows through each of the fiberglass troughs. Any overflow water is conveyed to Control Box 1 and mixed with water directly from Hagar Spring. From here, flow is controlled and directed to the Rearing Building. Any excess water is discharged via pipeline to a consolidated point at the northwest (NW) corner of the south boundary's oxbow-shaped channel (oxbow), which is connected to unit 20 of the RLNWR.

North Spring supplies water for the Brood Building where water constantly flows through each of the raceways. The flow is sufficient to operate only two of the three raceways, which are maintained for the breeding stock. Overflow water is collected from the tail end of each raceway and directed to Control Box 3 where it is mixed with water from Nino Spring and delivered to raceway column 1 in the Rearing Building. Effluent collected from each of the raceways is also discharged to the collection ditch at the NW corner of the oxbow (Outfall 101).

The Rearing Building contains sixteen raceways arranged in four columns (1-4) and four rows (A-D). Water supply comes from Control Box 1 and 3. Water constantly flows through each of the four raceway columns, overflowing from row A to row D. Effluent and overflow water is collected from the tail end each raceways and sent to Control Box 2 to be discharged to Outfall 101.

Cumulated effluent and overflow water discharged at Outfall 101 crosses the 450-foot long, 100-foot wide oxbow and exits from the SE corner of the oxbow where it is conveyed to the Ruby Marsh by a channel. Due to the effluent discharge setup, the hatchery has been utilizing the Francis formula for rectangular weirs to measure flow rate for Outfall 101.

Outfalls representing the north canopy was removed during the previous permit renewal, and it has been out of commission until further notice. Permittee will have an option to reinstate upon future upgrades to this parcel. In addition, the septic tanks are covered under permit GNEVOSDS09-L0259.

NDOW Gallagher Fish Hatchery's Best Management Practices (BMP) and Standard Operating Procedures (SOP) were last reviewed and approved on January 31, 2018. This submitted document also satisfied the Operational & Maintenance Manual (O&M Manual) requirement. The Technical, Compliance, and Enforcement (TCE) branch of the Bureau of Water Pollution Control (the Division) requires BMPs, SOPs, and O&M Manual to be updated every ten (10) years, with updated documents being due on December 31, 2027.

Pursuant to Title 40 CFR section 451.3(a)(1),(2), and (3), reporting is not required for an investigational new animal drug (INAD) or extra-label drug used of a drug previously approved by FDA for a different aquatic animal species or diseases if the INAD or extra-label use is at or below the approved dosage and involves similar conditions of use. The Permittee shall notify the Division of any anticipated use of a drug that will not qualify for nonreporting in accordance with this provision. Following Permittee notification to the Division, the Permittee shall, for the drug or constituent of concern, meet the concentration limit and the sampling and reporting frequency set by the Division. The Permittee shall apply for permit modification if necessary.

Outfall Summary

Outfall 100 – This external outfall is the concrete lined ditch on the east side of the south parcel. It discharges into the northeast (NE) corner of the oxbow, and west of the USFWS' alluvial fan collection ditch

weir discharge to the oxbow.

Outfall 101 – This external outfall is the consolidated effluent discharge from the hatchery at the south parcel's oxbow NW corner.

Effluent Characterization

Nevada State Network Discharge Monitoring Report (NetDMR) data, as reported from January 2021 through December 2025, was reviewed as part of this permit renewal process. The following averages were calculated from the numbers reported during the specified period:

Abbreviations:

mg/L = Milligrams per Liter

Mgal/d = Million Gallons per Day

°C = degrees Celsius

BOD₅ = Biochemical Oxygen Demand, 5-Day

DO = Dissolved Oxygen

S.U. = Standard Unit

TDS = Total Dissolved Solids

TSS = Total Suspended Solids

Outfall 100 (Collection Ditch Weir)

- pH, maximum: 8.33 S.U.
- pH, minimum: 8.26 S.U.
- Water temperature: 10.0 °C
- DO: 9.40 mg/L
- Nitrogen, total: 0.50 mg/L
- Phosphorus, total: 0.040 mg/L
(10 of 20 samples are non detect)
- TDS: 147 mg/L
- TSS: < 10 mg/L
- BOD₅: < 2.00 mg/L

Outfall 101 (Hatchery Discharge)

- Flow rate: 3.78 Mgal/d
- pH, maximum: 8.17 S.U.
- pH, minimum: 8.08 S.U.
- Water temperature: 10.8 °C
- DO: 7.52 mg/L
- Nitrogen, total: 0.68 mg/L
(15 of 20 samples are non detect)
- Phosphorus, total: 0.039 mg/L
(9 of 20 samples are non detect)
- TDS: 155 mg/L
- TSS: < 10 mg/L
- BOD₅: < 2.00 mg/L

The previous permit required daily maximum concentration of total ammonia (as N) to be reported as a calculated ratio. Under Nevada Administrative Code (NAC) 445A.118, the ratio of total ammonia (as N) concentration shall be less than 1.0 for Chronic water quality criteria for waters where freshwater fish in early life stages may be present. The average of ratios calculated for Outfall 101 is 0.21 during the reviewed period.

Pollutants of Concern

Pollutants of concern are any pollutant, or parameters, that are believed to be present in the discharge and could affect or alter the physical, chemical, or biological conditions of the receiving water. Pollutants of concern are total ammonia (as N), total nitrogen, DO, pH, total phosphorus, TDS, and temperature.

Receiving Water

The receiving water is the Ruby Marsh, which is a part of the RLNWR, at the south parcel's oxbow (NW corner, south of the hatchery).

Applicable Water Quality Standards/Beneficial Uses

The Water Quality Standards (WQSs) for the nearest downstream control point, "Central Region: Ruby Marsh" (NAC 445A.2018) apply. WQSs for Ruby Marsh include beneficial uses for watering of livestock, irrigation, aquatic life, recreation involving contact with the water, recreation not involving contact with the water, municipal or domestic supply, industrial supply, and propagation of wildlife. Additional WQSs applicable to this section of the Ruby Marsh include total ammonia (NAC 445A.118). Furthermore, water quality narrative standards applicable to all surface waters (NAC 445A.121) and beneficial uses (NAC 445A.122) apply.

303 (d) Listing Status

Ruby Marsh is included in the 2024 303(d) List of Impaired Waters. According to Nevada's 2024 Water Quality Integrated Report, this entire area is classified as Category 5, indicating that at least one beneficial use is not supported (impaired) and Total Maximum Daily Loads (TMDLs) are needed. The following beneficial uses for Ruby Marsh are impaired:

- The Aquatic Life beneficial use is impaired by temperature.
- The Fish Consumption beneficial use is impaired by mercury in fish tissue.

TMDL

There are no EPA-approved TMDL for Ruby Marsh.

Waste Load Allocation

There are no applicable waste load allocations (WLA) applicable to this segment of Ruby Marsh.

Compliance History

Gallagher was in compliance during the period reviewed (January 2021 through December 2025).

Proposed Effluent Limitations

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

Discharge Limitations Table for Influent Sample Location 100 (Collection Ditch Weir) To Be Reported Monthly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Oxygen, dissolved (DO)	Daily Minimum		M&R Milligrams per Liter (mg/L)	Intake from Stream	100	Monthly	DISCRT
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Intake from Stream	100	Monthly	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Intake from Stream	100	Monthly	DISCRT
Temperature, water deg. centigrade	Daily Maximum		M&R Degrees Centigrade (deg C)	Intake from Stream	100	Monthly	DISCRT

Discharge Limitations Table for Influent Sample Location 100 (Collection Ditch Weir) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
BOD, 5-day, 20 deg. C	Daily Maximum		M&R Milligrams per Liter (mg/L)	Intake from Stream	100	Quarterly	DISCRT
Nitrogen, ammonia total (as N)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Intake from Stream	100	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Intake from Stream	100	Quarterly	DISCRT
Phosphorus, total (as P)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Intake from Stream	100	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Intake from Stream	100	Quarterly	DISCRT
Solids, total suspended	Daily Maximum		M&R Milligrams per Liter (mg/L)	Intake from Stream	100	Quarterly	DISCRT

CAAP Discharge Limitations Table for Effluent Sample Location 101 (Consolidated Hatchery Discharge) To Be Reported Monthly^{[1][2]}

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Nitrogen, ammonia total (as N) ^[3]	Daily Maximum		<= 0.885 Milligrams per Liter (mg/L)	Effluent Gross	101	Monthly	DISCRT
Oxygen, dissolved (DO)	Daily Minimum		>= 6.0 Milligrams per Liter (mg/L)	Effluent Gross	101	Monthly	DISCRT
pH, maximum	Daily Maximum		<= 9.0 Standard Units (SU)	Effluent Gross	101	Monthly	DISCRT
pH, minimum	Daily Minimum		>= 6.5 Standard Units (SU)	Effluent Gross	101	Monthly	DISCRT
Temperature, water deg. centigrade	Daily Maximum		<= 20 Degrees Centigrade (deg C)	Effluent Gross	101	Monthly	DISCRT
Flow rate	30 Day Average	<= 6.05 Million Gallons per Day (Mgal/d)		Effluent Gross	101	Monthly	DISCRT
Flow rate	Daily Maximum	<= 6.05 Million Gallons per Day (Mgal/d)		Effluent Gross	101	Monthly	DISCRT

Notes (CAAP Discharge Limitations Table):

1. Sample point shall be no more than 2 feet away from the consolidated hatchery discharge pipe. Refer to Special Conditions/Approvals table Item #4 for an alternative sampling point to be used under extraordinarily low inflow conditions.
2. The field measurements of pH and temperature shall be taken at the same time and location as the water sample destined for the laboratory analysis of ammonia.
3. For cold-water fisheries, the concentration of total ammonia must not exceed the applicable acute criterion more than once every 3 years on average, per NAC 445A.118.

CAAP Discharge Limitations Table for Effluent Sample Location 101 (Consolidated Hatchery Discharge) To Be Reported Quarterly^[1]

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
BOD, 5-day	Daily Maximum		<= 5.0 Milligrams per Liter (mg/L)	Effluent Gross	101	Quarterly	DISCRT
Nitrogen, ammonia total (as N) ^[2]	30 Day Average		<= 0.320 Milligrams per Liter (mg/L)	Effluent Gross	101	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	101	Quarterly	DISCRT
Phosphorus, total (as P)	Daily Maximum		<= 0.1 Milligrams per Liter (mg/L)	Effluent Gross	101	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		<= 500 Milligrams per Liter (mg/L)	Effluent Gross	101	Quarterly	DISCRT
Solids, total suspended	Daily Maximum		<= 15 Milligrams per Liter (mg/L)	Effluent Gross	101	Quarterly	DISCRT

Notes (CAAP Discharge Limitations Table):

1. Sample point shall be no more than 2 feet away from the consolidated hatchery discharge pipe. Refer to Special Conditions/Approvals table Item #4 for an alternative sampling point to be used under extraordinarily low inflow conditions.
2. The concentration of total ammonia must not exceed the applicable chronic criterion more than once every 3 years on average, per NAC 445A.118.

Summary of Changes From Previous Permit

The following changes were done to be consistent with similar permitted facilities.

Outfall 100 (Collection Ditch Weir), To Be Reported Monthly:

- Revised: Monitoring requirement for all parameters from an "Intake" to an "Intake from Stream" Monitoring Location.
- Removed: *Temperature, water deg. centigrade*, with a "30-Day Average" Base, and an "M&R Degrees Centigrade (deg C)" concentration limit.
- Removed: *Oxygen, dissolved (DO)*, with a "30-Day Average" Base, and an "M&R Milligrams per Liter (mg/L)" concentration limit.
- Removed: *pH, maximum*, with a "Maximum Monthly Average" Base, and an "M&R Standard Unit (SU)" concentration limit.
- Removed: *pH, minimum*, with a "Monthly Average Minimum" Base, and an "M&R Standard Unit (SU)" concentration limit.

Outfall 100 (Collection Ditch Weir), To Be Reported Quarterly:

- Revised: Monitoring requirement for all parameters from an "Intake" to an "Intake from Stream" Monitoring Location.
- Removed: *BOD, 5-day, 20 deg. C*, with a "Quarterly Average" Base, and an "M&R Milligrams per Liter (mg/L)" concentration limit.
- Removed: *Nitrogen, total*, with a "Quarterly Average" Base, and an "M&R Milligrams per Liter (mg/L)" concentration limit.
- Removed: *Phosphorus, total (as P)*, with a "Quarterly Average" Base, and an "M&R Milligrams per Liter (mg/L)" concentration limit.
- Removed: *Solids, total dissolved*, with a "Quarterly Average" Base, and an "M&R Milligrams per Liter (mg/L)" concentration limit.
- Removed: *Solids, total suspended*, with a "Quarterly Average" Base, and an "M&R Milligrams per Liter (mg/L)" concentration limit.

Outfall 101 (Hatchery Discharge), To Be Reported Monthly:

- Revised: *Nitrogen, ammonia total (as N)*, from a " ≤ 1.0 Ratio (Ratio)" to a " ≤ 0.885 Milligrams per Liter (mg/L)" concentration limit.
- Removed: *pH*, with a "30 Day Average" Base, and an "M&R Standard Unit (SU)" concentration limit.
- Removed: *Oxygen, dissolved (DO)*, with a "Monthly Average Minimum" Base, and a " ≥ 6.0 Milligrams per Liter (mg/L)" concentration limit.
- Removed: Footnote 4 - For cold-water fisheries, the concentration of Total Ammonia must not exceed the applicable acute criterion more than once every 3 years on average, per NAC 445A.118.
- Revised: Footnotes 1 and 3
 1. Sample point shall be no more than 2 feet from the consolidated hatchery discharge pipe. Refer to Special Conditions / Approvals Table Item 4 for an alternative sampling point to be used under extraordinarily low inflow conditions.
 3. For cold-water fisheries, the concentration of total ammonia must not exceed the applicable acute criterion more than once every 3 years on average, per NAC 445A.118.

Outfall 101 (Hatchery Discharge), To Be Reported Quarterly:

- Revised: *Nitrogen, ammonia total (as N)*, from a "Maximum 30 Day Average" to a "30 Day Average" base, and from a " ≤ 1.0 Ratio (Ratio)" to a " ≤ 0.320 Milligrams per Liter (mg/L)" concentration limit.
- Removed: *Nitrogen, total*, with a "Quarterly Average" Base, and an "M&R Milligrams per Liter (mg/L)" concentration limit.
- Removed: *BOD, 5-day, 20 deg. C*, with a "Quarterly Average" Base, and a " ≤ 4.0 Milligrams per Liter (mg/L)" concentration limit.
- Removed: *Solids, total suspended*, with a "Quarterly Average" Base, and a " ≤ 10 Milligrams per Liter (mg/L)" concentration limit.
- Removed: Footnote 3, 4, and 5.
- Revised: Footnote 1 and 2
 1. Sample point shall be no more than 2 feet from the consolidated hatchery discharge pipe. Refer to Special Conditions / Approvals Table Item 4 for an alternative sampling point to be used under extraordinarily low inflow conditions.
 2. The concentration of total ammonia must not exceed the applicable chronic criterion more than once every 3 years on average, per NAC 445A.118.

Technology Based Effluent Limitations

Permittee is subject to comply with the effluent limitations attainable by the application of the best practicable control technology (BPT) currently available pursuant to 40 CFR section 451.11 (a) through (e). This compliance shall be implemented via the Schedule of Compliance Item 1 and 6 of the Special Approvals/Conditions Table to maintain a current and approved BMP, record keeping practices, and timely reporting of all significant changes to the approved version of the O&M Manual.

Water Quality Based Effluent Limitations

The following water quality based effluent limit (WQBEL) requirements, based on NAC 445A.2018, are included in the permit to ensure that the discharge does not cause or contribute to excursions above WQSs. In addition, the permit requires monitoring and reporting of constituents that are subject of WQSs and may be present in the discharge. Historical data showed that fish do not contribute to *Escherichia coli* (*E. coli*) and Fecal Coliform concentrations in the waste stream; therefore, sampling of these constituents are not required.

The hatchery does not add any thermal energy to the flow stream throughout the operations by design. Gallagher lies in close proximity to the artesian spring sources and do not utilize the diverted water in a manner that will alter or disrupt the source water's temperature appreciably from the changes anticipated to occur if the facilities were absent. The effluent also passes through an oxbow prior to reaching the receiving water body. As such there is no potential for temperature changes other than from the prevailing natural weather conditions. Hence the current practice of not requiring to report the change in temperature shall continue unchanged.

Due to the nature of water use and no overwhelming evidence that the hatchery has contributed to existing water quality issues, the Division is not requiring Gallagher to test for toxic materials list specified in NAC 445A.1236.

The permit maintains a daily maximum of 9.0 S.U. limit for pH and a daily minimum of 6.5 S.U., as prescribed under NAC 445A.2018, to protect the aquatic life beneficial use, with a monthly reporting requirement.

The permit maintains a daily maximum of 20 °C limit for temperature, as prescribed under NAC 445A.2018, to protect the aquatic life beneficial use, with a monthly reporting requirement.

The permit maintains a daily minimum of 6.0 mg/L limit for DO, as prescribed under NAC 445A.2018, to protect the aquatic life beneficial use, with a monthly reporting requirement.

The permit maintains a daily maximum of 0.10 mg/L limit for total phosphorus, as prescribed under NAC 445A.2018, to protect the aquatic life beneficial use, with a quarterly reporting requirement.

The permit maintains a daily maximum of 500 mg/L limit for TDS, as prescribed under NAC 445A.2018, to protect the municipal or domestic supply beneficial use, with a quarterly reporting requirement.

Reasonable Potential Analysis (RPA)

Section 301(b)(1)(c) of the CWA requires effluent limitations necessary to meet WQSs, and Title 40 of the CFR section 122.44(d) requires permits to include conditions that are necessary to achieve WQSs established under section 303 of the CWA, including state narrative criteria for water quality. Federal regulations at 40 CFR 122.44(d)(1)(i) state, "Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality." The process to determine whether a Water Quality Based Effluent Limit (WQBEL) is required as described in 40 CFR 122.44(d)(1)(i) is referred to as a reasonable potential analysis, or RPA. Furthermore, NAC 445A.243 requires the Division to consider the establishment of effluent limitations necessary to meet WQSs.

For conducting the RPA, the Division used a mass-balanced approach to determine the expected critical downstream receiving water concentration using statistics recommended in the United States Environmental Protection Agency's Technical Support Document (TSD) for Water Quality-Based Toxic Control for statistically calculating the projected maximum effluent concentration (i.e., Table 31 of the TSD using the 99 percent probability basis and 99 percent confidence interval). For purposes of the RPA, the critical receiving water flow was assumed to be zero (i.e., no dilution); therefore, the critical effluent pollutant concentrations were compared with the most restrictive water quality criteria under NAC 445A.1236 and

NAC 445A.2018 to determine if the discharge has reasonable potential to cause, or contribute to, an excursion above a State WQS.

The RPA was based on data collected from January 2021 to December 2025 which includes effluent data submitted in DMRs and the Permittee's monitoring laboratory reports. Based on the RPA, the discharge exhibits reasonable potential to cause, or contribute to, instream excursion above the applicable water quality criteria for total ammonia (as N) and total phosphorus. Total ammonia shall continue to be required for a monthly reporting (acute water quality criterion to protect aquatic life), and a quarterly reporting for both parameters (total ammonia - chronic water quality criterion to protect aquatic life; total phosphorus - water quality criterion to protect aquatic life and recreation involving contact with the water). See the summary of RPA attached.

Proposed Water Quality Based Effluent Limits (monthly/weekly/daily)

The proposed permit establishes a daily maximum of 0.885 Milligrams per Liter (mg/L) limit for total ammonia (as N), as prescribed under NAC 445A.118, for acute water quality criteria to protect the aquatic life beneficial use, with a monthly reporting requirement. The ammonia limits were based on the WQS for pH's maximum value (9.0 S.U.) and the receiving water body being classified as a cold-water fishery.

The proposed permit establishes a 30-day average of 0.320 Milligrams per Liter (mg/L) limit for total ammonia (as N), as prescribed under NAC 445A.118, for chronic water quality criteria for waters where freshwater fish in early life stages may be present, to protect the aquatic life beneficial use, with a quarterly reporting requirement. The ammonia limit was based on the 30-day paired running average receiving water pH and temperature reported during the past five years from Outfall 100.

Basis for Effluent Limitations

BOD₅, TSS, and total nitrogen are continued from the prior permit cycles as these three parameters continue to serve as indicators for overall facility operational efficiency and also keeps the permit as strict as it was through the prior permit cycles.

The requirement to sample BOD₅ is maintained based on it being a critical water quality parameter, in a freshwater flow-through hatchery, that measures the oxygen consumed by microorganisms to decompose organic matter (uneaten food, fish waste, etc.) over 5 days. In flow-through systems, managing BOD₅ is essential because high levels indicate excessive pollution, which consumes DO. Low concentrations of DO can threaten aquatic life and cause stress or death, particularly when levels drop below 5.0 mg/L. In order to maintain high level of DO, the permit maintains a daily maximum of 5.0 mg/L BOD₅ limit with a quarterly reporting requirement as previously established in the previous NPDES permit for Gallagher.

The requirement to sample TSS, in a freshwater flow-through fish rearing system, is used to measure the concentration of non-soluble, particulate matter (i.e., silt, clay, organic matter, algae, etc.) in mg/L, indicating water clarity and quality. The permit maintains a daily maximum of 15 mg/L to be reported quarterly as established in the previous NPDES permit for Gallagher.

The requirement to sample total nitrogen is maintained from previous permit to protect surface water from nitrate contamination.

Anti-backsliding

Sections 402(o) and 303(d)(4) of the CWA and the federal regulations of 40 CFR 122.44(l) prohibit backsliding and require effluent limitations in a reissued permit to be as stringent as those in the previous permit.

CWA section 402(o)(2) outlines specific exceptions to the general prohibition against revising an existing Technology Based Effluent Limitations (TBEL) that was developed on a case-by-case basis using BPJ to reflect subsequently promulgated, less stringent effluent guidelines in a renewed, reissued, or modified permit. CWA section 402(o)(2) provides that relaxed limitations may be allowed where: New information

(other than revised regulations, guidance, or test methods) is available that was not available at the time of permit issuance and that would have justified a less stringent effluent limitation. If the effluent limitation was based on water quality standards, any changes must result in a decrease in pollutants discharged.

Pursuant to 40 CFR 122.45(d)(1), for continuous discharges all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, shall unless impracticable be stated as: (1) Maximum daily and average monthly discharge limitations for all dischargers other than publicly owned treatment works.

For Outfall 100, since monitoring is only required once per month for DO, pH, and temperature, the "30 Day Average" is simply the value of that single sample, as there are no other data points to average, which is also being reported as the "Daily Maximum", making it redundant in nature. Similarly, monitoring requirement of once per quarter for total nitrogen, total phosphorus, TDS, TSS, and BOD₅ with "Quarterly Average" base is simply the value of that single sample, thus showing the same reported value for "Daily Maximum" and redundant in nature.

For Outfall 101, since monitoring is only required once per month for DO, and pH, the "30 Day Average" or "Monthly Average Minimum" is simply the value of that single sample, as there are no other data points to average, which is also being reported as the "Daily Maximum", making it redundant in nature. Similarly, monitoring requirement of once per quarter for total nitrogen with "Quarterly Average" base is simply the value of that single sample, thus showing the same reported value for "Daily Maximum" and redundant in nature.

Antidegradation

The Division has developed an antidegradation regulation that is applied on a statewide basis, and which meets the statutory requirements of Nevada's water pollution control law found at Nevada Revised Statute (NRS) 445A.520 and NRS 565 and is consistent with the federal antidegradation policy found at Title 40 in the CFR section 131.12. The objective of the Division's antidegradation regulation is to prevent degradation of Nevada's surface water and maintain the unique attributes and special characteristics and water quality associated with high-quality surface waters. This objective is achieved through the implementation of procedures to ensure that water is protected from regulated activities that have the potential to degrade the water quality.

The regulation uses four (4) tiers of antidegradation protection. Tier 1 protects water quality for beneficial uses of the water on a parameter-by-parameter basis. Tier 2 protects high-quality waters where data show the water quality is better than levels needed to protect beneficial uses (on a parameter-by-parameter basis). Tier 2.5 and Tier 3 protect water quality and the special characteristics of waterbodies designated with the beneficial uses of "extraordinary, ecological, aesthetic or recreational value" (NAC 445A.122). The Division will conduct an antidegradation review only when a permit application is submitted for a new or expanding point source discharge to a surface water or for a new or altered zone of mixing.

Since the proposed renewal of this permit does not include a new, or expanding, point source discharge; or, a new or altered zone or mixing, an antidegradation review is not required.

Special Conditions

See the Special Approvals/Conditions applicable to this permit:

SA – Special Approvals / Conditions Table

Item #	Description			
	Parameter	Discharge Limits	Measurement Frequency	Location Sample Type
	Drugs ¹	M&R ²	Report per 40 CFR 451.3(a)(1),(2), and (3).	

Item #	Description															
1	1. Reporting is not required for an investigational new animal drug (INAD) or extra-label drug use of a drug previously approved by FDA for a different aquatic animal species or diseases if the INAD or extra-label use is at or below the approved dosage and involves similar conditions of use. The Permittee shall notify the Division of any anticipated use of a drug that will not qualify for non-reporting in accordance with this provision. Following permittee notification to the Division, the Permittee shall, for the drug or constituent of concern, meet the concentration limit and the sampling and reporting frequency set by the Division. The Permittee shall apply for permit modification if necessary. 2. 30-day average and Daily Max.															
2	<table><tr><th>Parameter</th><th>Discharge Limits</th><th>Measurement Frequency</th><th>Location</th><th>Sample Type</th></tr><tr><td>Failure or Damage to the Structure of Aquatic Animal Contamination System</td><td>M&R¹</td><td>Perform Permit Part II requirements; and Report per 40 CFR 451.3(b) (1) through (3).</td><td></td><td></td></tr><tr><td colspan="5">1. 30-day average and Daily max</td></tr></table>	Parameter	Discharge Limits	Measurement Frequency	Location	Sample Type	Failure or Damage to the Structure of Aquatic Animal Contamination System	M&R ¹	Perform Permit Part II requirements; and Report per 40 CFR 451.3(b) (1) through (3).			1. 30-day average and Daily max				
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Spills	M&R	Perform Permit Part II requirements; and Report per 40 CFR 451.3(c).														
4	At times such that total spring source inflow significantly subsides in response to natural conditions and forces the required daily cleansing flow to become a substantively larger portion of the combined discharge of cleansing and pass through flows, the permittee may meet the compliance limit at south parcel's oxbow outlet channel to Ruby Marsh. Permittee shall provide explanation when utilizing this provision.															
5	A statistically significant number of samples must be collected to develop the 95th percentile value that characterizes the background natural conditions of receiving waters for a parameter/location combination. Monitoring and reporting by the Permittee for specified parameters is required relative to the receiving waters and facility discharge. Until a sufficient number of representative factors of the combination have been encountered for inclusion in developing the 95th percentile value, the data collection time period at a particular site is indeterminate. In many instances, establishing discharge limits for a given parameter/location that are dependent on receiving waters characterization, may be resource intensive to the permittee. During the period this permit is in force, the Permittee may work with NDEP to establish limits and controls by modification of the permit. Pursuant to 40 CFR 122.62, modification is allowed by using available receiving waters characterization results and reviewing, if possible, other appropriate criteria guidelines so long as any resulting limitations established by a modification will be protective of the beneficial uses of the receiving water at the given location.															
6	Permittee shall submit for approval all proposed changes to the best practicable control technology (BPT), if significantly different from the then approved version of Operation and Maintenance Manual (O&M Manual) of the facility, as and when such a need arises. All the modifications shall be reviewed pursuant to the requirements set forth in 40 CFR 451.11 (a) through (e).															

Discharges From Future Outfalls/ Planned Facility Changes

There are no planned discharges from future outfalls or facility changes.

Corrective Action Sites

There are no Bureau of Corrective Actions (BCA) remediation sites located within a one mile radius of this permitted surface water source or surrounding community falling within the boundary of Gallagher.

Wellhead Protection Program

The closest Public Water Supply (PWS) well is located approximately 3,050 feet to the south of the outfall. The outfall is not located within a Wellhead Protection Area, which represents an approximate 10-year capture zone of a well, or within a Drinking Water protection Area, which is defined by a 3,000-foot radius around a PWS well. The well is at minimal risk based on the distance and protection areas.

DRAFT

Schedule of Compliance:

SOC – Schedule of Compliance Table

Item #	Description	Due Date
1	Submit an updated versions of the facility's Best Management Practices (BMP) plan and Operations and Maintenance (O&M) Manual for review and approval. The BMP plan must describe how the Permittee will achieve the requirements of Section B.CA of this permit as well as include the description of how the facility will function to meet 40 CFR 451.3(d) 1-3 requirements. The O&M Manual must also include the following: • Sludge Management Practice Plans; and • Site Plan of the hatchery showing flow details, including but not limited to, the general flow paths (piping) for routing of pass-through source water and discharge flows.	12/31/2027

Deliverable Schedule:

DLV– Deliverable Schedule for Reports, Plans, and Other Submittals

Item #	Description	Interval	First Scheduled Due Date
1	Quarterly DMRs	Quarterly	1/28/2027

Procedures for Public Comment:

The Notice of the Division's intent to issue a permit authorizing the facility to discharge to groundwater of the State of Nevada subject to the conditions contained within the permit, is being mailed to interested persons on our mailing list and will be posted on our website at <https://ndep.nv.gov/posts>. Anyone wishing to comment on the proposed permit can do so in writing until 5:00 P.M. **11/23/2026**, a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator of EPA Region IX or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determined to be appropriate. All public hearings must be conducted in accordance with NAC 445A.238.

The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NRS 445A.605.

Proposed Determination:

The Division has made the tentative determination to issue/re-issue the proposed 5-year permit.

Prepared by: **Florida Nasategay**

Date: **10/19/2026**

Title: **Staff I, Associate Engineer**

Summary of Reasonable Potential Analysis

Parameter	Units	No. of Effluent Samples	Critical Effluent Concentration	Most Stringent Criterion	Criterion Basis	Does RP Exist?
Ammonia, Total (as N)	mg/L	58	1.13	0.320	Chronic Aquatic Life	Yes
Nitrogen, Total (as N)	mg/L	18	0.85	No Criteria		No
Phosphorus, Total (as P)	mg/L	18	0.35	0.10	WQC to Protect Beneficial Uses	Yes
Total Dissolved Solids	mg/L	19	203	500	WQC to Protect Beneficial Uses	No
Total Suspended Solids	mg/L	19	10.0	No Criteria		No



Figure 1: Gallagher Fish Hatchery Site Layout

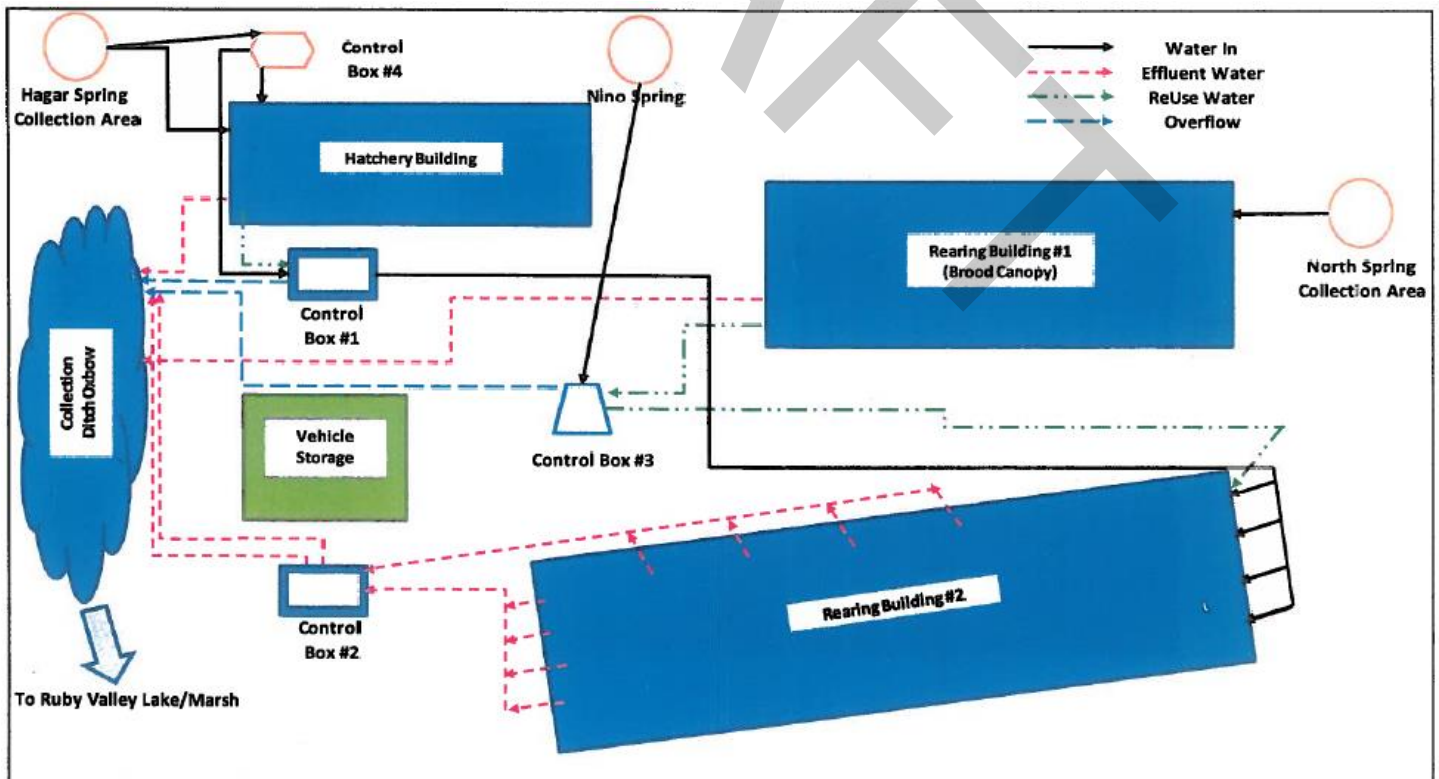


Figure 2: Site Layout