

PROPOSED DRAFT

Permit Type: Groundwater Discharge

Permit No. NS0099000

Nevada Division of Environmental Protection

AUTHORIZATION TO DISCHARGE

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

**DESERT HILLS DAIRY
350 CAMPBELL LN.
YERINGTON, NV - 89447**

is authorized to discharge from a facility located at:

**DESERT HILLS DAIRY
350 CAMPBELL LANE, YERINGTON, NV - 89447
LATITUDE: 39.099240, LONGITUDE: -119.249170
TOWNSHIP: 14 N, RANGE: 24 E, SECTION: 1**

to receiving waters named:

GROUNDWATER OF THE STATE OF NEVADA VIA PERCOLATION

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Sections A, B, and C hereof.

This permit shall become effective on November 01, 2022.

This major modification shall become effective on December 01, 2024.

This permit and the authorization to discharge shall expire at midnight, October 31, 2027.

Signed this 1st day of December 2024.

Bonnie Hartley
Staff II, Associate Engineer
Bureau of Water Pollution Control

SECTION A

A.1. INTRODUCTION

A.1.1. The Permittee, Desert Hills Dairy, has applied for the renewal of groundwater discharge permit NS0099000 for the Desert Hills Dairy facility located at 350 Campbell Lane in Yerington, Lyon County, Nevada. The permit allows the Permittee to discharge manure and production area runoff in the event of a 25-year, 24-hour, or larger, storm event.

MAJOR MODIFICATION (Effective December 2024):

The Permittee is proposing two (2) modifications to the facility. The first modification is the construction of an in-ground, covered anaerobic (digester) lagoon (CAL), which will serve as the third digestion unit following the two existing above ground tanks. The second modification is an expansion of the facility to include the construction of five (5) freestalls and one (1) milk parlor. The expansion will increase the maximum capacity to 16,500 head of cows.

A.2. EFFLUENT LIMITATIONS

A.2.1. There shall be no discharge from the facility property except as authorized by this permit.

A.2.2. There shall be no discharge of substances that would cause or contribute to an exceedance of water quality standards.

A.2.3. During the period beginning on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized to:

discharge manure and process water to land application areas in accordance with the Division approved Comprehensive Nutrient Management Plan and discharge manure, process water, and production area runoff in response to storm events or chronic rainfall events that exceed the 25-year, 24-hour storm design, provided that the production area is operated in accordance with parts B.CO.3, B.CO.28, and B.CO.29 of this permit.

Samples and measurements taken in compliance with the monitoring requirements specified below shall be taken at:

Sample Location	Location Type	Location Name
001	Internal Outfall	DAIRY TOTALS
002	Internal Outfall	DAIRY LAGOON MONITORING
003	Monitoring Well	MONITORING WELL #1
004	Monitoring Well	MONITORING WELL #2
005	External Outfall	STORMWATER DISCHARGE
006	External Outfall	CORRAL/SEPARATOR MANURE TESTING AND TRANSFER
007	Internal Outfall	COVERED ANAEROBIC LAGOON

A.2.4. Water Quality Standards: There shall be no discharge of substances that would cause the groundwater quality to degrade below drinking water standards.

A.2.5. Visibility Parameters: There shall be no discharge of floating solids or visible foam in other

than trace amounts.

- A.2.6. Solid Waste Management:** All solid, toxic, or hazardous waste shall be properly handled and disposed of pursuant to applicable laws and regulations. Any sludge generated during this operation shall be characterized and disposed of in accordance with local, State, and Federal regulations.
- A.2.7. Presumption of Possession and Compliance:** Copies of this permit, any subsequent modifications, and the O&M Manual shall be maintained at the permitted facility at all times.
- A.2.8. Records Retention:** All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation, shall be retained for a minimum of five (5) years, or longer if required by the Administrator.
- A.2.9. Prerogative to Reopen:** There shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada as defined by the permit. The permit may be reopened, and additional limits imposed, if it is determined that the discharge is causing a violation of ambient water quality standards of the State of Nevada.
- A.2.10.** The discharge shall be limited and monitored by the Permittee as specified below. As applicable, exceptions to standard language in this permit are identified and authorized in the Special Approvals / Conditions table.

Groundwater Monitoring Wells Table for Sample Location 003 (Monitoring Well #1) To Be Reported Quarterly

Parameter	Discharge Limitations			Monitoring Requirements			
	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
pH	Value		M&R Standard Units (SU)	Groundwater	003	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		<= 10.0 Milligrams per Liter (mg/L)	Groundwater	003	Quarterly	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	003	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	003	Quarterly	DISCRT
Depth to water level ft below landsurface ^[1]	Daily Minimum	M&R Feet (ft)		Groundwater	003	Quarterly	INSTAN

Notes (Groundwater Monitoring Wells Table):

1. Depth to groundwater. Depth to water from top of casing is an acceptable measure.

Groundwater Monitoring Wells Table for Sample Location 004 (Monitoring Well #2) To Be Reported Quarterly

Parameter	Discharge Limitations			Monitoring Requirements			
	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
pH	Value		M&R Standard Units (SU)	Groundwater	004	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		<= 10.0 Milligrams per Liter (mg/L)	Groundwater	004	Quarterly	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	004	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	004	Quarterly	DISCRT
Depth to water level ft below landsurface ^[1]	Daily Minimum	M&R Feet (ft)		Groundwater	004	Quarterly	INSTAN

Notes (Groundwater Monitoring Wells Table):

1. Depth to groundwater. Depth to water from top of casing is an acceptable measure.

CAFO Discharge Limitations Table for Sample Location 001 (Dairy Totals) To Be Reported Monthly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Flow rate ^[1]	30 Day Average	M&R Million Gallons per Day (Mgal/d)		Internal Monitoring Point	001	Daily	METER
Animals, total estimated no. of	30 Day Average		M&R Number (#)	Internal Monitoring Point	001	Daily	CALCTD

Notes (CAFO Discharge Limitations Table):

1. Process water flow into lagoons.

CAFO Discharge Limitations Table for Sample Location 001 (Dairy Totals) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Manure, wet tons removed ^[1]	Daily Maximum		M&R Tons (ton)	Internal Monitoring Point	001	Quarterly	ESTIMA ^[2]
Manure, wet tons total ^[3]	Daily Maximum		M&R Tons (ton)	Internal Monitoring Point	001	Quarterly	ESTIMA

Notes (CAFO Discharge Limitations Table):

1. Sum of all manure transferred offsite or to other parties.
2. Estimate based on the number of truck loads.
3. Total of all site manure (main corrals and main collection point).

CAFO Discharge Limitations Table for Sample Location 005 (Stormwater Discharge) To Be Reported Annually^[1]

Parameter	Discharge Limitations			Monitoring Requirements			
	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Flow, total	Daily Maximum	M&R Million Gallons (Mgal)		Effluent Gross	005	Report ^[2]	ESTIMA
BOD, 5-day	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	005	Report ^[2]	DISCRT
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Effluent Gross	005	Report ^[2]	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Effluent Gross	005	Report ^[2]	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	005	Report ^[2]	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	005	Report ^[2]	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	005	Report ^[2]	DISCRT
Solids, total suspended	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	005	Report ^[2]	DISCRT
Coliform, fecal general	Daily Maximum		M&R Most Probable Number per 100ml T (MPN/100mL) ^[3]	Effluent Gross	005	Report ^[2]	DISCRT

Notes (CAFO Discharge Limitations Table):

1. See Part B, Section B.CO.19 for further instructions.
2. The Permittee shall report the date and time of each discharge and collect a sample, at the point where the discharge leaves the property of the facility, within 30 minutes of first knowledge of the stormwater discharge. If sampling is not possible within the first 30 minutes due to dangerous weather conditions, the Permittee shall collect a sample as soon as possible after suitable conditions occur. The reason for the delay in collecting the sample shall be documented.
3. CFU / 100 mL or MPN / 100 mL.

CAFO Discharge Limitations Table for Sample Location 006 (Manure Testing And Transfer) To Be Reported Semi Annually^[3]

Parameter	Discharge Limitations			Monitoring Requirements			
	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Nitrogen, total	Daily Maximum		M&R Milligrams per Kilogram (mg/kg)	Internal Monitoring Point	006	Semiannual	COMPOS
Coliform, fecal general	Daily Maximum		M&R Most Probable Number per 100ml T (MPN/100mL) ^[2]	Internal Monitoring Point	006	Semiannual	COMPOS
Phosphorus, total (as P)	Daily Maximum		M&R Milligrams per Kilogram (mg/kg)	Internal Monitoring Point	006	Semiannual	COMPOS
Manure, wet tons removed ^[1]	Semi-Annual Total		M&R Tons (ton)	Internal Monitoring Point	006	Semiannual	CALCTD

Notes (CAFO Discharge Limitations Table):

1. Total wet tons removed and transferred to a third party during the previous six months.
2. CFU / 100 mL or MPN / 100 mL.
3. For a representative result, a composite sample, made up of manure from each corral, as well as any manure storage areas, shall be analyzed once every six months.

Ponds / Rapid Infiltration Basins for Sample Location 002 (Dairy Lagoon) To Be Reported Annually^[2]

Parameter	Discharge Limitations			Monitoring Requirements			
	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
pH	Value		M&R Standard Units (SU)	Internal Monitoring Point	002	Annual	COMPOS
BOD, 5-day	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	002	Annual	COMPOS
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	002	Annual	COMPOS
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	002	Annual	COMPOS
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	002	Annual	COMPOS
Solids, total suspended	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	002	Annual	COMPOS
Phosphorus, total (as P)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	002	Annual	COMPOS
Coliform, fecal, colony forming units	Daily Maximum		M&R Most Probable Number per 100ml T (MPN/100mL) ^[1]	Internal Monitoring Point	002	Annual	COMPOS

Notes (Ponds / Rapid Infiltration Basins):

1. CFU / 100 mL or MPN / 100 mL.
2. For a representative result, a composite sample, made up of water from each lagoon, shall be collected for the water quality sample.

Ponds / Rapid Infiltration Basins for Sample Location 007 (Covered Anaerobic Lagoon) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Flow rate	Daily Maximum	M&R Million Gallons per Day (Mgal/d)		See Footnote ^[1]	007	Continuous	METER
Flow rate	30 Day Average	M&R Million Gallons per Day (Mgal/d)		See Footnote ^[2]	007	Continuous	METER

Notes (Ponds / Rapid Infiltration Basins):

1. The daily maximum flow rate shall be calculated by adding the flow, into the lagoon, from the south and west side each day.
2. The 30-day average flow rate shall be calculated by averaging the 30-day flow, into the lagoon, from the south and west side each month.

Crop Rotation Table

Crop In Year							
Field	Area (acres)	2022	2023	2024	2025	2026	2027
REFER TO THE CNMP AMENDED FEBRUARY 2022	589 ^[1]	VARIES	VARIES	VARIES	VARIES	VARIES	VARIES

Notes (Crop Rotation Table):

1. Approximate number of acres.

CAFO Nutrient Management Plan (NMP) Table

Field	Area (acres)	Crop	Design Yield (tons/acre)	Hazard Class	Liquid Applied (Million Gallons)	Nitrogen Applied (lbs/acre)	Irrigation Method	Other N Sources	Application Timing
REFER TO THE CNMP AMENDED FEBRUARY 2022	589 ^[1]	VARIABLES	0 ^[2]	P - HIGH	0 ^[2]	0 ^[2]	FLOOD	MANURE	SPRING/WINTER

Notes (CAFO Nutrient Management Plan (NMP) Table):

- 1. Approximate number of acres.
- 2. Zero (0) in this table indicates that parameter varies. For detailed information refer to the CNMP.

A.3. Schedule of Compliance: The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Nevada Division of Environmental Protection (Division), including in said implementation and compliance, any additions or modifications, which the Division may make in approving the schedule of compliance. All compliance deliverables shall be addressed to the attention of the Bureau of Water Pollution Control.

A.3.1. The Permittee shall achieve compliance with the effluent limitations upon issuance of the Permit.

SOC – Schedule of Compliance Table

Item #	Description	Due Date
1	The Permittee shall submit final design plans, wet stamped by a Nevada Professional Engineer, for lining of the lagoons at least 60 days prior to the start of construction or by November 1, 2023.	11/1/2023
2	The Permittee shall complete the construction, and begin use, of the lined lagoons.	11/1/2024

SA – Special Approvals / Conditions Table

Item #	Description
1	Part B section CO.4 does not apply as the facility is for the confinement of dairy cattle and not swine, poultry, or veal calf.
2	The three lagoons located onsite shall be constructed per NRCS code 521. NRCS codes 313, 317, and 359 referred to in Part B section CO.13 does not apply to these lagoons or any future lagoons or pond that may store stormwater or manure onsite.
3	The Annual CAFO Reporting Requirements, as stated in Part B section CO.39, shall be submitted via an attachment through the Nevada NetDMR system by January 28th each year.
4	The Desert Hills Dairy Comprehensive Nutrient Management Plan is based on the "narrative rate approach" and provides for changes to crop rotation with permit modification provided the crop and nutrient application parameters are identified in the CNMP.
5	Within 30 days following construction of the lined lagoons, the engineer-of-record shall furnish a Construction Quality Assurance (CQA) letter, or equivalent Certificate of Completion, to the Division.
6	Within 30 days following construction of the CAL, the engineer-of-record shall furnish a CQA letter, or equivalent Certificate of Completion, to the Division.

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

Item #	Description	Interval	First Scheduled Due Date
1	Quarterly Discharge Monitoring Reports	Quarterly	1/28/2023
2	Semi Annual Discharge Monitoring Reports	Semi Annually	1/28/2023
3	Annual Discharge Monitoring Reports	Annually	1/28/2023
4	Annual CAFO Report	Annually	1/28/2023

SECTION B

Site specific requirements, which prevail in the case of any inconsistency with the requirements in Section A, are on the following pages:

B.PB. Ponds and Basins:

B.PB.1. There shall be no objectionable odors emitted from the facility.

B.PB.2. The facility shall be fenced and posted.

B.PB.3. Facility Construction:

B.PB.3.1. All of the facility's industrial process and wastewater disposal systems shall be constructed in conformance with plans approved by the Division. All plans must be approved by the Division prior to the start of construction and must be stamped by a Professional Engineer licensed in the State of Nevada (NV P.E.). Change orders to the approved plans must be stamped by a NV P.E. and submitted to the Division for approval prior to implementation.

B.PB.3.2. Ponds shall be located and constructed so as to:

B.PB.3.2.1. Contain with no discharge the twenty five (25)-year/twenty four (24)-hour storm at said location; and

B.PB.3.2.2. Withstand with no discharge the one hundred (100)-year flood of said location.

B.PB.4. Pond Management:

B.PB.4.1. Inspections and maintenance, including the periodic removal of materials to restore capacity, shall be conducted in accordance with the accepted O&M Manual. Summaries of these activities shall be included in the quarterly reports.

B.PB.4.2. Damaged ponds or liners shall be repaired or the pond taken out of service. The Division shall be notified in writing within one week of discovery of a liner tear or hole, and a repair plan or abandonment plan shall be submitted within fourteen (14) days of discovery.

B.PB.4.3. The Permittee shall maintain a minimum freeboard of three (3) feet for ponds greater than one (1) acre. A freeboard of two (2) feet for ponds less than or equal to one (1) acre may be accepted as approved by the Division and as identified and authorized in the Special Approvals / Conditions table.

B.PB.4.4. Ponds shall have a staff gauge installed to indicate the water level depth. The water level in each pond shall be measured monthly and recorded in the operations logbook maintained at the site.

B.PB.5. When Present, Double Lined Leak Detection Systems:

B.PB.5.1. Leakage rates shall be reported in units of average gallons per day per acre, per pond.

B.PB.5.2. Upon written notification by the Division, any liquids accumulated in leak detection systems shall be sampled and analyzed in accordance with the requirements of Section A, as applicable. All leakage rates shall be reported with the Quarterly Report.

B.PB.5.3. The Leak Collection and Recovery System or LCRS (e.g., collection sump, pumps, collection media, etc.) shall be designed to remove the collected leakage at a rate equal to or greater than the maximum rate collected in the interstitial leak detection sump media and/or at a rate that prevents the overfilling of the LCRS sump.

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- B.PB.5.4.** The leak detection metering system must allow for accurate recording of the daily volume of leakage through the primary liner.
- B.PB.5.5.** The maximum allowable leakage rate for the primary liner is 500 gallons/acre-day. The action leakage rates through the primary liner shall be as follows (note: a more restrictive action leakage rate schedule may be required on a case-by-case basis):
- B.PB.5.6.** Leak-detection monitoring wells may be required to assess leakage impacts to the environment.
- B.PB.6. Closure:**
- B.PB.6.1.** Sixty (60) days prior to closing any permitted pond, the Permittee shall submit a closure plan and schedule to the Division for review and approval.
- B.PB.6.2.** Upon approval of the closure plan by the Division, the Permittee shall implement the plan.

B.MW. Monitoring Wells:

- B.MW.1.** Discrete groundwater samples shall be collected to confirm the effective protection of groundwater under the established discharge conditions of this permit.
- B.MW.2.** All wells shall be monitored in accordance with the parameters identified in the Groundwater Monitoring Well Table(s).
- B.MW.3.** Increasing concentrations of total nitrogen as nitrogen (-N) in groundwater samples invoke the following response requirements:
- B.MW.3.1.** If the total nitrogen-N concentration increases to 7.0 mg/L, an alternate method of process wastewater and/or manure storage must be prepared and submitted to the Division for review and approval;
- B.MW.3.2.** If the total nitrogen-N concentration increases to 9.0 mg/L, construction of the approved alternate process wastewater and/or manure storage facility shall begin; and
- B.MW.3.3.** If the total nitrogen-N concentration increases to 10.0 mg/L, discharge to groundwater shall cease unless authorized with written approval from the Division.
- B.MW.4.** To continue discharges under the terms of this permit, the Permittee may submit for review and approval an alternative approach, stamped by a Nevada Registered Professional Engineer, that ensures no further degradation of waters of the State.
- B.MW.5.** Groundwater monitoring and data rendering activities shall be conducted by, or under the supervision of, an Environmental Manager certified in the State of Nevada, or other qualified person approved by the Division
- B.MW.6.** Groundwater monitoring wells shall be conspicuously labeled, capped to prevent migration of surface contaminants to the groundwater, and locked to restrict access.
- B.MW.7. Well Abandonment:** Abandonment of any groundwater monitoring wells shall be conducted under the approval of, and in accordance with the requirements established by, the Division and the Division of Water Resources.

B.CO. Concentrated Animal Feeding Operations (CAFO)

- B.CO.1.** There shall be no discharge to surface Waters of the State of Nevada except as authorized by this permit.
- B.CO.2.** There shall be no discharge of manure, process water or other pollutants or nutrients from the production area to surface Waters of the State of Nevada, with the exception of pollutants in an overflow that may occur when a storm greater than a 25-year, 24-hour storm event or a chronic rainfall event causes an overflow from the pond or the production area provided that the production area is operated in accordance with B.CO.3, B.CO.29, and B.CO.30 of this permit.
- B.CO.3.** Facilities and their production area must be properly designed, constructed, operated, and maintained to contain manure, pollutants, direct precipitation, and the runoff from a 25-year, 24-hour storm event.
- B.CO.4.** New source performance standards (NSPS) for Swine, Poultry and Veal Calf CAFO operations must be designed so that there is no discharge of manure, litter, or process wastewater pollutants into waters of the U.S. from the production area.
- B.CO.5.** All clean water shall be diverted from the production area.
- B.CO.6.** Confined animals shall be prevented from coming in direct contact with surface Waters of the State.
- B.CO.7.** Chemicals and other contaminants handled on-site shall not be disposed of in any manure, litter, process water, or storm water storage or treatment systems unless specifically designed to treat such chemicals and other contaminants.
- B.CO.8. Nutrient Management Plan (NMP):** The facility shall be operated in accordance with a Division-approved NMP. The NMP shall be prepared in accordance with Natural Resource Conservation Service (NRCS) Conservation Practice Standard Code 590 Nutrient Management, June 2002 or more recent, and NRCS Conservation Practice Standard Code 633 Waste Utilization, October 2003 or more recent, and with all other requirements of this permit. The NMP shall be signed by the Permittee and shall contain provisions that address the following criteria:
- B.CO.8.1.** Ensure adequate storage and handling of manure and process wastewater including procedures to ensure proper operation and maintenance of the storage facilities;
- B.CO.8.2.** Identify site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices to control runoff to surface Waters of the State;
- B.CO.8.3.** Identify protocols for appropriate testing of manure, process wastewater, and soil;
- B.CO.8.4.** Establish protocols to land apply manure or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater; and
- B.CO.8.5.** Identify specific records that shall be maintained to document the implementation and management of the minimum elements described in the NMP and this part.
- B.CO.9. NMP Updates:** Whenever the facility makes a substantive change in how it manages the
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operation, including the location, method, timing, or frequency of land application, the Permittee shall amend the NMP and submit it for review and approval to NDEP. These changes may require a major modification of the permit.

B.CO.10. Changes to the proposed crop rotation may be done under minor or major modification of the permit depending on the nature of the proposed change.

B.CO.11. Nutrient Management:

B.CO.11.1. The Permittee shall apply manure and process wastewater at agronomic rates and shall follow sound agricultural irrigation practices and BMPs for the land application of manure and process wastewater.

B.CO.11.2. Tail water, if present, shall be collected in sumps and returned to the lined process wastewater pond.

B.CO.11.3. All nutrients shall be applied in a manner that is consistent with the Division-approved NMP.

B.CO.11.4. Changes in crop rotation and/or nutrient land application rates: Changes to the crop rotation and/or nutrient land application rates may be done under the following conditions:

B.CO.11.4.1. Crop rotation and/or nutrient land application rates may be adjusted in order to account for changes in operational conditions – including nutrient levels encountered during soil testing;

B.CO.11.4.2. Any adjustments to crop rotation and/or nutrient land application rates must be first revised in the facilities' NMP and O&M manual;

B.CO.11.4.3. All proposed crop rotation and/or nutrient land application rate changes shall be documented along with the test results demonstrating their applicability;

B.CO.11.4.4. A revised copy of the facilities' NMP and O&M manual must be provided to the division for approval at least 30 day prior to its implementation; and

B.CO.11.4.5. Adjustments to crop rotation and/or nutrient land application rates may be done as a permit "minor modification".

B.CO.12. Nevada Division of Water Resources (NDWR):

B.CO.12.1. All terms and conditions of this permit shall not supersede the requirements of the Nevada Division of Water Resources (NDWR) or any other state or federal agency.

B.CO.12.2. The Permittee shall contact the NDWR to determine if there are any water rights holders downstream from the site that may be impacted by the site.

B.CO.12.3. The Permittee shall contact NDWR to determine if any proposed or existing water impoundment structures will require permits pursuant to NAC Chapter 535 inclusive.

B.CO.13. Waste Storage Facility Design and Construction: All waste storage and treatment facilities shall be designed and constructed in accordance with NRCS Conservation Practice Standard Code 313, Waste Storage Facility, October 2003 or more recent;

NRCS Conservation Practice Standard Code 317, Composting Facility, October 2003 or more recent; and/or NRCS Conservation Practice Standard Code 359, Waste Treatment Lagoon, October 2003 or more recent, as appropriate. All waste storage and treatment facilities shall include a staff gage or other method of determining the available storage capacity of the impoundment. All structures shall be designed, constructed, operated, and maintained to contain all manure and process wastewater from the production area accumulated during the design storage period plus the direct precipitation and run-on resulting from the 25-year, 24-hour storm event.

- B.CO.14. Facility Specifications:** The waste collection, storage, and treatment facilities shall be constructed in conformance with plans approved by the Division. The plans must be approved by the Division prior to initiating construction activities. All changes to approved plans must be approved by the Division prior to implementation.
- B.CO.15. Heavy Use Area Protection:** The Permittee shall construct all new and renovated intensively used areas in accordance with NRCS Conservation Practice Standard Code 561, October 2003 or more recent.
- B.CO.16. Land Application Setback Requirements:** There shall be no application of manure or process wastewater within 100 feet of any down-gradient surface water of the State. A 35-foot vegetated buffer to any down-gradient water of the State where applications of manure or process wastewater are prohibited may be utilized as an alternative to the 100-foot setback requirement. The establishment and maintenance of the setback must be described in the NMP.
- B.CO.17. Dry Weather Discharges:** Dry weather discharges of manure and/or process wastewater to surface waters of the State are prohibited from production and land application areas.
- B.CO.18. Stormwater Management:** If an overflow occurs, Nevada Water Quality Standards shall not be exceeded. Any overflow that occurs in accordance with this section shall be reported to the Bureau of Water Pollution Control and shall be noted in the operating records for the facility.
- B.CO.19. Outfall Observance:** The Permittee shall visually monitor the outfall(s) every six hours during discharge by observing the receiving surface water at the point of discharge to determine if there is any visible effect to the receiving water from the discharge. Any unnatural turbidity, color, oil film, odor, floating solids, foams, settleable solids, suspended solids, deposits, etc. shall be reported concurrently with the quarterly discharge monitoring reports. Documentation of the outfall observances shall be maintained at the facility.
- B.CO.20. Agricultural Stormwater Exemption:** There shall be no discharge of manure or process wastewater as a result of the application of manure or process wastewater to land application areas under the control of the Permittee, except where the discharge is an agricultural stormwater discharge. Where manure and/or process wastewater have/has been applied in accordance with the Division approved NMP, a precipitation related discharge of manure and/or process wastewater from land under the control of the Permittee is considered to be an agricultural stormwater discharge.
- B.CO.21. Tile Drains:** Manure and/or process wastewater shall not be applied to agricultural fields containing tile drains or other type(s) of subsurface drainage, unless the recovery and handling of this water is described in the approved NMP.

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- B.CO.22. Manure Storage Requirements:** Manure shall be stored in a way that minimizes pollution to any waterway and to minimize dust and other particulate matter during storm event or high wind events. Manure Storage procedures must ensure proper operation and maintenance of the storage facility.
- B.CO.23. Manure, Compost, and Soil Sampling:** Manure, compost, and process wastewater shall be analyzed, in accordance with permit conditions, for nitrogen and phosphorus content. Soil shall be analyzed for nitrogen and phosphorus at the frequency specified in Section A. The results of these analyses shall be used in determining application rates for manure, compost, and process wastewater.
- B.CO.24. Manure and Compost Transfer Requirements:** If the manure, compost, or process wastewater is sold, given away, or otherwise transferred to another party, the Permittee shall comply with the following conditions:
- B.CO.24.1.** Maintain records showing the date and amount of manure, compost, and/or process wastewater that leaves the permitted facility;
- B.CO.24.2.** Record the name and address of the recipient;
- B.CO.24.3.** Provide the recipient(s) with representative information that includes the most recent analysis of the nutrient content of the manure, compost, and/or process wastewater; and
- B.CO.24.4.** Manure transfer records shall be retained on-site for a period of at least five years. The Permittee shall maintain the same records for any manure or process wastewater transferred to its facility for composting or land application. The Permittee shall only accept transferred manure and/or process wastewater from permitted concentrated animal feeding operations. All accepted nutrients shall be included in the facility's NMP prior to land application.
- B.CO.25. Animal Mortality Management Plan:** The Permittee shall implement the Division-approved Animal Mortality Management Plan (AMMP) to ensure proper disposal of dead animals and prevent the discharge of pollutants to Waters of the State. Animal carcasses shall not be disposed of in storage or treatment facilities unless the facility is designed specifically to treat the carcasses.
- B.CO.26. Facility Ownership:** Two or more animal feeding operations under common ownership or management shall be considered a single animal feeding operation if the facilities adjoin each other or if the facilities use a common area or system for disposal of wastes.
- B.CO.27. Inspections:** Inspection records shall be retained on-site for a period of at least five years, and be readily available to the Division or its representative upon request.
- B.CO.28. Inspection Frequency:** The Permittee shall conduct the following inspections and monitoring activities at the designated frequencies:
- B.CO.28.1. Daily:** The Permittee shall perform daily visual inspections of all water lines, including drinking water or cooling water lines, when present, for leakage or deterioration.
- B.CO.28.2. Weekly:** The Permittee shall inspect all stormwater diversion devices, run-on/runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure(s).
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- B.CO.28.3. Weekly:** The Permittee shall inspect all waste storage and treatment facilities to identify and abate breached containment conditions. The inspection will note the level in the liquid impoundments as indicated by staff gauge or other method of indicating the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event.
- B.CO.28.4. Monthly:** The Permittee shall inspect all equipment used for land application of manure or process wastewater for leaks.
- B.CO.28.5.** Any deficiencies identified as a result of these inspections shall be corrected as soon as possible.
- B.CO.29. Freeboard:** A minimum of two (2) feet of freeboard, as indicated by a staff gauge or other method of indicating the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event, shall be maintained in the ponds/impoundments at all times. Ponds/impoundments shall be cleaned as needed, and maintained on a regular basis to maintain storage capacity and freeboard requirements.
- B.CO.30. Construction Integrity:** Any and all liners shall remain free of leaks and defects.
- B.CO.31. Production Area Recordkeeping:** The Permittee shall maintain the following information on-site:
- B.CO.31.1.** Records documenting the inspections required by the Inspection and Monitoring requirements listed above;
- B.CO.31.2.** Records documenting any actions taken to correct deficiencies identified during the inspections and monitoring required by the Inspection and Monitoring requirements listed above; and
- B.CO.31.3.** Records of mortalities management and practices used by the Permittee to comply with the AMMP.
- B.CO.32. Land Application Area Recordkeeping:** The Permittee shall maintain the following information on-site:
- B.CO.32.1.** Weather conditions at the time of land application and for twenty-four (24) hours prior to and following application;
- B.CO.32.2.** Date(s) of manure application equipment inspection and calibration;
- B.CO.32.3.** The expected crop yields;
- B.CO.32.4.** The date(s) manure, litter or process wastewater is applied to each field;
- B.CO.32.5.** Test methods used to sample and analyze manure, litter, and process wastewater, and soil;
- B.CO.32.6.** Results from the manure, litter, and process wastewater, and soil sampling;
- B.CO.32.7.** Explanation of the basis for determining manure application rates, as provided in the technical standards established by the Division;
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- B.CO.32.8.** Total amount of nitrogen and phosphorus applied to each field, including documentation of calculations for the total amount applied;
- B.CO.32.9.** The method used to apply the manure, litter, or process wastewater.
- B.CO.33.** **Security:** Ponds and land application areas shall be fenced and posted with signs that clearly state the storage and application of process water and to avoid contact.
- B.CO.34.** **Waste Facility Cover:** If the Permittee constructs a cover for a waste treatment or storage facility, the cover shall be designed and constructed in accordance with NRCS Conservation Practice Standard Code 367, Waste Facility Cover , September 2003 or more recent.
- B.CO.35.** **Best Management Practices:** The Permittee shall implement Best Management Practices (BMPs) at the facility in any and all forms required or necessary to protect waters of the State.
- B.CO.36.** **Remediation Activities:** All groundwater and/or soil contamination issues shall be addressed in accordance with the requirements of the Division.
- B.CO.37.** **Closure Activities:** Lagoons, ponds, surface impoundments, and other manure or process wastewater storage facilities shall be maintained at all times until closed in accordance with the requirements of the Division. For all process components that are permanently closed the Permittee shall submit to the Division, for review and approval, a closure plan. All process components must be properly closed in accordance with an approved closure plan if the Permittee ceases operation.
- B.CO.38.** **Permit Cancellation:** To terminate permit coverage, a permit cancellation request, Facility Closure Plan, and Schedule shall be submitted to the Division in writing for review and approval. The Facility Closure Plan and Schedule shall address the following, at a minimum:
- B.CO.38.1.** Post-closure groundwater monitoring and remediation;
- B.CO.38.2.** Component stabilization (both chemical and physical);
- B.CO.38.3.** A Schedule specific to closure activities and facility abandonment procedures;
- B.CO.38.4.** A strategy for abatement of nutrients at the facility;
- B.CO.38.5.** **Final Closure Report:** The Final Closure Report shall be submitted for review and approval prior to Permit termination and shall contain the following, at a minimum:
- B.CO.38.5.1.** A Summary of all completed closure-related activities;
- B.CO.38.5.2.** A Summary of post-closure groundwater monitoring and remediation, as applicable; and
- B.CO.38.5.3.** Submittal of closure related as-builts.
- B.CO.39.** **Annual CAFO Reporting Requirements:** In addition to the Annual Report Requirements in Part A.3.1, the Permittee must also submit the following annual report requirements to the Division:
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- B.CO.39.1.** The number and type of animals, whether in open confinement or housed under roof;
- B.CO.39.2.** Estimated amount of total manure, litter, and process wastewater generated by the CAFO in the previous 12 months (tons/gallons);
- B.CO.39.3.** Estimated amount of total manure, litter, and process wastewater transferred to other persons by the CAFO in the previous 12 months (tons/gallons);
- B.CO.39.4.** Total number of acres for land application covered by the Division approved nutrient management plan;
- B.CO.39.5.** Total number of acres under control of the CAFO that were used for land application of manure, litter and process wastewater in the previous 12 months;
- B.CO.39.6.** Summary of all manure, litter and process wastewater discharges from the production areas that have occurred in the previous 12 months, including date, time and approximate volume;
- B.CO.39.7.** A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner; and
- B.CO.39.8.** The actual crop(s) planted and actual yield(s) for each field, the actual nitrogen and phosphorus content of the manure, litter and process wastewater, the results of land application rate calculations, and amount of manure, litter and process wastewater applied to each field during the previous 12 months.

B.NMP. Nutrient Management Plan:

- B.NMP.1.** The facility shall be operated in accordance with a Division approved Nutrient Management Plan (NMP). The NMP shall be prepared in accordance with Natural Resource Conservation Service (NRCS) Conservation Practice Standard Code 590 Nutrient Management, June 2002 or more recent, and NRCS Conservation Practice Standard Code 633 Waste Utilization, October 2003 or more recent, and with the requirements of this section.
- B.NMP.2.** The NMP shall contain provisions that:
- B.NMP.2.1.** Ensure adequate storage and handling of manure and process wastewater including procedures to ensure proper operation and maintenance of the storage facilities;
- B.NMP.2.2.** Ensure that stormwater or other water run-on is diverted from the production area;
- B.NMP.2.3.** Prevent direct contact of confined animals with any water of the State;
- B.NMP.2.4.** Ensure that chemicals and other contaminants handled at the facility are not disposed in any manure, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants;
- B.NMP.2.5.** Identify site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices to control runoff to waters of the State;
- B.NMP.2.6.** Identify protocols for appropriate testing of manure, process wastewater, and soil;
- B.NMP.2.7.** Establish protocols to land apply manure or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater;
- B.NMP.2.8.** Identify specific records that shall be maintained to document the implementation and management of the minimum elements described in the NMP and this part; and
- B.NMP.2.9.** Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities.
- B.NMP.3.** The NMP shall be signed by the Permittee.
- B.NMP.4.** A Permittee shall provide to the Division the most current version of the NMP and identify the changes from the previous version, including but not limited to, the location, method, timing or frequency of land application so that the NMP reflects the current operational characteristics and practices of the facility. A review of these changes by the Division may require a major modification of the permit.
- B.NMP.5. Crop Rotation:** The Crop Rotation Table summarizes the Permittee's proposed crops for the five-year term of the permit:
- B.NMP.6. Nitrogen Application:** Nitrogen shall be applied in accordance with the Division approved NMP.

C.1. MONITORING AND REPORTING:

C.1.1. Schedule: Discharge Monitoring Reports (DMRs) shall be received by the 28th day of the month following the third month of each quarter (reporting period). Quarterly and annual reporting periods are based on the standard annual cycle, January 1 through December 31.

C.1.1.1 If required, all Annual, Biosolids Monitoring Report (BMR), Pretreatment, Total Inorganic Nitrogen (TIN), Salinity Control, and Whole Effluent Toxicity Testing (WET) annual reports are due as defined in the Deliverable Table (DLV).

C.1.1.2 An original signed copy of these, and all other reports required herein, shall be submitted to the State at the following address:

**Nevada Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701**

C.1.2. Annual Report: The fourth quarter report shall contain plots of concentration (y-axis) versus date (x-axis) for each analyzed constituent identified in the Monitoring Table. The plots shall include data from the preceding five years, if available. Plotting is not required for any constituent that have routinely been below the detection limit or if less than three data points exist. Any data point from the current year that is greater than the limits identified in the applicable tables and conditions above must be explained by a narrative.

Once reporting through the Nevada NetDMR system has been performed for a continuous five year period annual plots are no longer required.

C.1.3. Reporting: Monitoring results obtained in accordance to the requirements of the permit, supporting laboratory data, and supporting documents shall be submitted through the Nevada NetDMR system.

<https://netdmr.ndep.nv.gov/netdmr/public/home.htm>

C.1.4. Sampling and measurements: Samples and measurements taken when required shall be representative of the volume and nature of the monitored discharge and must comply with any Division approved sampling plan as required by the Schedule of Compliance. Analyses shall be performed by a Nevada certified laboratory. Results from this lab must accompany the DMR. If no discharge occurs during the reporting period, report "no discharge" shall be indicated on the submitted DMR.

C.1.5. Recording the Results: For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

C.1.5.1. The exact place, date, and time of sampling;

C.1.5.2. The dates the analyses were performed;

C.1.5.3. The person(s) who performed the analyses;

C.1.5.4. The analytical techniques or methods used; and

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- C.1.5.5.** The results of all required analyses.
- C.1.6. Additional Monitoring by Permittee:** If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, and the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.
- C.1.7. Test Procedures:** Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the CWA, under which such procedures may be required unless other procedures are approved by the Division. Other procedures used may be:
- C.1.7.1.** Selected from SW-846;
- C.1.7.2.** Selected from 40 CFR 503; or
- C.1.7.3.** An alternate test procedure approved by the Division, Environmental Laboratory Services.
- C.1.7.4.** All laboratory analyses conducted in accordance with this discharge permit must have detection at or below the permit limits.
- C.1.7.5.** All analytical results must be generated by analytical laboratories certified by the Nevada Laboratory Certification Program
- C.1.8. Reporting Limits:** Unless otherwise approved by the Division, the approved method of testing selected for analysis must have reporting limits which are:
- C.1.8.1.** Half or less of the discharge limit; or, if there is no limit,
- C.1.8.2.** Half or less of the applicable water quality criteria; or, if there is no limit or criteria,
- C.1.8.3.** The lowest reasonably attainable using an approved test method.
- C.1.8.4.** This requirement does not apply if a water quality standard is lowered after the issuance of this permit; however, the Permittee shall review methods used and by letter notify the Division if the reporting limit will exceed the new criterion, and if so the Division may reopen the permit to impose new monitoring requirements.
- C.2. Operations and Maintenance (O&M) Manual:**
- C.2.1.** An O&M Manual shall be prepared and submitted to the Division for review and approval in accordance with the Division Operations and Maintenance Manual guidance (WTS-2).
- C.2.2.** The Permittee shall inspect the site at the frequency prescribed in the O&M Manual.
- C.2.3.** The Permittee shall maintain an operations logbook (hardcopy or electronic) on-site as referenced in the O&M Manual.
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- C.2.3.1.** The logbook shall include the name of the operator, date, time, and general condition of the facility.
- C.3. Planned changes:** The Permittee shall give notice to the Division as soon as possible of any planned physical alterations or additions to the permitted facility and receive approval prior to commencing construction. Notice is required only when the alteration or addition to a permitted facility:
- C.3.1.** May meet one of the criteria for determining whether a facility is a new source (40 CFR 122.29 (b));
- C.3.2.** Could significantly change the nature or increase the quantity of pollutants discharged; or
- C.3.3.** Results in a significant change to the Permittee's sludge management practice or disposal sites.
- C.4. Anticipated non-compliance:** The Permittee shall give advance notice to the Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C.5. Change in Discharge:** All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the Permit. Any anticipated facility expansions or treatment modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this Permit, by notice to the permit issuing authority of such changes. Any changes to the permitted treatment facility must comply with NAC 445A. The Permit may be modified to specify and limit any pollutants not previously limited.
- C.6. Facilities Operation-Proper Operation and Maintenance:** The Permittee shall at all times maintain in good working order and properly operate all treatment and control facilities, collection systems, and pump stations installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures.
- C.7. Adverse Impact – Duty to Mitigate:** The Permittee shall take all reasonable steps to minimize the impact of releases to the environment resulting from noncompliance with any permit limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment. If the monitoring program (as required by this permit) identifies exceedances of ambient water quality standards at the boundary of any approved mixing zone, the Permittee shall notify the Division of the exceedances and describe any mitigation measures being implemented as part of the quarterly monitoring report requirements.
- C.8. Noncompliance, Unauthorized Discharge, Bypass and Upset**
- C.8.1.** Any diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from a
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permitted facility under the control of the Permittee is prohibited except as authorized by this permit. The Division may take enforcement action for a diversion, bypass, spill, overflow, or discharge of treated or untreated wastewater except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow or discharge not authorized by this permit is probable or has occurred, the Permittee shall notify the Division.

- C.8.2. Notification:** The Permittee is responsible for carrying out notification in the event of a diversion, bypass, spill, overflow or discharge not authorized by this permit with the following schedule;
- C.8.2.1. Immediately:** Permittee shall be responsible for the timely notification of potentially impacted downstream users for the protection of human health and the environment.
- C.8.2.2. Spill Hotline:** Notifying the Division through the NDEP Spill Hotline, 1-888-331-6337, as soon as practicable after the dispatch of emergency respondents and mitigating actions and no later than twenty-four (24) hours from the time of discovery.
- C.8.2.3. 5-Day Report:** A written report shall be submitted to the Division within five (5) days of the discovery of a diversion, bypass, spill, overflow, upset, or discharge detailing the entire incident including;
- C.8.2.3.1.** Time and date of discharge;
- C.8.2.3.2.** Exact location and estimated amount of discharge;
- C.8.2.3.3.** Flow path and any bodies of water which the discharge contacts;
- C.8.2.3.4.** The specific cause of the discharge; and
- C.8.2.3.5.** The preventive and/or corrective actions taken.
- C.8.3.** The Permittee shall report all instances of noncompliance not reported under Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset) at the time monitoring reports are submitted. The reports shall contain the information listed in Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset).
- C.8.4. Bypass not exceeding limitations:** The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of the applicable Section of Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset including Prohibition of Bypass).
- C.8.5. Anticipated bypass:** If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of bypass.
- C.8.6. Prohibition of Bypass:** Bypass is prohibited, and the Division may take enforcement action against a Permittee for bypass, unless:
- C.8.6.1.** Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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- C.8.6.2.** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- C.8.6.3.** The Permittee submitted notices as required under Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset).
- C.8.7. **Approved Bypass:**** The Division may approve an anticipated bypass, after considering its adverse effects, if the Division determines that it will meet the three conditions listed in Section C.8.6.
- C.8.8. **Effect of an upset:**** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section C.8 (Noncompliance, Unauthorized Discharge, Bypassing and Upset: Conditions necessary for a demonstration of an upset) are met.
- C.8.9. **Conditions necessary for a demonstration of an upset:**** A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
- C.8.9.1.** An upset occurred and that the Permittee can identify the cause(s) of the upset;
- C.8.9.2.** The permitted facility was at the time being properly operated;
- C.8.9.3.** The Permittee submitted notice of the upset as required under this Section; and
- C.8.9.4.** The Permittee complied with any remedial measures required under Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset).
- C.8.10. **Enforcement:**** In selecting the appropriate enforcement option, the Division shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.
- C.9. **Removed Substances:**** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be properly disposed as described in the SWMP.
- C.10. **Right of Entry and Inspection:**** The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:
- C.10.1.** Enter at reasonable times upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
- C.10.2.** Have access to and copy any records required to be kept under the terms and conditions of this permit at reasonable times;
- C.10.3.** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and
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- C.10.4.** Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.
- C.11. **Transfer of Ownership or Control:**** In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Division. The Division may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Division shall approve ALL transfers of permits.
- C.12. **Availability of Reports:**** Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Division. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.
- C.13. **Furnishing False Information and Tampering with Monitoring Devices:**** Any person who intentionally or with criminal negligence makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.
- C.14. **Penalty for Violation of Permit Conditions:**** NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705, inclusive.
- C.15. **Permit Modification, Suspension or Revocation:**** After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- C.15.1.** Violation of any terms or conditions of this permit;
- C.15.2.** Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- C.15.3.** A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- C.15.4.** A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- C.15.5.** Material and substantial alterations or additions to the permitted facility or activity;
- C.15.6.** The Division has received new information;
- C.15.7.** The standards or regulations have changed; or
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- C.15.8.** The Division has received notification that the permit will be transferred.
- C.16. Minor Modifications:** With the consent of the Permittee and without public notice, the Division may make minor modifications in a permit to:
- C.16.1.** Correct typographical errors;
- C.16.2.** Clarify permit language;
- C.16.3.** Require more frequent monitoring or reporting;
- C.16.4.** Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the permit and does not interfere with attainment of the final compliance date;
- C.16.5.** Allow for change in ownership;
- C.16.6.** Change the construction schedule for a new discharger provided that all equipment is installed and operational prior to discharge;
- C.16.7.** Delete an outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits; or
- C.16.8.** Reallocate the IWLA as long as the Σ IWLA does not change.
- C.17. Toxic Pollutants:** Notwithstanding Section C (Permit Modification, Suspension or Revocation), if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.
- C.18. Liability:** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances. However, except for any toxic effluent standards and prohibitions imposed under Section 307 of the CWA or toxic water quality standards set forth in NAC 445A.144, compliance with this permit constitutes compliance with CWA Sections 301, 302, 306, 307, 318, 403, 405(a) and (b), and with NRS 445A.300 through 445A.730, inclusive.
- C.19. Property Rights:** The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- C.20. Severability:** The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
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- C.21. Duty to Comply:** The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; permit termination; revocation and reissuance, or modification; or denial of a permit renewal application.
- C.22. Need to Halt or Reduce Activity Not a Defense:** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.
- C.23. Duty to Provide Information:** The Permittee shall furnish to the Division, within a reasonable time, any relevant information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.
- C.24. Other information:** Where the Permittee becomes aware of failure to submit any relevant facts in a permit application or the submittal of incorrect information in a permit application or in any report to the Division, the Permittee shall promptly submit such facts or information.
- C.25. Reapplication:** If the Permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires on the application forms then in use. The Permittee shall submit the sludge information listed in 40 CFR 501.15(a)(2) with the renewal application. The renewal application shall be accompanied by the fee required by NAC 445A.232.
- C.26. Signatures, Certification Required on Application and Reporting Forms:** All applications, reports, or information submitted to the Division shall be signed and certified by making the following certification. "I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- C.26.1.** All applications, reports or other information submitted to the Division shall be signed by one of the following:
- C.26.2.** A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates;
- C.26.3.** A general partner of the partnership;
- C.26.4.** The proprietor of the sole proprietorship; or
- C.26.5.** A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.
- C.27. Changes to Authorization:** If an authorization under Section C.25 (Signatures, Certification Required on Application and Reporting Forms) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new
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authorization satisfying the requirements of Section C.25 (Signatures, Certification Required on Application and Reporting Forms) must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

C.28. Definitions:

25-year, 24-hour storm event means a precipitation event with a probable recurrence interval of once in twenty-five years, as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional or State rainfall probability information developed from this source.

100-year, 24-hour storm event means a precipitation event with a probable recurrence interval of once in one hundred years, as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional or State rainfall probability information developed from this source.

Acute Toxicity means the concentration that is lethal to 50 percent of the test organisms within 96 hours.

Agricultural land means land on which a food crop, a feed crop, or a fiber crop is grown. This includes rangeland and land used as pasture.

Agronomic rate means the whole sludge application rate (dry weight basis) designed: To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and to minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the land to the groundwater.

Biosolids are non-hazardous sewage sludge or domestic septage.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Chronic precipitation event means a series of wet weather conditions that precludes reducing the volume of properly designed, constructed, operated, and maintained waste storage and/or treatment facilities and that total a volume in excess of the 25-year, 24-hour storm event.

Composite Sample (for flow-rate measurements) sample means the arithmetic mean of no fewer than six individual measurements taken at equal time intervals for 24 hours, or for the duration of discharge, whichever is shorter.

Discrete sample means any individual sample collected in less than 15 minutes.

Feed crops means crops produced primarily for consumption by animals.

Food crops means crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

Land application means the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

Land application area means land under the control of the Permittee, whether it is owned, rented, or leased, to which manure or process wastewater from the production area is or may

be applied.

Manure means animal excrement and is defined to include bedding, compost, and raw materials or other materials commingled with animal excrement or set aside for disposal.

Process wastewater means water directly or indirectly used in the operation of the facility.

Sewage sludge means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not excuse noncompliance to the extent caused by operational error, improperly designed include treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Vegetated buffer means a permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to, the dominant slope for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential pollutants leaving being released.