FACTSHEET
(pursuant to NAC 445A.236)

Permittee Name: BROKEN ARROW HORSE & CATTLE CO. LLC

5676 INDIAN LAKES ROAD
FALLON, NV 89406

Permit Number: NV0024091

Permit Type: NEW & EXISTING CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOS) AND AQUATIC ANIMAL PRODUCTION FACILITY

Designation: MINOR NPDES

New/Existing: EXISTING

Location: BROKEN ARROW HORSE AND CATTLE CO. LLC, CHURCHILL
5676 INDIAN LAKES RD., FALLON, NV 89406
LATITUDE: 39.5550, LONGITUDE: -118.7030
TOWNSHIP: T20N, RANGE: R31E, SECTION: S35

Outfall / Well Num	Outfall / Well Name	Location Type	Well Log Num	Latitude	Longitude	Receiving Water
001	STORMWATER DISCHARGE	External Outfall		39.476767	-118.779945	CARSON RIVER, STILLWATER MARSH AND TRUCKEE/CARSON IRRIGATION DISTRICT AT FALLON, NEVADA & GROUNDWATERS OF THE STATE OF NEVADA.
002	MANURE TESTING AND TRANSFER	Internal Outfall		39.476767	-118.779945	CARSON RIVER, STILLWATER MARSH AND TRUCKEE/CARSON IRRIGATION DISTRICT AT FALLON, NEVADA & GROUNDWATERS OF THE STATE OF NEVADA.
003	FEEDLOT TOTALS	Internal Outfall		39.476767	-118.779945	CARSON RIVER, STILLWATER MARSH AND TRUCKEE/CARSON IRRIGATION DISTRICT AT FALLON, NEVADA & GROUNDWATERS OF THE STATE OF NEVADA.
004	MONITORING WELL (MW-1)	Monitoring Well		39.476767	-118.779945	GROUNDWATERS OF THE STATE OF NEVADA
005	MONITORING WELL (MW-2)	Monitoring Well		39.476767	-118.779945	GROUNDWATERS OF THE STATE OF NEVADA
006	MONITORING WELL (MW-3)	Monitoring Well		39.476767	-118.779945	GROUNDWATERS OF THE STATE OF NEVADA

Permit History/Description of Proposed Action

The Permittee, Broken Arrow Horse and Cattle Co., LLC, has applied for the renewal of National Pollutant Discharge Elimination System (NPDES) permit NV0024091, for their facility located at 5676 Indian Lakes Road, in Fallon, Churchill 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 or chronic storm condition.

This permit was first issued in September of 2011. The last permit was renewed on October 1, 2017, and expired on September 30, 2022; the permit has been administratively continued since.

Facility Overview

The facility, Broken Arrow Horse and Cattle Co, LLC (henceforth Broken Arrow), is defined as a Concentrated Animal Feeding Operation (CAFO) because the facility confines at least 500 horses for 30

days or more in a 12-month period in an area devoid of vegetation during the normal growing season. As a CAFO, the Permittee is required to contain all manure and runoff from the production area; this includes confinement areas, manure storage areas, raw materials storage areas, and waste containment areas. An exception to this is a stormwater overflow resulting from a 25-year, 24-hour, or larger, storm event or chronic storm condition (see Section C.28 of the permit for the definition of a 25-year, 24-hour storm event). To qualify for this exception, the production area must be properly designed, constructed, operated, and maintained to contain manure, direct precipitation, and the runoff from a qualifying storm event.

Facility construction at Broken Arrow is industry-typical pipe fencing, concrete feed and water trough aprons, feed bunks, feed and movement alleys, feed storage area, and associated storage and maintenance structures. To prevent rain runoff, the facility was designed with a 1.0% slope. Additionally, the facility is enclosed by berms designed to hold, without a discharge, stormwater produced by a 25-year, 24-hour storm event plus a 20% safety factor. Broken Arrow is bordered on its west side by the main 'D' line canal, which is part of the Truckee / Carson Irrigation District (TCID); on its north side by the main 'D' line canal and Indian Lakes, which is designated as a wetland; on its east side by the Indian Lakes; and on its south side by the 'F2' drain, also part of the TCID.

Per Title 40 Part 412.4(c)(5)(i) of the Code of Federal Regulations (CFR), a 35-foot-wide vegetated buffer shall be maintained from any down-gradient surface water, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters. Although the facility does not practice land application activities, manure shall not be stored within the 35-foot-wide buffer zone. In lieu of a vegetated buffer, the facility may use berms as an alternative practice.

Corrals will be scraped November through March. Manure removed from the corrals is hauled off-site to local farmers. March through October, the corral manure is scraped into the center and used for bedding through the winter. Manure that cannot be removed right away is stored on site and surrounded by berms on all sides to avoid any runoff in the event of a storm. This facility does not land apply manure to its property; thus, land application is not allowed under permit conditions. The estimated manure generation rate for the facility is approximately 27,375 tons per year based on the facility's maximum capacity of 7,800 head of horses. The facility averaged about 2,867 head during the 2023 reporting period. The facility also confines approximately 100 head of cattle.

Routine mortalities are estimated to be about 50 to 100 animals per year, based on 3,000 head of horses which is what the facility typically holds. Mortalities are transported and disposed of at the county landfill or at Reno Rendering.

Water used at the facility is for horse consumption. Well water may be applied to the corrals for dust control measures.

During the last permit renewal, the facility was required to install two (2) downgradient groundwater monitoring wells. The wells were installed at the beginning of 2018; however, one of the wells (Outfall 005) may not have been installed properly which could contribute to non-representative water quality results. Therefore, the Permittee has requested to install a replacement well during this permit cycle (see Schedule of Compliance Items #2 and #3 as well as Special Approval / Condition Items #14 and #15).

Outfall Summary

Outfall 001 – This outfall is for stormwater discharges from the facility.

Outfall 002 – This outfall is for the testing and transfer of manure located at the facility.

Outfall 003 – This outfall is for the facility’s estimated total number of animals and manure on site.

Outfall 004 – This outfall is for monitoring well #1 located up gradient of the facility.

Outfall 005 – This outfall is for monitoring well #2 located down gradient of the facility.

Outfall 006 – This outfall is for monitoring well #3 located down gradient of the facility.

Effluent Characterization
The primary source of production area runoff from the facility will be made up of corral manure mixed with associated precipitation events and incidental water usage for animal consumption and dust suppression.

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 at CAFO facilities include total nitrogen, total phosphorus, pH, chlorides, total suspended solids, fecal coliform, 5-day biochemical oxygen demand (BOD5), and total dissolved solids as these constituents are most likely to present in the discharge.

Receiving Water
Receiving water is the 'F2' drain, the Indian Lakes, and groundwater of the State. Potential receiving water is the main 'D' line canal. Depth to groundwater at the facility is approximately 7 feet below ground surface (bgs) to 15 feet bgs.

Applicable Water Quality Standards/Beneficial Uses
Water quality standards (WQSs) for the nearest downstream control point is for, “Indian Lakes” (NAC 445A.1852). WQSs for Indian Lakes, including Upper Lake, Likes Lake, Papoose Lake, Big Indian Lake, Little Cottonwood Lake, Big Cottonwood Lake, and East Lake includes beneficial uses for watering of livestock, irrigation, aquatic life, recreation involving contact with water, recreation not involving contact with the water, municipal or domestic supply, industrial supply, and propagation of wildlife.

303 (d) Listing Status
Section 305(b) of the Clean Water Act (CWA) requires states to report on the overall condition of aquatic resources and section 303(d) of the CWA requires states to develop lists of all impaired waterbodies and create a priority listing of waterbodies for which plans are needed to restore water quality. Combining requirements of these two sections produces Nevada’s Water Quality Integrated Report. This report, required biennially by the U.S. EPA, also describes the extent to which current conditions are protecting the designated beneficial uses of Nevada’s surface waters.

According to the 2020 – 2022 report the beneficial use for aquatic life for Indian Lakes is impaired for pH and mercury in sediment. Additionally, the beneficial use for fish consumption in Indian Lakes is impaired for mercury in fish tissue.

TMDL
Per section 303(d)(1)(C) of the CWA, states are required to develop Total Maximum Daily Loads (TMDLs) for those waters which the effluent limitations are not stringent enough to implement any WQSs applicable to such waters. At the time of this permit renewal, there are no approved TMDLs associated with any of the receiving waters listed in the 'Receiving Waters' section of the fact sheet.

Waste Load Allocation
There are no approved waste load allocations associated with any of the receiving waters listed in the 'Receiving Waters' section of the fact sheet.

Compliance History
The facility was considered to be in substantial compliance during the 2019 to 2023 reporting period.

Proposed Effluent Limitations
There shall be no discharge from the facility’s property except as authorized by this permit.

During the period beginning on the effective date of this permit, the Permittee is authorized to discharge manure and production area runoff to:

- Waters of the U.S. and waters of the State in response to storm events or chronic storm conditions that exceeds the 25-year, 24-hour storm design, provided that the facility and its production area are properly designed, constructed, operated, and maintained to contain manure, pollutants, direct precipitation, and the runoff from a 25-year, 24-hour storm event.

Groundwater Monitoring Wells Table for Sample Location 004 (Monitoring Well #1) To Be Reported Quarterly

	Discharge Limitations			Monitoring Requirements			
Parameter	**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		M&R 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	DISCRT
Water level relative to mean sea level[2]	Daily Maximum	M&R Feet (ft)		Groundwater	004	Quarterly	DISCRT

Notes (Groundwater Monitoring Wells Table):

1. Depth to groundwater.
2. Groundwater elevation above mean sea level (AMSL).

Groundwater Monitoring Wells Table for Sample Location 005 (Monitoring Well #2) To Be Reported Quarterly

	Discharge Limitations			Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
pH	Value		M&R Standard Units (SU)	Groundwater	005	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	005	Quarterly	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	005	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	005	Quarterly	DISCRT
Depth to water level ft below landsurface[1]	Daily Minimum	M&R Feet (ft)		Groundwater	005	Quarterly	DISCRT
Water level relative to mean sea level[2]	Daily Maximum	M&R Feet (ft)		Groundwater	005	Quarterly	DISCRT

Notes (Groundwater Monitoring Wells Table):

1. Depth to groundwater.
2. Groundwater elevation above mean sea level (AMSL).

Groundwater Monitoring Wells Table for Sample Location 006 (Monitoring Well #3) To Be Reported Quarterly

	Discharge Limitations			Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
pH	Value		M&R Standard Units (SU)	Groundwater	006	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Groundwater	006	Quarterly	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	006	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	006	Quarterly	DISCRT
Depth to water level ft below landsurface[1]	Daily Minimum	M&R Feet (ft)		Groundwater	006	Quarterly	DISCRT
Water level relative to mean sea level[2]	Daily Maximum	M&R Feet (ft)		Groundwater	006	Quarterly	DISCRT

Notes (Groundwater Monitoring Wells Table):

1. Depth to groundwater.
2. Groundwater elevation above mean sea level (AMSL).

CAFO Discharge Limitations Table for Sample Location 001 (Stormwater Discharge) To Be Reported Monthly[1][2][3]

	Discharge Limitations			Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Flow, total	Daily Maximum	M&R Million Gallons (Mgal)		Effluent Gross	001	Report	ESTIMA
E. coli	Daily Maximum		M&R Most Probable Number per 100ml T (MPN/100mL)[4]	Effluent Gross	001	Report	DISCRT
BOD, 5-day	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Report	DISCRT
pH, maximum	Daily Maximum		M&R Standard Units (SU)	Effluent Gross	001	Report	DISCRT
pH, minimum	Daily Minimum		M&R Standard Units (SU)	Effluent Gross	001	Report	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Report	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Report	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Report	DISCRT
Coliform, fecal general	Daily Maximum		M&R Most Probable Number per 100ml T (MPN/100mL)[4]	Effluent Gross	001	Report	DISCRT
Solids, total suspended	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Report	DISCRT
Oxygen, dissolved (DO)	Daily Minimum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Report	DISCRT
Phosphorus, total (as P)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Report	DISCRT
Nitrogen, ammonia total (as N)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Report	DISCRT

Notes (CAFO Discharge Limitations Table):

1. The Permittee shall report the date and time of each discharge and collect a sample 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.
2. Sampling of the representative stormwater discharge shall occur at the point where the overflow first reaches a surface water. If the discharge does not enter a surface water, then the sample shall be taken from the point of discharge from the facility.
3. See Part B, Section B.CO.19 for further instruction.
4. MPN / 100 mL or CFU / 100 mL.

CAFO Discharge Limitations Table for Sample Location 002 (Manure Testing And Transfer) To Be Reported Annually

	Discharge Limitations			Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Manure, wet tons removed[1]	Annual Total		M&R Tons (ton)	Internal Monitoring Point	002	Annual	CALCTD
Phosphorus, total (as P)[2]	Daily Maximum		M&R Milligrams per Kilogram (mg/kg)	Internal Monitoring Point	002	Annual	COMPOS
Nitrogen, total[2]	Daily Maximum		M&R Milligrams per Kilogram (mg/kg)	Internal Monitoring Point	002	Annual	COMPOS

Notes (CAFO Discharge Limitations Table):

1. Total wet tons removed from main corrals and main collection point for the year.
2. Total nitrogen and total phosphorus shall be sampled for in the manure collected from the corrals.

CAFO Discharge Limitations Table for Sample Location 003 (Feedlot Totals) To Be Reported Monthly

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Manure, wet tons removed[1]	30 Day Average		M&R Tons (ton)	Internal Monitoring Point	003	Monthly	ESTIMA
Manure, wet tons total[2]	30 Day Average		M&R Tons (ton)	Internal Monitoring Point	003	Monthly	ESTIMA
Animals, total estimated no. of	30 Day Average		M&R Number (#)	Internal Monitoring Point	003	Monthly	CALCTD

Notes (CAFO Discharge Limitations Table):

1. Sum of all manure transferred offsite and / or to other parties.
2. Total of manure generated on site (main corrals and main collection point).

Summary of Changes From Previous Permit
Special Approvals / Conditions Item #11 has been removed.

Special Approvals / Condition Items #14 and #15 have been added along with Schedule of Compliance Items #2 and #3.

A limit of 10 mg/L for total nitrogen has been added to Outfall 006.

The proposed permit replaces the requirement to maintain a 30-foot buffer with the requirement to maintain a 35-foot buffer.

Technology Based Effluent Limitations
Technology based effluent limitations (TBELs) are required, as promulgated, by the United States Environmental Protection Agency (EPA) for CAFOs confining at least 500 head of horses. The following narrative limits are based on New Source Performance Standards (NSPS), as allowed by the Code of Federal Regulations (CFR) Title 40 section 412:

- There shall be no discharge of process wastewater pollutants into U.S. waters.
- Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged into U.S. waters.

Water Quality Based Effluent Limitations
The nearest surface water located by the CAFO facility with water quality standards are the Indian Lakes (NAC 445A.1852). The Indian Lakes is located on and within one mile of the facility. Indian Lakes is designated as a wetland.

Per NAC 445A.1852, temperature, pH, dissolved oxygen, total phosphorus, total ammonia, total dissolved solids, *Escherichia coli* (*E. Coli*), fecal coliform, and toxic materials (NAC 445A.1236) are required to be monitored. Stormwater discharges from the facility (Outfall 001) are required to be sampled for pH, dissolved oxygen, total phosphorus, total ammonia (as N), total dissolved solids, *E. Coli*, and fecal coliform. Due to the nature of the discharge, temperature and toxic materials are not required to be

sampled. Any discharges from this facility would travel over land before entering Indian Lakes. Therefore, water quality based effluent limits are not applicable to this permit.

Reasonable Potential Analysis (RPA)

Section 301(b)(1)(C) of the CWA requires effluent limitations necessary to meet WQSs, and 40 CFR 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 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 standards for water quality.

Discharges at this facility are only authorized in response to storm events or a chronic storm condition that exceeds the 25-year, 24-hour storm design, provided that the facility and its production area are properly designed, constructed, operated, and maintained to contain manure, pollutants, direct precipitation, and the runoff from a 25-year, 24-hour storm event. There were no discharges from the facility during the 2019 to 2023 reporting period. Furthermore, any discharges from this facility would travel over land before entering Indian Lakes. Therefore, water quality based effluent limits are not applicable to this permit hence an RPA is not required.

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

The proposed permit has established monthly sampling for *E. Coli*, dissolved oxygen, and total ammonia (as N) and retained monthly sampling for BOD5, pH, chloride, TDS, fecal coliform, TSS, and total phosphorus for Outfall 001 as these constituents are either listed in NAC 445A.1852 or because they will most likely be present in the discharge. The proposed permit also retained monthly reporting of wet tons of manure removed, total wet tons of manure generated, and total estimated number of animals confined for Outfall 003. Monthly sampling is sufficient for determining compliance with the applicable WQSs and permit requirements.

The proposed permit has retained quarterly sampling for pH, total nitrogen, chloride, TDS, depth to groundwater, and groundwater elevation for Outfalls 004, 005, and 006 as these parameters assist in determining any potential impacts to groundwater. Quarterly sampling and reporting are deemed sufficient for determining compliance with permit requirements.

The proposed permit has retained annual sampling for total nitrogen, total phosphorus, and wet tons of manure removed for Outfall 002 as these constituents are required to be reported per B.CO.24 of the permit. Annual sampling and reporting are sufficient for determining compliance with permit requirements.

Basis for Effluent Limitations

Apart from the constituents listed in the water quality standards found at NAC 445A.1852, monitoring of total nitrogen, total suspended solids, and BOD5 during a stormwater discharge (i.e., overflow that occurs because of a storm, or chronic rainfall event from the facility that is designed, constructed, operated, and maintained to contain all process wastewater plus the runoff from a 25-year, 24-hour storm event) is required because these are the parameters most likely to be present in the discharge.

Monitoring requirements for the parameters specified for the monitoring wells are being established to determine any potential impacts to groundwater that may occur in response to related discharges or seepage. The Special Approvals / Conditions Item #11 has been removed from the permit. This special approval was included in the last permit so the Division could gather baseline data for the area. However, one of the existing down gradient monitoring wells (Outfall 005) may not have been installed properly and therefore, the DMR data being reported for that well may not be representative of groundwater quality.

Hence, the Permittee has requested to install a replacement well during this permit cycle. It is for this reason that Special Approvals / Conditions Item #14 has been added. For the other down gradient well (Outfall 006), DMR data from the 2019 to 2023 reporting period was reviewed, and based on the data, the proposed permit includes a limit of 10 mg/L for total nitrogen.

The previous permit required the Permittee maintain a 30-foot buffer between the storage of manure and any waterway. The proposed permit replaces that requirement with the requirement to maintain a 35-foot-wide vegetated buffer per 40 CFR 412.4(c)(5)(i). In lieu of a vegetated buffer, the facility may use berms as an alternative practice.

Anti-backsliding

Sections 402(o) and 303(d)(4) of the Clean Water Act (CWA) and federal regulations of 40 CFR 122.44(i) prohibit backsliding and require effluent limitations in a reissued permit to be as stringent as those in the pervious permit. None of the proposed permit effluent limitations were changed to a less restrictive limit compared to those in the pervious permit.

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 445A.565 and is consistent with the federal antidegradation policy found at 40 CFR 131.12. The objective of the Division's antidegradation regulation is to prevent degradation of Nevada's surface waters and maintain the unique attributes and special characteristics and water quality associated with high-quality waters. This objective is achieved through the implementation of procedures to ensure that waters are 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 use 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.

As this is a renewal, and no changes to the potential waste stream are anticipated, a formal antidegradation review is not required.

Special Conditions

See the Special Approvals / Conditions Table.

SA – Special Approvals / Conditions Table

Item #	Description
1	Part B, Section B.CO.4 does not apply to this permit. This section applies to swine, poultry, and veal calf operations only.
2	Part B, Section B.CO.8.4 does not apply to this permit. There are no land application activities associated with this facility.
3	Part B, Section CO.10 does not apply to this permit. There are no land application activities associated with this facility.
4	Part B, Section CO.11.1 does not apply to this permit. There are no land application activities associated with this facility.
5	Part B, Section CO.11.4 does not apply to this permit. There are no land application activities associated with this facility.
6	Although there are no land application activities associated with this facility, Part B, Section CO.16 applies. However, the set back is for the storage of manure and not for land application activities. The 35-foot vegetated buffer shall be maintained. In lieu of a vegetated buffer, the facility may use berms

Item #	Description
	as an alternative practice.
7	Part B, Section CO.20 and CO.21 do not apply to this permit. There are no land application activities associated with this facility.
8	Part B, Section CO.23 does not apply to this permit. There are no land application activities associated with this facility.
9	Part B, Section CO.32 does not apply to this permit. There are no land application activities associated with this facility.
10	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 of each year.
11	Part C, Section C.2 does not apply to this permit. Operations and Maintenance (O&M) of this facility are specifically identified in the Division reviewed CNMP.
12	Part C, Section C.9 does not apply to this permit. This section is for biosolids management from treatment facilities. Manure management at this facility is specifically addressed in the Division reviewed CNMP.
13	The Permittee is required to continue to electronically submit their Discharge Monitoring Reports through the Bureau of Water Pollution Control's Nevada NetDMR system.
14	Groundwater monitoring sampling for the replacement monitoring well for Outfall 005, is intended to set baseline data for the well. Therefore, Part B.GW.3 will not apply to Outfall 005 at this time. After no less than two (2) years of data has been received, the Division will conduct a modification to the permit and, based on the data collected, groundwater monitoring limits will be set, and the monitoring frequency may be changed. The division will reevaluate whether or not Part B.GW.3 will apply to the permit.
15	Upon the Division's approval of the Monitoring Well Program for the replacement well for Outfall 005, the Permittee will have 90 days to implement the program.

Discharges From Future Outfalls/ Planned Facility Changes

During the fall of 2021, the facility constructed additional corrals, increasing the maximum design capacity to 7,800 head of horses. The addition of corrals was done in anticipation of the Bureau of Land Management's (BLM's) plan to round up more wild horses; however, the BLM did not end up moving forward with this plan.

The Permittee does not anticipate discharges from any future outfalls or any other changes to the facility.

Corrective Action Sites

There are no active Bureau of Corrective Action sites located within a one-mile radius of the CAFO facility.

Wellhead Protection Program

The nearest Public Water System (PWS) well is located approximately 5 miles to the southwest. There are additional PWS wells located to the southwest. The facility is not located within a Drinking Water Protection Area, which is defined by a 3,000-foot radius around a PWS well, or a Wellhead Protection Area, which represents an approximate 10-year capture zone of a well. PWS wells will most likely not be affected by discharges from the facility based on the distance to the nearest PWS well.

Schedule of Compliance:

SOC – Schedule of Compliance Table

Item #	Description	Due Date
1	180 days prior to the expiration of this permit, the Permittee shall submit, with their renewal application, an updated Comprehensive Nutrient Management Plan (CNMP) that will address the Concentrated Animal Feeding Operation (CAFO) activities for the next permit term.	5/4/2029
2	The Permittee shall submit to the Division, for review and approval, a Monitoring Well Program for the installation of the replacement well for Outfall 005.	2/1/2025
3	The first quarter of monitoring well water quality data for the replacement well is to be submitted to the Division by **April 28, 2025**. After no less than two (2) years of water quality data submittals, the Division will set appropriate water quality limits in order to observe any degradation of the water.	4/28/2025

Deliverable Schedule:

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

Item #	Description	Interval	First Scheduled Due Date
1	Quarterly DMRs	Quarterly	1/28/2025
2	Annual DMRs	Annually	1/28/2025
3	Annual CAFO Report (see section B.CO.39 of the permit)	Annually	1/28/2025

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. **10/31/2024,** 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: **Bonnie Hartley**
Date: **9/30/2024**
Title: **Staff II, Associate Engineer**