PROPOSED DRAFT

Permit Type: Groundwater Discharge

Permit No. NS0099006

Nevada Division of Environmental Protection

AUTHORIZATION TO DISCHARGE

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

CITY OF ELKO
1751 COLLEGE AVE
ELKO, NV - 89801

is authorized to discharge from a facility located at:

BRUCE MILLER RANCH
2 MILES W. OF ELKO ON BULLION ROAD, ELKO, NV - 89801
LATITUDE: 40.797222, LONGITUDE: -115.819722
TOWNSHIP: 34 N, RANGE: 55 E, SECTION: 20

to receiving waters named:

GROUNDWATERS OF THE STATE 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 January 01, 2027.

This permit and the authorization to discharge shall expire at midnight, December 31, 2031.

Signed this 31st day of December 2026.

Jason Reichelt
Environmental Scientist 3
Bureau of Water Pollution Control

SECTION A

A.1. INTRODUCTION

A.1.1. The Permittee, the City of Elko, located two (2) miles west of Elko on Bullion Road, has applied for a permit renewal of their reclaimed water reuse permit NS0099006, for the use of treated effluent for spray irrigation of 295 acres at the Bruce Miller Ranch, with Category B reclaimed water annually. The reclaimed water is denitrified and tertiary treated to conform to reuse Category B bacteriological quality pursuant to Nevada Administrative Code (NAC) 445A.276. The reclaimed water is supplied by the City of Elko Water Reclamation Facility (CEWRF) under permit NS0020014.

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 Category B reclaimed water, supplied by the City of Elko Water Reclamation Facility, for the irrigation of 295 acres.

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

Sample Location	Location Type	Location Name
001	Land Application Site	FIELDS 1 & 2
002	Monitoring Well	UPGRADIENT MONITORING WELL A
003	Monitoring Well	DOWNGRADIENT MONITORING WELL B
004	Monitoring Well	DOWNGRADIENT MONITORING WELL C

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 002 (Upgradient Monitoring Well A) To Be Reported Quarterly

	Discharge Limitations			Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	002	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	002	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	002	Quarterly	CALCTD
Water level relative to mean sea level[1]	Daily Maximum	M&R Feet (ft)		Groundwater	002	Quarterly	CALCTD
Depth to water level ft below landsurface[2]	Daily Minimum	M&R Feet (ft)		Groundwater	002	Quarterly	VISUAL[3]

Notes (Groundwater Monitoring Wells Table):

1. Groundwater elevation (feet above mean sea level (AMSL)).
2. Depth to Groundwater (feet).
3. Field measurement.

Groundwater Monitoring Wells Table for Sample Location 003 (Downgradient Monitoring Well B) To Be Reported Quarterly

	Discharge Limitations			Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
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
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Groundwater	003	Quarterly	CALCTD
Water level relative to mean sea level[1]	Daily Maximum	M&R Feet (ft)		Groundwater	003	Quarterly	CALCTD
Depth to water level ft below landsurface[2]	Daily Minimum	M&R Feet (ft)		Groundwater	003	Quarterly	VISUAL[3]

Notes (Groundwater Monitoring Wells Table):

1. Groundwater elevation (feet above mean sea level (AMSL)).
2. Depth to Groundwater (feet).
3. Field measurement.

Groundwater Monitoring Wells Table for Sample Location 004 (Downgradient Monitoring Well C) To Be Reported Quarterly

	Discharge Limitations			Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
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
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Groundwater	004	Quarterly	CALCTD
Water level relative to mean sea level[1]	Daily Maximum	M&R Feet (ft)		Groundwater	004	Quarterly	CALCTD
Depth to water level ft below landsurface[2]	Daily Minimum	M&R Feet (ft)		Groundwater	004	Quarterly	VISUAL[3]

Notes (Groundwater Monitoring Wells Table):

1. Groundwater elevation (feet above mean sea level (AMSL)).
2. Depth to Groundwater (feet).
3. Field measurement.

Re-use Discharge Limitations Table for Sample Location 001 (Land Application Site) To Be Reported Monthly[2]

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Flow rate	Daily Maximum	<= 3.0 Million Gallons per Day (Mgal/d)		Prior to Reuse	001	Continuous	METER
Flow rate	30 Day Average	M&R Million Gallons per Day (Mgal/d)		Prior to Reuse	001	Continuous	METER
Coliform, fecal general	Daily Maximum		<= 23 Most Probable Number per 100ml (MPN/100mL)[1]	Prior to Reuse	001	Weekly	DISCRT
Coliform, fecal general	30 Day Geometric Mean		<= 2.2 Most Probable Number per 100ml (MPN/100mL)[1]	Prior to Reuse	001	Weekly	DISCRT
Nitrogen, total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Prior to Reuse	001	Monthly	CALCTD

Notes (Re-use Discharge Limitations Table):

1. CFU/100 mL or MPN/100 mL
2. The Permittee may choose to report the water quality data for the reclaimed water being re-used as obtained from the City of Elko Water Reclamation Facility, to satisfy the monitoring requirements per this Re-Use Discharge Limitations Table.

NS OTHER - Discharge Limitations Table for Sample Location 001 (Land Application Site) To Be Reported Annually

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Nitrogen, total	Annual Total	<= 400 Pounds per Year (lb/yr)		Beneficial Reuse	001	Annual	CALCTD
Flow, total [1]	Cumulative Total[2]	<= 416.99 Million Gallons (Mgal)		Beneficial Reuse	001	Annual	TOTALZ
Nitrogen, total[4]	Annual Mass Loading	M&R Pounds per Year (lb/yr)[3]		Beneficial Reuse	001	Annual	CALCTD

Notes (NS OTHER - Discharge Limitations Table):

1. Cumulative total flow limit during the annual reporting period, may be revised as a minor modification to the permit, to be consistent with the Permittee submitted RWMP, upon approval.
2. Cumulative total Nitrogen limit shall be revised via minor modification and be consistent with the Permittee submitted RWMP, upon approval.
3. To be reported as pounds per acre per year (lbs/acre/year), refer to Page 20 of WTS-1B: General Criteria for Preparing a Reclaimed Water
   Management Plan. This formula is below:
   Effluent N Applied = (MGD Applied x Effluent N Conc. (mg/L) x 8.34 x #days/mo.) ÷ # Acres
4. Report the percentage of nitrogen uptake. Refer to Technical Sheets WTS-1B: General Criteria for Preparing a Reclaimed Water Management
   Plan and WTS-1C Nutrient Management for Reuse & Biosolids Sites.

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

There are no Schedule of Compliance items

SA – Special Approvals / Conditions Table

Item #	Description
1	The use of reclaimed water at the permitted place of use is limited to April through October.
2	The Permittee shall not commence the land application of the reclaimed water, post any flood event, until after the fields are sufficiently dry. Duly following the Reclaimed Water Management Plan (RWMP) to eliminate the potential for the reclaimed water reaching the Humboldt River.
3	Sampling of the Monitoring Wells A, B, and C (Outfalls 002, 003, & 004) following the requirements per the Tables for sample locations 002, 003, & 004 to be reported quarterly, shall be done one time each during the months of April, July, and October for the sampling at the beginning of each quarter.

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

Item #	Description	Interval	First Scheduled Due Date
1	Monthly DMRs	Quarterly	4/28/2027
2	Quarterly DMRs	Quarterly	4/28/2027
3	Annual Report	Annually	1/28/2028

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.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.NSO. NS Other

B.NSO.1. Operations and Maintenance of Permitted Activities: The Permittee shall operate the permitted facility in compliance with permit provisions and requirements, and in accordance with the reviewed O&M Manual.

B.NSO.2. Best Management Practices: The Permittee shall develop and implement Best Management Practices (BMPs) at the facility to include, at a minimum, "good housekeeping" measures. Best Management Practices shall be incorporated into a specific section of the O&M Manual.

B.RU. Reuse

B.RU.1. The facility shall be operated in accordance with the Division-approved Reclaimed Water Management Plan (RWMP).

B.RU.2. The reclaimed water reuse facility shall provide a copy of a brief document describing the possible hazards and proper hygiene of working with and around reclaimed water to all workers and other affected personnel. A copy shall be included in the RWMP.

B.RU.3. If the annual application volume exceeds the calculated annual application limit, the Permittee shall prepare a report that includes an evaluation of the application rates in the RWMP, an explanation of conditions (over seeding, reseeding, weather conditions, etc.) which led to the exceedance, and any planned changes the Permittee deems necessary. The evaluation shall be submitted with the fourth quarter Discharge Monitoring Report (DMR).

B.RU.4. The total nitrogen applied (lbs/year) shall not be greater than the maximum yearly nitrogen application rate defined in the RWMP.

B.RU.5. If the Permittee determines that the calculated nitrogen application rate has been exceeded in any one year, the Permittee shall prepare a report which includes an evaluation of the application rates in the approved RWMP, an explanation of conditions which led to the exceedance, and any planned changes the Permittee deems necessary. The evaluation shall be submitted with the fourth quarter DMRs.

B.RU.6. The reclaimed water irrigation system and storage ponds shall not cause objectionable odors on or off the site.

B.RU.7. The irrigation system, storage pond(s), and ancillaries shall be constructed in accordance with plans reviewed by the Division. All plans must be reviewed by the Division prior to the start of construction. Any significant system changes that result in the expansion of the areas of irrigation and/or change in the methods of reclaimed water application must be reviewed by the Division.

B.RU.8. Irrigation areas and ponds shall be posted with signs clearly stating that reclaimed water is in use and that contact with the reclaimed water should be avoided, where applicable. Pipe infrastructure conveying the reclaimed water must be identified by: (a) Color marking; or (b) A metal tag. All reclaimed water outlets, including, without limitation, hose connections, open ended pipes, and faucets, must be appropriately identified at the point of use.

B.RU.9. Irrigation shall be performed in such a manner as to reduce standing water to a minimum and to prevent runoff of reclaimed water from the site or into water courses.

B.RU.10. Ponds shall be designed and managed to meet conditions listed in this permit.

B.RU.11. All terms and conditions stated herein shall not supersede the requirements of the Nevada Division of Water Resources.

B.RU.12. The Permittee shall achieve compliance with the discharge limitations upon issuance of the permit.

B.RU.13. When applicable, monitoring wells shall be constructed in accordance with "WTS-4: Monitoring Well Design Requirements" (NDEP, February 1997), and shall be installed and sampled prior to irrigation.

B.RU.14. Reclaimed Water Management Plan (RWMP)

B.RU.14.1. The RWMP shall be prepared and stamped by a Nevada Registered Professional Engineer or by a qualified professional.

B.RU.14.2. Pursuant to Section A, the RWMP shall be prepared and submitted for review and approval in accordance with the Division's General Criteria for Preparing a Reclaimed Water Management Plan (WTS-1B).

B.RU.14.3. The irrigation storage pond(s), distribution system, and ancillary facilities shall be operated in accordance with the RWMP.

B.RU.14.4. The RWMP shall contain the information required to comply with this permit.

B.RU.14.5. As applicable, the RWMP shall detail the procedures for collecting monitoring samples required by this permit.

B.RU.14.6. The Permittee shall not use the reclaimed water prior to having an approved RWMP.

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 has 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

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 in section C.1.7., 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.

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 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, or through the online spill reporting system, 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;

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 (Stormwater Management Program).

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

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

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 ΣIWLA 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.1236, 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.

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, the Permittee 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.26 (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 authorization satisfying the requirements of Section C.26 (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.