PROPOSED DRAFT

Permit Type: Manufacturing, Commercial, Mining and Silvicultural facility that discharges NON-PROCESS Wastewater

Permit No. NV0022691

Nevada Division of Environmental Protection

AUTHORIZATION TO DISCHARGE

In compliance with the provisions of the Clean Water Act, as amended, 33 U.S.C. 1251 et. seq. (CWA), and Chapter 445A of the Nevada Revised Statutes (NRS),

LAKE LAS VEGAS MASTER ASSOCIATION
1600 LAKE LAS VEGAS PKWY
HENDERSON, NV - 89011

is authorized to discharge from a facility located at:

LAKE LAS VEGAS DAM
1600 LAKE LAS VEGAS PARKWAY, HENDERSON, NV - 89011
LATITUDE: 36.1021, LONGITUDE: -114.926910
TOWNSHIP: T21S, RANGE: R63E, SECTION: S14

to receiving waters named:

LAS VEGAS WASH AT LAKE MEAD

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.

Melissa Hanson
Staff II Engineer
Bureau of Water Pollution Control

SECTION A

A.1. INTRODUCTION

A.1.1. Lake Las Vegas Dam (LLVD) is located at 1600 Lake Las Vegas Parkway, between Lake Las Vegas Parkway and North Shore Road, in Henderson, within Clark County, Nevada. Lake Las Vegas (LLV) is a 320-acre man-made reservoir, with 2,600-acres of developable arceage around it, incorporating several mixed uses within its boundary - including residential, resort, and commercial. The entire area is often referred to as the Lake Las Vegas Resort.

A.2. EFFLUENT LIMITATIONS AND CONDITIONS

A.2.1. There shall be no discharge from the facility 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 Lake Las Vegas (LLV) water into the Las Vegas Wash for the purposes of water quality management and during any storm surge events.

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

Sample Location	Location Type	Location Name
001	External Outfall	OUTFALL 001-LAKE DRAIN VALVE

A.2.4. 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:

Discharge Limitations Table for Sample Location 001 (Lake Drain Valve-External Outfall) To Be Reported Monthly

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)		Internal Monitoring Point	001	Continuous	DISCRT
Flow, total	30 Day Average	M&R Million Gallons (Mgal)		Internal Monitoring Point	001	Continuous	DISCRT
Coliform, fecal general[3]	30 Day Geometric Mean		<= 200 Most Probable Number per 100ml (MPN/100mL)[4]	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Coliform, fecal general[3]	Daily Maximum		<= 400 Most Probable Number per 100ml (MPN/100mL)[4]	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Nitrogen, ammonia total (as N)	Daily Maximum	M&R Pounds per Day (lb/d)[5]	M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Nitrogen, inorganic total	Daily Maximum		<= 17 Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Nitrogen, inorganic total	30 Day Average		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Nitrogen, nitrate total (as N)	Daily Maximum		<= 90 Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Nitrogen, nitrite total (as N)	Daily Maximum		<= 5 Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Oxygen, dissolved (DO)	Daily Minimum		>= 5 Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
pH, maximum	Daily Maximum		<= 9.0 Standard Units (SU)	Internal Monitoring Point	001	See Permit[1]	DISCRT[2]
pH, minimum	Daily Minimum		>= 6.5 Standard Units (SU)	Internal Monitoring Point	001	See Permit[1]	DISCRT[2]
		M&R					

Discharge Limitations Table for Sample Location 001 (Lake Drain Valve-External Outfall) To Be Reported Monthly

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Phosphorus, total (as P)	Daily Maximum	Pounds per Day (lb/d)[5]	M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS
Solids, total dissolved	Daily Maximum		<= 2400 Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Solids, total dissolved	30 Day Average		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Solids, total suspended	Daily Maximum		<= 135 Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Solids, total suspended	30 Day Average		M&R Milligrams per Liter (mg/L)	Internal Monitoring Point	001	See Permit[1]	COMPOS [2]
Temperature, water deg. centigrade	Daily Maximum		<= 34 Degrees Centigrade (deg C)	Internal Monitoring Point	001	See Permit[1]	DISCRT[2]
E. coli	30 Day Geometric Mean		<= 630 Colony Forming Units per 100ml T (CFU/100mL)	Internal Monitoring Point	001	See Permit[1]	DISCRT[2]

Notes (Discharge Limitations Table):

1. Sampling for Water Quality Management discharges shall occur prior to discharge. For discharge events greater than one week in duration, samples shall be collected on a weekly basis.
2. A composite sample profile at Outfall 001 shall consist of (1) sample collected one meter below lake surface, (1) sample collected at mid-water column depth, and (1) sample collected one meter above lake bottom.
3. Any discharge from a point source into the Las Vegas Wash must not exceed a log mean of 200 per 100 milliliters based on a minimum of not less than five samples taken over a 30-day period, nor may more than 10 percent of the total samples taken during any 30-day period exceed 400 per 100 milliliters.
4. CFU/100mL or MPN/100mL.
5. Loading: lbs/day = Flow Rate (Mgal/d) x Concentration (mg/L) x 8.34.

Discharge Limitations Table for Sample Location 001 (Lake Drain Valve-External Outfall) To Be Reported Quarterly

		Discharge Limitations		Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Flow, total	Season To Date Total[1]	<= 815 Million Gallons (Mgal)		Internal Monitoring Point	001	Continuous	DISCRT

Notes (Discharge Limitations Table):

1. Discharges up to 2500 acre-feet per year (815 million gallons per year) are allowed for maintaining water quality, during the period from November 1 through March 30.

Discharge Limitations Table for Sample Location 001 (Lake Drain Valve-External Outfall) To Be Reported Once During The Permit Term

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Arsenic, dissolved (as As)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Beryllium, total recoverable (as Be)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Boron, total recoverable	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Cadmium, dissolved (as Cd)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Chromium, total recoverable	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Chromium, Hexavalent [As CR] (Chromium (VI))[1]	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Chromium, Trivalent [As CR] (Chromium (III))[1]	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Copper, dissolved (as Cu)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Cyanide, free available	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Fluoride, total (as F)[2]	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Iron, total recoverable	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
			M&R				

Discharge Limitations Table for Sample Location 001 (Lake Drain Valve-External Outfall) To Be Reported Once During The Permit Term

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Lead, dissolved (as Pb)	Daily Maximum		Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Manganese, total recoverable	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Mercury, dissolved (as Hg)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Molybdenum, total recoverable	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Nickel, total (as Ni) [1]	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Selenium, dissolved [as Se]	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Silver, dissolved (as Ag)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Sulfide, total (as S)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Zinc, dissolved (as Zn)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Acrolein	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Aldrin	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
			M&R				

Discharge Limitations Table for Sample Location 001 (Lake Drain Valve-External Outfall) To Be Reported Once During The Permit Term

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
.alpha.-Endosulfan	Daily Maximum		Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
.beta.-Endosulfan	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Chlordane (tech mix. and metabolites)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Chlorpyrifos	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
4,4-DDT	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Demeton	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Diazinon	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Dieldrin	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Endrin	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Azinphos-Methyl (Guthion)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Heptachlor	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
			M&R				

Discharge Limitations Table for Sample Location 001 (Lake Drain Valve-External Outfall) To Be Reported Once During The Permit Term

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Heptachlor epoxide	Daily Maximum		Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Lindane	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Malathion	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Methoxychlor	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Mirex	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Nonylphenol	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Parathion	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Pentachlorophenol	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Polychlorinated biphenyls (PCBs)	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Toxaphene	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS
Tributyltin	Daily Maximum		M&R Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	COMPOS

Notes (Discharge Limitations Table):

1. Sampling shall be done to the dissolved fraction.
2. Total recoverable.

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	Water Quality Management discharges, up to 2500 acre-feet/year (815 million gallons per year) are only permitted for the period of November 1 through March 30 of each year when the lake water column is not stratisfied and aerobic throughout.
2	All flow measurements shall be submitted as part of the quarterly monitoring reports. All water quality data shall be submitted annually as part of the Annual Water Quality Monitoring Report required by the Division's Bureau of Water Quality Planning, and copied to the Bureau of Water Pollution Control.
3	Reporting of stormwater releases shall be made to Nevada Division of Environmental Protection, Bureau of Water Pollution Control within 24 hours of the discharge event. The total volume of stormwater discharged shall also be submitted annually.
4	Section C.8 - The parts of this section that refer to the diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities do not apply to this permit. Lake Las Vegas Dam is not a wastewater treatment or conveyance facility.
5	Section A.2.1 Discharges are allowed under this permit for water quality purposes only. This restriction applies specifically to the water quality releases through the Lake Drain Valve and does not apply to releases required for sam safety or to stormwater releases.

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

Item #	Description	Interval	First Scheduled Due Date
1	Quarterly Reports	Quarterly	4/28/2027
2	Water Quality Monitoring Report	Annually	4/1/2027
3	Stormwater Discharge Volume Total	Annually	4/1/2027

SECTION B (Revised November 2023)

N/A

SECTION C (Revised January 2022)

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, 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 Discharge Limitations Tables.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 (due to permit sampling requirements). 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 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 Discharge Limitations Tables in the permit. Analyses shall be performed by a Nevada Certified Laboratory. Lab results must accompany the DMR. If no discharge occurs during the reporting period, "no discharge" shall be indicated on the submitted DMR.

C.1.4.1. If it is believed that a sample and/or test result is not representative of the monitored discharge, it is incumbent on the Permittee, immediately after the Permittee becomes aware, to re-sample and/or re-test the required parameter. An explanation shall be included in the DMR along with a request to disregard the bad sample. All lab results of all samples taken must be submitted with the 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, time of sampling and the person who performed the 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., 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 Clean Water Act (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 test method series 1000 through 3500. This test method series shall only be used for determining solid waste characteristics, organic and inorganic preparation, and extraction;

C.1.7.2. Selected from 40 CFR 503, which establishes the general requirements, pollutant limits, management practices, and operational standards for the use or removal of sewage sludge to be applied on a land surface disposal site, or fired in a sewage sludge incinerator; or

C.1.7.3. An alternate test procedure approved by the Division, Bureau of Safe Drinking Water, Laboratory Certification Program.

C.1.7.4. All laboratory analyses conducted in accordance with this discharge permit must have detection levels 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 reporting limit 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's 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 in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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/Noticing Requirements: 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 in accordance with paragraph C.3. Any changes to the permitted treatment facility must comply with Nevada Administrative Code (NAC) 445A.The permit may be modified to specify and limit any pollutants not previously limited.

C.5.1 **Publicly owned treatment works.** All POTWs must provide adequate notice (in the next DMR, at the latest) to the Division of the following:

C.5.1.1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and

C.5.1.2. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

C.5.1.3. For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

C.5.1.4. Identify, in terms of character and volume of pollutants, any new Significant Industrial Users (SIUs) discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR part 403.

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 non-compliance 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. **Non-compliance, Unauthorized Discharge, Bypass and Upset**

C.8.1. Any diversion, bypass, spill, overflow, upset, 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 considers these to be non-compliant events and may take enforcement action for a diversion, bypass, spill, overflow, upset 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, upset 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, upset or discharge not authorized by this permit, or any other non-compliance which may endanger human health or the environment 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 other noncompliant event with a detailed description of the event including;

C.8.2.3.1. The period of noncompliance, including exact dates and times;

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 corrective actions taken and anticipated time it is expected to continue.

C.8.2.3.6. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

C.8.2.3.7. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather.

C.8.3. The Permittee shall report all instances of noncompliance not reported under Section C.8. (Noncompliance, Unauthorized Discharge, Bypass and Upset) at the time monitoring reports are submitted. The reports shall contain the information listed in Section C.8. (Noncompliance, Unauthorized Discharge, Bypass and Upset).

C.8.4. **Bypass not exceeding limitations:** The Permittee may allow a 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. The bypass must be scheduled such that required monitoring/sampling will occur during the bypass event (or extra sampling, if necessary) in order to ensure effluent limitations have been met. These bypasses are not subject to the provisions of the applicable Section of Section C.8. (Noncompliance, Unauthorized Discharge, Bypass and Upset including Prohibition of

Bypass (C.8.6.)).

C.8.5. **Anticipated bypass:** If the Permittee knows in advance of the need for a bypass, he or she 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 (as defined in section C28 “Definitions”);

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, Bypass 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 technology-based permit effluent limitations if the requirements of Section C.8 (Noncompliance, Unauthorized Discharge, Bypass and Upset: Conditions necessary for a demonstration of an upset) are met. In accordance with 40 CFR 122.41 (n)(2): No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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 of upset 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, Bypass 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 Operations and Maintenance (O&M) Manual and the SWMP (Stormwater Management Program) for the facility.

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. This permit is not transferable to any person or entity except after notice to the Director and approval from 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 under the Clean Water Act (see §122.61; in some cases, modification or revocation and reissuance is mandatory.).

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, upon conviction, shall be punished by a fine of not more than $10,000, or by imprisonment, or both. (In accordance with 40 CFR 122.41 (j)(5): If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.) 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.15.9 The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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 anIWLA (Individual Waste Load Allocation) as long as the ΣIWLA does not change in accordance with the TMDL as pertaining to the affected water body.

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 non-compliance 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.21.1 The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

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 that 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 using 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 per 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 willful and deliberate 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, NOAA Atlas 14, Volume 1, “Point Precipitation Frequency Estimates” found online at nws.noaa.gov , 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, NOAA Atlas 14, Volume 1, “Point Precipitation Frequency Estimates” found online at nws.noaa.gov 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.

CFR means Code of Federal Regulations.

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-weighted 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.

Grab sample means the same as discrete sample.

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.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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 non-compliance with permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not excuse non-compliance to the extent caused by operational error, improperly designed 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.