**PROPOSED DRAFT**

**Permit Type: Groundwater Discharge**

**Permit No. NS2001509**

**Nevada Division of Environmental Protection**

**AUTHORIZATION TO DISCHARGE**

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

**CLARK COUNTY WATER RECLAMATION DISTRICT**
**5857 E FLAMINGO RD**
**LAS VEGAS, NV - 89122**

is authorized to discharge from a facility located at:

**DESERT BREEZE WATER RESOURCE CENTER (DBWRC)**
**8320 W. FLAMINGO ROAD, LAS VEGAS, NV - 89149**
**LATITUDE: 36.114722, LONGITUDE: -115.272222**
**TOWNSHIP: 21S, RANGE: 60E, SECTION: 16**

to receiving waters named:

**GROUNDWATER 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, Clark County Water Reclamation District, operates the Desert Breeze Water Resource Center (DBWRC), located at 8320 W. Flamingo Road, Las Vegas, Nevada has applied to renew their discharge permit NS2001509. The DBWRC produces tertiary treated Category A reclaimed water, pursuant to Nevada Administrative Code (NAC) 445A.2762 for beneficial reuse which may distributed to golf courses, parks, and other reuse application sites for irrigation.

### 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 secondary-treated, denitrified Category A bacteriological quality reclaimed water for irrigation use at area golf courses and parks.

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

| Sample Location | Location Type | Location Name |
|---|---|---|
| 001 | Influent Structure | HEADWORKS WEIRS |
| 002 | Internal Outfall | SAMPLING POINT BETWEEN UV SYSTEM AND DISCHARGE TO WET WELL/RESERVOIR |

**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.

**WWTP Discharge Limitations Table for Sample Location 001 (Influent Structure) To Be Reported Monthly**

| Discharge Limitations | | | | Monitoring Requirements | | | |
|---|---|---|---|---|---|---|---|
| **Parameter** | **Base** | **Quantity** | **Concentration** | **Monitoring Loc** | **Sample Loc** | **Measurement Frequency** | **Sample Type** |
| Flow rate | Daily Maximum | M&R Million Gallons per Day (Mgal/d) | | Raw Sewage Influent | 001 | Continuous | METER |
| Flow rate | 30 Day Average | <= 4.9 Million Gallons per Day (Mgal/d) | | Raw Sewage Influent | 001 | Continuous | METER |
| BOD, 5-day[1] | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Raw Sewage Influent | 001 | Three Per Week | COMPOS |
| BOD, 5-day[1] | 30 Day Average | | M&R Milligrams per Liter (mg/L) | Raw Sewage Influent | 001 | Three Per Week | COMPOS |
| Solids, total suspended[1] | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Raw Sewage Influent | 001 | Three Per Week | COMPOS |
| Solids, total suspended[1] | 30 Day Average | | M&R Milligrams per Liter (mg/L) | Raw Sewage Influent | 001 | Three Per Week | COMPOS |

Notes (WWTP Discharge Limitations Table):

1. Sampling for BOD, 5-day and total suspended solids (TSS) should be done concurrently when the influent is sampled to determine exact percentages of removal achieved.

**WWTP Discharge Limitations Table for Sample Location 002 (Effluent Outfall) To Be Reported Monthly**

| Discharge Limitations | | | | Monitoring Requirements | | | |
|---|---|---|---|---|---|---|---|
| **Parameter** | **Base** | **Quantity** | **Concentration** | **Monitoring Loc** | **Sample Loc** | **Measurement Frequency** | **Sample Type** |
| BOD, 5-day[1] | Daily Maximum | | <= 45 Milligrams per Liter (mg/L) | Effluent Gross | 002 | Three Per Week | COMPOS |
| BOD, 5-day[1] | 30 Day Average | | <= 30 Milligrams per Liter (mg/L) | Effluent Gross | 002 | Three Per Week | COMPOS |
| BOD, 5-day, percent removal[2] | Monthly Average Minimum | | >= 85 Percent (%) | Effluent Gross | 002 | Three Per Week | CALCTD |
| Coliform, total general | Daily Maximum | | <= 23 Most Probable Number per 100ml (MPN/100mL) | Effluent Gross | 002 | Three Per Week | DISCRT |
| Coliform, total general | 30 Day Geometric Mean | | <= 2.2 Most Probable Number per 100ml (MPN/100mL) | Effluent Gross | 002 | Three Per Week | DISCRT |
| Nitrogen, total | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Weekly | COMPOS |
| Nitrogen, total | 30 Day Average | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Weekly | COMPOS |
| Solids, total suspended | Daily Maximum | | <= 45 Milligrams per Liter (mg/L) | Effluent Gross | 002 | Three Per Week | COMPOS |
| Solids, total suspended | 30 Day Average | | <= 30 Milligrams per Liter (mg/L) | Effluent Gross | 002 | Three Per Week | COMPOS |
| Solids, suspended percent removal[2] | Monthly Average Minimum | | >= 85 Percent (%) | Effluent Gross | 002 | Three Per Week | CALCTD |
| pH, minimum | Weekly Minimum | | >= 6 Standard Units (SU) | Effluent Gross | 002 | Three Per Week | DISCRT |
| pH, maximum | Weekly Maximum | | <= 9 Standard Units (SU) | Effluent Gross | 002 | Three Per Week | DISCRT |
| Flow, total | Daily Maximum | M&R Million Gallons (Mgal) | | Effluent Gross | 002 | Continuous | METER |

## WWTP Discharge Limitations Table for Sample Location 002 (Effluent Outfall) To Be Reported Monthly

| Discharge Limitations | | | | Monitoring Requirements | | | |
|---|---|---|---|---|---|---|---|
| **Parameter** | **Base** | **Quantity** | **Concentration** | **Monitoring Loc** | **Sample Loc** | **Measurement Frequency** | **Sample Type** |
| Flow, total | 30 Day Average | M&R Million Gallons (Mgal) | | Effluent Gross | 002 | Continuous | METER |

Notes (WWTP Discharge Limitations Table):

1. Measurements derived from TOC analysis, using approved EPA methods, to predict BOD values
2. Sampling for BOD, 5-day and total suspended solids (TSS) should be done concurrently when the influent is sampled to determine exact percentages of removal achieved.

**WWTP Discharge Limitations Table for Sample Location 002 (Effluent 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** |
| Alkalinity, bicarbonate (as CaCO3) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Alkalinity, total (as CaCO3) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Aluminum, dissolved (as Al) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Antimony, dissolved (as Sb) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Arsenic, dissolved (as As) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Barium, dissolved (as Ba) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Beryllium, dissolved (as Be) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Cadmium, dissolved (as Cd) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Calcium, dissolved (as Ca) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Chloride (as Cl) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Chromium, dissolved (as Cr) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |

**WWTP Discharge Limitations Table for Sample Location 002 (Effluent 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** |
| Copper, dissolved (as Cu) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Fluoride, total (as F)[1] | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Iron, dissolved (as Fe) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Lead, dissolved (as Pb) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Magnesium, dissolved (as Mg) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Manganese, dissolved (as Mn) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Mercury, dissolved (as Hg) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Nitrite plus nitrate total 1 det. (as N) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Potassium, dissolved (as K) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Selenium, dissolved [as Se] | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Silver, dissolved (as Ag) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |

**WWTP Discharge Limitations Table for Sample Location 002 (Effluent 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** |
| Sodium, dissolved (as Na) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Sulfate, total (as SO4) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Thallium, dissolved (as Tl) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Solids, total dissolved | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Cyanide, free available | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |
| Zinc, dissolved (as Zn) | Daily Maximum | | M&R Milligrams per Liter (mg/L) | Effluent Gross | 002 | Once Per Permit Term | DISCRT |

Notes (WWTP Discharge Limitations Table):

1. Sampling and analysis shall be conducted on dissolved fraction.

**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 Permittee shall notify the Division of any new facility/reuse site that is to receive effluent within 14 days of effluent delivery to that site. Prior to effluent delivery each site shall have a discharge permit, reclaimed Water Management Plan. |
| 2 | With Division approval, the Permittee may add reuse sites to this permit as a minor modification. Prior to effluent delivery each site shall have a discharge permit, reclaimed Water Management Plan. Fees are subject to change as a result of additional discharge flow, in accordance with NAC 445A.232. |
| 3 | Section C.9. is not applicable and any additional solids, sludge, filter backwash or other pollutant management shall be addressed under the O&M Manual and/or through the acquiring of the applicable permit. |
| 4 | Item C.16.8 is not applicable to this permit as the site is not subject to a waste load allocation. |
| 5 | An Operation and Maintenance (O&M) manual Addendums Submittal Letter with a copy of the last O&M may be sent in place of an updated O&M manual due to the condition of the facility. An updated O&M manual is require prior to any discharge from the facility. |

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

| Item # | Description | Interval | First Scheduled Due Date |
|---|---|---|---|
| 1 | Monthly Report | Quarterly | 4/28/2027 |
| 2 | Annual Report | Annually | 4/28/2027 |

## A.4. Certified Operators

**A.4.1.** The facility shall be operated by a Nevada Certified Class Operator (or higher) of classification

☐ None, ☐ Level 1, ☐ Level 2, ☐ Level 3, or ☒ Level 4.

## A.5. Discharge Monitoring Reports (DMRs)

**A.5.1.** DMRs must be signed by the facility's highest ranking certified operator. The first DMR submitted under this permit must include the written designation of the certified operator required by Section C, Signatures, Certification Required on Application and Reporting Forms, as the authorized representative to sign the DMRs. If the certified operator in responsible charge changes, a new designation letter must be submitted.

## 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.TF. Treatment Facilities / Operations

**B.TF.1.** There shall be no objectionable odors from the collection system or wastewater treatment, disposal and reuse facilities.

**B.TF.2.** There shall be no discharge from the collection system or wastewater treatment, disposal and reuse facilities except as authorized by this permit.

**B.TF.3.** There shall be no discharge of substances that would cause an exceedance of drinking water standards in the groundwater.

**B.TF.4.** The wastewater treatment and disposal facilities shall be adequately posted and properly fenced.

**B.TF.5.** The wastewater collection, treatment, disposal and reuse facilities shall be constructed in conformance with plans approved by the Division. The plans must be approved by the Division prior to the start of construction. All changes to the approved plans must be approved by the Division.

**B.TF.6.** The facility shall be operated in accordance with the Division approved O&M Manual.

**B.TF.7.** An operations logbook, including the name of the operator, date, time, and general condition of the wastewater treatment facility, must be kept and maintained on the site premises. The operator shall inspect the site at the frequency prescribed in the O&M Manual.

**B.TF.8.** Flow Rate Notification: The Permittee shall notify the Administrator, by letter, not later than ninety (90) days after the 30-day average daily influent flow rate first equals or exceeds 85% of the design treatment capacity of the Permittee's facility given in Section A. above. The letter shall include:

**B.TF.8.1.** The 30-day average daily influent flow rate;

**B.TF.8.2.** The maximum 24-hour flow rate during the 30-day period reported above and the date the maximum flow occurred;

**B.TF.8.3.** The Permittee's estimate of when the 30-day average influent flow rate will equal or exceed the design treatment capacity of the Permittee's facility;

**B.TF.8.4.** A status report on the treatment works which will outline but not be limited to past performance, remaining capacity of the limiting treatment and disposal units or sites, past operational problems and improvements instituted, modifications to the treatment works which are needed to attain the permitted flow rate due to changing site specific conditions or design criteria; and

**B.TF.8.5.** The Permittee's schedule of compliance to provide additional treatment capacity before the 30-day average daily influent flow rate equals the present design treatment capacity of the Permittee's facility.

**B.TF.9.** Color photograph(s) of the Permitted facilities and operations, labeled and dated, shall be submitted to this office annually as part of the 4th quarter DMR.

## 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.