NV0023027

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; the "Act"), and Chapter 445A of the Nevada Revised Statutes (NRS), the Permittee,

Rockview Farms, Inc.
7011 Stewart and Gray Road
Downey, CA 90241-4347

is authorized to discharge manure and process wastewater from a facility located at:

Ponderosa Dairies 1, 2, and 3
900 Mecca Road
Amargosa Valley, Nye County, Nevada 89020

Dairy 1: Latitude 36º 29' 41.3" N; Longitude 116º 27' 20.2" W
Dairy 2: Latitude 36º 29' 42.0" N; Longitude 116º 26' 01.0" W
Dairy 3: Latitude 36º 29' 39.0" N; Longitude 116º 27' 41.0" W

Township 17 S, Range 49 E, Sections 9, 10, & 15 MDB&M

to receiving waters named:

Groundwaters of the State via irrigation percolation and
the Amargosa River via stormwater overflow

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on: **November 4, 2007.**

This permit and the authorization to discharge shall expire at midnight, **November 3, 2012.**

Signed this 25th day of October, 2007.

Bruce Holmgren, P.E.
Bureau of Water Pollution Control

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PART I

I.A. EFFLUENT LIMITATIONS, MONITORING, AND CONDITIONS

There shall be no discharge from the facility property except as authorized by this permit. There shall be no discharge of manure or process wastewater pollutants from the production area to waters of the State, with exception to pollutants in an overflow that may be discharged when a storm greater than the 25-year, 24-hour storm event or a chronic rainfall event causes an overflow from the production area. To qualify for this exemption, the production area must be properly designed, constructed, operated, and maintained to contain manure, process wastewater, direct precipitation, and the runoff from a 25-year, 24-hour storm event and the production area must be operated in compliance with the additional measures and records required in this permit.

I.A.1. During the period on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized to discharge manure and process wastewater:

-To land application areas in accordance with a Division approved Nutrient Management Plan, eleven fields approximately 865 total acres; and
-To waters of the State in response to storm events or chronic rainfall events that exceed the design storm event.

The permit also authorizes the composting of manure generated at the facility and at other permitted concentrated animal feeding operations, including, but not limited to, Beverly Hills Dairy NEV2006504.

Samples taken in compliance with the monitoring requirements specified below shall be taken from:

a. Manure from separators (3) and scraped from the corrals (3), and process wastewater from each of the three dairies prior to dilution with irrigation water (3), and finished compost from each composting facility (2), eleven total sources (If manure is transferred to any site other than the two compost facilities, the manure must be characterized.);

b. Storm-related discharge to surface waters of the State from each point of discharge;

c. Soil from each land application area eligible for land application of manure and/or process wastewater (maximum eleven areas);

d. Each land application area that has had manure and/or process wastewater applied (maximum eleven areas);

e. Each irrigation well used during the year (6 wells at permit issuance);

f. Dairy 1 flow meter, process wastewater only;

g. Dairy 2 flow meter, process wastewater only; and

h. Dairy 3 flow meter, process wastewater only.

The discharge shall be limited and monitored by the Permittee as specified in Table I.1.

TABLE I.1

PARAMETERS	EFFLUENT DISCHARGE LIMITATIONS	MONITORING REQUIREMENTS		
		Sample Locations	**Measurement Frequency**	**Sample Type**
Flow, total dairy (MGD)	1.000	f. + g. + h.	Weekly	Calculation
Dairies 1, 2, 3 Flow, irrigation	Monitor and Report	f., g., h. e.	Continuous	Meter Readings
pH (standard units)	Monitor and Report	a.	Annually[1]	Discrete
		b.	Each discharge[2]	Discrete

PARAMETERS	EFFLUENT DISCHARGE LIMITATIONS	MONITORING REQUIREMENTS		
		Sample Locations	**Measurement Frequency**	**Sample Type**
Chlorides (mg/L)	Monitor and Report	a.[5]	Biannually[4]	Composite
		b.	Each discharge[2]	Discrete
Total Dissolved Solids (mg/L)	Monitor and Report	a.[5]	Biannually[4]	Composite
		b.	Each discharge[2]	Discrete
Total Suspended Solids (mg/L)	Monitor and Report	a.[5]	Annually[1]	Composite
		b.	Each discharge[2]	Discrete
5-day Biochemical Oxygen Demand (mg/L)	Monitor and Report	a.[5]	Annually[1]	Composite
		b.	Each discharge[2]	Discrete
Total Nitrogen -N (mg/L, mg/Kg)[3]	Monitor and Report	a.	Biannually[4]	Composite
		b.	Each discharge[2]	Discrete
		c.	(6)	Composite
		e.[11]	Annually[1]	Discrete
Total Nitrogen -N Applied (lbs/acre)	See Part I.A.3. for Annual Limit[9]	d.	Annually[1]	Calculation
Total Kjeldahl Nitrogen – N (mg/L, mg/kg)[3]	Monitor and Report	a.	Biannually[4]	Composite
		b.	Each discharge[2]	Discrete
		c.	(6)	Composite
Nitrate –N (mg/L, mg/kg)[3]	Monitor and Report	a.	Biannually[4]	Composite
		b.	Each discharge[2]	Discrete
		c.	(6)	Composite
Ammonia -N (mg/L, mg/kg)[3]	Monitor and Report	a.	Biannually[4]	Composite
		b.	Each discharge[2]	Discrete
		c.	(6)	Composite
Total Phosphorus -P (mg/L, mg/kg)[3]	Monitor and Report	a.	Biannually[4]	Composite
		b.	Each discharge[2]	Discrete
		c.	(6)	Composite
		e.[11]	Annually[1]	Discrete
Total Phosphorus -P Applied (lbs/acre)	Monitor and Report	d.	Annually[1]	Calculation
Fecal Coliform (CFU or MPN/100 mL)	Monitor and Report	a.[5]	Annually[1]	Composite
		b.	Each discharge[2]	Discrete
Manure and/or Process Wastewater Applied[10] (units)	Monitor and Report	a.	Monthly	Estimate
Crop Yield[8] (tons/acre)	Monitor and Report	d.	Annually[1]	Calculate
Volume of Discharge (gallons)	Monitor and Report	b.	Each discharge[2]	Estimate

Notes:

[1]: Annual characterizations shall be conducted in the fourth quarter and reported in the fourth quarter Discharge Monitoring Report (DMR).

[2]: The Permittee shall collect the sample within 30 minutes of the first knowledge of the discharge. If sampling in that period is not possible due to dangerous weather conditions, collect the sample as soon as possible after suitable conditions occur, and document the reason for delay. Also, report date and time of each discharge.
[3]: mg/L for liquids, mg/kg for solids.
[4]: Biannual characterizations shall be conducted in the first and third quarters and reported in the appropriate DMR.
[5]: Process wastewater only – three values.
[6]: Annually cropped land application areas shall have soil analyses every three years or when a major change in crop rotation occurs. Perennially cropped fields shall have soil analyses every five years.
[7]: List each type of material land applied separately and include the date of each application.
[8]: If the crop yield is not within 10% of the expected crop yield of the Nutrient Management Plan (NMP), the NMP shall be reviewed and revised, as necessary.
[9]: Report separately for each land application area.
The Permittee shall be responsible for reporting the total nitrogen that may be applied to each land application area, permit limitation, from the most recent Division approved NMP and this permit in each DMR submitted to the Division.
[10]: Solids Pounds/acre.
Liquids Gallons/acre.
[11]: The number of production wells analyzed annually for nutrients may be reduced by the demonstration through a statistical analysis that the groundwater used for irrigation is of consistent quality. The number of wells analyzed annually cannot be reduced below one.

mg/L:	Milligram per liter.	CFU:	Colony Forming Unit.
gpd:	Gallons per day.	MPN:	Most Probable Number.
-N:	As nitrogen.	mL:	Milliliter.
-P:	As phosphorus.	NMP:	Nutrient Management Plan.
mg/kg:	Milligrams per kilogram.	lbs/A:	Pounds per acre.

I.A.2. **Groundwater Monitoring:** Discrete groundwater samples shall be collected to confirm the effective protection of groundwater under the established discharge conditions of this permit.

a. All wells shall be monitored in accordance with the following parameters:

TABLE I.2.

PARAMETER	REQUIREMENTS	SAMPLE LOCATION(S)[1]	FREQUENCY	SAMPLE TYPE
Depth to Groundwater (feet)	Monitor & Report	MW-1[2]	Quarterly	Field Measurement
Groundwater Elevation (feet)	Monitor & Report	MW-1[2]	Quarterly	Calculate
pH (standard units)	Monitor & Report	MW-1[2]	Quarterly	Discrete
Chlorides (mg/L)	Monitor & Report	MW-1[2]	Quarterly	Discrete
Nitrate -N (mg/L)	Monitor & Report	MW-1[2]	Quarterly	Discrete
Total Nitrogen –N (mg/L)	10.0	MW-1[2]	Quarterly	Discrete
Total Dissolved Solids (mg/L)	Monitor & Report	MW-1[2]	Quarterly	Discrete

Notes:
[1]: Additional monitoring wells may be added to the permit as a minor modification.
[2]: The Permittee may stop monitoring MW-1 upon lining the Dairy 1 pond system, providing documentation to the Division that MW-1 has been properly abandoned as required by Part I.A.27., and the groundwater total nitrogen concentration at MW-1 does not exceed the background total nitrogen level.
mg/L: Milligrams per liter. MW-1: Dairy 1 pond system monitoring well.
-N: As nitrogen.

b. The detection of concentrations of total nitrogen as nitrogen (-N) in groundwater samples invoke the following limitations and response requirements:

i. If the total nitrogen-N concentration increases to 7.0 mg/L, an alternate method of process wastewater and/or manure storage, approved by the Division, shall be selected;

ii. If the total nitrogen-N concentration increases to 9.0 mg/L, construction of the approved alternate process wastewater and/or manure storage facility shall begin; and

iii. If the total nitrogen-N concentration increases to 10.0 mg/L, discharge to groundwater shall cease.

I.A.3. **Nutrient Management Plan:** The facility shall be operated in accordance with a Division approved Nutrient Management Plan (NMP). The NMP shall be prepared in accordance with Natural Resource Conservation Service (NRCS) Conservation Practice Standard Code 590 Nutrient Management, June 2002 or more recent, and NRCS Conservation Practice Standard Code 633 Waste Utilization, October 2003 or more recent, and with the requirements of Part I.A.3.

a. The NMP shall contain provisions that:

i. Ensure adequate storage and handling of manure and process wastewater including procedures to ensure proper operation and maintenance of the storage facilities;

ii. Ensure that stormwater or other water run-on is diverted from the production area;

iii. Prevent direct contact of confined animals with any water of the State;

iv. Ensure that chemicals and other contaminants handled at the facility are not disposed in any manure, process wastewater, or stormwater storage or treatment system unless specifically designed to treat such chemicals and other contaminants;

v. Identify site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices to control runoff to waters of the State;

vi. Identify protocols for appropriate testing of manure, process wastewater, and soil;

vii. Establish protocols to land apply manure or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure or process wastewater; and

viii. Identify specific records that shall be maintained to document the implementation and management of the minimum elements described in the NMP and this part.

b. The NMP shall be signed by the Permittee.

c. The Permittee shall amend the NMP as necessary whenever the facility makes a substantive change in how it manages the operation, including the location, method, timing, or frequency of land application so that the NMP reflects the current operational characteristics and practices of the facility. These changes may require a major modification of the permit.

d. Crop Rotation: The following table summarizes the Permittee's proposed crops for the five-year term of the permit:

TABLE I.3.d.

Field	Area (acres)	Year					
		2007	2008	2009	2010	2011	2012
1	30	a.	a.	a.	a.	a.	a.
2	20	a.	a.	a.	a.	a.	a.
3	120	a.	a.	a.	a.	a.	a.
4	40	a.	a.	a.	a.	a.	a.
5	120	b. or d.	e.	e.	e.	e.	e.
6	85	b.	b.	b.	b.	b.	b.
12	120	a.	a.	a.	a.	a.	a.
15	40	c.	d.	c.	c.	c.	c.
17	125	a.	a.	a.	a.	a.	a.
18	125	a. or b.	a. or b.	a. or b.	a. or b.	a. or b.	a. or b.

21	40	b.	b.	b.	b.	b.	b.

a. Pasture Grass-Summer crop/Rye-Winter crop
b. Winter Forage/Summer fallow
c. Alfalfa
d. Alfalfa-Sordan/ Winter Forage-Alfalfa
e. Winter Forage or Alfalfa

e. Nitrogen Application: Nitrogen shall be applied in accordance with the Division approved NMP and the following table:

TABLE I.3.e.

Field	Area (acres)	Crop	Design Yield (tons/ac)	P Hazard Class	Liquid Applied (MG)	Nitrogen Applied (lb/A)	Irrigation Method	Other N Sources	Applictn. Timing
1	30	a.	Grazed	Low	15.07	507	Flood	Manure[3]	S/W
2	20	a.	Grazed	Low	10.05	507	Flood	Manure[3]	S/W
3	120[1]	a.	Grazed	Medium	59.95	504	CP	Manure[3]	S/W
4	40	a.	Grazed	Medium	15.53	507	Flood	Manure[3]	S/W
5	120[1]	b. d. e.	5 - 6 9 - 10 5 – 6 or 9	Low	22.64 63.63 22.64 or63.63	198 536 198 or 536	CP	Compost[4]	W S/W W or S
6	85	b.	5 – 6	Low	16.03	198	CP	Compost[4]	W
12	120	a.	Grazed	Medium	59.62	504	CP	Manure	S/W
15	40	c. d.	9 9 – 10	Medium	21.18 21.18	535 535	Flood	None	S S/W
17	125[2]	a.	Grazed	Low	62.11	503	CP	Manure	S/W
18	125	a. b.	Grazed 5 – 6	Low	63.46 25.21	503 211	CP	Manure Compost[4]	S/W W
21	40	b.	5 – 6	Low	4.34	150	Flood	Compost[4]	W

Notes:
[1]: Listed as 110 acres on Ponderosa Dairy Site Plan Runon/Runoff Control of CNMP.
[2]: Area may have to be reduced due to Barn 2 Lagoon construction as shown in 08/03/05 Construction Plan Map and 02/15/05 Telesto Nevada, LLC Technical Memorandum, Figure 1, Barn 2 Lagoon Location Map.
[3]: Manure from grazing animals.
[4]: Compost from the dead animal compost facility at 2 tons per acre

CP: Center pivot. lb/A: Pounds per acre.
MG: Million gallons. ac: Acre.
S: Summer. W: Winter.

I.A.4 **Narrative Standards:** Per Nevada Administrative Code (NAC) 445A.121, discharges shall not cause the following standards to be violated in any surface waters of the State. Waters must be free from:

a. Substances that will settle to form sludge or bottom deposits in amounts sufficient to be unsightly, putrescent, or odorous;

b. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to be unsightly;

c. Materials in amounts sufficient to produce taste or odor in the water, detectable off-flavor in the flesh of fish, or in amounts sufficient to change the existing color, turbidity, or other conditions in the receiving stream to such a degree as to create a public nuisance;

d. High temperature; biocides; organisms pathogenic to human beings; or toxic, corrosive, or other deleterious substances at levels or combinations sufficient to be toxic to human, animal, plant, or aquatic life;

e. Radioactive materials resulting in accumulations of radioactivity in plants or animals hazardous or harmful to humans or aquatic life;

f. Untreated or uncontrolled wastes or effluents that are reasonably amenable to treatment or control; and

g. Substances or conditions which interfere with the beneficial use of the receiving waters.

Narrative standards are not considered violated when the natural conditions of the receiving water are

outside the established limits, including periods of high or low flow. Where effluents are discharged to such waters, the discharges are not considered a contributor to substandard conditions provided maximum treatment in compliance with permit requirements is maintained.

I.A.5. **Waste Storage Facility Design and Construction:** All waste storage and treatment facilities shall be designed and constructed in accordance with NRCS Conservation Practice Standard Code 313, October 2003 or more recent, Waste Storage Facility; NRCS Conservation Practice Standard Code 317, Composting Facility, October 2003 or more recent; and/or NRCS Conservation Practice Standard Code 359, Waste Treatment Lagoon, October 2003 or more recent, as appropriate,

All waste storage and treatment facilities shall include a staff gage or other method of determining the available storage capacity of the impoundment.

All structures shall be designed, constructed, operated, and maintained to contain all manure and process wastewater from the production area accumulated during the design storage period plus the direct precipitation and run-on resulting from the 25-year, 24-hour storm event. There shall be no discharge of manure or process wastewater pollutants to waters of the State from the production area, except in a precipitation event that exceeds the 25-year, 24-hour event or chronic rainfall event.

I.A.6. **Facility Specifications:** The waste collection, storage, and treatment facilities shall be constructed in conformance with plans approved by the Division. The plans must be approved by the Division prior to initiating construction activities. All changes to approved plans must be approved by the Division prior to implementation.

I.A.7. **Heavy Use Area Protection:** The Permittee shall construct all new and renovated intensively used areas in accordance with NRCS Conservation Practice Standard Code 561, October 2003 or more recent.

I.A.8. **Land Application Setback Requirements:** There shall be no application of manure or process wastewater within 100 feet of any downgradient surface water of the State. A 35-foot vegetated buffer to any downgradient water of the State where applications of manure or process wastewater are prohibited, may be utilized as an alternative to the 100-foot setback requirement. The establishment and maintenance of the setback must be described in the NMP.

I.A.9. **Dry Weather Discharges:** Dry weather discharges of manure and/or process wastewater to surface waters of the State are prohibited from production and land application areas.

I.A.10. **Stormwater Management:** There shall be no discharge of manure or process wastewater pollutants from the production area to waters of the State, except that pollutants in an overflow may be discharged when a 25-year, 24-hour storm event, or greater, or a chronic rainfall event causes an overflow from the production area, which is properly designed, constructed, operated, and maintained to contain manure, process wastewater, direct precipitation, and the runoff from the 25-year, 24-hour storm event, and the production area is operated in compliance with the additional measures and records required by this permit. If an overflow occurs in compliance with the previous sentence, Nevada Water Quality Standards shall not be exceeded. Any overflow that occurs in accordance with Part I.A.10. shall be reported to the Bureau of Water Pollution Control Compliance Coordinator and shall be noted in the operating records for the facility. In order for the Permittee to use this discharge exemption, the Permittee must provide documentation that establishes the conditions necessary to meet the exception.

I.A.11. **Outfall Observance:** The Permittee shall visually monitor the outfall every six hours during discharge, by observing the receiving surface water at the point of discharge to determine if there is any visible effect to the receiving water from the discharge. Any unnatural turbidity, color, oil film, odor, floating solids, foams, settleable solids, suspended solids, deposits, etc. shall be reported concurrently with the quarterly discharge monitoring reports. Documentation of the outfall observances shall be maintained at the facility.

I.A.12. **Agricultural Stormwater Exemption:** There shall be no discharge of manure or process wastewater as a result of the application of manure or process wastewater to land application areas under the

control of the Permittee, except where the discharge is an agricultural stormwater discharge. Where manure and/or process wastewater have/has been applied in accordance with the Division approved NMP, a precipitation related discharge of manure and/or process wastewater from land under the control of the Permittee is considered to be an agricultural stormwater discharge.

I.A.13. **Irrigation Management:** The Permittee shall apply manure and process wastewater at agronomic rates and shall follow sound agricultural irrigation practices and BMPs for the land application of manure and process wastewater. Tailwater, if present, shall be collected in sumps and returned to the lined process wastewater pond.

I.A.14. **Tile Drains:** Manure and/or process wastewater shall not be applied to agricultural fields containing tile drains or other type(s) subsurface drainage, unless the recovery and handling of this water is described in the approved NMP.

I.A.15. **Manure, Compost, and Soil Sampling:** Manure, compost, and process wastewater shall be analyzed biannually for nitrogen and phosphorus content. Soil shall be analyzed at the frequency specified in Note 4 of Table I.1. for nitrogen and phosphorus. The results of these analyses are to be used in determining application rates for manure, compost, and process wastewater.

I.A.16. **Manure and Compost Transfer Requirements:** If the manure, compost, or process wastewater is sold, given away, or otherwise transferred to another party, the Permittee shall comply with the following conditions:

a. Maintain records showing the date and amount of manure, compost, and/or process wastewater that leaves the permitted facility;

b. Record the name and address of the recipient;

c. Provide the recipient(s) with representative information that includes the most recent analysis of the nutrient content of the manure, compost, and/or process wastewater; and

d. These records are to be retained on-site, for a period of at least five years, and be submitted to the Division upon request.

The Permittee shall maintain the same records for any manure or process wastewater transferred to the facility for composting or land application.

The Permittee shall only accept transferred manure and/or process wastewater from permitted concentrated animal feeding operations.

I.A.17. **Animal Mortality Management Plan:** The Permittee shall implement the Division approved Animal Mortality Management Plan (AMMP) to ensure proper disposal of dead animals. Animal carcasses shall not be disposed in storage or treatment facilities unless the facility is designed specifically to treat the carcasses.

I.A.18. **Facility Ownership:** Two or more animal feeding operations under common ownership or management shall be considered a single animal feeding operation, if the facilities adjoin each other or if the facilities use a common area or system for disposal of wastes.

I.A.19. **Inspections and Monitoring:** The Permittee shall conduct the following inspections and monitoring activities at the designated frequencies:

a. Daily: The Permittee shall perform daily visual inspections of all water lines, including drinking water or cooling water lines, when present, for leakage or deterioration.

b. Weekly: The Permittee shall inspect all stormwater diversion devices, run-on/runoff diversion structures, and devices channeling contaminated stormwater to the wastewater and manure storage and containment structure(s).

The Permittee shall inspect and verify the integrity of all manure and process wastewater storage and treatment facilities and record the level by use of the installed depth marker as required by Part I.A.5.

The Permittee shall inspect all waste storage and treatment facilities to identify and abate breached containment conditions.

c. Monthly: The Permittee shall inspect all equipment used for land application of manure or process wastewater for leaks.

Any deficiencies identified as a result of these inspections shall be corrected as soon as possible.

I.A.20. **Freeboard:** All manure and process wastewater storage and treatment facilities shall be inspected on a weekly basis in accordance with Part 1.A.19. A minimum of two (2) feet of freeboard shall be maintained in the ponds/impoundments at all times. Ponds/impoundments shall be cleaned as needed, and maintained on a regular basis to maintain storage capacity and freeboard requirements.

I.A.21. **Construction Integrity:** Any and all liners shall remain free of leaks and defects.

I.A.22. **Production Area Recordkeeping**: The Permittee shall maintain on-site the following information:

a. Records documenting the inspections required by Part I.A.19.;

b. Records documenting any actions taken to correct deficiencies identified during the inspections and monitoring required by Part I.A.19.; and

c. Records of mortalities management and practices used by the Permittee to comply with the AMMP.

I.A.23. **Land Application Area Recordkeeping:** The Permittee shall maintain on-site the following information:

a. Weather conditions at time of land application and for twenty-four (24) hours prior to and following application; and

b. Date(s) of manure application equipment inspection and calibration.

I.A.24. **Security:** All manure and process wastewater storage and treatment facilities and the land application areas shall be fenced and posted.

I.A.25. **Waste Facility Cover:** If the Permittee constructs a cover for a waste treatment or storage facility, the cover shall be designed and constructed in accordance with NRCS Conservation Practice Standard Code 367, September 2003 or more recent, Waste Facility Cover.

I.A.26. **Best Management Practices:** The Permittee shall implement Best Management Practices (BMPs) at the facility in any and all forms required or necessary to protect waters of the State.

I.A.27. **Well Abandonment:** Abandonment of any groundwater monitoring wells shall be conducted under the approval of, and in accordance with the requirements established by, the Division and the Division of Water Resources.

I.A.28. **Remediation Activities:** All groundwater and/or soil contamination issues shall be addressed in accordance with the requirements of the Division.

I.A.29. **Closure Activities:** Lagoons, ponds, surface impoundments, and other manure or process wastewater storage facilities shall be maintained at all times until closed in accordance with the requirements of the Division. All process components must be properly closed if the Permittee ceases

operation. All process components not in use for a period of twelve consecutive months shall be permanently closed or the Permittee shall implement a Division approved temporary closure plan.

I.A.30. **Presumption of Possession and Compliance:** Copies of this permit, any subsequent modifications and the approved NMP shall be maintained at the permitted facility at all times.

I.A.31. **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.

I.A.32. **Prerogative to Reopen:** This permit may be re-opened, re-evaluated, and modified by the Division to include effluent limits, additional testing, and/or other appropriate actions in response to demonstrated effluent toxicity or conditions confirmed by subsequent monitoring data. This permit may also be re-evaluated and modified by the permitting authority to incorporate alternative permit conditions determined to be appropriate based on subsequent monitoring data and/or effluent toxicity information.

I.A.33. **Annual Fee:** The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1, 2008 and every year thereafter until the permit is terminated.

I.A.34. **Schedule of Compliance:** The Permittee shall implement and comply with the provisions of the schedule of compliance, including in said implementation and compliance, any additions or modifications which the Administrator may make in approving the schedule of compliance.

a. The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.

b. Within thirty (30) days of the permit effective date, the Permittee shall submit to the Division an updated NMP. The updated NMP shall include any information that may be out of date, e.g. copies of permits, plans that do not include Dairy 3 or the new Dairy 2 pond, etc.

The updated NMP may include the appropriate information required by WTS-2 Minimum Information Required for an Operation and Maintenance Manual for a Wastewater Treatment Plant or a separate O & M Manual shall also be submitted within thirty days of the permit effective date.

c. Within sixty (60) days of the permit effective date, the Permittee shall:

i. Submit to the Division a certification stamped by a Nevada licensed Professional Engineer stating that the two composting facilities at the permitted site were constructed in accordance with NRCS Conservation Practice Standard Code 317, Composting Facility, October 2003 or more recent; or

ii. Install groundwater monitoring wells and submit to the Division a groundwater monitoring plan, including a map identifying each well, the well locations, and the screened intervals to demonstrate that the composting facilities are/have not degrading/ed groundwaters of the State; or

iii. Submit to the Division a schedule to complete the upgrade and/or replacement of the compost facilities to the standards of NRCS Conservation Practice Standard Code 317, within one year.

d. Within sixty (60) days of the permit effective date, the Permittee shall:

i. Submit to the Division a certification stamped by a Nevada licensed Professional Engineer stating that the facility production areas have been constructed to contain, with no discharge to waters of the State, all process wastewater, including direct precipitation

and runoff from the 25-year, 24-hour storm event; or

ii. Install up- and downgradient groundwater monitoring wells and submit to the Division a groundwater monitoring plan, including a map of the well locations, to demonstrate that the production area is/has not degrading/ed groundwaters of the State; or

iii. Submit to the Division a schedule to complete the upgrade and/or replacement of the production area, within one year.

e. Within twenty-four (24) hours of receiving any water other than direct precipitation in the unlined West Holding Pond or South First-stage Lagoon, the Permittee shall notify the Compliance Coordinator at (775) 687-9438.

f. Within seventy-two (72) hours of receiving any process wastewater due to a storm event, the unlined West Holding Pond and/or South First-stage Lagoon of Dairy 3 shall be completely evacuated.

g. Within forty-five (45) days of the second use of the West Holding Pond or the South First-stage Lagoon for containment of process wastewater, the Permittee shall:

i. Construct a groundwater monitoring well(s) downgradient of the used pond and/or lagoon; or

ii. Submit to the Division a design and schedule for the installation of a 60-mil HDPE liner for the used pond and/or lagoon.

h. At least ninety (90) days prior to the closure of a lagoon, pond, surface impoundment, or other manure or process wastewater storage or treatment facility, the Permittee shall submit to the Division for review and approval a component closure plan or facility closure plan, if operations will cease.

i. At least ninety (90) days prior to the temporary closure of a lagoon, pond, surface impoundment, or other manure or process wastewater storage or treatment facility, the Permittee shall submit to the Division for review and approval a component temporary closure plan or facility temporary closure plan, if operations will temporarily cease.

j. Within seven (7) days of closure or temporary closure of a lagoon, pond, surface impoundment, or other manure or process wastewater storage or treatment facility, the Permittee shall notify the Division of the closure.

k. Within five (5) days of the permit effective date, the Permittee shall submit to the Division documentation of compliance NAC 534.420 (NAC 534.4353) with respect to the abandonment of monitoring well MW-2.

l. Within ten (10) days of the abandonment of any monitoring or production well at the facility, the Permittee shall submit to the Division documentation of compliance NAC 534.420.

All schedule of compliance items shall be submitted to the Compliance Coordinator at the address in Part I.B.2.

I.A.35. **Definitions:**

a. 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.

b. Production area: means the portion of the facility that is not used for land application and includes all areas used for animal product production activities. This includes but is not limited to: the animal confinement area, the manure storage area, the raw materials storage

area, and the waste containment areas.

c. Process wastewater: means water directly or indirectly used in the operation of the facility for any of the following:

i. Spillage or overflow from animal watering systems;

ii. Washing, cleaning, or flushing pens, barns, manure pits, or other process components;

iii. Direct contact swimming, washing, or spray cooling of animals;

iv. Dust control, not including uncontaminated groundwater used outside of the production area; or

v. Any water which comes into contact with, or is a constituent of, any raw materials, products, or byproducts including manure, feed, milk, or bedding.

d. 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.

e. 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.

f. 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.

g. 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.

h. Waters of the State: means all waters situated wholly or partly within or bordering upon this state including but not limited to all streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems, and drainage systems; and all bodies or accumulations of water, surface and underground, natural or artificial.

i. Vegetated buffer: means a permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

I.B. MONITORING AND REPORTING

I.B.1. Monitoring:

a. Representative Samples: Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge, soils, manure, and process wastewater.

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

i. The exact place, date, and time of sampling;

ii. The dates the analyses were performed;

iii. The person(s) who performed the analyses;

iv. The analytical techniques or methods used; and

v. The results of all required analyses.

c. Analytical Requirements: All laboratory analysis conducted in accordance with this discharge permit must meet the following criteria.

i. Analytical methods used shall be:

A. Selected from 40 CFR 136;
B. Selected from SW-846;
C. Selected from 40 CFR 503; or,
D. An Alternate Test Procedure approved by the Environmental Protection Agency, Region IX; and,
E. Approved by the Nevada Division of Environmental Protection, Environmental Laboratory Services.

ii. Analytical methods used to determine parameter concentrations shall have a detection level below the permitted limitation. Data that is quantified when a practical quantitation limit is calculated above permitted limitations shall be explained and justified in a footnote.

iii. Analysis shall be performed by a State of Nevada certified laboratory.

d. Records Retention: All records and information resulting from monitoring activities; the permit application; and reporting required by this permit, including all records of analyses performed, 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.

e. Additional Monitoring by Permittee: If the Permittee monitors any parameter at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in any calculation and/or reported value required in this permit. Such increased frequency shall also be indicated in required reports.

f. Modification of Monitoring Frequency and Sample Type: After considering monitoring data, stream flow, discharge flow, and receiving water conditions, the Administrator may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.

g. Definitions:

i. Daily maximum: is the highest measurement made or obtained during the monitoring period.

ii. 30-day average discharge: means the total discharge during a month divided by the number of samples in the period that the facility was discharging. Where less than daily sampling is required by this permit, the 30-day average discharge shall be determined by the summation of all the measured discharges divided by the number of samples during the period when the measurements were made.

iii. 30-day average concentration: means the arithmetic mean of measurements made during a month (other than for fecal coliform bacteria). The "30-day average concentration" for fecal coliform bacteria means the geometric mean of measurements made during a month. The geometric mean is the "n^{th}" root of the product of "n" numbers. Geometric mean calculations where there are non-detect results for fecal coliform shall use a value of ½ the detection limit to represent the

non-detect results.

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

v. "Composite" sample: means a combination of at least six (6) individual flow-weighted samples obtained at equal time intervals for 24 hours or for the duration of discharge, whichever is shorter. Flow-weighted sample means that the volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling.

I.B.2. **Reporting:** Analytical data and monitoring results shall be summarized, tabulated, and/or graphically illustrated for presentation in standardized Discharge Monitoring Reports (DMRs). The Permittee is considered compliant if the reported results are less than established permit limits. If there is no discharge during a reporting period, report this condition as 'no discharge' on the DMR for that period. If groundwater wells are dry, report this condition as 'dry' on the DMR for that period. Laboratory reports for quantitative analyses conducted by State of Nevada certified laboratories must accompany all report submittals.

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. The first report is due on January 28, 2008.

Each report submittal (DMR) must be signed by the person directly responsible for operating the facility. The first report submitted under this permit must include the written designation of the eligible facility representative authorized to sign DMRs or other periodic report submittals. If the facility representative in responsible charge changes, a new designation letter must be submitted.

a. Quarterly Reports: Quarterly reports shall be submitted for the quarterly periods corresponding to: January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.

i. DMRs: Each DMR shall include:

1. Monitoring results for parameters described pursuant to Part I.A. of the permit shall be summarized and tabulated for each three (3) month, quarterly period. Any data submitted that exceeds the limits of Part I.A.1. or Part I.A.2. must be explained by a narrative;

2. An explanation of the factors preventing immediate correction of deficiencies identified pursuant to Part I.A.16. that were not corrected within thirty (30) days of identification; and

3. An electronic file of all submitted data in a tabulated format compatible with Microsoft Office software (version 2000 or later).

b. Annual Reports:

i. DMRs: The fourth quarter DMR report shall be prepared as an annual report and shall contain a plot of application rate, concentration, or yield (y-axis) versus date (x-axis) for the total nitrogen and total phosphorus application rates and crop yield for each land application area of Part I.A.1. and for chlorides, total nitrogen, and total dissolved solids for each monitoring well of Part I.A.2. The plot shall include data from the preceding five (5) years, if available, or from the effective date of the permit. A tabulated compilation of compliance data for all monitoring parameters analyzed or measured during the preceding five (5) years, if available, or the lifetime of the permit, shall also be included. A narrative must explain any data point from the current year that exceeds the limits in Part I.A.1. and Part I.A.2.

The annual report shall also include:

A. The number and type of animals, whether in open confinement or housed under roof;

B. Estimated amount of total manure and process wastewater generated by the facility in the previous twelve months;
C. Estimated amount of total manure and process wastewater transferred to other parties by the Permittee in the previous twelve months;

D. Total number of acres for land application covered by the NMP developed in accordance with Part I.A.3.;
E. Total number of acres under control of the Permittee that were used for land application of manure and process wastewater in the previous twelve months;
F. Comparison of the annual limiting nutrient (N or P) application rate to the allowable annual limiting nutrient application rate of the NMP;
G. Comparison of the crop yield to the expected crop yield of the NMP. If the crop yield is not within 10% of the expected crop yield, a schedule for NMP revision must be submitted with the annual report; and
H. Summary of all manure and process wastewater discharges from the production area that have occurred in the previous twelve months, including date, time, and approximate volume.

c. Compliance Reports: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than the scheduled date.

d. 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.

e. Planned Changes: The Permittee shall give notice to the Division as soon as possible of any planned alterations or additions to the permitted facility. Notice is required only when the alteration or addition to a permitted facility:

i. May meet one of the criteria for determining whether a facility is a new source (40 CFR 122.29(b));

ii. Could significantly change the nature or increase the quantity of pollutants discharged; or

iii. Results in a significant change to the Permittee's manure management practice or disposal sites.

f. Anticipated Noncompliance: 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.

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

Division of Environmental Protection
Bureau of Water Pollution Control
Compliance Coordinator
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249

A signed copy of all DMRs and any other reports shall be submitted to the U.S. Environmental Protection Agency Regional Administrator at the following address:

U.S. Environmental Protection Agency, Region IX
NPDES/DMR WTR-7
75 Hawthorne Street
San Francisco, California 94105

I.B.3. **Signatory Certification Required on Application and Reporting Forms:**

a. 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."

b. All applications, reports, or other information submitted to the Division shall be signed by one of the following:

i. 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;

ii. A general partner of the partnership;

iii. The proprietor of the sole proprietorship; or

iv. A principal executive officer, ranking elected official, or other authorized employee of the municipal, state, or other public facility.

c. If an authorization under Part I.B.3.b. 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 Part I.B.3.b. must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

PART II

II.A. MANAGEMENT REQUIREMENTS

II.A.1. **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.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

II.A.2. **Facilities Operation-Proper Operation and Maintenance:** The Permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment or control facilities, collection systems, or 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.

II.A.3. **Adverse Impact-Duty to Mitigate:** The Permittee shall take all reasonable steps to minimize releases to the environment resulting from noncompliance with any effluent limitations specified in this

permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.

II.A.4. **Noncompliance, Unauthorized Discharge, Bypass, and Upset:**

a. Any diversion, bypass, spill, overflow, or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities or process water from industrial or commercial operations under the control of the Permittee is prohibited except as authorized by this permit.

b. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow, or discharge not authorized by this permit is probable, the Permittee shall notify the Division immediately.

c. In the event of any diversion, bypass, spill, upset, overflow, or release of treated or untreated discharge, other than that which is authorized by this permit, resulting in:

i. Any unanticipated bypass, which exceeds any effluent limitation in the permit;

ii. Any upset which exceeds any effluent limitation in the permit; and

iii. Any violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.

The Permittee shall notify the Division within twenty-four (24) hours of the occurrence. The Permittee shall also notify all agencies, organizations, tribes, utilities, and local governments responsible for, having a legal interest in, or impacted by downstream water quality affecting public health and welfare, biological integrity, or designated uses within the State of Nevada, within twenty-four hours of the occurrence.

d. A written report shall be submitted to the Division within five (5) days of diversion, bypass, spill, overflow, upset, or discharge detailing the entire incident including:

i. Time and date of discharge;

ii. The type of discharge (e.g. bypass, upset, or violation);

iii. The effluent limitation, condition, or standard violated;

iv. Exact location and estimated amount of discharge;

v. Flow path and any bodies of water which the discharge contacts;

vi. The specific cause of the discharge;

vii. The preventive and/or corrective actions taken; and

viii. A comprehensive list of all agencies, organizations, tribes, utilities, and/or local governments notified and when notification was issued.

e. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.c. at the time DMRs are submitted. The reports shall contain the information listed in Part II.A.4.d.

f. A “bypass” means the intentional diversion of waste streams from any portion of a treatment facility.

i. Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if the bypass is needed to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.A.4.a. and II.A.4.b.

ii. Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of bypass.

g. Bypass is prohibited, and the Division may take enforcement action against a Permittee for bypass, unless:

i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

ii. 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.

h. The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the conditions listed in Part II.A.4.g.

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

j. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

i. An upset occurred and that the Permittee can identify the cause(s) of the upset;

ii. The permitted facility was at the time being properly operated;

iii. The Permittee submitted notice of the upset as required under Part II.A.4.d.; and

iv. The Permittee complied with any remedial measures required under Part II.A.3.

k. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part II.A.4.i. are met.

l. 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.

II.A.5. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollution from such materials from entering any water of the State.

II.A.6. **Safeguards to Electric Power Failure:** In order to maintain compliance with the effluent limitations and prohibitions of this permit the Permittee shall either:

a. Provide, at the time of discharge, an alternative power source sufficient to operate wastewater control facilities; or

b. Halt or reduce all discharges upon the reduction, loss, or failure of the primary source of power to wastewater control facilities.

II.B. RESPONSIBILITIES

II.B.1. **Right of Entry and Inspection:** The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:

a. 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;

b. Have access to and copy any records required to be kept under the terms and conditions of this permit;

c. Have unrestricted access to employees and others for interviews during any onsite inspection or investigation conducted by the Division relating to the administration or enforcement of the provisions of the permit;

d. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and

e. Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.

II.B.2. **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 Administrator. The Administrator may require modification or revocation and re-issuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Administrator shall approve all transfer of permits.

II.B.3. **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 Administrator. As required by the NRS, 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.

II.B.4. **Furnishing False Information and Tampering with Monitoring Devices:** Any person who knowingly 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.

II.B.5. **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.

II.B.6. **Permit Modification, Suspension, or Revocation:**

a. 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:

i. Violation of any terms or conditions of this permit;

ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;

iv. 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;

v. There are material and substantial alterations or additions to the permitted facility or activity;

vi. The Administrator has received new information;

vii. The standards or regulations have changed; or

viii. The Administrator has received notification that the permit will be transferred.

b. With the consent of the Permittee and without public notice, the Division may make minor modifications in a permit to:

i. Correct typographical errors;

ii. Clarify permit language;

iii. Require more frequent monitoring or reporting;

iv. 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;

v. Allow for change in ownership;

vi. Change the construction schedule for a new discharger provided that all equipment is installed and operational prior to discharge;

vii. 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; and

viii. Revise the total nitrogen application rate permit limitation in response to varying crop yields and rotations.

II.B.7. **Toxic Pollutants:** Notwithstanding Part II.B.6., 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 Act 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.

II.B.8. **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.

II.B.9. **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, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.

II.B.10. **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.

II.B.11. **Duty to Comply:** The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the NRS and is grounds for: enforcement action, permit termination, revocation and re-issuance, modification, or denial of a permit renewal application.

II.B.12. **Need to Halt or Reduce Activity Not a Defense:** In an enforcement action, the need to halt or reduce permitted activities in order to maintain compliance with the conditions of this permit shall not be a defense for a Permittee.

II.B.13. **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 re-issuing, 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.

PART III

III.A. OTHER REQUIREMENTS

III.A.1. **Reapplication:** If the Permittee desires to continue to discharge, they shall reapply not later than 180 days before this permit expires on the application forms then in use. The renewal application shall be accompanied by the fee required by NAC 445A.232.

III.A.2. **Holding Pond Conditions:** If any wastewater from the Permittee's facility is placed in ponds, such ponds shall be located and constructed so as to:

a. Withstand, without structural damage, the once-in-100 year flood of said location; and

b. Prevent escape of wastewater by leakage other than as authorized by this permit.