NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

AUTHORIZATION TO DISCHARGE

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

NV Energy
6226 West Sahara Avenue, M/S #30
Las Vegas, Nevada 89146

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

Reid Gardner Station
I-15 North, Exit 88 –Wally Kay Road
Moapa, Clark County, Nevada 89025

Latitude: 36° 39' 30" N; Longitude: 114° 38' 20"W
SW ¼ SW ¼ Section 5 & SE ¼ Section 6, T 15S, R 66E MDB&M

with discharge to: 8 existing on-site double-lined evaporation ponds (Ponds F, B-1, B-2, B-3, C-1, C-2, E-1and E-2), and eventually to 9 yet-to-be constructed double-lined evaporation ponds in the Mesa area (Ponds M-1 through M-9); meeting Nevada standards of performance for zero-discharge facilities

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 **June 25, 2010**.

This permit shall expire at midnight **June 24, 2015**.

Signed this **24**th day of **June**, **2010**.

Jeryl R. Gardner, P.E.
Bureau of Water Pollution Control

PART I

I.A. EFFLUENT LIMITATIONS, MONITORING, AND CONDITIONS

Introduction: NV Energy operates the Reid Gardner Station, located in the Moapa Valley at I-15 North, Exit 88 (Wally Kay Road), 60 miles northeast of Las Vegas, in Clark County, Nevada. US Highway I-15 East is about 2 miles east of the plant site, and State Route 168 is about 2 miles northeast of the facility. The site is accessed from I-15 by Wally Kay Road.

Facility Location: Latitude: 36° 39' 30"N; Longitude: 114° 38' 20"W
Section 5, T 15S, R 66E MDB&M

Discharge Locations: Existing Ponds: F, B-1, B-2, B-3, C-1, C-2, E-1 and E-2
And Future Ponds: M-1 through M-9
Sections 5, 6 & 8, T 15S, R 66E MDB&M

Wastewater is generated primarily from the wet scrubbers, cooling tower blowdown and fly ash residue. Cooling tower blow down supplies the scrubbers and bottom ash transport system. As a result of the recent installation of baghouses on Units 1-3, 99% of the fly ash is removed, reducing the total amount of fly ash delivered to the ponds. 88,000 gallons per day (gpd) is removed from the bottom ash system to use for dust control on facility haul roads, and at the nearby landfill. An additional 15,000 gpd from the diesel plume recovery system oil-water separator is used for dust control on coal piles. Monthly sampling and quarterly reporting of water quality results of water used for dust control applications is required.

The scrubbers and boiler bleed off discharge to settling Pond F, with overflow directed to the current evaporation ponds; when the new ponds are constructed and in use, the discharge will be collected by the Effluent Forwarding Pump System (EFPS) and the EFPS will direct the discharge to the Mesa Ponds. Incident stormwater and runoff from the facility is also drained to the evaporation ponds. Current operational maximum daily flows are 0.379 MGD (263 gpm). Incident stormwater and runoff from the facility is drained to the evaporation ponds. Maximum daily flow to the evaporation ponds is permitted at 0.576 MGD (400 gpm), and average daily flow to the evaporation ponds is permitted at 0.490 MGD (340 gpm).

Beginning in 1997 the Division has required the originally unlined or clay lined ponds to be dried, cleaned and either reconstructed with double liners and leak detection and collection systems, or removed from service. Since then, all ponds have either had double HDPE liners with leak detection and collection systems installed, or have been removed from service. No unlined ponds used for storage and evaporation under previous permits are permitted for discharge under this permit. Ponds solids removal and remediation of the formerly used unlined ponds, including the most recently closed ponds, D & G, are being addressed by the Division's Bureau of Corrective Actions (BCA). As current ponds are removed from active service the closure requirements and oversight will pass to the BCA, and become part of the BCA 2008 Administrative Order on Consent. All past and existing groundwater

and/or soil contamination issues are being addressed by the BCA, with approval, oversight and inspection being conducted by the BCA. Ponds D and G, and all other previously used unlined ponds are considered closed by the Bureau of Water Pollution Control. The eight current evaporation ponds (Ponds F, B-1, B-2, B-3, C-1, C-2, E-1 and E-2) were cleaned and double-lined; during this permit lifetime a potential of 9 additional evaporation ponds (M-1 through M-9) will be constructed in stages, or are planned for construction in the upland Mesa area, on a 555-acre grant of BLM-leased land.

The Mesa area has much greater depths to groundwater (approximately 150 ft) than the current and former evaporation and settling ponds located in the floodplain. The active discharge ponds collectively have approximately 95 acres of surface area; the Mesa ponds collectively have a surface area of approximately 120 acres. All of the currently active ponds are individually lined with two geomembrane liners, a 60-mil HDPE primary liner and 40-mil HDPE secondary liner with an interstitial leak detection and collection system. All of the proposed Mesa ponds will be individually lined with two geomembrane liners, an 80-mil HDPE primary liner and a 60-mil HDPE secondary liner with an interstitial leak detection and collection system. Leakage rates greater than 500 gpd/acre will be reported to the Division within 24 hours. Leakage from the primary liner will not result in a discharge to the environment; this leakage is intercepted by pumps in the interstitial space between the primary and secondary linings, and is collected and pumped back to the evaporation ponds.

I.A.1. **Effluent Limitations:** There shall be no discharge from the facility to the ground surface or waters of the State of Nevada except as authorized by this permit. There shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada. Water quality management shall be such that the water quality in the waterbodies shall not be degraded below natural conditions, and the downstream water quality shall meet the water quality standards for beneficial use required in NAC 445A.210. No single value standard shall be exceeded.

During the period beginning on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized to operate a fluid and solids containment system in accordance with the permit limitations and monitoring requirements listed in Table 1 below, and to discharge wastewater to double-lined evaporation ponds with leak detection and collection systems. The initial discharge is to Pond F Sump (Outfall 001) which discharges to Ponds B-1, B-2, B-3, C-1, C-2, E-1, E-2 and Mesa Ponds M-1 through M-9, as constructed.

Samples taken in compliance with the monitoring requirements specified below shall be taken at the following locations. Flow and all parameters shall be monitored at the discharge from the Pond F Sump at Outfall 001, prior to routing to the current appropriate evaporation pond, or at the EFPS discharge system (Outfall 002) prior to routing to the appropriate Mesa evaporation ponds.

TABLE I.A.1. MONITORING REQUIREMENTS AND DISCHARGE LIMITATIONS

Parameter	Discharge Limitation	Monitoring Requirements		
		Sample Location	Frequency	Sample Type
Flow Rate [1]	M&R, gpd	iv, v, vi, vii	Continuous	Flow meter
Flow Rate [2, 3]	88,000 gpd [2], 15,000 gpd [3]	i, ii, iii	Continuous	Flow meter
TPH [4, 5]	1.0 mg/L [4], 10.0 mg/L [5]	i, ii, iii	Monthly	Discrete
Leakage Rates	500 gpd/acre	vii	Monthly	Leak collection pumps
Profile I [6]	M&R	i, ii, iii, iv, v, vi, vii	Quarterly	Discrete

M&R: Monitor & Report gpd: gallons per day

i = Bottom ash hydraulic transport system surge tank discharge used for dust control,
ii = Cooling Tower blowdown discharge used for dust control (prior to discharge),
iii = On-site groundwater diesel plume treatment system discharge used for dust control on coal piles,
iv = Muddy River above and below plant site per sampling plan,
v = Plant site spring per sampling plan,
vi = Total discharge to ponds, as measured by flowmeters at Pond F or Effluent Forwarding Pumping System
vii = Pond leachate collection systems

1. Evaporation Pond Flow rate shall be reported as average gpd per month.
2. Dust control application to haul roads: flow rate shall be reported as average gpd per month.
3. Dust control application to coal piles: flow rate shall be reported as average gpd per month
4. TPH limit for haul road dust control.
5. TPH limit for coal pile dust control.
6. Profile I = Total Phosphorus, TKN, $NO_2 + NO_3$ as N, Total Nitrogen, Sulfate, TDS, pH, Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Calcium, Chromium, Copper, Fluoride, Iron, Lead, Magnesium, Manganese, Mercury, Molybdenum, Nickel, Selenium, Silver, Thallium, Zinc, and Hardness as $CaCO_3$. All metals analyses shall be total.

Flow is to be reported for tracking purposes. Analytical data is required for dust abatement on un-lined areas. Leachate analyses characterize the potential threat to underlying aquifers.

I.A.2. **Schedule of Compliance:** The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Division, including in said implementation and compliance, any additions or modifications that the Division may make in approving the Schedule of Compliance. Schedule of Compliance submittals and evidence of compliance documents shall be submitted to the Bureau of Water Pollution Control Compliance Coordinator (listed in Part I.B.2.a of this permit). The Permittee shall implement and/or execute the following scheduled compliance requirements:

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

b. By September 25, 2010, the Permittee shall submit an updated O&M Manual to the Division for approval.

c. By September 25, 2010, the Permittee shall submit an updated Sampling and Analysis Plan (SAP) for the permitted active ponds to the Division for approval.

d. The Permittee shall submit an annual report, per I.B.2.b., that contains among other information, a status update on the ponds under BCA oversight as part of BCA site closure requirements. The annual report is due January 28th of each year, beginning January 28, 2011.

I.A.3. **Annual Fee:** The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232, starting July 1, 2011 and every year thereafter until the permit is terminated.

I.A.4. **Odors:** There shall be no objectionable odors from the collection system, treatment facility or disposal areas.

I.A.5. **Water Quality Standards:** There shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada.

I.A.6. **Authorized Discharges:** There shall be no discharge from the facility operations, maintenance, dust control, treatment and disposal facilities except as authorized by this permit.

I.A.7. **Security:** The treatment and disposal facility shall be fenced and posted.

I.A.8. **Process Operations and Maintenance:** The facility shall be operated in accordance with a Division –approved Operations and Maintenance (O&M) Manual. The O&M Manual shall be updated whenever there is a change in the operation of the facility.

I.A.9. **Visibility Parameters:** There shall be no discharge of floating solids or visible foam in other than trace amounts.

I.A.10. **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 operation shall be characterized and disposed of in accordance with local, State and Federal regulations. The Permittee shall submit to the Division by July 28th of each year a report of the quantities and qualities of all waste material removed from the evaporation ponds for the twelve months preceding July 1 of the same time frame. The report shall verify the disposal site.

I.A.11. **Operations and Maintenance of Permitted Activities:** The Permittee shall operate the permitted facility in compliance with permit provisions and requirements, and in accordance with the approved O&M Manual.

I.A.12. **Best Management Practices:** The Permittee shall develop and implement Best Management Practices (BMPs) at the facility to include, at a minimum, "good housekeeping" measures. Best Management Practices shall be incorporated into a

specific section of the O&M Manual.

I.A.13. **Presumption of Possession and Compliance:** Copies of this permit, along with any subsequent modifications, and the approved O&M Manual shall be maintained at the permitted facility at all times.

I.A.14. **Pond Management:**

a. A minimum of two feet of freeboard shall be maintained in the ponds at all times.

b. Inspections and maintenance, including the periodic removal of materials to restore capacity, shall be conducted in accordance with the O&M Manual. Summaries of these activities shall be reported with the Quarterly Reports.

c. Any liquids accumulated in leak detection systems shall be sampled and analyzed in accordance with the requirements of Table I.A.1. above. Leakage rates shall be reported in units of average gpd per month, per pond. All leakage rates to be reported with the Quarterly Report.

d. Damaged ponds or ponds with leakage rates in excess of 500 gpd per acre shall be repaired. Initial notification of excess leakage rates is required to the Division within 24 hours of discovery. Additionally, the Division shall be notified in writing within one week of leak confirmation, and a repair plan shall be submitted within one month.

I.A.15. **Closure:**

a. Once each of the existing ponds become full, the pond will be removed from service and shall not be returned to service in the future. Once each pond is removed from service, that pond will be incorporated into the BCA AOC for final remediation planning and closure.

b. Sixty days prior to closing any pond permitted for discharge by this permit, the Permittee shall submit closure plans to the Division.

I.A.16. **Facility Construction:** All facility industrial process and wastewater collection and disposal systems shall be constructed in conformance with plans approved by the Division. All plans must be approved by the Division prior to the start of construction, and must be stamped by a Professional Engineer licensed in the State of Nevada (NV P.E.). All changes to any plans approved by the Division must be stamped by a NV P.E. and re-approved prior to implementation.

I.B MONITORING AND REPORTING

I.B.1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Analysis shall be performed by a State of Nevada certified laboratory. Results from this lab must accompany the Discharge Monitoring Report.

I.B.2. **Reporting**

a. **Quarterly Reporting:**
Monitoring results obtained during the previous three (3) months shall be summarized for each month and reported on a Discharge Monitoring Report (DMR) Form received in this office no later than the 28th day of the month following the completed reporting period. The first report is due on July 28, 2010. An original signed copy of these, and all other reports required herein, shall be submitted to the Division at the following address:

Nevada Division of Environmental Protection
Bureau of Water Pollution Control
Attn: Compliance Coordinator
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701

b. **Annual Report:**
The fourth quarter report shall include a plot of date (x-axis) versus concentration (y-axis) for each analyzed constituent. The plot shall include data from the preceding five years, if available. Any data point from the current year that is greater than the limits in Part I.A.1 must be explained by a narrative.

I.B.3. **Definitions**

a. **30-Day Average Discharge:** 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.

b. **Daily Maximum:** the highest measurement during the monitoring period.

c. **30-Day Average Concentration (Other than Fecal Coliform Bacteria):** The arithmetic mean of measurements made during the month.

d. **30-Day Average Concentration (Fecal Coliform Bacteria):** The geometric mean of measurements made during the month. The geometric mean is the "nth" root of the product of "n" numbers Geometric mean calculations where there are non-detect results for fecal coliform shall use the detection limit as the value for the non-detect results.

e. **Discrete Sample:** Any individual sample collected in less than 15 minutes.

f. **Composite Sample (Flow-Rate Measurements):** 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.

g. **Composite Sample (Other than Flow-Rate Measurements):** A combination of no fewer than six individual flow weighted samples taken 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.4. **Test Procedures:** Analyses shall be conducted by a "certified laboratory" using an "approved method of testing", as defined at NAC 445A.0564 and NAC 445A.0562, respectively.

I.B.5. **Recording the Results:** For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

a. The exact place, date, and time of sampling;
b. The dates the analyses were performed;
c. The person(s) who performed the analyses;
d. The analytical techniques or methods used; and
e. The results of all required analyses, including detection limits.

I.B.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 above, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR Form. Such increased frequency shall also be indicated.

I.B.7. **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 three (3) years, or longer if required by the Administrator.

I.B.8. **Reporting Limits:** Unless otherwise allowed by the Division, the approved method of testing selected for analyses shall have a reporting limit which is:

a. Half or less of the discharge limit; or, if there is no discharge limit,

b. Half of less of the applicable water quality criteria; or, if there is no applicable limit or criteria,

c. The lowest reasonably obtainable limit using an approved test method.

I.B.9. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, stream flow, discharge flow and receiving water conditions, the Division may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.

I.B.10. **All laboratory analyses conducted in accordance with this discharge permit must have detection limits at or below the permit limits.**

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:** 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.

II.A.3. **Adverse Impact:** The Permittee shall take all reasonable steps to minimize any adverse impact to receiving waters 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 non-complying discharge.

II.A.4. **Noncompliance, Unauthorized Discharge, Bypassing and Upset**

a. Any diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities under the control of the Permittee is prohibited 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, the Permittee shall notify the Division immediately.

b. The Permittee shall notify the Division by calling the NDEP Spill Line at 1-888-331-6337 within 24 hours of any diversion, bypass, spill, upset, overflow or release of treated or untreated discharge other than that which is authorized by the permit. A written report shall be submitted to the Administrator within 5 days of diversion, bypass, spill, overflow, upset or discharge, detailing the entire incident, including:

i. time and date of discharge;
ii. exact location and estimated amount of discharge;
iii. flow path and any bodies of water which the discharge reached; and,
iv. the specific cause of the discharge; and the preventive and/or corrective actions taken.

c. The following shall be included as information which must be reported within 24 hours: any unanticipated bypass which exceeds any effluent limitation in the permit; any upset which exceeds any effluent limitation in the permit; and violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.

d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.b at the time monitoring reports are submitted. The reports shall contain the information listed I Part II.A.4.b.

e. An "upset" means an incident in which there is unintentional and temporary noncompliance with the 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.

f. In selecting the appropriate enforcement option, the Division shall consider whether or not the noncompliance was the result of an upset.

g. The burden of proof is on the Permittee to establish that an upset occurred. In order to establish that an upset occurred, the Permittee must provide, in addition to the information required under Part II.A.4.b above, properly signed contemporaneous logs of other documentary evidence that:

i. The facility was at the time being properly operates as required in Part II.A.2 above; and

ii. All reasonable steps were taken to minimize adverse impacts as required by Part II.A.3 above.

II.A.5. **Removed Substances:** Solids, sludge, 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 navigable waters.

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 the wastewater control facilities; or

b. Halt or reduce all discharges upon the reduction, loss or failure of the primary source of power to the 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. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and

d. 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. All transfers of permits require Division approval.

II.B.3. **Availability of Reports:** Except for data determined to be confidential under Nevada Revised Statutes (NRS) 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the Division office. As required by the Act, 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 445a300 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 445A730, 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:** 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:

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

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

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

II.B.7. **Toxic Pollutants:** Notwithstanding Part II.B.6 above, 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 or any invasion of personal rights, nor 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.

PART III

III.A. OTHER REQUIREMENTS

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

III.A.2. **Signatures Required on Application and Reporting Forms**

a. Application and reporting forms submitted to the department must 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; or

ii. A general partner of the partnership; or

iii. The proprietor of the sole proprietorship; of

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

b. Each application must contain a certification by the person signing the application that he is familiar with the information provided that, to the best of his knowledge and belief, the information is complete and accurate, and that he has the authority to sign and execute the application.

c. **Changes to Authorization:** If an authorization under paragraph b of this section 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 paragraph b of this suction must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

III.A.3. **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. Contain with no discharge the once –in-25 year 24-hour storm at said location;

b. Withstand with no discharge the once-in-one-hundred year flood of said location; and

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

III.A.4. **Flow Rate Notification:** The Permittee shall notify the Administrator, by letter, not later than 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 Part I.A above. The letter shall include:

a. The 30-day average daily influent flow rate;

b. The maximum 24-hour flow rate during the 30-day period reported above, and the date the maximum flow occurred;

c. 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;

d. 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

e. 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.