

# **EXHIBIT 2**

**NDEP Working in Water Ways Permit # TNEV2010434**

to

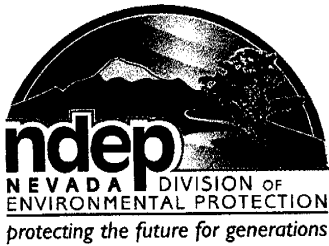
**ATTACHMENT A**

**Environmental Requirements**

**Addendum No. 1**

**Glendale Water Supply Improvement Project**

**Contract No. 0910-181**



STATE OF NEVADA  
Department of Conservation & Natural Resources  
DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

February 25, 2010

Karen Schlichting  
Tri Sage Consulting  
5418 Longley Lane, Suite A  
Reno, Nevada 89511

Subject: Temporary Permit TNEV2010434 –Glendale Water Supply Improvement Project

Dear Ms. Schlichting:

The temporary permit for the working in waterways project area is enclosed. The permit will be in effect from **June 15, 2010** through **December 14, 2010**. The permit authorizes the work in waters of the State as described in the application and any significant changes would require a new permit. The final report and photo documentation of project activities is due January 28, 2011, or by the 28<sup>th</sup> day of the month following project completion, whichever comes first. If project exceeds the permit dates, please apply for a subsequent permit to allow for continued working in waterways.

Please give me a call at 775-687-9417 if you have any questions.

Sincerely,

Chad R. Schoop, P.E.  
Bureau of Water Pollution Control

Enclosures: Temporary Permit TNEV2010434

cc: Diana Silsby, BWPC (hand delivered)  
Glen Gentry, BWQP (electronic copy)  
Kristine Hansen, USACE –Reno Field Office, 300 Booth St., Rm 2103, Reno, NV 89509 (w/enclosure)  
Mark Foree, TMWA General Manager, 1355 Capital Blvd/P.O. Box 30013 Reno, NV 89520



NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

TEMPORARY  
AUTHORIZATION TO DISCHARGE

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

**Truckee Meadows Water Authority  
1355 Capital Boulevard  
P.O. Box 30013  
Reno, NV 89431**

for

**Glendale Water Supply Improvement Project**

is authorized to operate equipment and work in Truckee River for the rebuilding of the existing Glendale Weir in:

**Washoe County  
Latitude 39 ° 31' 41" N, Longitude 119° 46' 54" W  
Section 7, T19N R20E MDB&M**

in waters named:

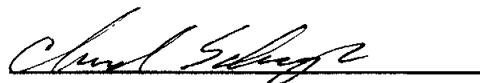
**Truckee River**

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 15, 2010**.

This permit shall expire at midnight **December 14, 2010**.

Signed this 25<sup>th</sup> day of February, 2010.



Chad R. Schoop, P.E.  
Bureau of Water Pollution Control



## PART I

### I.A. EFFLUENT LIMITATIONS, MONITORING, AND CONDITIONS

**Introduction:** The project requires the removal and reconstruction of the existing diversion to the Glendale Water Treatment Plant. Work includes the construction of a temporary pipeline to keep water flowing to the plant during construction activities. The Truckee River (River) channel will be diverted and relocated to the Eastman Ditch/west side of the current channel with temporary improvements required to channel the flow. The work site will be dewatered and appropriate measures will be taken to minimize impacts to fish in the area. The demolition and removal of the existing rock and rubble weir will be completed; followed by site grading both internal and external to the river boundaries. HDPE hydraulic curtains will be installed in the river bed. Weir construction will include pressure grouting of the weir foundation into the river bed followed by construction of the low profile roughened channel weir complete with fish and boat passage structures containing both pool and chute sections. Weir construction will use grouted boulders with smaller rocks placed to form features. A Sediment ejector, a sediment sluice and a juvenile fish return structure will each be incorporated within the weir during construction. The intake structure on the east side of the River will be reconstructed. Fish screens with self cleaning systems will be installed at the intake structure along with control gates, auto-cleaning trash racks and a log boom. Intake equipment installations will require electrical and control system work. The adjacent portion of the Eastman Ditch will be hardened and constructed to tie in the permanent weir structure. Rip-Rap will be placed at tie-in points. Following completion of the construction the site will be restored to near pre-construction conditions, the river will be returned to the main channel and the project will be placed into service. Landscaping and re-vegetation will be completed to restore external river features.

Best Management Practices (BMPs) will be used to minimize water quality impacts associated with the project. Water quality management shall be such that the water quality in the River 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.187. This permit is active during the dates listed, if working in waterway activities continue past the expiration date, a new permit will be required.

I.A.1. **Effluent Limitations:** During the period beginning on the effective date of this permit and lasting until the permit expires, the Permittee is authorized to work in waters of the State in the subject areas of Truckee River. Sediment and water management Best Management Practices (BMPs) shall be implemented to prevent sedimentation and erosion downstream as much as is practicable, in accordance with plans and information submitted to NDEP.

I.A.2. **Monitoring and Sampling Requirements:**

The project monitoring shall be conducted by means of a water sampling program pursuant to Part I.A.2.a., and a concise narrative report describing the

project and a series of photos documenting the project activities as presented to NDEP including the implementation of sediment and erosion management BMPs. The “before, during and after” photos, shall document the above practices as well as any vegetation removal, and bank stabilization activities. The photos shall be taken from established photo points. The photos, along with the narrative report of the project activities and work completed at the project sites shall be submitted to NDEP by the 28<sup>th</sup> day of the month following expiration of the permit or conclusion of the project whichever is less. A record of the water quality sampling and analyses conducted shall be submitted to NDEP monthly.

**I.A.2.a. Sampling Requirements:**

Water Quality samples taken in compliance with the monitoring requirements specified below shall be taken at approved sampling locations, one upstream of work area (Outfall 001) and one downstream of work area (Outfall 002). Sampling locations shall be submitted for approval two (2) weeks prior to any work commencing in the River.

Water quality samples shall be taken in the centroid of flow in the main channel of the River. All parameters apply to all sampling. Flow shall be measured for all discharges. Daily measurements in the River shall be recorded in a log, with copies included with the DMRs.

The water quality shall be limited and monitored by the Permittee as specified below: One background sample upstream and downstream each shall be collected prior to work in the river; daily sampling shall be initiated upstream and downstream when active construction work in the river and streamzone begins, and shall be conducted daily.

Effluent Parameter		Frequency	Sample Type
Flow	cfs	Monitor & Report	Daily* Calculate
TSS –S.V.	mg/L	50	Daily* Discrete
pH	S.U.	≥ 6.5 and ≤ 9.0	Daily* Discrete
Turbidity –S.V.	NTU	≤ 10.0 above upstream sample	Daily* Discrete
TDS –S.V.	mg/L	500	Daily* Discrete

\* Sample daily during active work in the River or flow diversion discharge to the River.

TSS: Total Suspended Solids

mg/L: milligrams per liter

S.V.: Single Value

S.U.: Standard Units

TDS: Total Dissolved Solids

NTU: Nephelometric Turbidity Units

Sampling is not required when the equipment is out of the river and no project work is occurring.

Work shall cease when turbidity at Outfall 002 exceeds 10 NTU above turbidity at

**Outfall 001, and shall not resume until a subsequent test is less than 10 NTU above turbidity at Outfall 001. Subsequent test shall not be taken sooner than fifteen (15) minutes after the initial test.**

**Special Monitoring Conditions:**

- If a visible plume is generated or other unusual event occurs **during initial stream diversion**, compliance sampling for turbidity shall occur at Outfall 002. Work shall cease when turbidity at Outfall 002 exceeds 10 NTU above turbidity at Outfall 001, and shall not resume until a subsequent test is less than 10 NTU above turbidity at Outfall 001. Subsequent test shall not be taken sooner than fifteen (15) minutes after the initial test.
- If a visible plume is generated or other unusual event occurs **after initial stream diversion**, a grab sample shall be taken immediately from the center of the plume and analyzed for turbidity; the width and depth of the plume must be estimated at that time and recorded. If the sample results exceed 10 NTU above upstream reading, work shall cease immediately, measures shall be taken to remedy the situation, and the contractor shall notify the Permittee and the Division immediately for consultation on additional BMP implementation. BMPs shall be evaluated and inadequacies addressed. Sampling at Outfall 002 shall occur no sooner than fifteen (15) minutes after work ceasing. Work may resume when turbidity results at Outfall 002 are less than 10 NTU above upstream turbidity.
- If Outfall 001 exceeds the limit for TDS, TSS, or pH, contact NDEP for consultation.

**Sampling by qualified personnel knowledgeable in sample collection will only be required daily during actual work in the river, including diversion discharge to the River. Analytical work, if required, shall be conducted by a Nevada Certified Laboratory.**

**Sampling results shall be submitted monthly as per Part I.B.**

- I.A.3. **Schedule of Compliance:** The Permittee shall achieve compliance with the permit limitations upon effective date of the permit.
- a. Sampling locations for Outfalls 001 and 002 shall be submitted for NDEP approval two (2) weeks prior to initial background sampling, pursuant to Part I.A.2.a.
  - b. A river diversion and construction water management plan shall be submitted to NDEP for approval two (2) weeks prior to effective permit date, **June 15, 2010**.

I.A.4. **Specific Conditions:**

For any heavy equipment used in the River and adjacent areas in Washoe County,

Nevada, the operations shall be conducted in accordance with the plans, information, and specifications submitted to NDEP, and the following terms and conditions:

- a. Any heavy equipment (track-hoe, excavator, etc), to be used in the drainages must be thoroughly steam cleaned before being introduced into or work is conducted in the drainages and adjacent wetlands areas to prevent potential contamination.
- b. BMPs shall be applied and precautions shall be taken to minimize erosion and sediment transport at the clearing, grubbing, diversion channel construction, and channel backfilling and grading sites in accordance with plans and information submitted to NDEP prior to commencement of working in waterways.
- c. A record shall be kept of each day's use of heavy equipment in the River, and adjacent areas at the project site.
- d. Any diversion structure shall be engineered to effectively divert water around the project, minimizing seep water. When possible, activities shall be scheduled during periods of low flow.
- e. Every precaution shall be taken to minimize vegetation disturbance or removal as applicable and practicable.
- f. The permittee, **Truckee Meadows Water Authority**, bears the sole responsibility to ensure that the requirements of this temporary permit are fully satisfied.
- g. Equipment fueling and fuel storage shall occur at least 200 feet away from water ways.
- h. Stockpiles and debris shall not be stored near water ways.
- i. All rock to be used in the River must be cleaned (free of particulates < 1/8 inch in diameter) prior to being brought to the site and placed.
- j. No petroleum products, chemicals or foreign debris of any kind shall be discharged or deposited into the River.
- k. **All turbidity sampling results shall be recorded in a log and submitted monthly with DMRs; exceedances above the water quality standard of 10 NTU shall be recorded in the same log book, but also submitted weekly to the Division.**

I.A.5. **Documentation:** Documentation must be submitted as specified in Part I.A.2.

I.A.6. **Final Report:** The final narrative report with photos describing and documenting the results of the project's activities shall be submitted after the end of the permit. The report shall contain the original signature of the Engineer-In-Charge of the project. **The final report shall be received, at the address given below, by the 28<sup>th</sup> day of the month following project completion or permit expiration, whichever comes first.**

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

- I.A.7. **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.8. **Sediment Discharge:** There shall be no discharge of sediment in other than trace amounts.
- I.A.9. **Odors:** There shall be no objectionable odors generated in the conduct of this project.
- I.A.10. **Authorized Project Activities:** There shall be no water management or rolling stock activities undertaken except those as authorized by this permit.
- I.A.11. **Plan Approval:** The project elements/components/activities shall be constructed and or conducted in accordance with the plans submitted to and approved by the Division. The plans must be approved by the Division prior to the start of construction. **All changes to the approved plans must be approved by the Division.**
- I.A.12. **Presumption of Possession and Compliance:** Copies of this permit, any subsequent modifications shall be maintained at the permitted project site at all times.

**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.
- b. **Test Procedures:** Analyses shall be conducted by a "certified laboratory" using an "approved method of testing", as defined in NAC 445A.0564 and NAC 445A.0562, respectively.
- c. **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, including reporting limits.
- d. **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 any calculation and/or reported value required by this permit. Such increased frequency shall also be indicated in required reports.

- e. **Records Retention:** All records and information resulting from monitoring activities; the permit application; 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.
- f. **Reporting Limits:** Unless otherwise allowed by the Division, the approved method of testing selected for analyses shall have a reporting limit which is:
  - i. Half or less of the discharge limit; or, if there is no discharge limit,
  - ii. Half of less of the applicable water quality criteria; or, if there is no limit or criteria,
  - iii. The lowest reasonably obtainable limit using an approved test method.
- g. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, discharge flow, discharge frequency, and receiving water conditions, the Division and/or Administrator may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.
- h. **Definitions**
  - i. **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.
  - ii. **Daily maximum:** is the highest measurement obtained during the monitoring period.
  - iii. **30-day average concentration:** means the arithmetic mean of measurements made during a month.
  - iv. **"Discrete" sample:** means any individual sample collected in less than 15 minutes.
  - v. **Composite sample:** flow rate composite means the arithmetic mean of no fewer than six individual measurements taken at equal time intervals for 24 hours, or for the duration of discharge, whichever is shorter. For other than flow rate a composite sample means a combination of no fewer than six individual flow-weighted samples obtained at equal time intervals for 24 hours, or for the duration of the 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 and/or tabulated for presentation in Discharge Monitoring Reports (DMRs). Laboratory reports for quantitative analyses conducted by State of Nevada certified laboratories must accompany DMR submittals.

DMRs shall be received by the 28<sup>th</sup> day of the month following the effective date of the permit and the 28<sup>th</sup> day of each month for the duration of the permit. If no discharge occurs during the reporting period, summarize the project status and report "no discharge" on the submitted DMR.

DMRs must be signed by the authorized representative that is responsible for the facility. The first DMR submitted under this permit must include the written designation of the authorized representative elected to sign DMRs. The designated representative responsible for facility operations must sign each subsequent DMR submitted to the Division. If the authorized representative changes, a new designation letter must be submitted.

- a. **Monthly Reporting:** Monitoring results for the effluent discharge monitoring requirements described in Part I.A.2.a. shall be summarized and tabulated for each month. The Permittee is considered in compliance if the reported results are less than the established permit limit.
- b. **Other Information:** Where the Permittee becomes aware of failure to submit any relevant facts in a permit application or has submitted incorrect information in a permit application or in any report to the Division, the Permittee shall promptly submit such facts or information.
- c. **Planned Changes:** The Permittee shall give notice to the Division as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition to a permitted facility:
  - i. Could significantly change the nature or increase the quantity of pollutants discharged; or
  - ii. Results in a significant change to the Permittee's sludge management practice or disposal sites.
- d. **Anticipated Noncompliance:** The Permittee shall give advance notice to the Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- e. **Submittal:** An original signed copy of these and two copies, and all other reports required herein, shall be submitted to the Division at the following addresses:

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

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

- a. All applications, reports, or information submitted to the Administrator 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. **Changes to Authorization:** If an authorization under Part I.B.3. 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. must be submitted to the Administrator 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 that 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 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 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-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, Bypassing, and Upset:**
- a. Any diversion, bypass, spill, overflow, or discharge of wastewater from evaporation 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 immediately notify the NDEP Spill Hotline at 1-888-331-6337.
  - b. The Permittee shall notify the Administrator by calling the NDEP Spill Hotline at 1-888-331-6337 within twenty-four (24) hours of any diversion, bypass, spill, upset, overflow, or release of discharge other than that which is authorized by the permit. The following shall be included as information which must be reported within 24 hours:
    - 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.
  - c. 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. Exact location and estimated amount of discharge;
    - iii. Flow path and any bodies of water which the discharge contacts;
    - iv. The specific cause of the discharge; and
    - v. The preventive and/or corrective actions taken.
  - d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.c. at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.A.4.c.

- e. A "bypass" means the intentional diversion of waste streams from any portion of a facility.
  - i. Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 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.
- f. 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;
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary evaporation facilities 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 occurs during normal periods of equipment downtime or preventative maintenance; and
  - iii. The Permittee submitted notices as required under Part II.A.4.e.
- g. The Division may approve an anticipated bypass, after considering its adverse effects, if the Division determines that it will meet the three conditions listed in Part II.A.4.f.
- h. 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 facilities, lack of preventive maintenance, or careless or improper operation.
- i. 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 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.e.; and
  - iv. The Permittee complied with any remedial measures required under

II.A.3.

- j. 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.
- k. In selecting the appropriate enforcement option, the Administrator 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 control of process 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. 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 Division 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 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 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:** 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;
  - 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., 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, rights, or rights of access or easement; 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. **Need to Halt or Reduce Activity Not a Defense:** 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 in an enforcement action.
- II.B.12. **Duty to Provide Information:** The Permittee shall furnish to the Administrator, within a reasonable time, any relevant information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.

### **PART III**

#### **III.A. OTHER REQUIREMENTS**

##### **III.A.1. Signatures, certification required on application and reporting forms**

- a. All applications, reports, or information submitted to the Administrator 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 Administrator 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; or
  - ii. A general partner of the partnership; or
  - 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. **Duly Authorized Representative**

All Discharge Monitoring Reports and any other information required by this permit or requested by the Administrator shall be signed by a person described in paragraph (b) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- i. The authorization is made in writing by a person described in paragraph (a) of this section
- ii The authorization specifies either an individual or a position having responsibility for environmental matters for the company, and
- iii. The authorization is submitted to the Division.

d. **Changes to Authorization.** If an authorization under paragraph c. 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 section must be submitted to the Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.

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. contain with no discharge the 25-year 24-hour storm at said location;
- b. withstand with no discharge the 100-year flood of said location; and,
- c. prevent escape of wastewater by leakage other than as authorized by this permit.