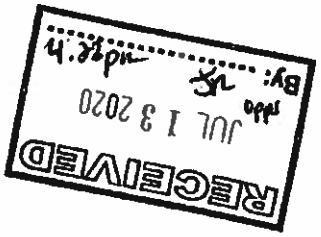
NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION

STATE OF NEVADA
Department of Conservation & Natural Resources



NS2020503

July 7, 2020

John Koenig, Chairman
Nye County Board of Commissioners
2100 E Walt Williams Dr., Ste. 100
Pahrump, NV 89048

Re: Draft Discharge Permit – NS2020503, Peacox Charitable Remainder Unitrust, Amargosa Valley, NV

Mr. Chairman:

The Nevada Division of Environmental Protection has completed development of a draft permit for a new groundwater discharge permit # NS2020503 for discharges proposed and described in the submitted application for the **Peacox Charitable Remainder Unitrust** in Nye County, Nevada. The proposed permit will be effective for a period of five (5) years.

Enclosed, for your use, are copies of the public Notice of Proposed Action (NoPA) and the Fact Sheet. This public notice, along with copies of the draft permit and Fact Sheet was posted on the NDEP website on **July 7, 2020,** which can be found at the following link: **https://ndep.nv.gov/posts.**

Comments on the proposed action or a request for a public hearing may be submitted to this office for a period of thirty (30) days following the date of publication of the NoPA. The deadline in this office for receipt of all comments pertaining to this public notice shall be **August 6, 2020** at **5:00 P.M.** Should we find that a significant degree of public interest exists with respect to the proposed permit issuance, a public hearing may be held. If no hearing is held, we would expect to issue the permit containing the final determinations of the Administrator shortly after the expiration of the thirty (30) day comment period.

Please advise this office prior to **August 6, 2020** if the Permittee has not complied with all local ordinances that govern this facility.

If you have any questions regarding the enclosed documents or the permitting process, please contact me at (775) 687-9502 or at bhartley@ndep.nv.gov.

Sincerely,

Bonnie Hartley

Bonnie Hartley
Bureau of Water Pollution Control

Distributed To: BCC
Sutton, Lorinda
O2, Amargosa
Sam, Arnold
Brett, Dahl, Tuck
Darrell, Melissa

Enclosures: NS2020503 Notice of Proposed Action
NS2020503 Fact Sheet

ECC: Daniel Cox, Peacox Charitable Remainder Unitrust
Donette Barreto P.E., Permits Branch Supervisor

NEVADA DIVISION OF
ENVIRONMENTAL PROTECTION

STATE OF NEVADA
Department of Conservation & Natural Resources
Steve Sisolak, Governor
Bradley Crowell, Director
Greg Lovato, Administrator

NOTICE OF PROPOSED ACTION

The Administrator, Division of Environmental Protection, Carson City, Nevada is issuing the following notice of proposed action under the Nevada Revised Statutes and/or the Clean Water Act, where applicable. The Administrator has received an application for a Groundwater Discharge, permit number NS2020503 from the following applicant:

PEACOX CHARITABLE REMAINDER UNITRUST
PO BOX 910461
SAINT GEORGE, UT - 84791

Permit NS2020503, PEACOX CHARITABLE REMAINDER UNITRUST:
The Permittee, Peacox Charitable Remainder Unitrust, has applied for coverage under groundwater discharge permit NS2020503 for the operation and maintenance of a Mar-Wood Wastewater Treatment Plant (WWTP) located at 3020 South Nevada Highway 373 in Amargosa Valley, Nye County, Nevada. The WWTP, which has a design capacity of 20,000 gallons per day, was previously covered under groundwater discharge permit NS0020011 and owned by Horizon Academy who managed a private boarding school; however, in 2019 the school was taken over by New Bench Mark.

On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, and implementing regulations, the Administrator proposes to issue Permit NS2020503 to discharge for a five (5) year period, subject to certain effluent limitations.

Persons wishing to comment upon or object to the proposed determinations by the Administrator regarding permit issuance should submit their comments or request, in writing, hand delivered or postmarked no later than 5:00 P.M. on 08/06/2020 , either in person or by mail to:

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, NV 89701

The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. All comments or objections received within the thirty (30) day period will be considered in the formulation of final determination(s) regarding the application. If written comments indicate a significant degree of public interest in the proposed permit, the Administrator shall hold a public hearing. A public notice of such hearing will be issued not less than thirty (30) days prior to the hearing date.

If no hearing is held and the determinations of the Administrator are substantially changed from the tentative determinations, the Administrator will give public notice of the revised determinations. Additional comments and objections will be considered at that time.

The applications, proposed permits, comments received, and other information are on file and may be copied or copies may be obtained by writing to the above address or by contacting Bonnie Hartley, Bureau of Water Pollution Control, at (775) 687-9502 or at bhartley@ndep.nv.gov. The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following website: https://ndep.nv.gov/posts/category/water.

Please bring the forgoing notice to the attention of all persons whom you know would be interested in this matter.

FACTSHEET
(pursuant to NAC 445A.236)

Permittee Name: PEACOX CHARITABLE REMAINDER UNITRUST
PO BOX 910461
SAINT GEORGE, UT - 84791

Permit Number: NS2020503

Location: PEACOX CHARITABLE REMAINDER UNITRUST, NYE
3020 SOUTH NEVADA HWY 373, AMARGOSA VALLEY, NV - 890202000
LATITUDE: 36.496961, LONGITUDE: 16.424368
TOWNSHIP: 00000, RANGE: 0000, SECTION: NA

Outfall / Well Num	Outfall / Well Name	Location Type	Well Log Num	Outfall City	Outfall State	Outfall Zip	Outfall County	Latitude	Longitude	Receiving Water
001	INFLUENT	Internal Outfall		AMARGOSA VALLEY	NV	89020	NYE	36.4969	-116.4243	GROUNDWATER
002	EFFLUENT	External Outfall		AMARGOSA VALLEY	NV	89020	NYE	36.4972	-116.4243	GROUNDWATER
MW3	MONITORING WELL	Monitoring Well	MW3	AMARGOSA VALLEY	NV	89020	NYE	36.4969	-116.4230	GROUNDWATER
W01	MONITORING WELL	Monitoring Well		AMARGOSA VALLEY	NV	89020	NYE	36.4962	-116.4236	GROUNDWATER

General:

The Permittee, Peacox Charitable Remainder Unitrust, has applied for coverage under groundwater discharge permit NS2020503 for the operation and maintenance of a Mar-Wood Wastewater Treatment Plant (WWTP) located at 3020 South Nevada Highway 373 in Amargosa Valley, Nye County, Nevada.

Previously, the WWTP, which was covered under groundwater discharge permit NS0020011, was owned by Horizon Academy which managed the Northwest Academy, a private boarding school with approximately 45 students and 25 staff and support employees. Of those students and staff, approximately 50 resided onsite at the facility in residential housing units. In 2019 the school was taken over by New Bench Mark. Currently there are approximately 60 students and 22 staff at the facility; of those, approximately 65 reside onsite.

The WWTP dates back to 1982 and is a 20,000 gallon per day (gpd) Mar-Wood package plant. The WWTP consists of a mixed anoxic compartment, three aeration compartments, a clarifier, a chlorine contact basin, and a sludge digester. Denitrification occurs via anoxic-zone mixing of the influent with nitrified returned activated sludge (RAS). A licensed pumper must periodically clean the sludge digester to remove waste activated sludge (WAS). The facility also includes two rapid infiltration basins (RIBs). The north RIB has a capacity of 475,512 gallons and the south RIB has a capacity of 294,154 gallons. A water balance conducted in 2005 showed that the RIBs would not reach their full capacity when receiving a daily effluent flow of 20,000 gpd.

Additionally, the facility has two monitoring wells (W01 and MW3). Well W01 is a potable supply well located approximately 400 feet southeast of the south RIB and is used as a drinking water source for the facility. According to the well log, W01 was drilled to a depth of 172 feet. This well is required to be tested for fecal coliform and residual chlorine per the Bureau of Safe Drinking Water. The well log for MW3 indicates the well was drilled down to a depth of 119 feet; this well is located approximately 100 feet southeast of the south RIB. A third well, W02, was previously used for fire protection and irrigation but then

was used to monitor the groundwater quality; however, this well was plugged in 2007.

Recent improvements to the WWTP include a new electrical control panel, new PVC piping, new control valves, all of the coarse-bubble diffusers were rebuilt, and repairs were made to the blowers. The RIBs were also cleaned out and the weeds and vegetation were cut down in order to provide better effluent disposal and evaporation. Additionally, fencing was replaced around the facility's courtyard and repaired at the WWTP in order to keep unauthorized personnel out.

Discharge Characteristics:

The WWTP is designed to discharge secondary treated and denitrified effluent. Influent flow data submitted for the 2nd quarter and 3rd quarter of 2019 indicate an average flow rate of 17,180 gpd. There is not a lot of recent effluent discharge monitoring report data on file for this WWTP; however, there was effluent data submitted for the 2nd quarter and 3rd quarter of 2019. The data is as follows:

Total Nitrogen - Ave: 14.0 mg/L; Max: 19.0 mg/L; Min: Non-detect

5-Day Biological Oxygen Demand (BOD_5) - Ave: 47.1 mg/L; Max: 152.0 mg/L; Min: 4.0 mg/L

Total Suspended Solids (TSS) - Ave: 18 mg/L; Max: 35 mg/L; Min: Non-detect

pH - Max: 7.43 Standard Units (S.U.); Min: 6.89 S.U.

Receiving Water:

The receiving water is groundwater of the State. Depth to groundwater varies from approximately 90 feet to 100 feet below ground surface.

Summary of Changes From Previous Permit:

This is a new permit; however, the previous owners of the facility were permitted under groundwater discharge permit NS0020011.

Proposed Effluent Limitations:

The discharge shall be limited and monitored by the Permittee as specified below:

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

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Flow rate	Daily Maximum	<= 20000 Gallons per Day (gal/d)		Raw Sewage Influent	001	Weekly	ESTIMA[1]
Flow rate	30 Day Average	M&R Gallons per Day (gal/d)		Raw Sewage Influent	001	Weekly	ESTIMA[1]

Notes (WWTP Discharge Limitations Table):

1. Flow rate shall be estimated using the influent lift station pump time clocks.

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

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
BOD, 5-day	Daily Maximum		<= 45 Milligrams per Liter (mg/L)	Effluent Gross	002	Monthly	DISCRT
BOD, 5-day	30 Day Average		<= 30 Milligrams per Liter (mg/L)	Effluent Gross	002	Monthly	DISCRT
Solids, total suspended	Daily Maximum		<= 45 Milligrams per Liter (mg/L)	Effluent Gross	002	Monthly	DISCRT
Solids, total suspended	30 Day Average		<= 30 Milligrams per Liter (mg/L)	Effluent Gross	002	Monthly	DISCRT
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Effluent Gross	002	Monthly	DISCRT
Nitrogen, total	30 Day Average		M&R Milligrams per Liter (mg/L)	Effluent Gross	002	Monthly	DISCRT
pH, maximum	Daily Maximum		<= 9.0 Standard Units (SU)	Effluent Gross	002	Monthly	DISCRT
pH, minimum	Daily Minimum		>= 6.0 Standard Units (SU)	Effluent Gross	002	Monthly	DISCRT

WWTP Discharge Limitations Table for Sample Location 002 (Effluent) To Be Reported Annually

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Alkalinity, total (as CaCO3)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Arsenic, total (as As)	Daily Maximum		<= .01 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Barium, total (as Ba)	Daily Maximum		<= 2 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Chloride (as Cl)	Daily Maximum		<= 400 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Copper, total (as Cu)	Daily Maximum		<= 1 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Fluoride, total (as F)	Daily Maximum		<= 4 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Iron, total (as Fe)	Daily Maximum		<= .6 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Lead, total (as Pb)	Daily Maximum		<= .015 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Magnesium, total (as Mg)	Daily Maximum		<= 150 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Manganese, total (as Mn)	Daily Maximum		<= .1 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
			<= 500				

WWTP Discharge Limitations Table for Sample Location 002 (Effluent) To Be Reported Annually

	Discharge Limitations			Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Sulfate, total (as SO4)	Daily Maximum		Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Solids, total dissolved	Daily Maximum		<= 1000 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
Zinc, total (as Zn)	Daily Maximum		<= 5 Milligrams per Liter (mg/L)	Effluent Gross	002	Annual	DISCRT
pH, maximum	Daily Maximum		<= 8.5 Standard Units (SU)	Effluent Gross	002	Annual	DISCRT
pH, minimum	Daily Minimum		>= 6.5 Standard Units (SU)	Effluent Gross	002	Annual	DISCRT

Groundwater Monitoring Wells Table for Sample Location Mw3 (Monitoring Well) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Depth to water level ft below landsurface[1]	Daily Minimum	M&R Feet (ft)		Groundwater	MW3	Quarterly	DISCRT
Water level relative to mean sea level[2]	Daily Minimum	M&R Feet (ft)		Groundwater	MW3	Quarterly	CALCTD
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	MW3	Quarterly	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	MW3	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Groundwater	MW3	Quarterly	DISCRT
Coliform, fecal general	Daily Maximum		M&R Colony Forming Units per 100ml T (CFU/100mL)[3]	Groundwater	MW3	Quarterly	DISCRT

Notes (Groundwater Monitoring Wells Table):

1. Depth to groundwater.
2. Groundwater elevation above mean sea level (AMSL).
3. CFU/100 mL or MPN/100 mL.

Groundwater Monitoring Wells Table for Sample Location W01 (Monitoring Well) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	**Base**	**Quantity**	**Concentration**	**Monitoring Loc**	**Sample Loc**	**Measurement Frequency**	**Sample Type**
Depth to water level ft below landsurface[1]	Daily Minimum	M&R Feet (ft)		Groundwater	W01	Quarterly	DISCRT
Water level relative to mean sea level[2]	Daily Minimum	M&R Feet (ft)		Groundwater	W01	Quarterly	CALCTD
Solids, total dissolved	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	W01	Quarterly	DISCRT
Chloride (as Cl)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Groundwater	W01	Quarterly	DISCRT
Nitrogen, total	Daily Maximum		<= 10 Milligrams per Liter (mg/L)	Groundwater	W01	Quarterly	DISCRT
Coliform, fecal general	Daily Maximum		M&R Colony Forming Units per 100ml T (CFU/100mL)[3]	Groundwater	W01	Quarterly	DISCRT

Notes (Groundwater Monitoring Wells Table):

1. Depth to groundwater.
2. Groundwater elevation above mean sea level (AMSL).
3. CFU/100 mL or MPN/100 mL.

Proposed Technology Based Effluent Limitations:

The following Technology Based Effluent Limitations (TBELs) are required as promulgated by EPA for Publicly Owned Treatment Works (POTWs):

BOD_5: The daily maximum threshold is limited to 45 mg/L. The 30-day average threshold is limited to 30 mg/L.

TSS: The daily maximum threshold is limited to 45 mg/L. The 30-day average threshold is limited to 30 mg/L.

The performance standard percent removal for BOD_5 and TSS for POTWs with secondary treatment technology has been waived as the WWTF only receives domestic septage from the facility on site and there are no sources of industrial waste.

pH: The minimum threshold is limited to 6.0 S.U. The maximum threshold is limited to 9.0 S.U.

Rationale for Permit Requirements:

A Public Water Supply (PWS) well is located approximately 400 feet from the discharge location. Recently (2018 and 2019) samples for fecal coliform in the PWS well came back positive; however, the same samples were negative for e. coli. After repeat sampling of the well, fecal coliform came back negative.

Due to the recent sampling results a requirement to sample the wells for fecal coliform has been added to the permit in order to protect human heath and the environment. Furthermore, groundwater monitoring is implemented in order to assess the operations of the facility and to monitor any changes in groundwater of the State.

Total nitrogen is required to be sampled so as to provide data necessary for evaluating the potential impact of the discharged effluent to groundwater of the State.

The list of constituents of concern for the annual testing on the effluent was derived from Profile 1 and was pared down to 15 parameters from the original 32 parameters. The WWTF only receives domestic septage from the facility on site and there are no sources of industrial waste; therefore, sampling of the 15 Profile I parameters is included as to provide data necessary for evaluating the potential impact of the discharged effluent to groundwater of the State.

Special Conditions:

Substantial compliance with the current permit is a condition of permit renewal.

SA – Special Approvals / Conditions Table

There are no Special Approval / Condition items

Reasonable Potential Analysis and Antidegradation Review:

The State's antidegradation policy has a requirement to maintain higher quality (RMHQ) standards of the receiving water body and, at a minimum, meet the most restrictive standards established per the designated beneficial use criteria. At this time there are currently no specific water quality standards that have been formally adopted by the State for groundwater. However, available data does not currently indicate any potential for degradation of groundwater from the effluent discharged within the compliance limits of the proposed permit.

Flow:

The daily maximum flow rate is limited to <= 20,000 gpd.

Corrective Action Sites:

There are no Bureau of Corrective Action sites within a one-mile radius of the discharge location.

Wellhead Protection Program:

The local groundwater flow direction is toward the southeast. The closest PWS well (W01) is located approximately 400 feet to the southeast of the RIBs and serves as a drinking water source for the property. The well log for W01 indicates a 14 foot thick clay layer above the well screen. There are two PWS wells located to the north; the first is approximately 1.2 miles away and the second is approximately 2.3 miles away. There are two additional wells to the west which are approximately 4 miles and 4.5 miles away, respectively. Another well is located southeast and is approximately 5 miles away.

The facility is located within a 1,000 foot Drinking Water Protection Area. The facility is also located within a 6-month Wellhead Protection Area.

Due to the distance to the PWS wells, the impervious layer above well W01, and the requirements of this permit, discharges from this facility is not anticipated to negatively impact the PWS wells.

Schedule of Compliance:

SOC – Schedule of Compliance Table

Item #	Description	Due Date
1	The Permittee shall submit two copies (one electronic and one hard copy) of an Operations and Maintenance (O&M) Manual to the Division for review and approval. The O&M Manual shall be prepared in accordance with guidance document WTS-2.	11/11/2020
2	All Discharge Monitoring Reports (DMRs) shall be submitted electronically through the Nevada NetDMR system: https://netdmr.ndep.nv.gov/netdmr/public/home.htm.	10/28/2020

Deliverable Schedule:

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

Item #	Description	Interval	First Scheduled Due Date
1	Quarterly DMRs	Quarterly	10/28/2020
2	Annual Report	Annually	1/28/2021

Procedures for Public Comment:

The Notice of the Division's intent to issue a permit authorizing the facility to discharge to groundwater of the State of Nevada subject to the conditions contained within the permit, is being mailed to interested persons on our mailing list and will be posted on our website at https://ndep.nv.gov/posts. Anyone wishing to comment on the proposed permit can do so in writing until 5:00 P.M. 8/6/2020 , a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator.

The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NRS 445A.605.

Proposed Determination:

The Division has made the tentative determination to issue / re-issue the proposed 5-year permit.

Prepared by: **Bonnie Hartley**
Date: **7/7/2020**
Title: **Environmental Scientist**