



FACTSHEET
(pursuant to NAC 445A.236)

Permittee Name: JDR OWNER LLC
2777 LAS VEGAS BLVD S
LAS VEGAS, NV 89109

Permit Number: NV0023566

Permit Type: MANUFACTURING, COMMERCIAL, MINING AND SILVICULTURAL FACILITY THAT DISCHARGES NON-PROCESS WASTEWATER

Designation: MINOR NPDES

New/Existing: EXISTING

Location: FONTAINEBLEAU CASINO AND RESORT, CLARK
2777 SOUTH LAS VEGAS BLVD., LAS VEGAS, NV 89109
LATITUDE: 36.136944, LONGITUDE: -115.159722
TOWNSHIP: 21S, RANGE: 61E, SECTION: 09

Outfall / Well Num	Outfall / Well Name	Location Type	Well Log Num	Latitude	Longitude	Receiving Water
001	LAS VEGAS BOULEVARD STORM DRAIN INLET	External Outfall		36.136944	-115.159722	LAS VEGAS WASH VIA CLARK COUNTY STORM DRAIN SYSTEM

Permit History/Description of Proposed Action

The Permittee, JDR Owner, LLC, has applied for the renewal of National Pollutant Discharge Elimination System permit, NV0023566, for Fontainebleau Casino and Resort located at 2777 Las Vegas Boulevard in Las Vegas, Clark County, Nevada. The Permittee proposes to continue to discharge intercepted groundwater to the Las Vegas Wash via the Clark County storm drain system.

This permit was first issued in July of 2007. The last renewal of this permit was issued on October 26, 2012, and expired on October 25, 2017; the permit has been administratively continued since.

Facility Overview

Shallow groundwater, encountered approximately 14 feet to 20 feet below ground surface, is collected via a 4-inch perforated polyvinyl chloride (PVC) piping system placed within drainage rock. The intercepted groundwater flows by gravity to a total of nine (9) sumps; seven (7) located in the podium area and two (2) located within the parking garage.

In December of 2006, a temporary dewatering system for the facility intercepted a tetrachloroethylene (PCE) plume. In October of 2008, a treatment system, composed of four (4) parallel operated granular active carbon (GAC) canisters, was installed. The previous permit included a Special Condition Item (section I.A.2.b. of the permit) which stated, "After 12 consecutive months of PCE non-detects in the influent (beginning with March 2012 data), the Permittee may request to have the influent PCE monitoring requirement removed, and the treatment system disconnected." In March of 2013, the former Permittee requested a minor modification to the permit to disconnect the treatment system as influent data showed non-detects for PCE for 12 consecutive months. On March 22, 2013, the Division approved the minor

modification, and Outfall ISP for the 'Treatment System Influent Sampling Port' was removed from the permit and the treatment system was taken off-line.

Previously, groundwater collected in the sumps was pumped to a common surge tank where two pumps, located at the bottom of the tank, directed the water into the treatment system in a parallel configuration. Now the intercepted groundwater travels directly from the sumps to an 8-inch pipe connected to the Clark County storm drain system (see attached flow diagram).

Outfall Summary

Outfall 001 – This outfall is for the discharge of untreated intercepted groundwater to a storm drain drop inlet located on Las Vegas Boulevard.

Effluent Characterization

Nevada State Network Discharge Monitoring Report (NetDMR) data, as reported from the year 2019 to 2023, was reviewed as part of this permit renewal process. The long-term average discharge flow rate was 0.174 million gallons per day (MGD). The daily maximum flow limit is 0.99 MGD; there were no exceedances of this limit.

There was one exceedance for total petroleum hydrocarbons (TPH) which occurred in the fourth quarter of 2023 with a reported value of 1.9 mg/L. The Permittee stated that the source of the TPH was unknown and that they would investigate further. There were no exceedances of any other permit limits from 2019 to 2023.

Pollutants of Concern

Pollutants of concern are any pollutant, or parameters, that are believed to be present in the discharge and could affect or alter the physical, chemical, or biological conditions of the receiving water. According to the Reasonable Potential Analysis (RPA) that was conducted, a pollutant of concern associated with discharges from this facility is total dissolved solids (TDS). Furthermore, there is a known PCE plume located just across the street from the Fontainebleau Casino and Resort.

Receiving Water

The receiving water is the Las Vegas Wash via the Clark County storm drain system.

Applicable Water Quality Standards/Beneficial Uses

The water quality standards (WQSs) for the nearest downstream control point, "Las Vegas Wash at the Historic Lateral" (NAC 445A.2156) apply. WQSs for the Las Vegas Wash from the confluence of the Sloan Channel and the Historic Lateral includes beneficial uses for watering of livestock, irrigation, aquatic life, recreation not involving contact with the water, propagation of wildlife, and maintenance of a freshwater marsh. Additional WQSs applicable to this section of the Las Vegas Wash include toxic materials (NAC 445A.1236). Furthermore, water quality narrative standards applicable to all surface waters (NAC 445A.121) apply.

303 (d) Listing Status

According to Nevada's 2020 – 2022 Water Quality Integrated Report, none of the designated beneficial uses are currently impaired for the Las Vegas Wash from the confluence of the Sloan Channel and the Las Vegas Wash to the Historic Lateral.

TMDL

Per section 303(d)(1)(C) of the Clean Water Act (CWA), states are required to develop Total Maximum Daily Loads (TMDLs) for those waters which the effluent limitations are not stringent enough to implement any WQS applicable to such waters. The Las Vegas Wash, from the Historic Lateral to its confluence with Lake Mead, includes a TMDL for total ammonia as nitrogen and total phosphorus.

Waste Load Allocation

Per a memo dated June 9, 2017, from the Bureau of Water Quality Planning (BWQP), dewatering

discharge activities within the general Las Vegas area are, "...assumed to be part of the base phosphorous load recognized in the 1989 Lake Mead Total Phosphorous TMDL Load Allocation." Therefore, there is no waste load allocation (WLA) for total phosphorus associated with this permit. Although the permit does not include a WLA for total phosphorus, the Permittee is required to monitor and report the mass load discharged to the Las Vegas Wash for the Division's information. Furthermore, total ammonia loads discharged to the Las Vegas Wash will be monitored and reported to obtain data which will assist with determining if there is a need for an individual WLA for the facility.

Compliance History

The facility was considered to be in substantial compliance during the 2019 to 2023 reporting period.

Proposed Effluent Limitations

The discharge shall be limited and monitored as specified below:

Discharge Limitations Table for Sample Location 001 (Las Vegas Boulevard Storm Drain Inlet) To Be Reported Quarterly

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Flow rate	30 Day Average	M&R Million Gallons per Day (Mgal/d)		Effluent Gross	001	Continuous	METER
Flow rate	Daily Maximum	<= 0.99 Million Gallons per Day (Mgal/d)		Effluent Gross	001	Continuous	METER
pH, minimum	Daily Minimum		>= 6.5 Standard Units (SU)	Effluent Gross	001	Quarterly	DISCRT
pH, maximum	Daily Maximum		<= 9 Standard Units (SU)	Effluent Gross	001	Quarterly	DISCRT
Tetrachloroethylene	Daily Maximum		<= 5 Micrograms per Liter (ug/L)	Effluent Gross	001	Quarterly	DISCRT
Solids, total dissolved	Daily Maximum		<= 3000 Milligrams per Liter (mg/L)	Effluent Gross	001	Quarterly	DISCRT
Nitrogen, inorganic total	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Quarterly	DISCRT
Phosphorus, total (as P)	Daily Maximum	M&R Pounds per Day (lb/d)	M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Quarterly	DISCRT
Nitrogen, nitrite total (as N)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Quarterly	DISCRT
Nitrogen, nitrate total (as N)	Daily Maximum		M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Quarterly	DISCRT
Nitrogen, ammonia total (as N)	Daily Maximum	M&R Pounds per Day (lb/d)	M&R Milligrams per Liter (mg/L)	Effluent Gross	001	Quarterly	DISCRT

Discharge Limitations Table for Sample Location 001 (Las Vegas Boulevard Storm Drain Inlet) To Be Reported Annually

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Trichloroethylene	Daily Maximum		<= 5 Micrograms per Liter (ug/L)	Effluent Gross	001	Annual	DISCRT
Methyl tert-butyl ether	Daily Maximum		<= 20 Micrograms per Liter (ug/L)	Effluent Gross	001	Annual	DISCRT
Hydrocarbons, total petroleum	Daily Maximum		<= 1 Milligrams per Liter (mg/L)	Effluent Gross	001	Annual	DISCRT

Discharge Limitations Table for Sample Location 001 (Las Vegas Boulevard Storm Drain Inlet) To Be Reported Once During The Permit Term

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Arsenic, total recoverable ^[1]	Daily Maximum		<= 150 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Beryllium, total recoverable (as Be)	Daily Maximum		<= 100 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Boron, total recoverable	Daily Maximum		<= 750 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Cadmium, dissolved (as Cd)	Daily Maximum		<= 2.29 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Chromium, total recoverable	Daily Maximum		<= 100 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Chromium, Hexavalent [As CR] (Chromium (VI)) ^[1]	Daily Maximum		<= 11 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Chromium, Trivalent [As CR] (Chromium (III)) ^[1]	Daily Maximum		<= 263.2 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Copper, dissolved (as Cu)	Daily Maximum		<= 33.6 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Cyanide, total (as CN)	Daily Maximum		<= 5.2 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Fluoride, total (as F)	Daily Maximum		<= 1000 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Iron, total recoverable	Daily Maximum		<= 1000 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
			<= 12.9				

Discharge Limitations Table for Sample Location 001 (Las Vegas Boulevard Storm Drain Inlet) To Be Reported Once During The Permit Term

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Lead, dissolved (as Pb)	Daily Maximum		Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Manganese, total recoverable	Daily Maximum		<= 200 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Mercury, dissolved (as Hg)	Daily Maximum		<= 0.77 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Molybdenum, total recoverable	Daily Maximum		<= 1650 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Nickel, total recoverable ^[1]	Daily Maximum		<= 192.6 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Selenium, dissolved [as Se]	Daily Maximum		<= 3.9 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Silver total recoverable ^[1]	Daily Maximum		<= 46 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Sulfide, total (as S)	Daily Maximum		<= 2 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Zinc, dissolved (as Zn)	Daily Maximum		<= 438.4 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Acrolein	Daily Maximum		<= 3 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Aldrin	Daily Maximum		<= 3 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
			<= 0.056				

Discharge Limitations Table for Sample Location 001 (Las Vegas Boulevard Storm Drain Inlet) To Be Reported Once During The Permit Term

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
.alpha.-Endosulfan	Daily Maximum		Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
.beta.-Endosulfan	Daily Maximum		<= 0.056 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Chlordane (tech mix. and metabolites)	Daily Maximum		<= 0.0043 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Chlorpyrifos	Daily Maximum		<= 0.041 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
4,4-DDT	Daily Maximum		<= 0.001 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Demeton	Daily Maximum		<= 0.1 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Diazinon	Daily Maximum		<= 0.17 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Dieldrin	Daily Maximum		<= 0.056 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Endrin	Daily Maximum		<= 0.036 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Azinphos-Methyl (Guthion)	Daily Maximum		<= 0.01 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Heptachlor	Daily Maximum		<= 0.0038 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
			<= 0.0038				

Discharge Limitations Table for Sample Location 001 (Las Vegas Boulevard Storm Drain Inlet) To Be Reported Once During The Permit Term

Discharge Limitations				Monitoring Requirements			
Parameter	Base	Quantity	Concentration	Monitoring Loc	Sample Loc	Measurement Frequency	Sample Type
Heptachlor epoxide	Daily Maximum		Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Lindane	Daily Maximum		<= 0.95 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Malathion	Daily Maximum		<= 0.1 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Methoxychlor	Daily Maximum		<= 0.03 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Mirex	Daily Maximum		<= 0.001 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Nonylphenol	Daily Maximum		<= 6.6 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Parathion	Daily Maximum		<= 0.013 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Pentachlorophenol	Daily Maximum		<= 18.28 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Polychlorinated biphenyls (PCBs)	Daily Maximum		<= 0.014 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Toxaphene	Daily Maximum		<= 0.0002 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT
Tributyltin	Daily Maximum		<= 0.072 Micrograms per Liter (ug/L)	Effluent Gross	001	Once Per Permit Term	DISCRT

Notes (Discharge Limitations Table):

1. Analysis is for the dissolved fraction.

Summary of Changes From Previous Permit

Outfall 001 has been renamed from 'The sample port on the discharge line from the treatment system' to 'Las Vegas Boulevard Storm Drain Inlet'.

The requirement to sample for nitrate and nitrite has been added.

The requirement to report total phosphorus in pounds per day (lbs/day) has been added.

The requirement to sample, and report, total ammonia (as N) in milligrams per liter (mg/L) and in lbs/day has been added.

A daily maximum limit of 3,000 mg/L for TDS has been added.

The requirement to sample for the toxic materials (NAC 445A.1236), once per permit term, has been added.

Technology Based Effluent Limitations

There are no technology based effluent limitations associated with this permit.

Water Quality Based Effluent Limitations

Per NAC 445A.2156, dissolved oxygen (DO), temperature, total suspended solids (TSS), fecal coliform, and *Escherichia coli* (*E. Coli*) are required to be monitored. The discharge from this facility will travel many miles through the Clark County storm drain system before finally reaching the Las Vegas Wash; therefore, sampling the discharge for DO and temperature is irrelevant in this instance. TSS is also not required to be sampled as groundwater, typically, has low suspended solids. Furthermore, since the discharge is not associated with treated wastewater, sampling of fecal coliform and *E. Coli* are not required.

The proposed permit establishes the requirement to monitor and report total nitrate (as N), total nitrite (as N), and total inorganic nitrogen (as N) in lieu of establishing a limit based on water quality standards as these constituents proved no reasonable potential to cause, or contribute to, in-stream excursions above the applicable water quality criteria.

The following parameters are limited in accordance with the Nevada water quality based effluent limits (WQBEL) as listed in NAC 445A.2156:

The proposed permit retains effluent limits for pH in accordance with the aquatic life beneficial use.

The proposed permit establishes effluent limits for TDS in accordance with the watering of livestock beneficial use.

The receiving water body, the Las Vegas Wash, has a requirement to maintain existing higher quality (RMHQ) of 95% of single value (S.V.) sample \leq 1,900 mg/L limit and a beneficial use standard of \leq 3,000 mg/L, per NAC 445A.2156. From 2019 to 2023, the effluent ranged from 2,240 mg/L to 5,940 mg/L. There were only three (3) instances of the TDS being over 3,000 mg/L; once in the second quarter of 2019, once in the fourth quarter of 2021, and once in the third quarter of 2023. The current project, by design, does not alter the background TDS, as such the TDS concentration in the effluent is the same as that of the influent. The RPA determined TDS has the potential to cause, or contribute to, an exceedance above the RMHQ as well as the beneficial use standard; however, it is reasonable to expect the effluent not be within the RMHQ standard.

The TDS in the intercepted groundwater is consistent with the assumptions for the natural background water per NAC 445A.120(2), "Natural water conditions may, on occasion, be outside the limits established by standards. The standards adopted in NAC 445A.070 to 445A.2234, inclusive, related to the condition of waters as affected by discharges relating to human activities." It also follows that the intercepted groundwater is consistent with NAC 445A.121(8), which states, "The specified standards are not

considered violated when the natural conditions of the receiving water are outside the established limits, including periods of extreme high or low flow.”

Therefore, a limit of 3,000 mg/L for TDS is deemed protective of the receiving water and sufficient to continue to maintain the RMHQ for the Las Vegas Wash.

The proposed permit establishes effluent limits for toxic materials listed in NAC 445A.1236. Effluent limits in this permit were based on toxic materials criteria to protect the aquatic life, irrigation, and watering of livestock beneficial uses. Municipal or domestic supply is not a designated beneficial use for the Las Vegas Wash; therefore, effluent limits to protect this beneficial use were not included in this permit.

Additionally, based on the average flow rate, the 96-hour limit was used, unless there was no 96-hour limit listed for that constituent in which case the 1-hour limit was used.

Furthermore, NAC 445A.1236 lists water quality criteria for seven (7) metals that vary as a function of hardness. The lower the hardness the lower the water quality criteria. The metals with hardness-dependent criteria include cadmium, chromium (III), copper, lead, nickel, silver, and zinc. The BWQP recommends calculating the 10th percentile receiving water hardness value to determine water quality criteria for hardness-dependent metals that are sufficiently protective of aquatic life. The BWQP reviewed ten (10) years of water quality data on the Las Vegas Wash at the Historic Lateral and found the hardness data to be normally distributed. The BWQP recommended a 10th percentile value of 460 mg/L for hardness to be sufficiently protective of aquatic life under most conditions for this reach of the Las Vegas Wash. Therefore, the Division has used the 10th percentile value of 470 mg/L to calculate the applicable water quality criteria for hardness-dependent metals listed in NAC 445A.1236.

The full toxic materials list shall be sampled once during this permit term to obtain initial water quality data. If, during the next renewal review process, the water quality data shows a reasonable potential (via a RPA) for any constituent, the Division will retain that constituent with a limit and may increase its sampling frequency. Toxic constituents that prove no reasonable potential may remain in future permits; however, a limit may not be associated with said constituent. The sampling frequency may remain once during the term of the permit, unless new information proves otherwise.

Reasonable Potential Analysis (RPA)

Section 301(b)(1)(c) of the CWA requires effluent limitations necessary to meet WQSs, and Title 40 of the Code of Federal Regulation (CFR) section 122.44(d) requires permits to include conditions that are necessary to achieve WQSs established under section 303 of the CWA, including state narrative criteria for water quality. Federal regulations at 40 CFR 122.44(d)(1)(i) state, “Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality.” The process to determine whether a WQBEL is required as described in 40 CFR 122.44(d)(1)(i) is referred to as a reasonable potential analysis, or RPA. Furthermore, NAC 445A.243 requires the Division to consider the establishment of effluent limitations necessary to meet WQSs.

For conducting the RPA, the Division used a mass-balanced approach to determine the expected critical downstream receiving water concentration using statistics recommended in the United States Environmental Protection Agency’s Technical Support Document (TSD) for Water Quality-Based Toxic Control for statistically calculating the projected maximum effluent concentration (i.e., Table 31 of the TSD using the 99 percent probability basis and 99 percent confidence interval). For purposes of the RPA, the critical receiving water flow was assumed to be zero (i.e., no dilution); therefore, the critical effluent pollutant concentrations were compared with the most restrictive water quality criteria for TDS, nitrate, nitrite, and TIN in NAC 445A.2156 to determine if the discharge has reasonable potential to cause, or contribute to, an excursion above a State WQS. Water quality criteria relating to NAC 445A.1236 were not reviewed in this analysis as none of the applicable toxic materials were required to be sampled for in the previous permit and therefore there was no data to review.

The RPA was based on data collected from January 2019 to December 2023 which includes effluent data submitted in DMRs and the Permittee's monitoring laboratory reports.

Based on the RPA, the discharge exhibits reasonable potential to cause, or contribute to, in-stream excursions above the applicable water quality criteria for TDS. Therefore, a limit was included for this constituent.

Mass-Based Limits (If Applicable)

There are currently no mass-based limits associated with this permit.

Basis for Effluent Limitations

The Las Vegas Wash ultimately discharges into Lake Mead, which has established TMDLs for total ammonia and total phosphorus. Per a memo dated June 9, 2017, from the BWQP, dewatering discharge activities within the general Las Vegas area are, "...assumed to be part of the base phosphorous load recognized in the 1989 Lake Mead Total Phosphorous TMDL Load Allocation." Therefore, there is no waste load allocation (WLA) for total phosphorus associated with this permit. Although the permit does not include a WLA for total phosphorus, the Permittee is required to monitor and report the mass load discharged to the Las Vegas Wash for the Division's information. Furthermore, total ammonia loads discharged to the Las Vegas Wash will be monitored and reported to obtain data which will assist with determining if there is a need for an individual WLA for the facility.

The proposed permit retains the requirement to sample for TPH due to its continued presence in the discharge. A limit of 1.0 mg/L, per the State action level for remediation projects, remains in place.

The proposed permit retains the requirement to sample for methyl tert-butyl ether (MTBE). MTBE was used as an additive for unleaded gasoline but is now banned or limited in several states. Due to the known active Bureau of Corrective Action sites that had a release of gasoline within a one-mile radius of the Fountainbleau Casino and Resort, there is a potential for the constituent to show up in the discharge. A limit of 20 µg/L, per the interim action level for the occurrence of MTBE in groundwater at sites in close proximity to water wells (receptors) and, or, sensitive environments established in the NDEP Oxygenated Fuel Corrective Action Guidance document, dated October 12, 1998, remains in place.

The requirement to sample for trichloroethylene (TCE), which is commonly used as an industrial solvent, was added to the initial permit due to its presence in the intercepted groundwater. Although TCE has been non-detect for many years, the proposed permit retains the requirement to sample for TCE with a limit of 5.0 µg/L, as previously established by the Division.

The proposed permit retains the requirement to sample for PCE due to its presence in a nearby plume. A limit of 5.0 µg/L, as previously established, remains in place.

Anti-backsliding

Sections 402(o) and 303(d)(4) of the CWA and federal regulations of 40 CFR 122.44(i) prohibit backsliding and require effluent limitations in a reissued permit to be as stringent as those in the previous permit. None of the proposed permit effluent limitations were changed to a less restrictive limit compared to those in the previous permit.

Antidegradation

The Division implements antidegradation requirements through a "requirement to maintain existing higher quality (RMHQ) standards of the receiving water body". RMHQ protection is not applicable during periods of low and high flows of the receiving water body, and at a minimum, discharges shall meet the most restrictive standards established per designated beneficial use criteria. The Division compared available data with the most restrictive beneficial use criteria established per NAC 445A.1236 and NAC 445A.2156, applicable for discharges to the Las Vegas Wash from the confluence of the Sloan Channel and the Historic Lateral, and has concluded that currently, available data does not indicate any potential for degradation of the receiving water body from the effluent discharged within the compliance limits of the proposed permit.

Special Conditions

There are currently no special conditions associated with this permit.

SA – Special Approvals / Conditions Table

There are no Special Approval / Condition items

Discharges From Future Outfalls/ Planned Facility Changes

The Permittee does not anticipate discharges from future outfalls or any changes to the facility.

Corrective Action Sites

There are four (4) active Bureau of Corrective Action sites located within a one-mile radius of the permitted facility. Two (2) of the sites (H-000708 and 8-000841) are for the release of solvents to the groundwater. The other two (2) sites (8-001471 and 8-000753) are for the release of gasoline via an underground storage tank to the groundwater. Furthermore, there is a known PCE plume (8-00084) located across the street from the Permittee's facility.

Wellhead Protection Program

The nearest Public Water Supply (PWS) well is located approximately two (2) miles to the northwest. There are several more PWS wells located to the northwest and to the northeast and a few located to the south. The permitted facility is not located within a Wellhead Protection Area, which represents an approximate 10-year capture zone of a well, or within a Drinking Water Protection Area, which is defined by a 3,000-foot radius around a PWS well.

Schedule of Compliance:

SOC – Schedule of Compliance Table

Item #	Description	Due Date
1	The Permittee shall submit for review and approval two (2) copies (one electronic and one hard copy) of an updated Operations and Maintenance (O&M) Manual, prepared in accordance with WTS-2A: <i>Minimum Information for an Operations and Maintenance (O&M) Manual for Pump-and-Treat Facilities and Dewatering Operations</i> . The O&M Manual shall be prepared and stamped by a Nevada registered Professional Engineer.	9/1/2024

Deliverable Schedule:

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

Item #	Description	Interval	First Scheduled Due Date
1	Quarterly DMRs	Quarterly	7/28/2024
2	Annual DMR	Annually	1/28/2025

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. **5/30/2024**, a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator.

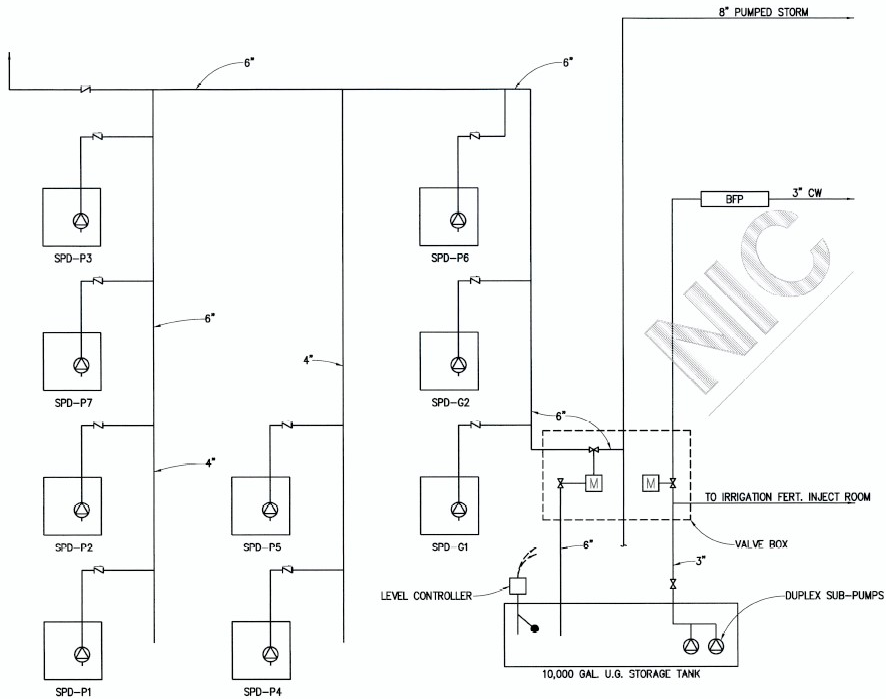
A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator of EPA Region IX or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determined to be appropriate. All public hearings must be conducted in accordance with NAC 445A.238.

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: **4/29/2024**
 Title: **Staff II, Associate Engineer**



DEWATERING/WATER RECOVERY PIPING DIAGRAM

NO SCALE

2

GM4.0.6