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12  
13 IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

14 UNITED STATES OF AMERICA, ) Civil Case No.  
15 and )  
16 THE STATE OF NEVADA ) COMPLAINT  
17 Plaintiffs, )  
18 v. )  
19 THE CITY OF NORTH LAS VEGAS, )  
20 Defendant. )

21 The United States of America, by authority of the Attorney General of the United States  
22 and through the undersigned attorneys, acting at the request of the Administrator of the United  
23 States Environmental Protection Agency (“EPA”), and the State of Nevada, Department of  
24 Conservation and Natural Resources, Division of Environmental Protection, Bureau of Water  
25 Pollution Control (“NDEP”), by and through counsel for Nevada Attorney General, hereby  
26 allege as follows:

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28

1 **NATURE OF ACTION**

2 1. This is a civil action for injunctive relief and penalties brought under Sections  
3 309(b) and (d) of the Clean Water Act (“the CWA”), 33 U.S.C. §§ 1319(b) and (d), and under  
4 the Nevada Water Pollution Control Law, NRS 445A.300-445A.730 (“NWPCL”), against City  
5 of North Las Vegas (“City of North Las Vegas”) for its failures to appropriately develop, fund,  
6 and implement an approved Pretreatment Program for its publicly owned treatment works  
7 (POTW) in violation of the National Pollutant Discharge Elimination System (“NPDES”) permit  
8 issued to North Las Vegas, pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and in  
9 violation of the applicable federal pretreatment regulations, promulgated pursuant to Sections  
10 307 and 308 of the CWA, 33 U.S.C. §§ 1317 and 1318.

11 **JURISDICTION AND VENUE**

12 2. This Court has personal and subject matter jurisdiction pursuant to Section 309(b)  
13 of the CWA, 33 U.S.C. §§ 1319(b), and 28 U.S.C. §§ 1331, 1345, and 1355, and supplemental  
14 jurisdiction over State law claims under 28 U.S.C. § 1367(a).

15 3. The United States has authority to bring this action on behalf of the Administrator  
16 of EPA (“Administrator”) under Section 506 of the CWA, 33 U.S.C. § 1366. NDEP has the  
17 authority to bring this suit on behalf of the State of Nevada in accordance with NRS 445A.675.

18 4. Venue is proper in the District of Nevada pursuant to Section 309(b) of the CWA,  
19 33 U.S.C. §§ 1319(b), 28 U.S.C. §§ 1391(b) and 1395(a), because it is the judicial district in  
20 which North Las Vegas is located and in which the alleged violations occurred.

21 5. Notice of the commencement of this action has been provided to the State of  
22 Nevada pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b). The State of Nevada joins  
23 this action as a plaintiff, thereby satisfying the requirements of Section 309(e) of the CWA, 33  
24 U.S.C. § 1319(e).

25 **DEFENDANT CITY OF NORTH LAS VEGAS**

26 6. Defendant North Las Vegas is a City within Clark County, Nevada and was  
27 incorporated in May 16, 1946. North Las Vegas is a “municipality” as that term is defined by  
28 Section 502(4) of the CWA, 33 U.S.C. § 1362(4).

1 7. North Las Vegas is responsible for the operation and maintenance of a wastewater  
2 treatment plant (“WWTP”), sanitary sewer lines and pump stations, and associated  
3 appurtenances. North Las Vegas operates its sewage collection, transmission and treatment  
4 system pursuant to an NPDES permit, issued under Section 402(b) of the CWA, 33 U.S.C.  
5 § 1342, and Nevada Revised Statute 445A.465.

6 **CLEAN WATER ACT AND NDEP**  
7 **STATUTORY REQUIREMENTS**

8 8. The objective of the CWA is to restore and maintain the integrity of the nation’s  
9 waters. Section 101(a) of the CWA, 33 U.S.C. § 1251(a). To accomplish this goal, the CWA  
10 prohibits the discharge of any pollutants to navigable waters from any point source, unless the  
11 discharge is in compliance with various provisions of the CWA. Section 301(a) of the CWA, 33  
12 U.S.C. § 1311(a).

13 9. One of the CWA’s principal methods of regulating discharges is through the  
14 NPDES permit program established by Section 402 of the CWA, under which the discharge of  
15 pollutants from point sources may be authorized in accordance with the conditions and  
16 limitations of the permit. Section 402(a) of the CWA, 33 U.S.C. § 1342(a).

17 10. Section 402(a) requires that NPDES permits meet all applicable requirements of  
18 the CWA, including the pretreatment requirements at Section 307 of the CWA, 33 U.S.C. § 307.  
19 Section 307 of the CWA also requires the establishment of regulations to prevent the  
20 introduction of any pollutant into a POTW if that pollutant interferes with, passes through, or is  
21 otherwise incompatible with the operation of the POTW.

22 11. 40 C.F.R. 403.3(q) defines a POTW as a “treatment works as defined by Section  
23 212(2) of the [CWA], 33 § 1292(2), which is owned or operated by the state or a municipality . .  
24 . includ[ing] any devices or systems used in the storage [or] treatment. . . of municipal sewage . .  
25 .” unless the State has assumed that local responsibility.

26 12. Pursuant to Section 307(b)(c) and (d) of the CWA, EPA promulgated the General  
27 Pretreatment Regulations for Existing and New Sources of Pollution (General Pretreatment  
28 Regulations) at 40 C.F.R. Part 403.

1 13. 40 C.F.R. § 403.8 requires that a Pretreatment Program be established by “[a]ny  
2 POTW ... with a total design flow greater than 5 million gallons per day (mgd) and receiving  
3 from Industrial Users pollutants which [may] [p]ass [t]hrough or [i]nterfere with the operation of  
4 the POTW....”

5 14. Pursuant to 40 C.F.R. § 403.8(f), a POTW Pretreatment Program must include,  
6 among other things, control mechanisms (such as permits) to ensure that Industrial Users sending  
7 wastewater to the POTW comply with pretreatment standards and requirements.

8 15. Pursuant to 40 C.F.R. § 403.5, a POTW must also develop specific limits as  
9 needed to prevent discharges that cause a violation of the POTW’s NPDES permit, disrupt the  
10 POTW’s treatment process, cause corrosion in the POTW, cause toxic gases presenting acute  
11 worker safety problems in the POTW, or violate various other prohibitions listed under 40 C.F.R.  
12 403.5(a)(1) and (b). These specific limits are known as local limits.

13 16. Pursuant to 40 C.F.R. § 403.9, a POTW must submit its Pretreatment Program to  
14 the “Approval Authority,” which is either a state that EPA has authorized to administer the  
15 Pretreatment Program or, if the state has not been so authorized, the EPA.

16 17. Section 402(b) of the CWA, 33 U.S.C. § 1342(b), allows any State, upon  
17 application to and approval by EPA, to administer the NPDES permitting program. The State of  
18 Nevada, through NDEP, applied for and received authorization from EPA to administer the  
19 State’s NPDES permitting program, and does so in accordance with the NWPCCL. The State of  
20 Nevada, however, has not applied and EPA has not authorized the State to administer a  
21 Pretreatment Program as part of its NPDES permitting program. Consequently, EPA administers  
22 and is the Approval Authority for the Pretreatment Program in the State of Nevada.

23 18. When a POTW’s Pretreatment Program is approved, the POTW becomes a  
24 “Control Authority” as defined in 40 C.F.R. § 403.3(f).

25 19. 40 C.F.R. § 403.8(f)(2)(i) requires the Control Authority to identify and locate all  
26 possible Industrial Users which might be subject to the POTW Pretreatment Program.

27 20. 40 C.F.R. § 403.8(f)(1)(iii) requires the Control Authority to control through  
28 permits or similar means the wastewaters sent to the POTW by Industrial Users to ensure

1 compliance with applicable Pretreatment Standards and Requirements.

2 21. 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) requires the Control Authority to include  
3 notification requirements in enforceable individual discharge permits issued to Industrial Users.

4 22. 40 C.F.R. § 403.8(f)(2)(v) requires the Control Authority to randomly sample and  
5 analyze the effluent of its Industrial Users, and to randomly sample and analyze the effluent of  
6 its Significant Industrial Users at least once a year.

7 23. 40 C.F.R. § 403.12(o)(2) requires the Control Authority to maintain records of its  
8 monitoring activities for at least three years.

9 24. 40 C.F.R. § 403.8(f)(2)(v) requires the Control Authority to conduct inspections  
10 and surveillance activities of its Significant Industrial Users at least once a year in order to  
11 identify, independent of information supplied by Industrial Users, occasional and continuing  
12 noncompliance with pretreatment standards.

13 25. 40 C.F.R. § 403.8(f)(2)(iv) requires the Control Authority to receive and analyze  
14 the self-monitoring reports and other notices submitted by its Industrial Users.

15 26. 40 C.F.R. § 403.8(f)(2)(vi) requires the Control Authority to evaluate whether  
16 each of its Significant Industrial Users need to develop and implement a slug discharge control  
17 plan.

18 27. 40 C.F.R. § 403.8(f)(5) requires the Control Authority to develop and implement  
19 an enforcement response plan, which contains detailed procedures indicating how the City will  
20 investigate and respond to instances of Industrial Users noncompliance.

21 28. 40 C.F.R. § 403.8(f)(3) requires the Control Authority to have sufficient resources  
22 and qualified personnel to carry out the authorities and procedures required by 40 C.F.R.  
23 §§ 403.8(f)(1) and (2) for its Pretreatment Program.

24 29. Section 308 of the CWA, 33 U.S.C. § 1318, and Nevada NRS 445A.655 and NRS  
25 445A.660, authorize EPA and Nevada to require inspection and monitoring to determine  
26 compliance with the CWA, the NWPCL, and the NPDES permit. Additionally, Section 308 of  
27 the CWA mandates that EPA and Nevada are to have access to any records, reports or  
28 information related to compliance inspection and monitoring.

1           30.     Section 309(b) of the CWA, 33 U.S.C. § 1319(b), authorizes the Administrator to  
2 commence a civil action for appropriate relief, including a permanent or temporary injunction,  
3 when any person is in violation of Section 307 or 308 of the CWA, 33 U.S.C. § 1317 or 1318, or  
4 any permit condition or limitation in an NPDES permit issued pursuant to Section 402 of the  
5 CWA, 33 U.S.C. § 1342. Nevada provides similar authority to NDEP. NRS 445A.675 and NRS  
6 445A.695.

7           31.     Section 309(d) of the CWA, 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4, provide  
8 that any person who violates Section 307 or 308 of the CWA, 33 U.S.C. § 1317 or 1318, or  
9 violates any permit condition or limitation in an NPDES permit issued pursuant to Section 402 of  
10 the CWA, 33 U.S.C. § 1342, shall be subject to a civil penalty not to exceed \$37,500 per day per  
11 violation occurring on or before November 2, 2015, \$51,570 per day per violation for CWA  
12 violations occurring after November 2, 2015. NRS 445A.700 provides a person who violates or  
13 aids or abets in the violation of any provision of NRS 445A.300 to 445A.730, inclusive, or of  
14 any permit, regulation, standard or final order issued thereunder, shall pay a civil penalty of not  
15 more than \$25,000 for each day of the violation.

16   **GENERAL ALLEGATIONS**

17           32.     At all times relevant to this Complaint, North Las Vegas has owned and operated  
18 a wastewater treatment plant, and an associated separate sanitary sewer collection and  
19 transmission system (“sanitary sewer system”) which receive and treat wastewater from  
20 residential, commercial, and industrial sources within and near North Las Vegas.

21           33.     North Las Vegas is a municipality. It is a city created by or pursuant to Nevada  
22 law and has jurisdiction over disposal of sewage, industrial wastes, or other wastes.

23           34.     Because North Las Vegas is a municipality, at all times relevant herein, North Las  
24 Vegas is a “person,” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5) and  
25 NRS 445A.390.

26           35.     The North Las Vegas WWTP is a device and system used in the storage,  
27 treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature.

28           36.     The North Las Vegas WWTP is a “treatment works” within the meaning of

1 Section 212(2) of the CWA, 33 U.S.C. § 1292(2) and NRS 445A.410.

2 37. On or about June 2011, North Las Vegas constructed and commenced operating  
3 its WWTP and sanitary sewer system. Prior to construction of the WWTP, North Las Vegas  
4 discharged most of its untreated domestic and industrial wastewater to the City of Las Vegas  
5 pursuant to a multi-jurisdictional agreement for treatment at the City of Las Vegas' WWTP. The  
6 remaining portion of the North Las Vegas' wastewater, which came from a small number of  
7 facilities located on the border of the City, was discharged to the Clark County WWTP.

8 38. Pursuant to Section 402(a) of the CWA, 33 U.S.C. § 1342(a), and NRS 445A.465,  
9 on or about April 12, 2010, NDEP issued North Las Vegas NPDES Permit number NV0023647  
10 (2010 Permit), which expired in 2015. North Las Vegas's NPDES permit was reissued on or  
11 about April 1, 2015 (2015 Permit) and it expires on March 31, 2020.

12 39. At all relevant times herein, North Las Vegas' NPDES permit has authorized the  
13 City to discharge treated municipal wastewater from its WWTP to the Las Vegas Wash, subject  
14 to certain limitations and conditions set forth in the NPDES permit.

15 40. North Las Vegas discharges its treated wastewater through two designated  
16 outfalls: Outfall 001 discharges via Sloan Channel to the Las Vegas Wash and Outfall 002  
17 discharges directly to Las Vegas Wash. From these outfalls, North Las Vegas' wastewater then  
18 travels approximately twelve miles, at which point it is diverted under Lake Las Vegas, through  
19 two 7 foot diameter pipes, and then it discharges to Las Vegas Bay, which is the western edge of  
20 Lake Mead.

21 41. North Las Vegas' NPDES permit obligates the City to "implement and enforce a  
22 Pretreatment Program pursuant to 40 C.F.R. § Part 403...and be responsible for and liable for the  
23 performance of all Control Authority pretreatment requirements contained in 40 C.F.R. § 403."  
24 NPDES Permit number NV0023647, at Section I.A.18, p13 (2010 Permit) and at Section B.PT.1,  
25 p58 (2015 Permit).

26 42. North Las Vegas' NPDES permit requires the City to comply with an EPA-  
27 approved Pretreatment Program. NPDES Permit number NV0023647, at Section I.A.18(a), p13  
28 (2010 Permit) and at Section B.PT.1.1., p 58 (2015 Permit).

1 43. On September 29 and 30, 2014, EPA, PG Environmental, which is an EPA  
2 contractor, and NDEP completed a pretreatment compliance inspection of the North Las Vegas  
3 Pretreatment Program.

4 44. On June 26, 2015, EPA issued Administrative Order CWA-306(a)-15-011 to  
5 North Las Vegas citing the municipality with numerous violations of the CWA, its NPDES  
6 permit and the federal pretreatment regulations.

7 **FIRST CLAIM FOR RELIEF**  
8 **FAILURE TO HAVE NECESSARY LEGAL AUTHORITY TO APPLY AND ENFORCE**  
9 **PRETREATMENT PROGRAM PURSUANT TO THE CWA AND NPDES PERMIT**

9 45. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

10 46. From 2011 to the date of this Complaint, North Las Vegas' Sewer Use Ordinance  
11 Section 13.28.025 fails to specifically identify the City's WWTP as part of the "system" used in  
12 the storage and treatment of municipal sewage.

13 47. Without North Las Vegas' Sewer Use Ordinance identifying its WWTP as part of  
14 the treatment works for the City, North Las Vegas fails to have the necessary legal authority to  
15 apply and enforce 40 C.F.R. § 403 as is required by the City's NPDES permit.

16 48. Additionally, North Las Vegas' Sewer Use Ordinance failed to contain the  
17 "streamlining provisions," promulgated by EPA, on October 14, 2005, in the C.F.R. pretreatment  
18 regulations, which are required to be included in North Las Vegas' Sewer Use Ordinance  
19 pursuant to 40 C.F.R. § 403.

20 49. Each day of violation of 40 C.F.R. § 403 constitutes a separate violation of the  
21 City's NPDES permit, Section 307 of the CWA, 33 U.S.C § 1317, and NRS 445A.675 and NAC  
22 445A.254.

23 **SECOND CLAIM FOR RELIEF**  
24 **FAILURE TO DEVELOP A PRETREATMENT PROGRAM**

24 50. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

25 51. From 2011 until on about May 1, 2016, North Las Vegas failed to submit for  
26 EPA's approval a Pretreatment Program as required by 40 C.F.R. § 403.8 and its NPDES permit.

27 52. Each day of violation of 40 C.F.R. § 403.8 constitutes a separate violation of the  
28 City's NPDES permit, Section 307 of the CWA, 33 U.S.C § 1317, and NRS 445A.675 and NAC



1 445A.254.

2 **THIRD CLAIM FOR RELIEF**  
3 **FAILURE TO DEVELOP AND IMPLEMENT EFFECTIVE PROCEDURES TO**  
4 **IDENTIFY ALL POSSIBLE INDUSTRIAL USERS**

5 53. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

6 54. From 2011 to on or about September 22, 2015, North Las Vegas' failed to comply  
7 with 40 C.F.R. § 403.8(f)(2)(i) by failing to identify and locate all possible Industrial Users  
8 which might be subject to North Las Vegas' Pretreatment Program.

9 55. Each day of violation of 40 C.F.R. § 403.8(f)(2)(i) constitutes a separate violation  
10 of the City's NPDES permit, Section 307 of the CWA, 33 U.S.C § 1317, and NRS 445A.675  
11 and NAC 445A.254.

12 **FOURTH CLAIM FOR RELIEF**  
13 **FAILURE TO DEVELOP LOCAL LIMITS FOR ITS WASTEWATER TREATMENT**  
14 **PLANT**

15 56. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

16 57. From 2011 to on or about December 1, 2015, North Las Vegas' failed to comply  
17 with 40 C.F.R. § 403.5, by failing to develop specific limits ("local limits") for its POTW to  
18 prevent discharges that could cause a violation of its NPDES permit, disrupt the POTW's  
19 treatment process, or violate various other prohibitions listed under 40 C.F.R. § 403.5(a).

20 58. Each day of violation of 40 C.F.R. § 403.5 constitutes a separate violation of the  
21 City's NPDES permit, Section 307 of the CWA, 33 U.S.C  
22 § 1317, and NRS 445A.675 and NAC 445A.254.

23 **FIFTH CLAIM FOR RELIEF**  
24 **FAILURE TO HAVE CONTROL MECHANISMS ISSUED**  
25 **TO SIGNIFICANT INDUSTRIAL USERS**

26 59. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

27 60. On numerous occasions from 2011 until the date of this Complaint, North Las  
28 Vegas failed to comply with 40 C.F.R. § 403.8(f)(1)(iii) by failing to have current, unexpired  
control mechanisms (permits) for its non-domestic dischargers to control the contribution of each  
of these users to North Las Vegas' WWTP.

61. Each day of violation of 40 C.F.R. § 403.8(f)(1)(iii) constitutes a separate  
violation of the City's NPDES permit, CWA Section 307, 33 U.S.C

1 § 1317, and NRS 445A.675 and NAC 445A.254.

2 **SIXTH CLAIM FOR RELIEF**  
3 **FAILURE TO INCLUDE NECESSARY NOTIFICATION REQUIREMENTS IN**  
4 **CONTROL MECHANISMS**

4 62. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

5 63. From 2011 to the date of this Complaint, North Las Vegas' failed to comply with  
6 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) by failing to include necessary notification requirements in  
7 enforceable individual or general control mechanisms issued to its Industrial Users.

8 64. Each day of violation of 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) constitutes a separate  
9 violation of the City's NPDES permit, Section 307 of the CWA, 33 U.S.C § 1317, and NRS  
10 445A.675 and NAC 445A.254.

11 **SEVENTH CLAIM FOR RELIEF**  
12 **FAILURE TO RANDOMLY SAMPLE AND ANALYZE**  
13 **SIGNIFICANT INDUSTRIAL USERS' EFFLUENT**

13 65. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

14 66. On numerous occasions from 2011 to the date of this Complaint, North Las Vegas  
15 failed to comply with 40 C.F.R. § 403.8(f)(2)(v) by failing to randomly sample and analyze the  
16 effluent of its Significant Industrial Users at least once a year.

17 67. Each day of violation of 40 C.F.R. § 403.8(f)(2)(v) constitutes a separate violation  
18 of the City's NPDES permit, Section 307 of the CWA, 33 U.S.C § 1317, and NRS 445A.675 and  
19 NAC 445A.254.

20 **EIGHTH CLAIM FOR RELIEF**  
21 **FAILURE TO MAINTAIN RECORDS OF MONITORING ACTIVITIES**

21 68. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

22 69. On numerous occasions from 2011 to the date of this Complaint, North Las Vegas  
23 failed to comply with 40 C.F.R. § 403.12(o)(2) by failing to maintain records of its monitoring  
24 activities for a minimum of three years, and to make such records available to EPA and NDEP.

25 70. Each day of violation of 40 C.F.R. § 403.12(o)(2) constitutes a separate violation of the  
26 City's NPDES permit, Section 308 of the CWA, 33 U.S.C § 1318, and NRS 445A.675 and NAC  
27 445A.254.

28 //

1 **NINTH CLAIM FOR RELIEF**  
2 **FAILURE TO ANALYZE INDUSTRIAL USERS SUBMITTED REPORTS**

3 71. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

4 72. On numerous occasions from 2011 to the date of this Complaint, North Las Vegas  
5 failed to comply with 40 C.F.R. § 403.8(f)(2)(iv) by failing to receive and analyze the self-  
6 monitoring reports and other notices submitted by its Industrial Users.

7 73. Each day of violation of its 40 C.F.R. § 403.8(f)(2)(iv) constitutes a separate  
8 violation of the City's NPDES permit, Section 308 of the CWA, 33 U.S.C § 1318, and NRS  
9 445A.675 and NAC 445A.254.

10 **TENTH CLAIM FOR RELIEF**  
11 **FAILURE TO PROPERLY CONDUCT INSPECTIONS**  
12 **AND SURVEILLANCE ACTIVITIES**

13 74. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

14 75. On numerous occasions from 2011 to the date of this Complaint, North Las Vegas  
15 failed to comply with 40 C.F.R. § 403.8(f)(2)(v) by failing to conduct inspections and  
16 surveillance activities of its Significant Industrial Users at least once a year in order to identify,  
17 independent of information supplied by these Users, occasional and continuing noncompliance  
18 with pretreatment standards.

19 76. Each day of violation of 40 C.F.R. § 403.8(f)(2)(v) constitutes a separate violation  
20 of the City's NPDES permit, Section 307 of the CWA, 33 U.S.C § 1317, and NRS 445A.675  
21 and NAC 445A.254.

22 **ELEVENTH CLAIM FOR RELIEF**  
23 **FAILURE TO EVALUATE EACH SIGNIFICANT INDUSTRIAL USER'S NEED TO**  
24 **DEVELOP AND IMPLEMENT A**  
25 **SLUG DISCHARGE CONTROL PLAN**

26 77. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

27 78. From 2011 to the date of this Complaint, North Las Vegas failed to comply with  
28 40 C.F.R. § 403.8(f)(2)(vi) by failing to evaluate whether each Significant Industrial User needed  
to develop and implement a slug discharge control plan.

79. Each day of violation of 40 C.F.R. § 403.8(f)(2)(vi) constitutes a separate  
violation of the City's NPDES permit, Section 307 of the CWA, 33 U.S.C § 1317, and NRS  
445A.675 and NAC 445A.254.

1 **TWELVENTH CLAIM FOR RELIEF**  
2 **FAILURE TO DEVELOP AN ENFORCEMENT PLAN**

3 80. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

4 81. From 2011 to the date of this Complaint, North Las Vegas failed to comply with  
5 40 C.F.R. § 403.8(f)(5) by failing to develop and implement an enforcement response plan,  
6 which contains detailed procedures indicating how the City will investigate and respond to  
7 instances of Industrial Users noncompliance.

8 82. Each day of violation of 40 C.F.R. § 403.8(f)(5) constitutes a separate violation of  
9 the City's NPDES permit, Section 307 of the CWA, 33 U.S.C § 1317, and NRS 445A.675 and  
10 NAC 445A.254.

11 **THIRTEETH CLAIM FOR RELIEF**  
12 **FAILURE TO HAVE SUFFICIENT RESOURCES AND QUALIFIED PERSONNEL TO**  
13 **CARRY OUT THE PRETREATMENT PROGRAM**

14 83. Paragraphs 1 through 44 are realleged and incorporated herein by reference.

15 84. From 2011 to the date of this Complaint, North Las Vegas failed to comply with  
16 40 C.F.R. § 403.8(f)(3) by failing to have sufficient resources and qualified personnel to carry  
17 out the authorities and procedures for an approved Pretreatment Programs as required by 40  
18 C.F.R. §§ 403.8(f)(1) and (2).

19 85. Each day of violation of 40 C.F.R. § 403.8(f)(3) constitutes a separate violation of  
20 the City's NPDES permit, Section 307 of the CWA, 33 U.S.C § 1317, and NRS 445A.675 and  
21 NAC 445A.254.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiffs, the United States of America and the State of Nevada request  
24 that the Court enter judgment on their behalf as follows:

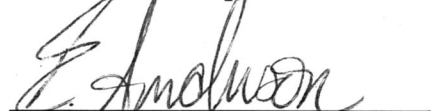
- 25 A. Pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and NRS  
26 445A.675 and NRS 445A.695, order North Las Vegas to develop, fund  
27 and implement a Pretreatment Program that has been approved by EPA;  
28 B. Pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b) and NRS  
445A.675 and NRS 445A.695, order North Las Vegas to re-issue all  
permits to its industrial users sending wastewater to the City's WWTP.

- 1 C. Pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d), and NRS  
2 445A.700, order North Las Vegas to pay civil penalties for its violations  
3 of its NPDES permit and the applicable federal pretreatment regulations  
4 promulgated pursuant to the CWA.
- 5 D. Pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d), and 40  
6 C.F.R. § 19.4, order North Las Vegas to pay the United States a civil  
7 penalty of up to \$37,500 per day for each violation of its NPDES permit  
8 and the applicable pretreatment regulations occurring on or after January  
9 12, 2009 and, \$51,570 per day for each violation of its NPDES permit and  
10 the applicable pretreatment regulations occurring on or after November 2,  
11 2015; and pursuant to NRS 445A.700, order North Las Vegas to pay the  
12 State of Nevada a civil penalty of up to \$25,000 per day for each violation  
13 of its NPDES permit.
- 14 E. Grant the United States and the State of Nevada such other relief as the  
15 Court deems appropriate.

16 Respectfully submitted,

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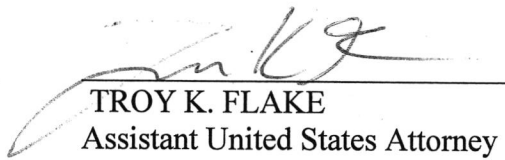
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4 Respectfully submitted,

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