Storm Water Pollution Prevention Plan

Nevada Environmental Response Trust
560 West Lake Mead Parkway
Henderson, Nevada

Prepared for:
Nevada Environmental Response Trust
Henderson, Nevada

Prepared by:
ENVIRON International Corporation
Milwaukee, Wisconsin

Date:
May 2012

Project Number:
21-29100F

Contents

List of Appendices

1 Introduction

This Storm Water Pollution Prevention Plan (SWPPP) has been developed for the Nevada Environmental Response Trust (NERT) Site located in Henderson, Clark County, Nevada (the Site). This SWPPP has been prepared in accordance with the requirements of the State of Nevada Division of Environmental Protection's (NDEP) Storm Water General Permit NVR050000 dated September 22, 2008. A copy of the General Permit is included in Appendix A.

The Site is located ½-mile southwest the intersection of Boulder Highway and West Warm Springs Road within the Black Mountain Industrial ("BMI") complex in an unincorporated section of Clark County in Henderson, Nevada, approximately 13 miles southeast of Las Vegas and 2 miles northeast of the City of Henderson's downtown. The general location of the Site is presented as Figure 1.

Elevations across the Site range from 1,677 to 1,873 feet above mean sea level. The land surface slopes toward the north at a gradient of approximately 0.023 foot per foot (ft/ft). The developed portions of the Site have been modified by grading to accommodate plant facility buildings, surface impoundments, access roads, and other site features.

2 General Facility Information

2.1 Pollution Prevention Team

The NERT Pollution Prevention Team is responsible for development, maintenance, implementation, and revision of this SWPPP, as well as compliance with the permit requirements including:

- oversight and implementation of the best management practices including maintenance practices;
- completion of the monitoring requirements; and
- preparation and submittal of any required reports (Note: currently there is no reporting requirements for this facility).

Table 1: NERT Storm Water Pollution Prevention Team

Team Member		Responsibilities
Andy Steinberg	NERT 35 E. Wacker Drive, Suite 1550 Chicago, IL 60601 312-498-2800 andrew.steinberg@lepetomaneinc.com	Site Owner
Jim Hutchens John Pekala Allan DeLorme	ENVIRON International Corporation 175 N. Corporate Drive, Suite 160 Brookfield, WI 53045 262-901-0095 JLHutchens@environcorp.com	Development of SWPPP. Implementation of Best Management Practices. Conduct inspections and monitoring.
Russell Speckin	Veolia Water 702-289-3186	Maintenance of Best Management Practices.

2.2 Facility Description

The Site is generally rectangular, but certain interior portions of the rectangle have been carved out and are owned and used by other companies, such as L'Hoist (formerly Chemstar, a lime producer), Titanium Metals Corp (Timet), and the Western Area Power Administration (WAPA).

A portion of the property is presently leased to Tronox which currently operates processes to produce manganese dioxide, boron trichloride, elemental boron, and batteries. The facility includes numerous buildings, sheds, labs, ponds, tanks, and pipelines related to the production of manganese dioxide, boron trichloride, elemental boron, and batteries. This SWPP does not cover the areas that are leased be Tronox. Figure 2 identifies the leased and non-leased areas of the Site.

Remediation performed in 2010 and 2011 consisted of removal of contaminated soils throughout the Site. During the remediation, the Site was graded to allow accumulation of all storm water within the Site. Due to existing roads, utility berms, or other site features, many of the areas identified have grades inward which will keep storm water from flowing out of the area. Based on the surface areas and soil types, significant ponding is not expected to occur in

these areas outside of major storm events. In addition, two main designated retention basins were constructed at the Site, as shown on Figure 3, including the following:

- Central Retention Area (TB-2): Surface runoff from the off-site area identified as C5 and from the majority of the storm sewer network within the Tronox leased area is directed to the Central Retention Area. Storm water also enters the Site from the west through surface flow, which is collected in the on-site conveyance trench that flows into the Central Retention Area.
- Northeast Retention Area (TB-1): Surface runoff from north of the former Beta Ditch is directed to the Northeast Retention Area. This retention area also accepts overflow from the Central Retention Area during major storm events, through a channel constructed along the eastern side of the Site.

2.3 Receiving Waters Identification

Regional surface water drainage is generally to the north and east. Surface water flow occurs for brief periods of time during periodic precipitation events, and eventually drains to the Las Vegas Wash, which is approximately 2.6 miles north of the Site's northern border. The Site is not located within the 100-year floodplain of the Las Vegas Wash.

Four jurisdictional wetlands are present in the northern portion of the Site that contains water during portions of the year. These seasonal wetlands occupy approximately 13 acres.

2.4 Soil Types

According to the United States Department of Agriculture's Natural Resources Conservation Service (USDA NRCS) Soil Survey for the Las Vegas Valley Area, Nevada, Part of Clark County (USDA NRCS, 2006), the soil types present at the Eastside Common Areas consist of the Arizo very gravelly fine sandy loam 2 to 8 percent slopes, the Caliza-Pittman-Arizo complex 0 to 8 percent slopes, the Caliza very gravelly sandy loam 2 to 8 percent slopes, and Slickens. The soil types present at the Tronox Henderson Facility consist of the Caliza extremely cobbly fine sandy loam 2 to 8 percent slopes and Urban Land.

All of these soils are well drained with a low water holding capacity. Based on soil samples collected from the Site during previous investigations, the soils are primarily sand and gravel with occasional cobbles consistent with the depositional environment of an alluvial fan. The Site is located on alluvial fan sediments with a surface that slopes to the north-northeast at a gradient of approximately 0.02 ft/ft towards the Las Vegas Wash. Alluvial soils were deposited from the McCullough and River Mountain ranges located to the southwest and southeast of the Site.

2.5 Drainage Base Map

A Technical Drainage Study was performed for the Site as part of the site remediation activities. A copy of the study is attached to this SWPPP. Figure 6 of the report presents a drainage base map which includes the following applicable features as required by the Permit:

- the facility property boundaries,
- the storm water drainage collection and disposal system,

- secondary containment structures,
- the location of all detention basins,
- the drainage area boundary for each basin, and
- surface area in acres draining to each basin.

2.6 Summary of Existing Sampling Data or Observations

Storm water sampling is not required and has not been conducted at the NERT Site.

3 Potential Pollution Sources

Table 2: Potential Sources of Storm Water Contamination

Source Area	Activity	Significant Materials Exposed to Storm Water	Existing Practices
Material Handling and Storage Sites	Loading/ unloading materials Groundwater treatment Material storage Dumpster storage	Ethanol, caustic, urea, ferric chloride, ferrous sulfate, micronutrients, cationic polymer, phosphoric acid, hydrogen peroxide, hydraulic oil, motor oil	Chemical unloading stations are equipped with quick connect nozzles. Veolia Water personnel are present to unlock fill nozzles, confirm contents for transfer, and to check for spills and leaks at completion of transfer. Secondary containment is provided for aboveground storage tanks. Full drums of fluids stored outside are placed on spill pallets. Scrap metals are stored in dumpsters. Trash is stored in covered dumpsters for proper disposal.
Equipment and Vehicle Storage	Equipment and vehicle parking and storage	Vehicles, equipment	Any observed leak is promptly contained and cleaned up.
Equipment Maintenance	Vehicle and equipment maintenance	Oils and other fluids, sediment	Maintenance is conducted inside by Veolia Water Services personnel. Spills of residual materials from maintenance activities are cleaned up.
Paved Parking and Roadway Areas	Vehicular traffic	Vehicles, sediment, oil and grease	Any observed leak is promptly contained and cleaned up.

The NERT Groundwater Treatment Plant has a Wastewater Discharge Permit from the NDEP which covers effluent discharge from the Treatment Plant. The Treatment Plant was visually inspected for other non-storm water discharges not covered by the Permit on April 18, 2012. Evidence of other non-storm water discharges was not observed.

4 Best Management Practices

4.1 Source Area Control Best Management Practices

Source area control best management practices (BMPs) are practices designed to prevent storm water from becoming contaminated at the facility. The source area control BMPs emphasize prevention rather than treatment of contaminated storm water. Source area control BMPs to be implemented at the NERT Site are identified in Table 3.

Table 3: Source Area Control Best Management Practices for NERT

Good Housekeeping Practices
• Trash will be stored in covered dumpsters or inside. • Paved areas will be swept on a regular basis. The sweeping frequency will vary based on the sediment accumulation rate. All paved areas will be inspected quarterly. Sweeping will be conducted when sediment accumulation is observed. • Tracking or spillage of treatment system sludge will be promptly cleaned up. • The facility will be kept clean of miscellaneous debris. The facility will be inspected monthly and cleaned up as necessary. Employees will be reminded to properly dispose of miscellaneous debris. • The quantity of materials stored outside should be reduced as much as practicable.
Preventive Maintenance Practices
Facility equipment and systems capable of breakdown or failures resulting in discharge of pollutants to areas exposed to precipitation should have a regular maintenance program. The program should include: periodic inspections or test for leaks, deterioration of seals or other parts which could result in leaks or spills: appropriate and timely adjustment, repair or replacement of components; maintenance of complete records of inspections, and maintenance activities. The preventive maintenance program should include facility transformers, generators, and other equipment with the potential to leak.
Visual Inspections
Monthly inspections will be conducted to evaluate the facility for evidence of, or the potential for, pollutants entering the drainage system. The purpose of the inspection is to confirm that potential pollution sources are being properly controlled. A record of the inspection will be completed and retained with the SWPPP. A monthly inspection documentation form is located in Appendix C.
Spill Prevention and Response Practices
• Any observed leak or spill will be immediately responded to, contained, cleaned-up, and as soon as possible the cause repaired or addressed. • All materials will be handled with care to prevent spillage. • All drums and totes of fluids will be stored inside a building or secondary containment. • A spill kit will be stored on site for use in case of an emergency. The spill kit will include absorbent socks and mats. ENVIRON/Veolia Water personnel will be trained in the proper use of the absorbent materials. • Equipment and vehicles stored will be checked for leaks. Drip pans will be placed under leaking vehicles and equipment. The drip pans will be properly maintained to prevent spills.
Employee Training
• An employee training program will be conducted annually for facility personnel. The SWPPP information will be reviewed with new employees. The following subjects may be included in the training: – objectives and requirements of the SWPPP; – spill prevention, response, and reporting procedures, and good housekeeping practices; and – proper procedures for materials storage. • General information related to this SWPPP and the BMPs should be provided to all employees annually through a newsletter, inter-office memorandum, or other training program.

4.2 Storm Water Treatment/Runoff Reduction Best Management Practices

Storm water treatment BMPs are practices which treat potentially contaminated storm water runoff. Storm water runoff from the NERT Site is not expected to be significantly contaminated with petroleum products or sediment.

Storm water runoff reduction practices reduce the amount of storm water discharging from the Site by directing runoff to areas where it can be collected, stored, and/or infiltrated. The Site has been designed to maintain storm water up to a 100-year storm on site.

5 Facility Monitoring

A monitoring program to evaluate the effectiveness of the facility's pollution prevention activities is part of this SWPPP. The required monitoring includes an evaluation of non-storm water discharges, storm water discharge observations, and an annual facility site compliance inspection.

5.1 Evaluation of Non-Storm Water Discharges

Storm water outfalls must be evaluated for non-storm water discharges to the drainage system. The evaluations will be conducted by visual observation of the facility outfall locations.

Frequency: Quarterly

Schedule: Throughout duration of Permit coverage

Weather conditions: Conduct evaluations during dry weather periods

Procedures:

1. Walk the facility and inspect the on-site outfall location.
2. Identify any instances of dry weather flow, stains, sludge, color, odor, or other indications of a non-storm water discharge.
3. Record observations, date of evaluation, outfall location. If signs of unauthorized non-storm water discharge are observed, describe actions to be taken to eliminate or permit the discharge. A form for recording the observations is presented in Appendix C.

Reporting: The results of the non-storm water evaluations must be maintained with the Annual Facility Site Compliance Inspection Report and maintained as part of this SWPPP.

5.2 Annual Facility Site Compliance Inspection

An annual facility site compliance inspection will be conducted to verify that the site drainage conditions and potential pollution sources identified in the SWPPP remain accurate, and that the BMPs prescribed in the SWPPP are being implemented, properly operated, and adequately maintained. The annual facility site compliance will be recorded on a report form.

Frequency: Annual

Schedule: Throughout the duration of the Permit

Weather Conditions: No requirements

Procedures:

1. Walk the entire facility to review the storm water drainage patterns, identify the potential storm water pollution sources, and inspect the BMPs.
2. Compare the results of the site inspection to the information contained in this SWPPP.
3. Identify any BMPs which require improvement and, if necessary, identify additional BMPs.
4. Revise the SWPPP as necessary to update the information.

5. Record the results of the inspection including the following information: the inspection date, names of the inspection personnel, scope of the inspection, major observations, and revisions needed in the SWPPP.

Reporting: The results of the Annual Facility Site Compliance Inspection must be maintained as part of this SWPPP. An Annual Facility Site Compliance Inspection Report Form from the NDEP is located in Appendix C.

5.3 Visual Monitoring of Storm Water Discharges

Storm water discharges from each outfall must be visually evaluated for signs of potential contamination. Visual monitoring will be conducted if required by the NDEP under future permit requirements.

Frequency: Quarterly

Schedule: As required by the NDEP under future Permit requirements

Weather Conditions: Within the first 30 minutes of rainfall runoff, or as soon as possible, not after the first 60 minutes of runoff.

Procedures:

1. During the first 30 minutes of rainfall runoff, collect a sample of the storm water discharging from or collecting in each outfall location in a clear container.
2. Evaluate the storm water sample for signs of: color, odor, turbidity, floating solids, foam, oil sheen, or other obvious indicators of storm water pollution.
3. Record observations, date of inspection, name of person conducting the evaluation. A quarterly Visual Inspection Field Sheet, prepared by the NDEP to record observations, is located in Appendix C.
4. If signs of contamination are observed, identify the probable source of the contamination and actions to be taken to reduce or eliminate the source.

Reporting: The results of the storm water evaluations must be maintained with the Annual Facility Site Compliance Inspection Report and maintained as part of this SWPPP.

6 Compliance Schedule and Reporting Requirements

The compliance schedule and reporting requirements for the NERT Site are described in Table 4.

Table 4: Compliance Schedule

Activity	Due Date
Storm Water Pollution Prevention Plan	
Develop SWPPP.	April 2012
Maintain a copy of the SWPPP on site and available for NDEP review upon request. The SWPPP should be revised, as needed, to address changes or deficiencies.	Continuous
Implement Best Management Practices.	May/June 2012
Monitoring Compliance and Reporting	
Evaluate non-storm water discharges.	Twice per year begin April 2012
Inspect storm water discharge quality.	Conduct as required
Conduct Annual Facility Site Compliance Inspection.	Annually beginning April 2012

7 SWPPP Amendment

The SWPPP should be reviewed and amended on a regular basis. The SWPPP will be amended under the following circumstances.

7.1 Significant Increases of Pollutant Exposure

The SWPPP must be amended if changes at the NERT Site will result in significant increases in the exposure of pollutants to storm water discharged either to the waters of the state or to storm water treatment devices.

7.2 Control Provisions are Ineffective

The SWPPP will be amended if it becomes apparent that the control provisions identified in the plan are ineffective in controlling storm water pollutants. The Site observations and monitoring that are to be conducted on a regular basis are intended to identify potential deficiencies.

7.3 NDEP Notification

The SWPPP will be amended if the NDEP finds the SWPPP to be ineffective in achieving the conditions of the Storm Water General Permit.

8 Certification

I certify under penalty of law that this document and attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information contained in the SWPPP. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information; the information contained in this document is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for providing false information, including the possibility of fine and imprisonment. In addition, I certify under penalty of law that, based upon inquiry of persons directly under my supervision, to the best of my knowledge and belief, the provisions of this document adhere to the provisions of the storm water permit for the development and implementation of a Storm Water Pollution Prevention Plan and that the plan will be complied with.

_____

Signature

_____

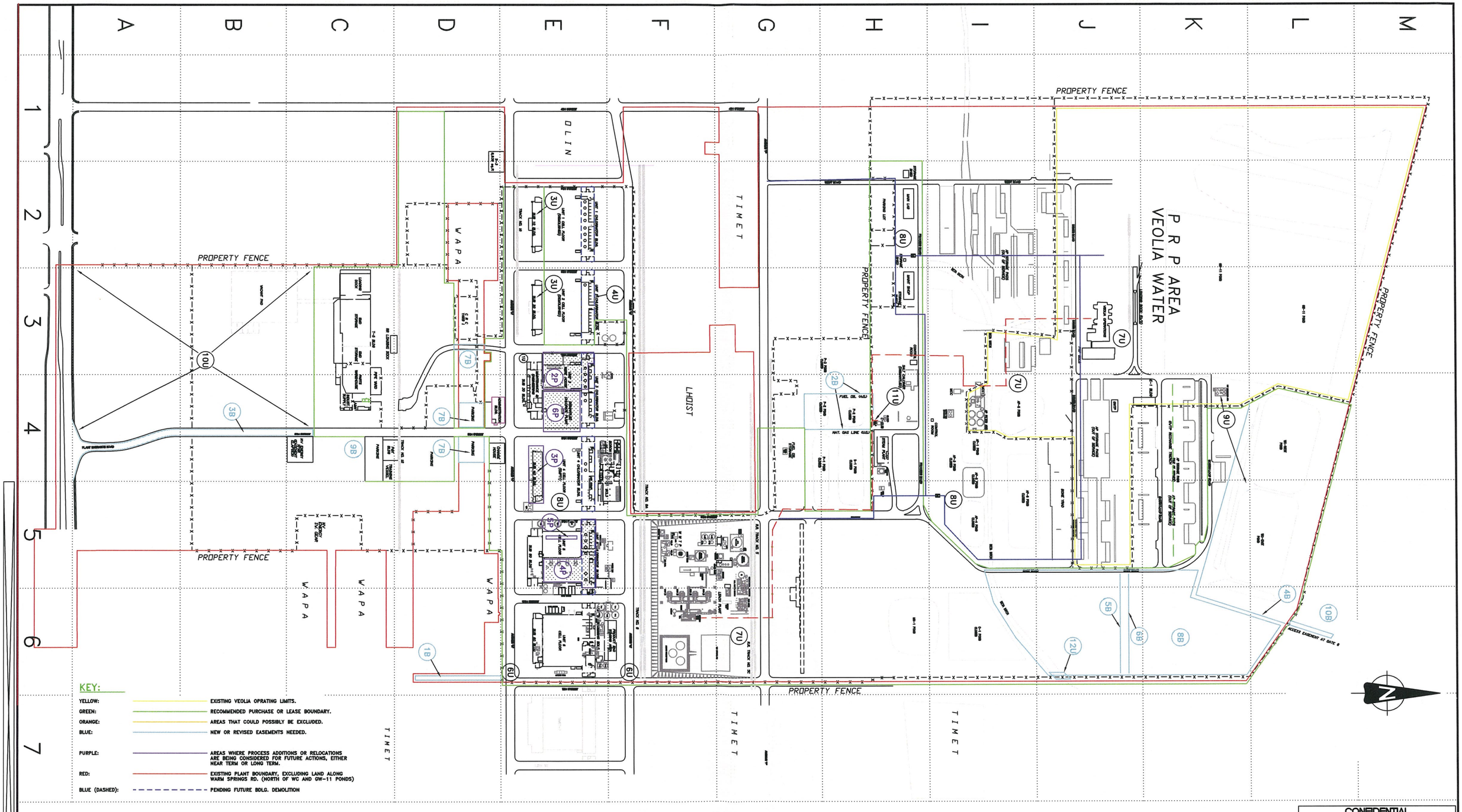
Title

_____

Date

Figures

PROJECT: Nevada Environmental Response Trust Henderson, Nevada	SHEET TITLE: Site Location	ENVIRON www.environcorp.com 175 N. Corporate Dr, Suite 160, Brookfield, WI 53045 PHONE: (262) 901-0099 FAX: (262) 901-0079
PROJECT NO.: 21-2900F	DATE: 04/12/12	FIGURE NO.: SL-1



TOLERANCE UNLESS OTHERWISE SPECIFIED: FRACTIONS ±, 0.00 ±, 0.000 ±

Tronox LLC — 560 W. Lake Mead Parkway Henderson, NV 89015 • P.O. Box 55 Henderson, NV 89009

AFE No. _____ JOB No. _____

REVISIONS (DESTROY ALL PRINTS OF AN EARLIER DATE THAN LATEST REVISION)

REV	DESCRIPTION	BY	DATE
01	SUB 10 BLDG ADDED TO BOUNDARY	GMB	6/4/10
02	MODIFIED PARKING AREA/CRC YARD 1	GMB	6/29/10
03	RECOMMENDED BOUNDARY REVISED FROM "PURCHASE" TO "PURCHASE OR LEASE"	GMB	9/20/10
04	REMOVED UNIT 2 CHLORINATOR BUILDG. & EVAC ROUTE SOUTH OF UNIT 6	GMB	1/11/11
05	JAN. 12, 2011 MEETING UPDATES	GMB	1/12/11

TRONOX

APPROVED FOR CONSTRUCTION	BY	DATE		BY	DATE
SAFETY			PROCESS ENGR.		
ENVIRONMENTAL			PROJECT ENGR.		
MAINTENANCE			ENGR. MNGR.		
QUALITY			PROD. MNGR.		
INSTRUMENTATION			PLANT MNGR.		

DESIGN	DATE
DRAWN BY GM BUCO	10/3/09
PROJ. ENGR.	
ENGR. MNGR. SM HAIGH	

TRONOX DUE DILIGENCE HENDERSON FACILITY SITE MAP

SCALE: AS NOTED

DRAWING NO. A-00-1-169

SHEET 1 OF 2

REVISION 05

PROJECT: Nevada Environmental Response Trust, Henderson, Nevada	SHEET TITLE: Existing Topography	ENVIRON www.environcorp.com
PROJECT NO.: 21-29100F	DATE: 01/01/2011	FIGURE NO.: TOP-1

175 N. Corporate Dr, Suite 160, Brookfield, WI 53045
PHONE: (262) 901-0099 FAX: (262) 901-0079

Appendix A

Storm Water General Permit NVR050000

STATE OF NEVADA
Jim Gibbons, Governor
Department of Conservation & Natural Resources
Allen Biaggi, Director
DIVISION OF ENVIRONMENTAL PROTECTION
Leo M. Drozdoff, P.E., Administrator

Stormwater General Permit NVR050000

In compliance with the provisions of the Federal Clean Water Act as amended (33 U.S.C. 1251 et seq: the "Act") and Chapter 445A of the Nevada Revised Statutes, eligible dischargers who have submitted a Notice of Intent, filing fee, and have a Stormwater Pollution Prevention Plan(s) completed, implemented and maintained on the Permittee's site location in accordance with this permit, are authorized to discharge

Stormwater Associated with Industrial Activity

To Waters of the United States

in accordance with the conditions set forth in Parts I through IV hereof.

This permit shall become effective on _____, 2008.

This permit and the authorization to discharge shall expire at midnight _____, 2013.

Signed this __ day of _____, 2008.

_____

Steve McGoff. P.E.
Staff Engineer III
Bureau of Water Pollution Control

PART I. SPECIFIC PERMIT CONDITIONS

I.A PERMIT COVERAGE

I.A.1 **Objective.** The objective of this general permit is to control and reduce pollution to Waters of the U.S. from stormwater discharges associated with industrial activity through the use of **Best Management Practices ("BMPs").**

I.A.2 **Stormwater Discharge Associated with Industrial Activity** is defined at 40 CFR §122.26(b)(14). This subject is discussed in more detail in Part I.A.5.b of this general permit.

I.A.3 **Waters of the U.S.** is defined at 40 CFR §122.2. This definition and other definitions pertinent to this permit can be found at: http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=40&PART=122&SECTION=2&YEAR=1998&TYPE=TEXT. Discharges to storm drain systems that in turn discharge to Waters of the U.S. are considered to be discharges to Waters of the U.S. The **U.S. Environmental Protection Agency ("EPA")** has delegated responsibility to the State of Nevada to implement the **National Pollutant Discharge Elimination System ("NPDES")** program authorized by the **Clean Water Act ("CWA")**. The NPDES permits regulate discharges to Waters of the U.S., which include surface Waters of the State. Nevada issues NPDES permits for discharges, including stormwater runoff, to surface waters, including lakes, streams, dry washes and storm drains.

I.A.4 **Best Management Practice** is defined by 40 CFR §122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In addition the term shall include erosion and sediment controls, stormwater conveyance, stormwater diversion, treatment structures, and any procedure or facility used to minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater.

I.A.5 Eligibility, Request for Inclusion, Continuation of Coverage

I.A.5.a **Eligibility:** This general permit authorizes Stormwater Discharges Associated with Industrial Activity to Waters of the U.S. as defined by certain sectors within 40 CFR §122.26(b)(14).

I.A.5.b Stormwater Discharges Associated with Industrial Activity for this

permit is defined as:

I.A.5.b.(i) Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (ix) in this section);

I.A.5.b.(ii) Facilities classified as **Standard Industrial Classifications ("SIC")** 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31l, 32 (except 323), 33, 344l, 373;

I.A.5.b.(iii) Facilities classified as SIC 11 through 14 (mineral industry) including active or inactive mining operations (except for certain areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1), or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

I.A.5.b.(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of **Resource Conservation and Recovery Act ("RCRA")**;

I.A.5.b.(v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;

I.A.5.b.(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery re-claimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 and 5093;

I.A.5.b.(vii) Steam electric power generating facilities, including coal handling sites;

I.A.5.b.(viii) Transportation facilities classified as SIC 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or

which are otherwise identified under paragraphs (b)(14) (i)-(vi) or (viii)-(ix) of this section are associated with industrial activity;

I.A.5.b.(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 million gallons per day or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA; and,

I.A.5.b.(x) Facilities under SIC 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25.

I.A.5.c This permit does not authorize stormwater discharges from the following:

I.A.5.c.(i) Mineral Industry Facilities defined within SIC code 10 under Category III of 40 CFR §122.26(b)(14); or

I.A.5.c.(ii) Construction activity defined under Category (x) of 40 CFR §122.26(b)(14). These categories are covered under Permit NVR300000 and Permit NVR100000, respectively.

I.A.5.d Request for Inclusion

I.A.5.d.(i) Eligible dischargers seeking authorization to discharge under this general permit shall electronically submit a completed **Notice of Intent ("NOI")**. The NOI can be found on the **Nevada Division of Environmental Protection's ("NDEP" or "the Division")** stormwater website at: http://ndep.nv.gov/bwpc/storm_ind03.htm. A completed NOI confirmation page with an original signature by a qualified individual as discussed in Part IV.B and the applicable filling fee shall be submitted to NDEP. Provisional authorization begins 24 hours after a completed NOI is submitted electronically to NDEP. Following review of the NOI, NDEP may either: determine the NOI is complete and confirm coverage by providing a notification and an approval; determine the NOI is incomplete and deny coverage until a completed NOI is submitted; or deny coverage and require an application for an individual permit be submitted.

Application deadlines are as follows:

I.A.5.d.(i).(a) **Existing Industrial Facilities** - Facilities that are authorized under the existing NPDES permit for discharges associated with industrial activity shall submit a renewal NOI within ninety (90) days following the effective date of this permit to continue coverage under this new general permit.

I.A.5.d.(i).(b) **New Industrial Facilities** - An NOI shall be submitted electronically at least twenty-four (24) hours before a discharge of stormwater associated with industrial activity occurs. The site is covered provisionally under this permit once the NOI has been received electronically by NDEP and until approval of the permit by NDEP.

I.A.5.d.(i).(c) **New Owner or Operator** - Permit coverage may not be transferred. When the ownership of a facility changes, the new owner or operator of the facility shall submit an NOI at least 10 calendar days before the change in ownership. In conjunction with the filing of the NOI by the new owner or operator, the previous owner or operator shall submit a **Notice of Termination ("NOT")** at least ten (10) days before the change in ownership. Operators are defined as individuals that have the day-to-day operational control of those activities at the facility necessary to ensure compliance with the **Stormwater Pollution Prevention Plan ("SWPPP")** requirements or other permit conditions.

I.A.5.e Terminating Coverage

I.A.5.e.(i) A Permittee may terminate coverage under this general permit by providing an NOT on a form approved by NDEP. Authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to the Division. If NDEP provides for an electronic submission of an NOT during the term of this permit, authorization to discharge terminates twenty-four (24) hours following receipt of the electronic NOT form by the Division. An NOT shall be submitted either:

I.A.5.e.(i).(a) Within ten (10) days after the facility ceases discharging stormwater associated with industrial activity;

I.A.5.e.(i).(b) Obtains coverage under an individual permit;

I.A.5.e.(i).(c) Obtains coverage under an alternative general permit; or

I.A.5.e.(i).(d) Within ten (10) days before transfer of ownership or responsibility of the facility.

I.A.5.f Authorization

I.A.5.f.(i) Eligible dischargers shall be included in this permit effective upon the authorization date.

I.A.5.f.(ii) The authorization date shall be:

I.A.5.f.(ii).(a) The date the NOI and filing fee are received and approved by NDEP, or

I.A.5.f.(ii).(b) The effective date of this general permit for all holders of expired general permit NVR050000 that have submitted a new NOI for continued coverage under this permit.

I.A.5.f.(iii) An authorization letter will be sent to the general permit holder stating the authorization date. Special conditions may be included.

I.A.5.f.(iv) During the period beginning on the authorization date and lasting until permit coverage is terminated, the Permittee is authorized to discharge:

I.A.5.f.(iv).(a) Stormwater associated with industrial activity(ies) to Waters of the U.S. in accordance with the requirements of the SWPPP and the conditions of this permit.

I.A.5.g Miscellaneous Non-Stormwater Discharges:

I.A.5.g.(i) Permittees authorized under this general permit may be authorized for certain miscellaneous non-stormwater discharges if those discharges are not significant contributors of pollutants. Such discharges may include: discharges from fire hydrant flushing; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources including waterline flushing; routine external building wash down which does not contain detergents; pavement wash water where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated groundwater or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents. BMPs shall be implemented if needed to minimize impacts from these discharges. Non-stormwater discharges that are significant contributors of pollutants shall be eliminated or authorized

under a separate NPDES permit. Although fire-fighting drainage may contain significant pollutant concentrations, the frequency of occurrence is low and the discharge is hereby authorized out of necessity.

I.A.5.h Requirement for Individual Permit:

I.A.5.h.(i) NDEP may require the holder of a permit to apply for and obtain an individual permit in accordance with **Nevada Administrative Code ("NAC")** 445A.269.

I.A.5.i NOI Requirements

I.A.5.i.(i) The minimum information required on a NOI shall consist of:

I.A.5.i.(i).(a) The facility name and mailing address of the facility filing for permit coverage;

I.A.5.i.(i).(b) The name, phone number and email address of the person responsible for implementing the SWPPP and complying with the terms of this general permit;

I.A.5.i.(i).(c) The county where the facility is located and the primary SIC code that best describes the industrial activity of the facility;

I.A.5.i.(i).(d) The name of the receiving water for the stormwater discharge;

I.A.5.i.(i).(e) Location for viewing the SWPPP, including the address and the contact information for the person responsible for implementing the SWPPP and complying with the terms of this general permit;

I.A.5.i.(i).(f) Information about the owner of the facility including the company name and mailing address of the facility and information about the owner including name, mailing address, phone number and the legal status of the owner (e.g. federal, state, tribal, private or public entity);

I.A.5.i.(i).(g) Information about the operator, including the company name and mailing address of the facility and information about the operator including name, mailing address, phone number and the legal status of the operator (e.g. federal, state, tribal, private or public entity;

I.A.5.i.(i).(h) Information where the annual billing/invoicing should be sent;

I.A.5.i.(i).(i) Information about additional contacts;

I.A.5.i.(i).(j) The opportunity to apply for a No-Exposure Exclusion. This is discussed in more detail in Part II.B.1.n.(iii) of this general permit; and

I.A.5.i.(i).(k) A certification that a SWPPP has been developed and implemented according to the provisions of this permit.

I.A.5.j Notice of Change ("NOC") Requirements

I.A.5.j.(i) If the owner or operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information, in an NOI, the correct information shall be provided to the Division in an NOC within fourteen (14) days after discovery of the omission. If relevant information provided in the NOI changes (for example, phone number or P.O. Box number) an NOC shall be submitted within 14 days of the change.

I.A.5.k NOT requirements

I.A.5.k.(i) The minimum information required on an NOT consists of:

I.A.5.k.(i).(a) Information requesting whether the operations associated with the permit have been terminated in accordance with applicable permit conditions;

I.A.5.k.(i).(b) Stormwater general permit number (ISW-xxxx);

I.A.5.k.(i).(c) Date the project was completed or terminated;

I.A.5.k.(i).(d) Facility operator information including name, mailing address, city, state, zip code and phone number;

I.A.5.k.(i).(e) Facility/site location information including name, physical address, city, state, zip code and phone number; and,

I.A.5.k.(i).(f) Certification statement signed and dated by the Permittee. The certification statement states:

> ''I certify under penalty of law that all stormwater discharges associated with industrial activity from the identified facility that was authorized by this general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge stormwater associated with industrial activity under this general permit, and that discharging pollutants in stormwater associated with industrial

activity to Waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.''

I.A.5.l Address for Submittals:

I.A.5.l.(i) All NOIs, NOCs, NOTs, filing fees and any other information required by this permit or NDEP shall be submitted to the following address:

Stormwater Coordinator
Bureau of Water Pollution Control
Nevada Division of Environmental Protection
901 S. Stewart St., Suite 4001
Carson City, NV 89701

PART I. STORMWATER POLLUTION PREVENTION PLAN

II.A GENERAL REQUIREMENTS

II.A.1 The Permittee shall prepare and implement a SWPPP that complies with the terms of this permit for the permitted facility before submitting an NOI for permit coverage. The SWPPP does not need to be submitted to NDEP for review. If a SWPPP was prepared under the previous general permit, the permittee shall review and update it to meet all provisions of this new general permit prior to submitting a renewal NOI. All SWPPPs shall include BMPs, economically reasonable and appropriate in light of current industry practices that have been selected, designed, installed, implemented and maintained in accordance with good engineering practices to prevent or minimize all pollutants in your stormwater discharge, as well as any more stringent measures necessary to meet any water quality provisions of Part II.B.1.f and Part II.B.1.g of this general permit. NDEP does not currently require the Permittee to use a registered professional engineer or other qualified professional to prepare the SWPPP. However, the person preparing the SWPPP shall be qualified to ensure all the requirements of the SWPPP are met.

II.A.2 A copy of the confirmation page from the NOI submittal and the permit approval letter received from NDEP shall be included in the SWPPP.

II.A.3 In general, the SWPPP shall:

- Identify all potential sources of pollution that may reasonably be expected

to affect the quality of stormwater discharges from the permitted facility;
- Describe and ensure implementation of practices the Permittee will use to eliminate or reduce all pollutants in stormwater discharges from the permitted facility;
- Ensure compliance with the terms and conditions of this permit;
- Include all necessary measures to ensure that the discharge complies with all water quality provisions of Part II.B.1.f and Part II.B.1.g of this permit.
- The SWPPP shall be prepared in accordance with good engineering practice and shall consist of project information, BMPs that will be used at the site, an inspection and maintenance program, presence of non-stormwater discharges and BMPs for such discharges, and a description of any permanent stormwater controls.

II.A.4 Each of the plan elements in the SWPPP shall be revised as necessary to maintain accuracy if there are changes in design, components, or process if the SWPPP is found to be insufficient.

II.A.5 The Permittee shall review and amend the SWPPP as appropriate whenever there is: construction or a change in design, operation or maintenance at the permitted facility such that these situations have a significant impact on the discharge, or potential for discharge, of pollutants from the permitted facility; whenever a routine inspection or compliance evaluation determines deficiencies in any of the BMPs; whenever an inspection by a local or State inspector determines that modifications to the SWPPP are necessary; whenever there is a spill, leak or other release from the permitted facility; or any time there is an unauthorized discharge from the permitted facility.

II.A.6 Modifications to a SWPPP shall be made within fourteen (14) calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified BMPs shall be initiated before the next storm event if possible, but no later than sixty (60) calendar days after discovery, or as otherwise provided or approved by NDEP. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the SWPPP.

II.A.7 The Permittee shall make SWPPPs available upon request to the State or local agency approving sediment and erosion plans, or stormwater management plans; local government officials; or the operator of a **municipal separate storm sewer system ("MS4")** receiving discharges from the site for review at the time of an on-site inspection. Also, a copy of the SWPPP shall be provided to any member of the public who makes such a request in writing. **Confidential Business Information ("CBI")** may not be withheld from regulatory agencies, but may be withheld from the public. All portions of the SWPPP not justifiably considered CBI shall be provided to the public upon written request.

II.A.8 The Permittee shall establish a **pollution prevention team ("PPT")** and list the staff members (either by name or title) that comprise the facility's stormwater PPT. The PPT is responsible for assisting the facility manager in developing, implementing, maintaining, revising and ensuring compliance with the permitted facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed in the SWPPP. Each member of the stormwater PPT shall have ready access to either an electronic or paper copy of applicable portions of this permit and the SWPPP.

II.B SPECIFIC REQUIREMENTS

II.B.1 The SWPPP shall include the following minimum elements:

II.B.1.a Facility Identification:

II.B.1.a.(i) Facility Name;

II.B.1.a.(ii) Facility Location: Address, City, State, Zip Code, and County;

II.B.1.a.(iii) Permittee: Company or agency, street address, city, state, zip code, and phone number;

II.B.1.a.(iv) Contact information: Name, street address, city, state, zip code, and phone number; and,

II.B.1.a.(v) Person(s) responsible for implementation of plan and complying with the terms of this permit.

II.B.1.b Facility Characteristics

II.B.1.b.(i) Provide a description of the nature of the industrial activities at the permitted facility.

II.B.1.b.(ii) Provide an estimate of the percent of impervious surface at the facility using the following formula:

((Area of Roofs + Area of Pavement and Other Impervious Surfaces)/Total Area of the Facility) x 100

II.B.1.b.(iii) Provide average annual precipitation for your locale. This information can be obtained from almanacs or the closest airport. Note which months or seasons are usually the wettest and include such details as expected rainfall and storm intensity (e.g. wet season: November – March; typical amount: 0.5 – 2 inches over 2 hours)

II.B.1.b.(iv) Identify actual and potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the facility;

II.B.1.b.(v) Establish BMPs that will prevent or minimize pollution in stormwater discharges from the facility and ensure compliance with the terms and conditions of this general permit;

II.B.1.b.(vi) Describe how the selected practices and controls are appropriate for the facility and how each will effectively prevent or lessen pollution;

II.B.1.b.(vii) Discuss how the BMPs relate to each other such that together they comprise an integrated, facility-wide approach for pollution prevention in stormwater discharges. The discussion may include references to literature or site-specific performance information on the selected controls and practices to demonstrate the appropriateness of each.

II.B.1.c General Location Map

II.B.1.c.(i) Provide a general location map (e.g., a U.S. Geological Survey quadrangle map), with enough detail to identify the location of the facility and the receiving waters.

II.B.1.d Site Map

II.B.1.d.(i) A site map(s) shall be developed that depicts the following:

II.B.1.d.(i).(a) The size of the property in acres;

II.B.1.d.(i).(b) Location and extent of significant structure and impervious surfaces;

II.B.1.d.(i).(c) The location of each outfall covered by the permit;

II.B.1.d.(i).(d) An outline of the drainage area and direction of flow (use arrows) that is within the facility's boundary and that contributes stormwater to

each permitted outfall;

II.B.1.d.(i).(e) Locations of connections or discharges to an MS4, including ditches, pipes and swales;

II.B.1.d.(i).(f) Locations of all structures (e.g. buildings, garages, storage tanks);

II.B.1.d.(i).(g) Listing and location of all existing source and structural control BMPs that are designed to reduce pollution in stormwater runoff;

II.B.1.d.(i).(h) Location of any process wastewater treatment units (including ponds);

II.B.1.d.(i).(i) Location of a bag house and other air treatment units exposed to precipitation or runoff;

II.B.1.d.(i).(j) Location of surface water bodies (including wetlands) within one (1) mile of the facility, including all receiving waters for the stormwater discharge from the facility;

II.B.1.d.(i).(k) Location of vehicle and equipment maintenance areas and/or cleaning areas;

II.B.1.d.(i).(l) Location of physical features of the site that may influence stormwater runoff or contribute a dry weather flow;

II.B.1.d.(i).(m) Location of processing areas; storage areas; material loading/unloading areas; fueling stations; access roads, rail cars and tracks; and other locations where significant materials are exposed to precipitation or runoff;

II.B.1.d.(i).(n) Locations and sources of run-on to the facility from adjacent property that contains significant quantities of pollutants. An evaluation of how the quality of the stormwater running onto the facility impacts the stormwater discharges from the facility;

II.B.1.d.(i).(o) Identify any storage piles containing salt used for road de-icing or other commercial or industrial purposes; and

II.B.1.d.(i).(p) The site map shall show the flow of stormwater runoff from each of these locations so that the final outfall where the discharge leaves the facility's boundary is apparent.

II.B.1.e Non-Stormwater Discharges

II.B.1.e.(i) All non-stormwater discharges discussed in Part I.A.5.g.(i) that qualify for

permit coverage shall be identified in the SWPPP. The SWPPP shall describe the discharge points and appropriate BMPs for these non-stormwater discharges.

II.B.1.e.(ii) A survey of potential non-stormwater sources shall be conducted and documented at a minimum of once per calendar year.

II.B.1.e.(iii) The on-site storm sewer system shall be tested or inspected (e.g. screened for dry weather flows) for the presence of non-stormwater flows at a minimum of once per quarter.

II.B.1.e.(iv) Procedures shall be evaluated and implemented to eliminate any potential sources that are discovered and not permitted.

II.B.1.e.(v) The SWPPP shall ensure that non-stormwater sources are not combined with stormwater discharges from the facility, and are not allowed to enter the separate storm sewer system, unless they are authorized by the Division.

II.B.1.e.(vi) Non-stormwater discharges to Waters of the U.S. that are not authorized by an NPDES permit are unlawful and shall be eliminated.

II.B.1.f Receiving Waters

II.B.1.f.(i) The SWPPP shall include the name(s) of all surface waters that receive discharges from the facility. If the facility discharges through any MS4, the permittee shall identify the MS4 operator(s), and the receiving water to which the MS4 discharges.

II.B.1.g Discharges to Water Quality Impaired Waters

II.B.1.g.(i) When discharges to water quality-impaired waters that are contained in the current 303(d) Impaired Water Body listing issued by NDEP, Bureau of Water Quality Planning, the permittee shall investigate whether discharges from the permittee's facility will contribute significantly to the impairment that is the basis for the listing. When the permittee discharges into a water body with an established **Total Maximum Daily Load ("TMDL")**, the permittee shall demonstrate that the BMPs are consistent with assumptions and requirements of any available wasteload allocation for the discharge prepared by the State of Nevada and approved by EPA. Information concerning the 303(d) list and TMDLs can be found on the following NDEP website: http://ndep.nv.gov/bwqp/standard.htm.

II.B.1.g.(ii) The permittee shall determine whether any receiving water into which the facility discharges is on NDEP's current list of 303(d) Impaired Water Bodies and/or there is an approved TMDL for the receiving water. The SWPPP shall also include a demonstration that the BMPs that are selected for implementation will be sufficient to ensure that the discharges will not cause or contribute to an exceedance of an applicable State water quality standard. The SWPPP shall document any consultation with state authorities on water quality impairment-related requirements and activities.

II.B.1.g Description of Potential Pollutants and Sources

II.B.1.g.(i) The description of potential pollutant sources shall identify each area at the facility where industrial materials or activities are exposed to stormwater. Industrial materials and activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; intermediate products; by-products, final products and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal or conveyance of any raw material, intermediate product, final product and waste product. For each area identified, the description shall include, at a minimum:

II.B.1.g.(i).(a) **Activities in the area**. A narrative description shall be developed to describe all activities (e.g. material storage, equipment fueling and cleaning, cutting steel beams) and potential sources of pollutants that may reasonably be expected to add pollutants to stormwater discharges or that may result in dry weather discharges from the storm sewer system.

II.B.1.g.(i).(b) **Pollutants.** For each identified activity above, list the associated pollutant(s) or pollutant constituent(s) (e.g. crankcase oil, zinc, sulfuric acid, cleaning solvents). The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to stormwater in the three (3) years prior to the date the permittee prepared or amended the SWPPP. The list shall include any hazardous substances or oil at the facility, and any materials stored in drums, barrels, tanks, and similar containers;

II.B.1.g.(i).(c) **Spills and Leaks.** The permittee shall identify where potential spills and leaks could occur that would contribute pollutants to stormwater discharges and the corresponding outfalls. The permittee shall document in the SWPPP all significant spills and leaks of toxic or

hazardous pollutants that actually occurred at exposed areas or that drained to a stormwater conveyance in the three (3) years prior to the date the permittee prepared or amended the SWPPP.

Significant spills and leaks include, but are not limited to: releases of oil or hazardous substances in excess of quantities that are reportable under CWA §311 (see 40CFR 110.6 and 40 CFR 117.21) or Section 102 of the **Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA")**. Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements. This permit does not relieve the Permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

II.B.1.g.(i).(d) The above information shall be updated within fourteen (14) days following a significant change in the types of materials that are exposed to precipitation or runoff, or significant changes in material management practices that may affect the exposure of materials to precipitation or runoff.

II.B.1.h Certification Concerning the Presence of Non-Stormwater Discharges

II.B.1.h.(i) The SWPPP shall include a certification that all discharges (i.e., outfalls) have been tested or evaluated for the presence of non-stormwater, and that all unauthorized discharges have been eliminated. The certification shall be signed in accordance with Part IV.B.1 of this permit and shall include:

II.B.1.h.(i).(a) Documentation of how the evaluation was conducted, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges (i.e. identification of unauthorized discharge(s) origin and composition results of any testing), dates of evaluations or tests, and the points in the separate storm sewer system that were observed during the investigation;

II.B.1.h.(i).(b) A list of the outfalls or onsite drainage points that were directly observed during the test;

II.B.1.h.(i).(c) The action(s) taken to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was rerouted to sanitary, or an NPDES permit application was submitted for a cooling water discharge; and

II.B.1.h.(i).(d) The investigation for non-stormwater discharges shall be completed

and the certification shall be prepared and made readily available for review by authorized Division personnel upon request.

II.B.1.h.(ii) Failure to Certify:

II.B.1.h.(ii).(a) If a part of the on-site storm sewer system can not be reasonably accessed to complete the evaluation, certification shall be provided for the remainder of the system.

II.B.1.h.(ii).(b) Notice of this deficiency shall be provided to the Division within one hundred eighty (180) days after the NOI is submitted.

II.B.1.h.(ii).(c) Facilities that contribute non-stormwater discharges to an MS4 shall provide notice of this deficiency to NDEP and the MS4.

II.B.1.h.(ii).(d) The notice shall include an explanation of why the evaluation could not be performed and a list of all known potential, non-permitted, non-stormwater sources that could not be included in the certification.

II.B.1.i Stormwater Control Measures

II.B.1.i.(i) The permittee shall implement BMPs for all areas identified in Part II.B.1.g to prevent or minimize pollutants in stormwater discharges from the facility. The permittee shall also take all reasonable steps to control or address the quality of discharges from your site that may not originate at the permitted facility. In the SWPPP describe the type, location and implementation of all BMPs for each area where industrial materials or activities are exposed to stormwater. The permittee shall describe the stormwater runoff management practices, i.e., permanent structural BMPs for the facility in the SWPPP. These are typically used to divert, infiltrate, reuse, contain or otherwise reduce pollutants in your discharges. Such BMPs may be required by local authority. Structural BMPs associated with wetlands may require a separate permit under section 404 of the CWA before installation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions. Discharge velocities shall be controlled to the extent necessary to prevent the destruction of the natural physical characteristics of receiving waters by erosion. Velocity dissipation devices may be constructed at discharge points or along channels and other stormwater collection areas that lead to outfalls. Management alternatives to minimize runoff, such as limiting impervious cover, may also be considered.

II.B.1.i.(ii) Consider the following when selecting BMPs:

- Preventing stormwater from coming into contact with polluting materials is much more effective than trying to remove pollutants from stormwater;
- BMPs generally must be used in combination with each other for most effective water quality protection;
- The type and quantity of pollutants, including their potential to impact receiving water quality;
- Minimizing impervious areas at the facility will reduce runoff and improve groundwater recharge and stream base flows in local streams (taking into account the potential for groundwater contamination);
- Flow attenuation by use of open vegetated swales and natural depressions;
- Diverting flow from areas of materials handling, storage or use;
- Conservation or restoration of riparian buffers;
- Infiltration of runoff onsite, (including bio-retention cells, green roofs, and pervious pavement); and
- Treatment interceptors (e.g., swirl separators and sand filters).

II.B.1.i.(i) The permittee shall implement appropriate BMPs to prevent and minimize pollutants in stormwater discharges from the facility, unless the permittee demonstrates that such controls are not relevant to discharge (e.g., there are no storage piles containing salt) from the facility. The permittee shall keep abreast of new BMPs or new applications of existing BMPs for the most effective means of achieving water quality protection, and include these in your SWPPP as appropriate.

II.B.1.j Erosion and Sedimentation Controls

II.B.1.j.(i) A section within the SWPPP shall be developed to address soil erosion. Erosion prevention measures and controls shall be evaluated and implemented as necessary to reduce soil erosion in areas of the facility that have ongoing erosion or potential for soil erosion. The following controls shall be evaluated, at a minimum: soil stabilization through vegetative cover; contouring slopes; paving; and installation of structural controls.

II.B.1.k Structural Controls

II.B.1.j.(i) Physical structures shall be evaluated annually and installed along with other pollution prevention measures and controls, as necessary, to reduce pollutants in stormwater discharges. Examples of structural controls that

may be utilized include vegetated swales, oil/water separators, settling ponds, and other physical structures.

II.B.1.l Maintenance Program for Structural Controls

II.B.1.l.(i) A section within the SWPPP shall be developed to establish a maintenance program for stormwater structural controls. Oil/water separators, catch basins, sediment ponds, grass swales, berms, and other structural controls shall be inspected on a regular basis.

II.B.1.l.(ii) Maintenance frequencies shall be established for each of the controls at intervals that ensure effective operation. Mechanical equipment that is part of a structural control, such as a stormwater pump, shall be inspected at least one (1) time per year and maintained when necessary to prevent failures that could result in a discharge of pollutants. This section of the SWPPP shall identify qualified personnel to conduct inspections and establish inspection and maintenance schedules and state the justification for the frequency of the inspection and maintenance schedules. Records shall document the estimated volumes of solids removed from catch basins, sediment ponds, and other similar control structures, and that the solids have been properly disposed of in accordance with applicable federal, state and local law.

II.B.1.m Good Housekeeping Measures

II.B.1.n.(i) A section within the SWPPP shall be developed to ensure areas of the facility that contribute or potentially contribute pollutants to stormwater discharges (e.g. areas around trash dumpsters, storage areas, loading docks, and outdoor processing areas) are maintained in a clean and orderly manner; and,

II.B.1.n.(ii) Good housekeeping measures shall include measures to eliminate or reduce exposure of garbage and refuse materials to precipitation or runoff prior to their disposal. The permittee shall include a schedule for regular pickup and disposal of waste materials , along with quarterly inspections for leaks and conditions of drums, tanks and containers; and

II.B.1.n.(iii) To the extent practicable, locate industrial materials and activities inside, or protect them with storm-resistant coverings to prevent exposure to rain, snow, snowmelt and runoff (although significant enlargement of impervious surface area is not recommended). **Note: If the permittee is able to eliminate exposure at all industrial areas, the facility may be eligible for the "No Exposure" exclusion and not need to have a**

permit (see 40 CFR 122.26(g) and the *Guidance Manual for Conditional Exclusion from Stormwater Permitting Based on "No Exposure" of Industrial Activities to Stormwater* found at www.epa.gov/npdes/stormwater).

II.B.1.n.(iv) The good housekeeping measures shall be incorporated as a part of the employee training program.

II.B.1.n Spill Prevention and Response Measures

II.B.1.n.(i) A section within the SWPPP shall be developed and implemented to prevent spills and to provide for adequate spill response. This section shall:

II.B.1.n.(i).(a) Identify areas where spills could contribute pollutants to stormwater discharges;

II.B.1.n.(i).(b) Develop and implement procedures to minimize or prevent contamination of stormwater from spills (e.g. training equipment operators to inspect for leaks each day during operation of equipment; installation of secondary containment structures around liquid storage tanks and drums; installation of overfill prevention devices on pumps and tanks; modification of material handling techniques; and routine inspection of drums, tanks and other containers);

II.B.1.n.(i).(c) Require drums, tanks, and other containers to be clearly labeled and properly sealed or closed;

II.B.1.n.(i).(d) Require that hazardous waste containers that require special handling, storage, use, and disposal be clearly marked;

II.B.1.n.(i).(e) Develop and implement specific spill prevention and clean up techniques;

II.B.1.n.(i).(f) Make the Spill Prevention and Response Measures document available to facility personnel materials and equipment necessary for spill clean up;

II.B.1.n.(i).(g) Develop and maintain an inventory of spill cleanup materials and equipment; and

II.B.1.n.(i).(h) Incorporate these measures as a part of the employee training program.

II.B.1.o Miscellaneous/Additional BMPs

II.B.1.o.(i) A section within the SWPPP shall be developed to establish BMPs to reduce the discharge and potential discharge of pollutants in stormwater. Development of BMPs shall be based on the activities and potentials for contamination that are identified in Part II.B.1.e of this general permit, "Description of Potential Pollutants and Sources;"

II.B.1.o.(ii) The permittee shall have a preventive maintenance program in the SWPPP that discusses regular inspecting, testing, maintaining and repairing of all industrial equipment and systems to avoid situations that may result in leaks, spills and other releases. These measures are in addition to specific BMP maintenance as required under Part II.B.1.p (Maintenance of BMPs);

II.B.1.o.(iii) Material handling and storage to minimize exposure of industrial materials shall be considered and included;

II.B.1.o.(iv) The permittee shall implement controls to ensure that no solid materials, including floatable debris, are discharged to Waters of the U.S., except as authorized by a permit issued under section 404 of the CWA;

II.B.1.o.(v) The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, shall be minimized; and

II.B.1.o.(vi) The introduction of raw, final or waste materials to exposed areas shall be minimized.

II.B.1.o.(vii) For storage piles of salt or piles containing salt used for de-icing or other commercial or industrial purposes, the permittee shall enclose or cover these piles to prevent exposure to precipitation. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered only if stormwater from the pile is not discharged directly or indirectly to Waters of the U.S. or discharges from the piles are authorized and controlled under another NPDES permit.

II.B.1.p Maintenance of BMPs

II.B.1.p.(i) All BMPs the permittee identifies in its SWPPP shall be maintained in effective operating condition. If site inspections required by Part III identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to

maintain the continued effectiveness of stormwater controls. BMPs shall be maintained or replaced when the BMP reached fifty (50) percent of its operating capacity. If maintenance prior to the next anticipated storm event is impracticable, maintenance shall be scheduled and accomplished as soon as practicable. In the case of non-structural BMPs, the effectiveness of the BMP shall be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

II.B.1.q Employee Training Program and Employee Education

II.B.1.q.(i) A section within the SWPPP shall be developed to establish a training program. Training shall be provided to all employees who are responsible for implementing or maintaining activities identified in the SWPPP. Employee training shall include, at a minimum:

II.B.1.q.(i).(a) Proper material management and handling practices for specific chemicals, fluids, and other materials used or commonly encountered at the facility;

II.B.1.q.(i).(b) Spill prevention methods;

II.B.1.q.(i).(c) The location of materials and equipment necessary for spill clean up;

II.B.1.q.(i).(d) Spill clean up techniques;

II.B.1.q.(i).(e) Proper spill reporting procedures; and

II.B.1.q.(i).(f) Familiarization with good housekeeping measures, BMPs, and goals of the SWPPP.

II.B.1.q.(iii) The schedule for employee training sessions shall be developed based on pollutant potential, employee turnover rate, and may include other factors.

II.B.1.q.(iv) Training shall be conducted at least one (1) time per year and records of training activities shall be maintained in the SWPPP.

II.B.1.q.(v) Education shall be provided at least once every five (5) years to those employees at the facility that are not directly responsible for implementing or maintaining activities identified in the SWPPP, and that do not participate in the employee training program. At a minimum, these employees shall be informed of the basic goal of the SWPPP.

II.B.1.r Records

II.B.1.r.(i) Records for each element in Part II.B.1.i of "Stormwater Control Measures" shall be included and maintained as an attachment to the SWPPP. Records shall document and describe maintenance activities, inspections, spills, discharge quality, employee training activities, employee education activities, SWPPP updates/modifications, and other events relative to each element.

PART II. Inspections and Compliance Monitoring

III.A.1 Periodic Inspections

III.A.1.a Qualified personnel, who are familiar with the industrial activities performed at the facility, shall conduct periodic inspections to determine the effectiveness of the Good Housekeeping Measures, Spill Prevention and Response Measures, Erosion Control Measures, Maintenance Program for Structural Controls, BMPs, and the Employee Training Program.

III.A.1.b Periodic inspections shall be conducted on a frequency of once per quarter, at a minimum, relating to Specific Requirements for Industrial Activities.

III.A.1.c The inspections shall be documented through the use of a checklist that is developed to include each of the controls and measures that are evaluated. The checklists shall be included in the SWPPP.

III.A.1.d When revisions or additions to the SWPPP are recommended as a result of inspections, a summary description of these proposed changes shall be attached to the inspection checklist within fourteen (14) days. The summary shall identify any necessary time frames required to implement the proposed changes. The Permittee shall make the identified revisions as soon as practicable, but not later than sixty (60) calendar days after discovery of the deficiency, or as otherwise provided or approved by NDEP.

III.A.2 Quarterly Visual Monitoring

III.A.2.a Stormwater discharges from each outfall authorized by this general permit shall be visually examined on a quarterly basis. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term to ensure consistency. Monitoring shall be conducted during daylight hours, samples shall be examined in a well lit area, and findings shall document observations of color, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other

obvious indicators of stormwater pollution. Any noticeable odors shall also be noted. Some examinations, such as an examination for odor and foam, may necessarily be conducted immediately following collection of the sample. All examinations shall be performed within a time frame that ensures the sample is representative of the discharge.

III.A.2.b Records of quarterly visual monitoring shall include the date and time samples were collected and examined, names of personnel that collected and examined the samples, the nature of the discharge (e.g., runoff, snow melt), the magnitude of the storm that was sampled and the length of time since the last storm with a magnitude of at least 0.1 inch, and the visual quality of the stormwater discharge.

III.A.3 Comprehensive Site Compliance Evaluation

III.A.3.a Description

III.A.3.a.(i) The comprehensive site compliance evaluation is a required site inspection and an overall assessment of the effectiveness of the current SWPPP. This evaluation is in addition to other routine inspections required by the permit (e.g. inspections of good housekeeping measures, structural controls, and for identification of non-stormwater sources). This evaluation may, however, substitute for a periodic inspection if it is conducted during the regularly scheduled period for the periodic inspection.

III.A.3.b General Requirements

III.A.3.b.(i) The evaluation shall be conducted at least once per year by either one or more qualified employees or designated representatives, who are familiar with the industrial activities performed at the facility and the elements of the SWPPP. The evaluation shall include:

III.A.3.a.(i).(a) Inspection of all areas identified in the Inventory of Exposed Materials section of the SWPPP;

III.A.3.a.(i).(b) Inspection of all structural controls, including the maintenance and effectiveness;

III.A.3.a.(i).(c) Inspection of all non-structural controls including BMP effectiveness, good housekeeping measures, and spill prevention;

III.A.3.a.(i).(d) Inspection of all reasonably accessible areas immediately downstream

of each stormwater outfall that is authorized under this general permit; and

III.A.3.a.(i).(e) A review of all records required by this general permit.

III.A.3.c Site Compliance Evaluation Report

III.A.3.c.(i) The report shall include a narrative discussion of the Permittee's compliance with the current SWPPP. The report shall document the personnel conducting the evaluation, the dates of the evaluation, and any incidents of non-compliance.

III.A.3.c.(ii) For purposes of this inspection, a non-compliance incident is any instance where an element of the SWPPP is either not implemented, or where specific conditions of the permit are not met.

III.A.3.c.(iii) If no incidents of non-compliance are discovered, the report shall contain a certification that the facility is in compliance with the SWPPP.

III.A.3.c.(iv) If the report indicates an incident of non-compliance, the operator shall complete all necessary actions to come into compliance as soon as practicable, but no later than sixty (60) calendar days following the evaluation. Failure to take corrective action in the stipulated timeframe is a violation of this permit. Failure to implement a SWPPP in compliance with this permit requirements would be an independent violation during the full-time period in which the non-compliance existed;

III.A.3.c.(v) The report shall either be included as a part of the SWPPP or referenced in the SWPPP and be made readily available for inspection and review by the Division upon request.

III.A.3.d Revision of the SWPPP

III.A.3.d.(i) The SWPPP shall be revised to include and address the findings of the Site Compliance Evaluation Report within fourteen (14) days following completion of the evaluation. Revisions shall include all applicable changes that result from the comprehensive site compliance report and all applicable updates to:

III.A.3.d.(i).(a) Elements of the SWPPP that require modification for effectiveness;

III.A.3.d.(i).(b) Any additional elements (e.g. structural controls or BMPs) that should be added or modified for prevention of pollution;

III.A.3.d.(i).(c) The site map;

III.A.3.d.(i).(d) The inventory of exposed materials;

III.A.3.d.(i).(e) The description of the good housekeeping measures;

III.A.3.d.(i).(f) The description of structural and non-structural controls; and

III.A.3.d.(i).(g) Any other element of the plan that was either found to be inaccurate or that will be modified.

III.A.3.e Inspection of the SWPPP On-Site

III.A.3.e.(i) The SWPPP shall be maintained, with a copy of this general permit at the site and be readily available for review by authorized NDEP personnel upon request. The SWPPP shall be modified as often as necessary. Each revision shall be dated and all revisions shall be retained according to Part II.B.1.r. NDEP may determine, following a review or site inspection that the SWPPP is not sufficient and require that the SWPPP be revised to correct all deficiencies.

III.A.4 General Monitoring and Records Requirements

III.A.4.a Representative Storm Events

III.A.4.a.(i) Monitoring, sampling, examinations, and inspections of stormwater discharges that are required as a provision of this general permit shall be conducted on discharges of runoff from a representative storm event. For the purposes of this general permit, a representative storm event is an event with at least 0.1 inch of measured precipitation that occurs with a minimum interval from the preceding measurable storm of at least seventy-two (72) hours. The 72-hour interval is not required if either the preceding storm event did not yield a discharge that was sufficient for obtaining a sample, or if it is documented in the SWPPP that a less than 72-hour interval is representative for local storm events for the sampling period.

III.A.4.b Representative Discharges from Substantially Similar Outfalls

II.A.4.b.(i) If discharges of stormwater through two or more outfalls are substantially the same, sampling and monitoring may be conducted at one of the outfalls, and the results may be reported as representative of the discharge

from the substantially similar outfall. Before results may be submitted as representative of discharges from substantially similar outfalls, the SWPPP shall include a description of outfall locations and provide justification of why the discharge qualities from the outfalls are substantially similar. To determine if outfalls are substantially similar, the following characteristics of each outfall shall be compared:

III.A.4.b.(i).(a) The industrial activities that occur in the drainage area to each outfall;

III.A.4.b.(i).(b) Significant materials stored or handled within the drainage area to each outfall; and

III.A.4.b.(i).(c) The management practices and pollution control structures that occur within the drainage area of each outfall.

II.A.4.b.(ii) Substantially similar outfalls may not be established for non-stormwater discharges.

III.A.4.c Sampling Data

III.A.4.c.(i) The following categories of facilities have stormwater effluent guidelines for at least one of their subcategories: cement manufacturing (40 CFR 411); feedlots (40 CFR 412); fertilizer manufacturing (40 CFR 418); petroleum refining (40 CFR 419); phosphate manufacturing (40 CFR 422); steam electric power generation (40 CFR 423); coal mining (40 CFR 434); mineral mining and processing (40 CFR 436); ore mining and dressing (40 CFR 440); paving and roofing materials (40 CFR 443); and landfills (40 CFR 445). A facility that falls into one of these general categories shall examine the applicable effluent guideline to determine if it is categorized in one of the subcategories that have storm water effluent guidelines. If a facility is classified as one of those subcategories, that facility is subject to the standards listed in the CFR for that category, shall sample stormwater discharges from the facility, at a minimum, of one (1) time per calendar year;

III.A.4.c.(ii) All lab analysis received from stormwater discharge samples shall be submitted to NDEP;

III.A.4.c.(iii) If applicable, all data from the laboratory analyses of stormwater discharge samples shall be summarized;

III.A.4.c.(iv) The summary shall be updated on an annual basis to include the results of all additional analyses;

III.A.4.c.(v) The data summary shall either be included as an attachment to the SWPPP or may be referenced and maintained separately;

III.A.4.c.(vi) NDEP may require stormwater discharge sampling by the permittee to determine compliance with the terms of this permit; and,

III.A.4.c.(vii) If sampling is required, the sample shall be taken within the first thirty (30) minutes of the discharge where practicable. Where not practicable, the discharge shall be sampled within the first sixty (60) minutes.

PART IV. STANDARD CONDITIONS

IV.A OPERATING REQUIREMENTS

IV.A.1 Proper Operation and Maintenance

IV.A.1.a The Permittee shall implement all BMPs used to comply with this permit and maintain them in good working order.

IV.A.2 Removed Substances

IV.A.2.a Solids and other pollutants removed in the course of treatment or control of stormwater shall be disposed of in accordance with applicable laws, regulations, codes, and ordinances.

IV.A.3 Water Quality Standards

IV.A.3.a There shall be no discharge of substances that cause or contribute to a violation of the water quality standards of the State of Nevada in accordance with **Nevada Revised Statutes ("NRS")** and NAC 445A.

IV.A.4 Sampling and Analysis

IV.A.4.a If any samples or measurements are taken pursuant to this permit they shall be representative of the volume and nature of the discharge. Laboratory analyses shall be performed by a State of Nevada certified laboratory. Results from this lab shall be provided to the Division in accordance with this permit.

IV.A.5 Test Procedures

IV.A.5.a Test procedures for analyses of pollutants shall conform to regulations (40 CFR § 136) published pursuant to Section 304(h) of the CWA, under which

such procedures may be required, unless other procedures are approved by the Division.

IV.A.6 Recording the Results

IV.A.6.a If any measurement or sample is taken pursuant to this permit, the Permittee shall record the following information:

IV.A.6.a.(i) The exact place, date, and time of sampling;

IV.A.6.a.(ii) The dates the analyses were performed;

IV.A.6.a.(iii) The person(s) who performed the analyses;

IV.A.6.a.(iv) The analytical techniques or methods used; and

IV.A.6.a.(v) The results of all required analyses.

IV.A.7 Adverse Impact

IV.A.7.a The Permittee shall take all reasonable steps to minimize any adverse impacts to receiving waters from any unauthorized discharge including monitoring as necessary to determine the nature and impact of the unauthorized discharge.

IV.B ADMINISTRATIVE REQUIREMENTS

IV.B.1 Signature Requirements

IV.B.1.a **Notices of Intent:** All NOIs shall be signed as follows:

IV.B.1.a.(i) By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

IV.B.1.a.(i).(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

IV.B.1.a.(i).(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental

compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

IV.B.1.a.(ii) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

IV.B.1.a.(iii) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

IV.B.1.a.(iii).(a) The chief executive officer of the agency, or

IV.B.1.a.(iii).(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

IV.B.1.b **Duly Authorized Representative**

IV.B.1.b.(i) All SWPPPs and any other information required by this permit or requested by NDEP shall be signed by a person described in this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

IV.B.1.b.(i).(a) The authorization is made in writing by a person described under Section II.B.1;

IV.B.1.b.(i).(b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility or for environmental matters for the company; and

IV.B.1.b.(i).(c) The authorization is submitted to the Division.

IV.B.1.c **Changes to Authorization**

IV.B.1.c.(i) If an authorization under Section IV.B.1 is no longer accurate because the individual or position has changed, a new written authorization shall be submitted to the Division prior to or together with any information signed by the new representative within thirty (30) days.

IV.B.1.d **Certification**

IV.B.1.d.(i) Any person signing a document under Section IV.B.1. shall make 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. I also confirm that a stormwater pollution prevention plan (SWPPP) has been completed, will be maintained at the project site, and that the SWPPP will be compliant with any applicable local sediment and erosion control plans. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the 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 fines for knowing violations.”

IV.B.3 Records Retention

III.B.3.a All records and information resulting from activities performed pursuant to this permit shall be retained for a minimum of three years after acceptance of the NOT, or longer if required by the Division.

IV.B.4 Availability of Reports

III.B.4.a Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit that have been submitted to the Division shall be available for public inspection at the office of the Division. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

IV.B.5 Continuation of Coverage

IV.B.5.a In accordance with NAC 445A.241, this permit shall remain in effect until reissued, and existing permittees shall be included in the reissued permit if a new NOI is submitted prior to the expiration date of this permit. A filing fee is not required for this submittal.

IV.B.6 Transfer of Ownership or Control

IV.B.6.a If control or ownership of the Industrial Facility changes, 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 Division. To transfer permit coverage, the new owner or operator and the previous owner shall submit a written request to the Division in accordance with Section I.A.5.d.(i).(c). All transfer of permits shall be approved by NDEP.

IV.B.7 Annual Fee

IV.B.7.a The Permittee shall remit an annual fee in accordance with NAC 445A.268 on or before July 1 every year.

IV.B.8 Right of Entry

IV.B.8.a The permittee shall allow representatives of NDEP upon the presentation of credentials:

IV.B.8.a.(i) To enter upon the industrial facility site or the permittee's premises where any records are kept under the terms and conditions of this permit; and

IV.B.8.a.(ii) At reasonable times, to have access to and copy any records kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method used pursuant to this permit; perform activities required to collect information in conducting compliance investigations; and to perform any necessary sampling to determine compliance with this permit or to sample any discharge.

IV.B.9 Penalty for Violation of Permit Conditions

IV.B.9.a 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.

IV.B.10 Furnishing False Information and Tampering with Monitoring Devices

IV.B.10.a 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 $25,000 per day per violation 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.

IV.B.11 Permit Modification, Suspension or Revocation

IV.B.11.a 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:

IV.B.11.a.(i) Violation of any terms or conditions of this permit

IV.B.11.a.(ii) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts, or

IV.B.11.a.(iii) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

IV.B.12 Liability

IV.B.14.a 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.

IV.B.13 Property Rights

IV.B.14.a The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

IV.B.14 Severability

IV.B.14.a 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.

Appendix B

Technical Drainage Study – NERT Site

Appendix C
Inspection Forms