



# STATE OF NEVADA

Department of Conservation & Natural Resources

*Jim Gibbons, Governor*

*Allen Biaggi, Director*

DIVISION OF ENVIRONMENTAL PROTECTION

*Leo M. Drozdoff, P.E., Administrator*

## Stormwater General Permit NVR100000

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 (NRS), eligible dischargers who have submitted a Notice of Intent, filing fee, and have a Stormwater Pollution Prevention Plan(s) completed and maintained on the permittee's site location in accordance with this permit, are authorized to discharge

Stormwater Associated with Large Construction Activity

or

Stormwater Associated with Small Construction Activity

and

Stormwater Associated with Industrial Activity from Temporary Concrete, Asphalt, and Material Plants or Operations Dedicated to the Permitted Construction Project

to Waters of the United States in accordance with the conditions set forth in Parts I - V hereof.

This permit shall become effective on September 16, 2007.

This permit and the authorization to discharge shall expire at midnight September 15, 2012.

Signed this 14th day of September, 2007.

Steve McGoff, P.E.

Bureau of Water Pollution Control

## **PART I. COVERAGE UNDER THIS GENERAL PERMIT**

- A. **Permit Area.** This General Permit covers the State of Nevada, except for Tribal Areas.<sup>1</sup>
- B. **Objective.** The objective of this permit is to control and reduce pollution of Waters of the U.S. (“WOUS”) from: Stormwater Discharges Associated with Large Construction Activity; Stormwater Discharges Associated with Small Construction Activity; and Stormwater Discharges Associated with Industrial Activity from temporary plants or operations set up to produce concrete, asphalt, or other materials for the permitted construction project; through the use of Best Management Practices (“BMPs”), as defined in Appendix A. In addition, BMPs shall include erosion and sediment controls, stormwater conveyance, stormwater diversion, and treatment structures, and any procedure or facility used to minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater. Discharges to storm drain systems that in turn discharge to WOUS are considered to be discharges to WOUS.
- C. **Eligibility.** This General Permit authorizes discharges from stormwater discharge associated with large construction activity as defined in Appendix A, small construction activity as defined in Appendix A and industrial activities as defined in Appendix A provided the operator complies with all the requirements of this general permit and submits a Notice of Intent (“NOI”) in accordance with Part II of this general permit.

Any discharges that do not comply with the eligibility conditions of this permit are not authorized by the permit. A person must either apply for a separate National Pollutant Discharge Elimination System (“NPDES”) permit to cover the ineligible discharge(s), cease the discharge(s), or take the necessary steps to make the discharge(s) eligible for coverage under this permit.

### **D. Authorized Discharges**

1. Allowable Stormwater Discharges. Subject to compliance with the terms and conditions of this permit, an operator may discharge pollutants in:
  - a. Discharges of stormwater runoff associated with construction activities as defined in Appendix A;
  - b. Discharges that are designated by NDEP as requiring a stormwater permit under 40 CFR 122.26(a)(1)(v); 40 CFR 122.26(b)(15)(ii); or under 40 CFR 122.26(a)(9);

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<sup>1</sup> The State of Nevada, Division of Environmental Protection, Bureau of Water Pollution Control does not have permit authority for Tribal Lands. Construction discharge permits for Tribal Lands within the state must be acquired through EPA Region IX.

- c. Discharges from support activities(e.g. concrete or asphalt batch plants, equipment staging yards, material storage yards, excavated material disposal areas, borrow areas) provided:
    - i. The support activity is directly related to a construction site that is required to have NPDES permit coverage for discharges of stormwater associated with construction activity;
    - ii. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators and does not operate beyond the completion of the construction activity at the last construction project it supports; and
    - iii. Appropriate controls and measures covering the discharges from the support activity areas are identified in a stormwater pollution prevention plan (“SWPPP”).
  - d. Non-stormwater discharges as noted in Part I.D.2 or as otherwise specifically allowed by the permit; and
  - e. Discharges comprised of a discharge listed in Part I (a) through (d) commingled with a discharge authorized by a different NPDES permit and/or discharge that does not require NPDES permit authorization.
2. Miscellaneous Non-Stormwater Discharges. An operator may discharge the following non-stormwater discharges, provided they are not a significant source of pollutants and the operator implements appropriate BMPs to minimize pollutants discharged per Part III:
- a. Discharges from fire-fighting activities. Although fire-fighting drainage may contain significant pollutant concentrations, the frequency of discharge is low and the discharge is hereby authorized out of necessity;
  - b. Fire hydrant flushing;
  - c. Water used to wash vehicles where detergents are not used;
  - d. Water used to control dust, provided effluent or other wastewaters are not used;
  - e. Potable water sources including water line flushing;
  - f. Routine external building wash down where detergents are not used;
  - g. Pavement wash waters 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;
  - h. Uncontaminated air conditioning or compressor condensate;
  - i. Uncontaminated groundwater or spring water;
  - j. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
  - k. Potable water well flushing where the receiving waters are ephemeral;
  - l. Water used for compacting soil, provided effluent or other wastewaters are not used;

- m. Water used for drilling and coring such as for evaluation of foundation materials, where flows are not contaminated with additives; and
- n. Water obtained from dewatering operations of foundations in preparation for and during excavation and construction that will have flows of 300 gallons per minute (“gpm”) or less for thirty (30) days or less.

#### **E. Limitations of Coverage**

1. Post Construction Discharges. This permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has undergone final stabilization. Post-construction stormwater discharges from industrial sites may need to be covered by a separate NPDES permit.
2. Prohibition on Discharges Mixed With Non-Stormwater. This permit does not authorize discharges that are mixed with sources of non-stormwater, except as allowed in Part I.D.
3. Discharges Covered by Another NPDES Permit. This general permit does not authorize stormwater discharges associated with construction activities that have been covered under an individual permit or have been required to obtain coverage under an alternative general permit. Construction discharges at mining operations are covered under the Mining General Permit NVR300000.
4. Discharges Threatening Water Quality. This general permit does not authorize discharges that will cause or contribute to non-attainment of water quality standards or to the designated use of receiving waters. The operator must design and implement BMPs sufficient to meet this requirement.

#### **F. Waiver for Small Construction Activities.** NDEP may exempt a small construction operator from the requirement to obtain coverage under a stormwater permit, if certain criteria are met and proper application procedures followed.

1. Low Erosion Potential. If the small construction site is between 1 acre and 5 acres and the rainfall erosivity factor calculation (“R” in the Revised Universal Soil Loss Equation) is less than 5 during the **entire** period of construction activity, the site will be eligible for a waiver. The applicant must certify to NDEP that construction activity will occur only when R is less than 5. The erosivity factor can be calculated using NDEP’s NOI database.

The period of construction activity begins at initial earth disturbance and ends with the final site stabilization. The operator must submit a Permit Waiver electronically to NDEP in accordance with Part II of this permit before commencing construction activities in accordance with Part II.

Persons that are not required to file for permit coverage per this section must operate exempt construction sites in a manner that minimizes pollutants in the discharge. In the event discharges from the site may cause or contribute to non-

attainment of water quality standards, NDEP may require the operator to obtain permit coverage.

*Note: Construction activities that will disturb 5 acres or more cannot be exempted from stormwater permitting requirements. Also, construction activities less than 5 acres, but the parcel is part of a greater (5 acres or more) common plan of development or sale cannot be exempted.*

- G. Requirement for Individual Permit.** NDEP may require the holder of a general stormwater permit to apply for and obtain an individual permit in accordance with NAC 445A.269.
- H. Requirement for Stormwater Permit for Projects Less Than 1 Acre.** If NDEP determines that a project less than one (1) acre in size will impact receiving waters or its tributaries within a 1/4-mile radius of the project, the owner of the project will be required to obtain a stormwater permit and abide by the terms of this permit.
- I. Waiver for Certain Oil and Gas Operations.** NDEP may not require a permit for discharges of storm water runoff from construction operations at oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations. A permit will be required if a stormwater discharge from a construction operation at an oil and/or gas exploration, production, processing, treatment, or transmission facility contributes to a violation of a water quality standard (except for discharges of sediment.)

## **PART II. REQUEST FOR INCLUSION UNDER THIS GENERAL PERMIT**

- A. Application for Coverage.** A person may be authorized to discharge under this general permit only if the stormwater discharge is associated with construction activities with the project site. An application seeking inclusion under this permit shall:
1. Submit a Notice of Intent (“NOI”) no later than two (2) days prior to the start of construction. Eligible concrete, asphalt, and material plants or operations shall be included on the NOI submitted for the construction project. 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.
  2. For each new NOI, the permittee must develop and implement a SWPPP that meets the requirements of Part III of this permit and covers either the entire site or

all portions of the site for which the permittee is an operator. The SWPPP shall be prepared and maintained on the permittee's project site for these discharges.

**B. NOI Electronic Filing Requirements.** NOI forms must be completed on-line at NDEP's website at the following address:

[http://ndep.nv.gov/bwpc/storm\\_cont03.htm](http://ndep.nv.gov/bwpc/storm_cont03.htm). The applicant will be required to provide the following information to complete the NOI and submit it to NDEP:

1. Owner/operator (applicant) information including the name, address, city, state, zip code and phone number of both the owner and operator;
2. Project/site information including the project name, project address/location, city, state, zip code, latitude, longitude, at least one Assessor's Parcel Number ("APN") associated with the project and the county;
3. Name of the receiving water for any stormwater discharge;
4. The estimated construction start date;
5. The estimated completion date of construction;
6. An estimate of the area to be disturbed to the nearest acre;
7. An estimate of the likelihood of a stormwater discharge;
8. The address of the location where the SWPPP can be viewed including the city, state, zip code and phone number. *Note: It is not necessary to submit a copy of the SWPPP to NDEP.*

**C. Submitting the Completed NOI.** After completing the NOI and filing it electronically with NDEP, the applicant must perform the following steps within thirty (30) days to complete the NOI application:

1. Print out a copy of the NDEP confirmation page and sign below the certification statement. The certification statement and the person responsible for signing the NOI is discussed in Part V of this permit;
2. Write a check to "NDEP" for the required permit fees; and
3. Mail the check and confirmation page with the original signature to:

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

**D. Continuation of Coverage in the General Permit.** To continue to be included in this general permit, holders of expired general permit NVR100000 must submit a renewal NOI to NDEP within ninety (90) days of the effective date of this permit to remain included under the original NOI. The permittee must verify that the information on the renewal NOI is valid and accurate before submitting the renewal NOI for continued inclusion. No additional filing fee is required to file this renewal NOI. In addition, the previously supplied permit identification number (CSW-xxxx) must be included with the submittal.

**E. Authorization Date of the Permit.** The authorization date of the new permit shall be:

1. The date the NOI is approved by NDEP; or
2. The effective date of this permit for all holders of expired general permit NVR100000 that have submitted a renewal NOI for this permit;
3. An approval letter will be sent to the applicant stating the authorization date. Special conditions may be included in the permit.
4. During the period beginning on the authorization date and lasting until permit coverage is terminated, the permittee is authorized to discharge stormwater or approved non-stormwater to WOUS, as discussed in Part I.D. and in accordance with the SWPPP and the conditions listed in this permit.

### **PART III. STORM WATER POLLUTION PREVENTION PLAN**

**A. Objective.** Prior to submitting the NOI and filing fee, the SWPPP shall be completed and available for inspection at the project site for each construction project and material plant or operation covered by this permit. The purpose of the SWPPP is to identify stormwater pollution sources, reduce their impacts, and comply with the conditions of this permit. The SWPPP shall be prepared in accordance with good engineering practices and shall consist of project information, BMPs, inspection and maintenance, controls for non-stormwater discharges, and a description of permanent stormwater controls that will be built as part of the project. Each of the plan elements must be revised as necessary to maintain accuracy if there are changes in design or construction of the project or if the SWPPP is found to be insufficient. NDEP may require modifications to a SWPPP within a specified time frame. The permittee shall make the SWPPPs available upon request to the State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site. The SWPPP must be kept on-site or locally available and must be available for review by NDEP at the time of an on-site inspection. The SWPPP shall include the following minimum elements:

#### **1. Project Description**

- a. Permittee information including the company or agency, street address, city, state, zip code, and phone number;
- b. Contact information of the permittee including the name, street address, city, state, zip code, and phone number;
- c. The name(s) of the person(s) responsible for implementation of the SWPPP;
- d. The project name;
- e. The project location including the address, city, county and at least one APN associated with the project;

- f. A description of the nature of the construction activity;
  - g. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation);
  - h. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other construction activities including offsite borrow and fill areas;
  - i. An estimate of the runoff coefficient of the site for both the preconstruction and post-construction conditions and data describing the soil or the quality of any discharge from the site;
  - j. A general location map of the project (e.g., a portion of a city or county map) and a site map of the project indicating the following:
    - i. Drainage patterns and approximate slopes anticipated after major grading;
    - ii. Construction activities and areas of soil disturbance;
    - iii. Areas of the project that will not be disturbed;
    - iv. Locations of major structural and nonstructural controls identified in the SWPPP;
    - v. Locations where stabilization practices are expected to occur;
    - vi. Locations of off-site material and waste;
    - vii. Borrow or equipment storage areas;
    - viii. Location of all surface waters (including wetlands);
    - ix. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply;
    - x. Locations where storm water discharges to a surface water (including ephemeral waters or dry washes) and to Municipal Separate Storm Sewer Systems (“MS4s”);
    - xi. Location and description of any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is covered by this permit;
    - xii. The name of the receiving water(s) and the aerial extent and description of wetland or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project;
    - xiii. Identify and address offsite material storage areas or borrow areas used solely by the permittee’s project;
    - xiv. A copy of the permit requirements (attaching a copy of this permit is acceptable).
2. **Stormwater Controls.** Each SWPPP shall include a description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. The SWPPP must clearly describe for each major activity identified in Part III.1.g: (a) Appropriate control



measures and the general timing (or sequence) during the construction process that the measures will be implemented; and (b) which permittee is responsible for implementation.

3. **Offsite Material Storage Areas.** Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and must be addressed in the SWPPP.
4. **Erosion and Sediment Controls.** The SWPPP must describe the implementation of control measures, including the following minimum components:
  - a. **Design.** The construction-phase erosion and sediment controls should be designed to retain sediment on site to the degree attainable.
  - b. **Selection, Installation and Maintenance.** All control measures must be properly selected, installed, and maintained in accordance with the manufacturers' specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for site situations, as soon as practicable and before the next storm event. If implementation prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.
  - c. **Offsite Accumulation of Sediment.** When sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to ensure no adverse effects on water quality (e.g., fugitive sediment in street could be washed into storm drains by the next rain and/or pose a safety hazard to users of public streets).
  - d. **Good Housekeeping.** The SWPPP must describe good housekeeping procedures to prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).
5. **Stabilization Practices.**
  - a. **Description and Schedule.** The SWPPP must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod

stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.

- b. **Records of Stabilization.** The following records shall be maintained and attached to the SWPPP: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and the dates when stabilization measures are initiated.
  - c. **Deadlines for Stabilization.** Except as provided in Part III.A.5.c.(i), (ii), and (iii) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.
    - i. Where the initiation of stabilization measures by the fourteenth (14<sup>th</sup>) day after construction activity temporary or permanently cease(s) is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.
    - ii. Where construction activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.
    - iii. In arid areas (areas with an average annual precipitation of 0 to 10 inches), semiarid areas (areas with an average annual precipitation of 10 to 20 inches), and areas experiencing droughts where the initiation of stabilization measures by the fourteenth (14<sup>th</sup>) day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.
6. **Structural Practices.** The SWPPP must include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to section 404 of the Clean Water Act (“CWA”). A combination of sediment and erosion control measures is required to achieve maximum pollutant removal.

**a. Sediment Basins.**

- i. For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm event from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design.
- ii. For drainage locations that serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions.
- iii. For drainage locations serving less than ten (10) acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm event or 3,600 cubic feet of storage per acre drained is provided.

**b. Velocity Dissipation Devices.**

Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).

7. **Post-Construction Stormwater Management.** The SWPPP must include a description of stormwater management measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such measures must be designed and installed consistent with applicable local or state stormwater management requirements.

Such practices may include but are not limited to: stormwater detention structures (including wet ponds); stormwater retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

*Note: The installation of these devices may also require a separate permit under section 404 of the CWA. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. However, post construction stormwater BMPs that discharge pollutants from point sources once construction is completed may, in themselves, need authorization under a separate NPDES permit.*

8. **Non-Storm Water Discharge Maintenance.** The SWPPP must identify all allowable sources of non-stormwater discharges listed in Part I.D.2 of this permit, except for flows from fire fighting activities. Non-stormwater discharges are to be eliminated or reduced to extent possible. The operator must implement appropriate pollution prevention measures to minimize pollutants in any non-storm water component(s) of the discharge and must describe those measures in the SWPPP. Except if used in emergency firefighting, superchlorinated wastewaters must be held on-site until the chlorine dissipates, or otherwise dechlorinated prior to discharge.
9. **Other Controls.** The SWPPP must describe:
  - a. Measures to prevent the discharge of solid materials, including building

materials, to WOUS, except as authorized by a permit issued under section 404 of the CWA;

- b. Measures to minimize off-site vehicle tracking of sediments, to the extent practicable, and the generation of on-site dust;
- c. Measures to sufficiently stabilize soil at culvert locations to prevent the formation of rills and gullies during construction;
- d. A description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP shall also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response; and
- e. A description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

**10. Applicable Federal, State, or Local Programs.**

- a. The SWPPP shall be consistent with applicable State, and/or local waste disposal, sanitary sewer or septic system regulations to the extent these are located within the permitted area;
- b. When discharges to water quality-impaired waters that are contained in the current 303(d) Impaired Water Body listing issued by the Nevada Division of Environmental Protection, Bureau of Water Quality Planning, the permittee must investigate whether discharges from the permittee's site will contribute significantly to any 303(d) listing, and when the permittee discharges into a water body with an established Total Maximum Daily Load ("TMDL"), the permittee shall comply with all applicable TMDL requirements. This information can be found on the following NDEP website: <http://ndep.nv.gov/bwqp/standard.htm>.

When a TMDL has not been established as described in paragraph above, the permittee must include a section in the SWPPP describing the condition for which the water has been listed. The SWPPP must 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;

- c. Permittees that discharge storm water associated with construction

activities must ensure their SWPPP is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by State or local officials;

- d. SWPPPs must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by State or local officials for which the permittee receives written notice; and
- e. The SWPP may incorporate by reference the appropriate elements of plans required by other agencies. A copy of the requirements incorporated by reference shall be included as an attachment to the SWPPP.

#### **11. Maintenance of BMPs**

- a. All erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. If site inspections required by Part III.A.12 identify BMPs that are not operating effectively or if the capacity has been reduced by 50%, maintenance shall be performed before the next anticipated storm event, or as soon as possible if maintenance before the next anticipated storm event is not practicable;
- b. If existing BMPs need to be modified or additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable; and
- c. The permittee must remove sediment from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.

#### **12. Construction Site Inspections**

- a. **Routine Inspection Schedule.** The permittee must ensure routine inspections are performed at the site to ensure the BMPs are functional and that the SWPPP is being properly implemented. The permittee must have the site inspected at least once every seven (7) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater;
- b. **Inspection Waiver.** Permittees are eligible for a waiver of weekly inspection requirements until one month before thawing conditions are expected to result in a discharge if all of the following requirements are

met:

- i. The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month);
  - ii. Land disturbance activities have been suspended; and
  - iii. The beginning and ending dates of the waiver period are documented in the SWPPP.
- c. **Inspectors.** Qualified personnel (provided by the permittee or cooperatively by multiple permittees) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site. “Qualified personnel” means a person knowledgeable in the principles and practice of erosion and sediment controls and who possesses the skills to assess conditions at the site that could impact stormwater quality and the effectiveness of the BMPs selected to control the quality of the stormwater discharges;
- d. **Scope of Inspections.** Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the drainage system. Sediment and erosion control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether sediment and erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking. All BMPs and areas inspected and their condition must be documented in the inspection report;
- e. **Inspection Report.** An inspection report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP shall be made. Major observations should include the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection;

- f. **Maintaining Inspection Records.** The permittee must ensure that the inspection reports and record of any follow-up actions taken in accordance with Part III.A.12.e of this permit is retained as part of the SWPPP for at least three years from the date that permit coverage expires or the site is finally stabilized. Inspection reports shall identify any incidents of noncompliance with this permit. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part V.B.1 of this permit;
  - g. **Follow-Up Actions.** Based on the results of the inspection, the SWPPP shall be modified as necessary (e.g., show additional controls on a map required by Part III.A.1.j and/or revise the description of controls required by Part III.A.2) to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP shall be completed within seven (7) calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed within 7 days following receipt of the inspection results or prior to the next anticipated storm event, whenever practicable. If implementation of the BMPs before the next storm event is impracticable, the BMPs shall be implemented as soon as possible if implementation before the next anticipated storm event is not practicable.
- 13. **Maintaining an Updated SWPPP.** The operator must amend the SWPPP within seven (7) business days whenever:
  - a. There is a change in design, construction, operation, or maintenance at the construction site that has a significant effect on the discharge of pollutants to WOUS that has not been previously addressed in the SWPPP; or
  - b. During inspections, monitoring if required, or investigations by the permittee or by local, state, MS4, or federal officials, it is determined the discharges are causing or contributing to water quality exceedances or the SWPPP is ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the construction site.; or
  - c. If implementation of the BMPs required by the SWPPP revision before the next storm event is impracticable, the BMPs shall be implemented as soon as possible if implementation of the BMP before the next anticipated storm event is not practicable.
- 14. **Deficiencies in the SWPPP.** NDEP may notify the permittee at any time that the SWPPP does not meet one or more requirements of this section. The notification must identify the provisions of this permit that are not being met and parts of the



SWPPP that require modification. Within fifteen (15) days of receipt of the notification by NDEP, the permittee must make the required changes to the SWPPP and submit to NDEP a written certification that the requested changes have been made. NDEP may request a copy of the SWPPP to confirm that all deficiencies have been adequately addressed. NDEP may also take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

#### **PART IV. NOTICE OF TERMINATION**

**A. Notice of Termination.** A Notice of Termination (“NOT”) must be submitted upon completion of the project. To terminate permit coverage, an NOT, as approved by NDEP, shall be submitted when final stabilization has been achieved or when the project has been transferred to another permittee.

**B. Information Required.** The following minimum information is required on an NOT:

1. The stormwater general permit number;
2. Facility operator information, including the name, address, city, state, zip code and phone number;
3. Facility/site location information including the name, address, city, state, zip code, phone number and at least one APN associated with the project; and
4. A certification statement signed and dated by the permittee. The certification statement is:

“I certify under penalty of law that all storm water discharges associated with construction activity from the identified facility that was authorized by a 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 construction activity under this general permit, and that discharging pollutants in stormwater associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a 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.”

*Note: For construction projects with more than one permittee and/or operator, the permittee need only make this certification for those portions of the construction site where the permittee was authorized under this permit and not for areas where the permittee was not an operator.*

**C. Final Stabilization.** Final Stabilization means that either:

1. All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed. In such parts of the country, background native vegetation will cover less than 100% of the ground. Establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization; on a beach with no natural vegetation, no stabilization is required); or

For individual lots in residential construction by either:

- a. The homebuilder completing final stabilization as specified above, or
  - b. The homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization; or
2. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to WOUS, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria listed above.

## **PART V. STANDARD PERMIT CONDITIONS**

### **A. Operating Requirements**

1. **Proper Operation and Maintenance.** The permittee shall implement all BMPs used to comply with this permit and maintain them in good working order;
2. **Removed Substances.** 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;
3. **Water Quality Standards.** There shall be no discharge of substances that cause or contribute to a violation of the water quality standards of the State of Nevada;

4. **Sampling and Analysis.** 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 must be provided to NDEP.
5. **Test Procedures.** Test procedures for analyses of pollutants shall conform to regulations (40 CFR § 136) published pursuant to Section 304(h) of the Act, under which such procedures may be required, unless other procedures are approved by NDEP;
6. **Recording the Results.** If any measurement or sample is taken pursuant to this permit, the permittee shall record the following information:
  - a. The exact place, date, and time of sampling;
  - b. The dates the analyses were performed;
  - c. The person(s) who performed the analyses;
  - d. The analytical techniques or methods used; and
  - e. The results of all required analyses.
7. **Adverse Impact.** 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.

## **B. Administrative Requirements**

### **1. Signature Requirements**

#### **a. Notices of Intent**

All NOIs shall be signed as follows:

- i. **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - (1) 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
  - (2) 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.

- ii. **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or
  - 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:
    - (1) The chief executive officer of the agency, or
    - (2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- b. **Duly Authorized Representative.** All SWPPPs and any other information required by this permit or requested by NDEP shall be signed by a person described in Part V.B.1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- i. The authorization is made in writing by a person described in Part V.B.1;
  - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  - iii. The written authorization is submitted to NDEP.
- c. **Changes to Authorization.** If an authorization in Part V.B.1 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new written authorization satisfying the requirements of Part V.B.1.b must be submitted to NDEP prior to or together with any information signed by the new representative.

- d. **Certification.** Any person signing a document in Part V.B 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 from the start of construction activities, 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.”

2. **Records Retention.** All records and information resulting from activities performed pursuant to this permit shall be retained for a minimum of three years; or longer if required by NDEP.
3. **Availability of Reports.** Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at NDEP’s office. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.
4. **Continuation of Coverage.** 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 new submittal.
5. **Transfer of Ownership or Control.** If control or ownership of the construction project 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 NDEP. To transfer permit coverage, the new owner or controller must submit a written request to NDEP. All transfer of permits shall be approved by NDEP.
6. **Annual Fee.** The permittee shall remit an annual fee in accordance with NAC 445A.268 on or before July 1 every year. If the original submittal for this permit is done prior to July 1, the permittee shall resubmit a new annual fee on or before July 1 of that same year.

7. **Right of Entry.** The permittee shall allow NDEP's representatives upon the presentation of credentials:
  - a. To enter upon the construction site or the permittee's premises where any records are kept under the terms and conditions of this permit; and
  - b. 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; and to perform any necessary sampling to determine compliance with this permit or to sample any discharge.
  
8. **Penalty for Violation of Permit Conditions.** The permittee shall comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the CWA and is grounds for enforcement action, permit termination, revocation and re-issuance, or modification, or denial of a permit renewal application. 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.
  
9. **Furnishing False Information and Tampering with Monitoring Devices.** Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.
  
10. **Permit Modification, Suspension or Revocation.** After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
  - a. Violation of any terms or conditions of this permit;
  - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
  - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
  
11. **Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or

penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

12. **Property Rights.** 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.
13. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### **Appendix A – Definitions**

**Best management practices** ("BMPs") means 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.

**Construction Activities** - Construction activities include any clearing, grading and excavation activities that result in the disturbance of one (1) acre or more of total land area, or will disturb less than one (1) acre but are part of a larger common plan for development or sale that will ultimately disturb one (1) or more acres..

**CWA - Clean Water Act** (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483 and Public Law 97-117, 33 U.S.C. 1251 et seq. CWA and regulations means the Clean Water Act (CWA) and applicable regulations promulgated thereunder. In the case of an approved State program, it includes State program requirements.

**Industrial Activities** means temporary concrete, asphalt and material plants which are dedicated to the permitted construction activity.

**Large construction activity** includes clearing, grading and excavation that results in the disturbance of five acres or more of total land area.

**Small construction activity** includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. NDEP may waive the otherwise applicable requirements in a general permit for a storm water discharge from construction activities that disturb less than five acres where the value of the rainfall erosivity factor ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. The rainfall erosivity factor is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning with the Revised Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997.

**Stormwater** means storm water runoff, snow melt runoff, and surface runoff and drainage.