# STATE OF NEVADA

## DIVISION OF ENVIRONMENTAL PROTECTION

**General Permit for Routine Maintenance Activities**
**Working in Waters of the State**
**(Formerly Rolling Stock)**

**GNV9800002**

## AUTHORIZATION TO DISCHARGE

In compliance with the provisions of the Chapter 445A of the Nevada Revised Statutes (NRS), eligible dischargers who have submitted a Notice of Intent, filing fee, and have a Best Management Practices Plan (BMPP) for pollution minimization and prevention completed in accordance with this permit are authorized to discharge to waters of the State, including wetlands, pollutants associated with the use of heavy equipment for the conduct of routine maintenance activities in accordance with limitations and conditions set forth in Parts I and II hereof.

This permit shall become effective on **October 29, 2014**.

This permit and the Authorization to discharge shall expire at midnight, **October 28, 2019**.

Signed this 29th day of October, 2014.

Peter Lassaline
Bureau of Water Pollution Control

ndep
NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
*protecting the future for generations*

# Part I. SPECIFIC CONDITIONS

## I.A. PERMIT COVERAGE:

I.A.1. **Permit Objective:** The objective of this permit is to authorize necessary routine maintenance activities undertaken with the use of wheeled and tracked heavy equipment or vehicles/rolling stock working in waters of the state, while ensuring appropriate Best Management Practices (BMPs) are implemented to minimize water quality impacts.

I.A.2. **Eligibility, Permit Requirement, Request for Inclusion, and Authorization**

a. **Eligibility**: All persons or entities who plan to work in or supervise work in waters of the State with heavy equipment for the conduct of routine maintenance activities are eligible for this permit.

b. **Permit Requirement:** Discharge permits are required per NRS 445A.465 which prohibits the discharge of pollutants from a point source without a permit. NRS 445A.395 defines rolling stock (meaning wheeled or tracked vehicles or heavy equipment) as a point source for the discharge of pollutants to waters of the State. The use of heavy equipment in waters can also result in the discharge of oils, fuels, grease and other pollutants into waters of the State; wetlands are included.

c. **Request for Inclusion:** Eligible dischargers seeking authorization to discharge under this general permit shall request inclusion in the permit by submitting a Notice of Intent (NOI) form, a $200.00 filing fee, and a BMP Plan along with specific requested information to the Nevada Division of Environmental Protection (Division) no later than 30 days prior to the planned work activities or project start date.

d. **Authorization:** Eligible dischargers shall be included in this permit effective upon the authorization date of the authorization letter sent to the general permit holder stating the date of authorization. This date shall be the date that the NOI and BMP Plan are approved by the Division. Special conditions may be included in this letter.

During the period beginning on the authorization date and lasting until permit coverage is terminated, the Permittee is authorized to operate or supervise the operation of heavy equipment/rolling stock working in waters of the State, as specified in the Notice of Intent in accordance with the terms and conditions of this general permit.

The Division may require the holder of a general permit to apply for and obtain an individual permit in accordance with NRS 445A.480 and NAC 445A.269.

I.A.3. **Notice of Intent Requirements:** The minimum information required on a NOI consists of:

a. Responsible party information (Owner, operator, Permittee)-name(s), address and telephone number of the intended Permittee.

b. Legal status of the intended Permittee: A City, County, State, Federal, private or public entity.

c. Site(s) information-physical location(s) of where typical maintenance work will be conducted shall be described. A topographic map shall be provided with sites or anticipated sites where work may be conducted identified. The Township, Range and Section(s) and Latitude and Longitude of the principal site(s) shall be listed.

d. Name or names of affected waterbodies, including wetlands areas shall be specified.

e. A listing of the types of activities or projects to be undertaken (e.g. clearing and snagging, routine culvert maintenance, wash or conveyance maintenance, routine diversion dam maintenance etc.) and, the kinds of equipment proposed to be used to conduct the routine maintenance work.

f. A signed and dated certification that a Best Management Practices Plan has been developed and will be implemented in accordance with the provisions of this permit.

I.A.4. **Best Management Practices Plan (BMPP):** The Division will review the Notice of Intent and determine if a site specific or a general BMP plan is required. This determination is based upon the nature of the work proposed and the waterbody(s) affected.

If a site specific BMP plan is appropriate, the Division will inform the eligible discharger of the requirements. BMP plans shall be prepared in accordance with good engineering practice and consist of project information, BMP design criteria and implementation details, maintenance practices and any permanent BMPs which are or will be installed for sediment and erosion control. BMPs are subject to approval by the Division. Water quality monitoring may be required to verify performance. Implementation of the approved plan is required.

I.A.5. **Notice of Termination:** A Permittee may terminate coverage under this general permit by submitting a formal written notice of termination to the Division to end permit coverage. This notification shall include the permit number, all responsible party information, the site locations of coverage, and any other information relevant to the permit, and the requested effective date of termination.

I.A.6. All Notices of Intent, filing fees and any other information required by the permit, including Quarterly Reports documenting the routine maintenance projects or activities conducted during the quarter shall be submitted to the Division at the following address:

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

## I.B. STANDARD REQUIREMENTS

### I.B.1. Best Management Practices:

a. **Work in water** shall be conducted in accordance with BMPs designed to minimize sediment transport from the work area(s).

b. **Work along streamzones, shorezones, streambanks and wetlands** shall be conducted to control erosion and minimize sediment transport into waterbodies.

c. **Riparian vegetation** shall be protected when possible, and as applicable. Removal of vegetation shall not result in harm to birds or destruction of active nests.

d. **Excavated material, dredged material, and other debris** shall be disposed at a site approved by the Division. Material removed from a waterbody shall not be placed such that it can be washed or carried back into the waterbody.

e. **Only clean suitable approved materials** are permitted for use as fill, and all fill must be placed so that the material will not be eroded by any expected high flows.

f. **Heavy equipment** shall be steam cleaned and inspected for leaks prior to beginning work in a waterbody. Daily inspection for any leaks or damage shall be conducted prior to work in a waterbody, and repairs shall be made immediately. A daily log of inspections shall be kept.

g. **Heavy equipment** shall be cleaned on site as needed prior to being moved from the project site to another project site to remove any noxious vegetation.

h. **Any fueling and service areas, staging areas, and approved storage areas** where petroleum based products and any other products which are toxic, hazardous, or otherwise could be a threat to water quality shall be conducted at least 100 feet away from the waterbody, as feasible. Best Management Practices shall be implemented to contain, control and prevent any potential spills of any fuels, hydraulic fluids or other pollutants from entering the waterbody and or the groundwater in accordance with the BMP plan approved by the Division. Vegetable based hydraulic fluids are recommended.

i. No petroleum products, chemicals or foreign debris of any kind shall be discharged or deposited into the subject waterbodies.

j. Any detrimental downstream or wetlands impacts shall be avoided. Work activities shall not jeopardize the continued existence of any threatened or endangered species, as intended under the Federal Endangered Species Act.

I.B.2. **Reporting Requirements:** A quarterly report documenting the project or activities conducted in each quarter by the Permittee is due January 28, April 28, July 28 and October 28 of each year unless special circumstances require a modification of the reporting schedule,

subject to Division approval. The project or activity report shall consist of either a brief narrative report with color documentary photos showing as a minimum, the "before, during, and after" work at each site (photos shall be taken from established photo points, and shall be referenced to the narrative for clarity) or a log that lists the dates, locations, and type of work done under this permit. Quarterly Reports shall be submitted to the General Maintenance Permit/Rolling Stock Coordinator at the address listed above in Part I.A.6.

If no work was conducted during the quarter(s), then a letter advising this status shall be sent by the Permittee to the same address citing the permit number and Permittee.

## Part II. GENERAL CONDITIONS

II.A.1. **Annual Fee:** Permittees shall remit an annual fee in accordance with NAC 445A.268 to the Division on or before July 1 of every year that the Permittee is authorized to discharge under this permit, except for the year in which the filing fee is remitted.

II.A.2. **Electronic Submissions:** The General Maintenance Permit for Working in Waters of the State is designed for electronic NOI submissions. All Permittees engaged in the activities defined in Section I.A.2 shall apply for coverage under permit GNV9800002 electronically unless a written waiver for an alternate format is requested in writing and granted by the Division.

II.A.3. **Permit Reissuance:** For ongoing projects, the Permittee will be included in the reissued permit after this permit expires, or will be informed of other permitting requirements. The Permittee will receive Public Notice if the Division determines to reissue the permit.

II.A.4. The Permittee shall at all times practice Good Housekeeping BMPs, maintain in good working order and operate as efficiently as possible all equipment used by the Permittee to achieve compliance with the terms and conditions of this permit.

II.A.5. There shall be no working in water maintenance activity discharges except as authorized by this permit.

II.A.6. There shall be no objectionable odors resulting from activities authorized by this permit.

II.A.7. **Removed Substances:** Excavated material, dredged material, construction debris, debris from clearing and snagging operations and vegetation removal, and any other pollutants generated in the course of performing the work authorized by this permit shall by disposed of in a manner such as to prevent any pollutants from such materials from entering any waters of the State. Disposal shall be in a manner approved by the Division and the County.

II.A.8. **Monitoring**

a. Samples and measurements taken if required herein shall be representative of the volume and nature of the monitored discharge. Analyses shall be performed by a laboratory certified by the State of Nevada. Results from this Lab must accompany the monitoring

report.

b. When analysis is required, it shall be conducted by a "certified laboratory" using an "approved method of testing", as defined in NAC 445A.0564 and NAC 445A.0562, respectively.

c. For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

   i. the exact place, date, and time of sampling;
   ii. the dates the analyses were performed;
   iii. the person(s) who performed the analyses;
   iv. the analytical techniques or methods used; and
   v. the results of all required analyses.

d. If the Permittee performs any monitoring in addition to what is required by this permit, using approved analytical methods and laboratories as specified above, the results of that monitoring shall be included in the next Quarterly Report submitted to the Division.

e. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three years, or longer if required by the Administrator.

f. Unless otherwise allowed by the Division, the approved method of testing selected for analyses shall have a reporting limit which is:

   i. Half or less of the Permit discharge limit; or, if there is no discharge limit,
   ii. Half of less of the applicable water quality criteria; or, if there is no limit or criteria,
   iii. The lowest reasonably obtainable limit using an approved test method.

II.A.9. **Adverse Impact:** The Permittee shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

II.A.10. **24 Hour Reporting:** The Permittee shall orally report any noncompliance or discharge which may seriously endanger health or the environment as soon as possible, but no later than 24 hours from the time the Permittee becomes aware of the circumstances. The report shall be made to the Division at 888-331-6337. A written report shall also be submitted to the Division within ten days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the event and its cause; the period of time over which it occurred, including exact dates and times, and if the situation has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence.

II.A.11. **Right of Entry:** The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials:

a. to enter upon the Permittee's project site or facilities in which any records are required to be kept under the terms and conditions of this permit; and

b. at reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required pursuant to this permit; and to sample any discharge.

II.A.12. **Transfer of Ownership or Control:** In the event of any change in control or ownership of the project 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 Administrator. All transfer of permits shall be approved by the Division.

II.A.13. **Records Retention:** All records and information resulting from the activities required by this permit shall be retained for a minimum of three (3) years, or longer if required by the Administrator.

II.A.14. **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 the office of the Division. As required by the Act, effluent data shall not be considered confidential.

II.A.15. **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.

II.A.16. **Penalty for Violation of General Permit Conditions:** 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.

II.A.17. **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.

II.A.18. **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.

II.A.19. **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.

II.A.20. **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.

II.A.21. **Signature Requirements:** All Notices of Intent shall be signed as follows:

a. By a responsible corporate officer; for purposes of this section, means: 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

b. The manager of an operating facility who is authorized to make management decisions which govern operations and has the duty of making, initiating and directing measures to assure the implementation of environmental compliance with regulation and laws. The manager can ensure that actions are taken to provide 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.

c. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

d. For a municipality, state, federal, or other public agency: By either a principal executive officer or a ranking elected official or other duly authorized representative of the municipal, state or other public facility.

e. Owner of the land on which the routine maintenance is to occur or the landowner's Agent.

II.A.22. **Other Signature Requirements**: BMP Plans, Monitoring Reports, and all other information required by the Division shall be signed by a person described in paragraph II.B.18.a.-e. above of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The Authorization is made in writing by a person described in paragraph a.-e. of this section.

2. The Authorization specifies either an individual or a position within the organization, and

3. The written Authorization is submitted to the Division.

If an authorization under this section is no longer accurate or valid, a new Authorization must be submitted to the Division prior to, or together with, any required reports or information.

Each application, report, and any other information submitted must contain a certification by the person signing the application that he/she is familiar with the information provided, that to the best of his/her knowledge and belief that the information is complete.