

GUSW00001

STATE OF NEVADA  
DIVISION OF ENVIRONMENTAL PROTECTION  
GENERAL PERMIT

For

Stormwater Drainage Well Discharges as Defined in this Permit

In compliance with the provisions of the Nevada Revised Statutes (NRS) 445A and the Nevada Underground Injection Control Regulations (Nevada Administrative Codes 445A.810 through 445A.925), eligible dischargers who have submitted a Notice of Intent (NOI) and filing fee in accordance with NAC 445A.872 are authorized to discharge:

In accordance with requirements and other conditions set forth in Parts A, B and C hereof.

Site Number:

NOI Approval Date:

| Facility Information           |   |
|--------------------------------|---|
| Facility Name                  |   |
| Facility Address               |   |
| Facility Owner                 |   |
| Type of Discharge              | <input type="checkbox"/> Category 1 <input type="checkbox"/> Category 2 |
| Type of Discharge Device(s)    |   |
| Type of Pretreatment Device(s) |   |

This permit shall become effective on **July 15, 2013**.

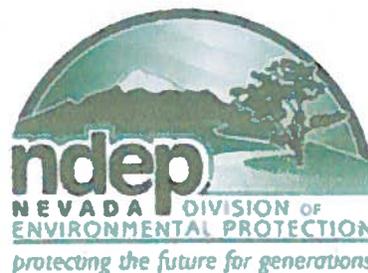
This permit was modified on **February 24, 2014**.

This permit shall expire at midnight, **July 14, 2018**.

Signed this **24<sup>th</sup>** day of **February 2014**.

*Jason Ferrin*

Jason Ferrin, E.I.  
Bureau of Water Pollution Control



## **PART A**

### **A.1. OBJECTIVE, ELIGIBILITY, REQUEST FOR INCLUSION AND NOTICE OF TERMINATION**

**A.1.1. Permit Objective:** The objective of this permit is to authorize discharges to groundwater via any Stormwater Drainage Well (SWDW; see Part C.1. for definitions). A SWDW is a Class V (e.g. subclass 5D2) injection well and may include vertical wells, subsurface stormwater distribution systems, and other similar mechanisms intended to distribute fluids below the ground surface. This SWDW General Permit establishes Notice of Intent (NOI) requirements, water quality limitations, reporting requirements, prohibitions and management practices. This permit ensures:

**A.1.1.1.** Infiltration of water to soil and/or groundwater does not lead to or cause the degradation of groundwater;

**A.1.1.2.** Implementation of appropriate best management practices (BMPs) to minimize pollutant concentrations before the discharge enters the disposal mechanism; and

**A.1.1.3.** Proper maintenance of pretreatment device(s) to minimize suspension or emulsification of trapped pollutants and sediments.

**A.1.2. Eligibility:** Any existing, newly constructed or proposed subsurface disposal system that discharges stormwater to groundwater via SWDW in the state of Nevada is eligible for coverage under this general permit if:

**A.1.2.1.** There is no commingling of discharge with sanitary or commercial/industrial wastes; and

**A.1.2.2.** The facility only discharges stormwater (i.e. rain and/or snowmelt).

**A.1.3. Discharge Categories:** Two discharge categories have been established to permit discharges to SWDWs and are listed below:

**A.1.3.1. Category 1 - Minimal Risk Stormwater Discharges:** This category is established to provide coverage for sites that discharge stormwater which when managed properly has a minimal risk to pollute groundwater. The following site conditions must be met for an entity to receive coverage under this category:

**A.1.3.1.1.** Groundwater depth is greater than 5 feet below bottom of SWDW;

**A.1.3.1.2.** SWDW is greater than 1000 feet from the closest public water system well; and

**A.1.3.1.3.** The discharge must be solely from stormwater runoff and not come into contact with other waste or discharges not associated with stormwater runoff.

**A.1.3.2. Category 2 - Moderate Risk Stormwater Discharges:** This category is established to provide coverage for sites whose discharge has a moderate risk to pollute groundwater

and require sampling and reporting. Permitted activities covered under Category 2 include having any of the following site conditions:

- A.1.3.2.1. Groundwater depth is less than 5 feet below bottom of SWDW;
  - A.1.3.2.2. SWDW is less than 1000 feet from the closest public water system well;
  - A.1.3.2.3. The discharge has the potential to come into contact with other waste or discharges not associated with stormwater runoff; and/or
  - A.1.3.2.4. Any eligible discharge which the Nevada Division of Environmental Protection (NDEP) determines is a moderate risk to groundwater and shall include pretreatment and semi-annual sampling.
- A.1.4. Prohibited Discharges:** Discharges not covered by this permit include:
- A.1.4.1. Discharges to surface waters of the State;
  - A.1.4.2. Discharges which are covered under the National Pollutant Discharge Elimination System (NPDES);
  - A.1.4.3. Discharges from SWDWs that are within 150 feet of a public water system well;
  - A.1.4.4. Discharges from mining process activities;
  - A.1.4.5. Discharges of commercial/industrial process water and waste;
  - A.1.4.6. Discharges of domestic/sanitary waste;
  - A.1.4.7. Discharges of antifreeze, degreasers, detergents, fuels, alcohol and solvents from dumping;
  - A.1.4.8. Discharges to open trenches filled with gravel that are wider than they are deep;
  - A.1.4.9. Discharges of fluid which degrades the physical, chemical or biological quality of the aquifer into which the fluid is discharged, pursuant to NAC 445A.850;
  - A.1.4.10. Discharges of fluid related to motor vehicle maintenance (NAC 445A.8491-8499);
  - A.1.4.11. Discharges authorized by other NDEP permits; and
  - A.1.4.12. Discharges not authorized under this permit.
- A.1.5. Application Deadlines:** Coverage under this permit will take effect once the NOI and filing fee has been submitted and approved by the Division.
- A.1.5.1. **Existing SWDWs:** Systems that have already been constructed and are currently discharging without a permit shall submit an NOI and application fee within 180 days following the effective date of this permit. Facilities who do not submit an NOI and

application fee within 180 days of the effective date of this permit may be subject to enforcement actions.

- A.1.5.2. New SWDWs:** New discharge systems are required to submit an NOI and application and fee prior to the start of construction of the SWDW.
- A.1.6. Existing Permittees:** Existing dischargers who are covered under a current individual permit may continue to discharge until such valid permit expires.
- A.1.7. Requirement for Individual Permit:** The Division may require the holder of this general permit to apply for and obtain an individual permit in accordance with NRS 445A.480.
- A.1.8. Request for Inclusion:** To apply for permit coverage, all qualifying dischargers (new and existing) must request inclusion under this permit by completing and submitting for approval an NDEP NOI along with appropriate application fees.
- A.1.9. NOI Requirements:** The minimum information required on an NOI consists of the following:
  - A.1.9.1. Owner Information:** Owner name, phone number, address, city, state, and zip code;
  - A.1.9.2. Operator Information:** Operator name, phone number, address, city, state, and zip code;
  - A.1.9.3. Billing Information:** Billing name, phone number, address, city, state, zip code, and Taxpayer ID number (TIN);;
  - A.1.9.4. Facility Information:** Site name, address, city, state, zip code, and Assessor's Parcel Number (APN);
  - A.1.9.5. Category of Discharge** the Permittee is requesting;
  - A.1.9.6. Signed and dated NOI certification statement** in accordance with Part C.2.3 of this permit.
- A.1.10. Discharge Category NOI Requirements:** Based on the Category of Discharge, the following information must be compiled and submitted with the permit NOI:
  - A.1.10.1. Category 1 - Minimal Risk Stormwater Discharges to SWDWs: NOI Requirements**
    - A.1.10.1.1. The Permittee shall provide a narrative report that describes:**
      - A.1.10.1.1.1. The type of disposal device used (including any pretreatment devices);**
      - A.1.10.1.1.2. Any possible contamination of stormwater that might occur;**
      - A.1.10.1.1.3. Depth and flow direction of groundwater; and**
      - A.1.10.1.1.4. A description of the BMPs implemented to control sediment and stormwater contamination.**

**A.1.10.1.2.** Site plans and scaled map showing disposal details and the path that the water flows to the point of discharge.

**A.1.10.2. Category 2 – Moderate Risk Stormwater Discharges to SWDWs: NOI Requirements**

**A.1.10.2.1.** The Permittee shall provide a narrative report that describes:

**A.1.10.2.1.1.** The type of disposal device used (including required pretreatment devices);

**A.1.10.2.1.2.** Any possible contamination of water that might occur;

**A.1.10.2.1.3.** Activities other than direct stormwater discharge that occur onsite. These activities might include potential accidental spills and industrial/commercial processes;

**A.1.10.2.1.4.** Location of all public water system wells within 1000 feet of the disposal device;

**A.1.10.2.1.5.** Depth and flow direction of groundwater;

**A.1.10.2.1.6.** A short summary of the sampling procedures, including how and where the sample will be taken; and

**A.1.10.2.1.7.** A description of the BMPs implemented to control sediment and stormwater contamination.

**A.1.10.2.2.** Site plans and scaled map showing disposal details and the path that the water flows to the point of discharge.

**A.1.11. Notice of Termination Requirements:** An approved NDEP Notice of Termination (NOT) shall be submitted upon cessation of discharge. NOT applications are available online at <http://ndep.nv.gov/bwpc/>. The minimum information required on an NOT consists of the following:

**A.1.11.1.** General permit number;

**A.1.11.2.** Operator information: Operator name, phone number, address, city, state, and zip code;

**A.1.11.3.** Facility Information: Site name, address, city, state, zip code, and Assessor's Parcel Number (APN); and

**A.1.11.4.** A **Class V Well Pre-Closure Notification Form** (<http://ndep.nv.gov/bwpc/vclose.pdf>) shall be submitted to NDEP at least thirty (30) days prior to well closure. All plugging and abandonment procedures must follow NAC 445A.810-925.

**A.1.12. Application Fee:** The Permittee shall remit a one-time permit fee of \$400 in accordance with NAC 445A.872 under this general permit.

**A.1.13. Annual Fee:** The Permittee shall remit an annual review and services fee of \$300 in accordance with NAC 445A.872 on or before **July 1<sup>st</sup>** of every year that the Permittee is authorized to discharge under this general permit.

**A.2 DISCHARGE LIMITATIONS, MONITORING REQUIREMENTS AND CONDITIONS**

**A.2.1.** During the period beginning on the effective date of this general permit, and lasting until the general permit expires, the Permittee is authorized to discharge water to groundwater via subsurface SWDWs. The discharge activities shall be limited and reported by the Permittee as specified in this section below.

**A.2.1.1. Category 1 – Minimal Risk Stormwater Discharges to SWDWs: Discharge Limitations and Conditions**

**A.2.1.1.1.** Discharge activities must be operated in accordance with permit requirements and the BMP Plan. **Sampling is not required under this discharge category.** Reporting requirements for Category 1 discharges are listed under Part A.3.2.

**A.2.1.2. Category 2 – Moderate Risk Discharges to SWDWs: Discharge Limitations, Monitoring Requirements and Conditions**

**A.2.1.2.1.** Discharge activities must be operated in accordance with permit requirements and the BMP Plan. Annual reporting requirements for Category 2 discharges are listed under Part A.3.2. Discharge samples taken in compliance with the monitoring requirements shall be taken at the following location:

- A sample must be taken from the second chamber, outfall or sampling port of the pretreatment device.

| Parameters   | Discharge Limit - | Measurement Frequency | Sample Type |
|--|-------------------|-----------------------|-------------|
| Total Dissolved Solids (TDS) - mg/L                              | Monitor & Report  | Semi-annual           | Discrete    |
| Total Suspended Solids (TSS) - mg/L                              | Monitor & Report  | Semi-annual           | Discrete    |
| Total Petroleum Hydrocarbon (TPH) (C6 - C40) - mg/L <sup>1</sup> | Monitor & Report  | Semi-annual           | Discrete    |
| Nitrate as N - mg/L  | Monitor & Report  | Semi-annual           | Discrete    |
| Nitrite as N - mg/L  | Monitor & Report  | Semi-annual           | Discrete    |
| Chloride   | Monitor & Report  | Semi-annual           | Discrete    |
| Benzene - mg/L   | Monitor & Report  | Semi-annual           | Discrete    |
| Ethyl benzene - mg/L   | Monitor & Report  | Semi-annual           | Discrete    |
| Toluene - mg/L   | Monitor & Report  | Semi-annual           | Discrete    |
| Xylene - mg/L  | Monitor & Report  | Semi-annual           | Discrete    |
| pH - Standard Units  | Monitor & Report  | Semi-annual           | Discrete    |
| Arsenic <sup>1</sup>   | Monitor & Report  | Semi-annual           | Discrete    |
| Cadmium <sup>1</sup>   | Monitor & Report  | Semi-annual           | Discrete    |
| Chromium <sup>1</sup>  | Monitor & Report  | Semi-annual           | Discrete    |
| Copper <sup>1</sup>  | Monitor & Report  | Semi-annual           | Discrete    |
| Lead <sup>1</sup>  | Monitor & Report  | Semi-annual           | Discrete    |
| Zinc <sup>1</sup>  | Monitor & Report  | Semi-annual           | Discrete    |

1. The UIC Program requires inorganic analyses of metals for "Total Metals" in which samples are not filtered and are preserved with a weak acid in the field. Any exception shall be requested and pre-approved by the UIC Program prior to the sampling event.

- A.2.2. Additional Monitoring by Permittee:** Additional monitoring requirements may be added at the discretion of the Division.
- A.2.3. Surfacing:** Surfacing of any substance from a system is strictly prohibited.
- A.2.4. Odors:** There shall be no objectionable odors resulting from activities authorized by this general permit.
- A.2.5. Vehicle Washing:** This permit authorizes occasional incidental vehicle wash runoff. The facility shall not use degreasers/emulsifiers and is prohibited from engine and undercarriage washing. If vehicle washing happens on a regular basis, an individual permit may be required.
- A.2.6. Facility Construction:** The collection and disposal facility shall be constructed in conformance with plans approved by the Division. All changes to any plans approved by the Division must be re-approved by the Division prior to implementation.
- A.2.7. Additional Wells:** The Division may allow more than one SWDW to be authorized under one general permit. Determinations will be made on a case-by-case basis and will take into consideration the distance between wells, drainage basin, ownership and other conditions.
- A.2.8. Signage:** The Permittee shall post a sign at the facility in clear view of users that states: "Dumping prohibited. This facility drains to groundwater. To report illicit dumping, please call 1-888-331-NDEP (6337)."
- A.2.9. Local Authorities:** Local authorities and governments have the right to require more stringent design requirements, BMPs, and parameter limits.

### **A.3. MONITORING AND REPORTING**

#### **A.3.1. Monitoring**

- A.3.1.1. Representative Sample:** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Underground Injection Control (UIC) Form U230 shall be submitted along with the water samples. The form can be found at [http://ndep.nv.gov/bwpc/docs/uicform\\_u230\\_uicfieldsamplesheet.pdf](http://ndep.nv.gov/bwpc/docs/uicform_u230_uicfieldsamplesheet.pdf).
- A.3.1.2. Representative Discharges from Substantially Similar Outfalls:** 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 BMP Plan 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:

- A.3.1.2.1. The site activities that occur in the drainage area to each outfall;
- A.3.1.2.2. Significant materials stored or handled within the drainage area to each outfall; and
- A.3.1.2.3. The management practices and pollution control structures that occur within the drainage area for each outfall.
- A.3.1.3. **Test Procedures:** Analyses shall be conducted by a “certified laboratory” using an “approved method of testing”, as defined in NAC 445A.0564 and NAC 445A.0562, respectively.
- A.3.1.4. **Recording the Results:** For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:
  - A.3.1.4.1. The exact place, date, and time of sampling;
  - A.3.1.4.2. The dates the analyses were performed;
  - A.3.1.4.3. The person(s) who performed the analyses;
  - A.3.1.4.4. The analytical techniques or methods used; and
  - A.3.1.4.5. The results of all required analyses, including reporting limits.
- A.3.1.5. **Records Retention:** All records and information resulting from monitoring activities; the permit application; reporting required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation shall be retained for a minimum of five (5) years or longer if required by the Administrator.
- A.3.1.6. **Reporting Limits:** Unless otherwise allowed by the Division, the approved method of testing selected for analyses shall have a reporting limit which is:
  - A.3.1.7.1. Half or less of the discharge limit; or, if there is no discharge limit,
  - A.3.1.7.2. Half of less of the applicable water quality criteria; or, if there is no limit or criteria,
  - A.3.1.7.3. The lowest reasonably obtainable limit using an approved test method.
- A.3.1.7. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, discharge flow, discharge frequency, and receiving water conditions, the Division and/or Administrator may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.
- A.3.2. **Reporting:** Reports shall be submitted in accordance to Parts A.3.2.1. and A.3.2.2. below. Discharge Category 1 requires a summary report submitted to the Division upon renewal of the SWDW General Permit. Discharge Category 2 requires annual reporting as well as a summary report due upon renewal of the permit.
  - A.3.2.1. **Category 1 Reporting:** There are no annual reporting requirements for Category 1 dischargers. For this discharge category, the Permittee is only responsible for submitting a report each time this general permit is renewed (approximately five years from the previous permit issue date). The Division will notify the Permittee that the general permit has been reissued and an updated NOI and summary report are due. The summary report requirements are as follows:

- A.3.2.1.1.** The summary reports shall document the inspection findings; update spill, leak, and unauthorized discharge information including clean up and preventive actions taken; and report any modification to the pretreatment or disposal devices. If the site uses pretreatment devices, Attachment I must be submitted with the report. The BMP Plan shall be discussed including additions or modifications that occurred over the reporting period. Each report shall include a certification that the pretreatment system is in compliance with the permit, and identify any incidents of non-compliance.
- A.3.2.2.** **Category 2 Reporting:** Annual reports shall be submitted by January 28<sup>th</sup> of each year the permit is active. The annual reports shall consist of the following information:
- A.3.2.2.1.** The permit number; name of the facility; results from semiannual sampling; and a certification statement and signature in accordance with Part C.2.3. of the permit.
- A.3.2.2.2.** Category 2 discharges will also require a summary report, pursuant to A.3.2.1.1., each time the general permit is reissued.
- A.3.3.** **Other Information:** Where the Permittee becomes aware of failure to submit any relevant facts in a permit application or has submitted incorrect information in a permit application or in any report to the Division, the Permittee shall promptly submit such facts or information.
- A.3.4.** **Submittal:** An original signed copy of these, and all other reports required herein, shall be submitted to the Division at the following address:

**Nevada Division of Environmental Protection  
Bureau of Water Pollution Control  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249**

## **PART B**

- B.1. PRETREATMENT DEVICE INSPECTIONS, MAINTENANCE AND SLUDGE REQUIREMENTS**
- B.1.1. Pretreatment Devices:** A pretreatment device is required to be installed prior to discharge at new facilities that fall under Discharge Category 2 of this permit. A facility is considered new if construction has commenced after August 1, 2013.
- B.1.2. Pretreatment Device Bypass:** If a new or proposed facility uses a pretreatment device, the device shall be designed with a bypass mechanism to prevent flushing of the pretreatment device during 2-year, 24-hour or higher storm flows.
- B.1.3. Required Inspections:** Inspection of pretreatment device(s) for accumulated sludge, debris and sediment must be performed at least semi-annually and after major storm events. Inspection, cleaning, spills and other maintenance activities shall be documented in

**Attachment 1.** Records of the required inspections shall be submitted to the Division along with the annual report.

**B.1.4. Required Maintenance:** The pretreatment device(s) shall be pumped once the total depth of oil, grease, sand and other debris exceeds twenty percent of the total depth as measured from the base of the device to the top of the fluid. All maintenance activities shall also be recorded in **Attachment 1**.

**B.1.5. Required Disposal Practices:** The pretreatment device shall be cleaned by a certified waste hauler as often as necessary to maintain efficiency. Sludge removed from the pretreatment device must be disposed of in a manner approved by the Division and the county in which the facility is located.

## **B.2 BEST MANAGEMENT PRACTICES PLAN**

**B.2.1. Development of a BMP Plan:** The Permittee shall develop and implement a BMP Plan for the discharge operation covered under this permit. The BMP Plan shall consist of the following: a copy of the confirmation page from the NOI submittal, the permit approval letter from NDEP, a map of the facility that highlights where stormwater flows, location of wells and pretreatment devices and a narrative description of all BMPs in place, spill prevention and response procedures, preventative maintenance, and employee education. The BMP Plan does not need to be submitted to NDEP for review, but must be kept on site or available upon request by NDEP and other local agencies.

**B.2.1.1. Best Management Practices:** BMPs shall be implemented and maintained to the maximum extent practicable and prior to commencement of discharge. The following BMPs shall ensure compliance with the terms and conditions of this general permit. A complete BMP guidance is available at <http://ndep.nv.gov/bwqp/bmp05.htm>.

**B.2.1.1.1. Containment:** All hazardous materials shall be stored within berms or other secondary containment devices to prevent leaks and spills. If the use of berms or secondary containment devices is not possible, then hazardous materials shall be stored in areas that do not drain to the discharge devices.

**B.2.1.1.2. Erosion and Sediment Control:** Erosion control methods such as vegetating exposed areas, graveling or paving shall be employed to minimize erosion of soil at the site. Sediment control methods such as detention facilities, sediment control fences, vegetated filter strips, or grassy swales shall be employed to minimize sediment loads in storm water discharges.

**B.2.1.1.3. Debris Control:** Screens, booms, settling ponds, or other methods shall be employed to eliminate or minimize debris in discharges.

**B.2.1.1.4. Storm Water Diversion:** Stormwater shall be diverted away from fueling, manufacturing, treatment, storage, and disposal areas to prevent exposure of uncontaminated storm water to potential pollutants.

**B.2.1.1.5. Covering Activities:** Fueling, manufacturing, treatment, storage, and disposal areas shall be covered to prevent exposure of storm water to potential pollutants.

Acceptable covers include, but are not limited to, permanent structures such as roofs or buildings and temporary covers such as tarps.

- B.2.1.1.6. Housekeeping:** Areas that may contribute pollutants to storm water shall be kept clean. Sweeping, prompt cleanup of spills and leaks, and proper maintenance of vehicles shall be employed to eliminate or minimized exposure of storm water to pollutants.
- B.2.1.2. Spill Prevention and Response Procedures:** Methods to prevent spills along with cleanup and notification procedures shall be included in the BMP Plan. These methods and procedures shall be made available to appropriate personnel. The required cleanup material shall be on site or readily available.
- B.2.1.3. Preventative Maintenance:** A preventative maintenance program shall be implemented to ensure the effective operation of all site controls. At a minimum the program shall include:
- B.2.1.3.1.** Monthly inspections of areas where potential spills of significant materials could impact storm water runoff;
- B.2.1.3.2.** Monthly inspections of storm water control measures, discharge wells, trenches, and pretreatment systems; and
- B.2.1.3.3.** Cleaning, maintenance, and/or repair of pretreatment systems as needed upon discovery.
- B.2.1.4. Employee Education:** An employee orientation and education program shall be developed and maintained to inform personnel of the components of the BMP Plan, including spill response procedures and the necessity of good housekeeping practices. A schedule for employee education shall be included in the BMP Plan.

### **B.3 STANDARD PERMIT CONDITIONS**

- B.3.1. Continuation of Coverage:** The Permittee will be included in the reissued general permit after this general permit expires, or will be informed of other permitting requirements. The Permittee will receive public notice if NDEP determines to reissue the general permit.
- B.3.2. Facilities Operation:** The Permittee shall at all times maintain in good working order and operate as efficiently as possible all equipment and ancillary BMPs used by the Permittee to achieve compliance with the terms and conditions of this general permit.
- B.3.3. 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.
- B.3.4. 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.

**B.3.5. 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.3.6. Planned Changes:** The Permittee shall give notice to the Administrator as soon as possible of any planned physical alterations or additions to the permitted facility.

**B.3.6.1.** Notice is required only when the alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source (40 CFR §122.29(b)), or could significantly change the nature or increase the quantity of pollutants discharged.

**B.3.7. Anticipated Non-Compliance:** The Permittee shall give advance notice to the Administrator of any planned changes in the permitted facility or activity, which may result in non-compliance with permit requirements.

**B.3.7.1.** Reports shall include a certification that the Permittee is in compliance with the permit, and identify any incidents of non-compliances; a narrative explanation must be attached to every noncompliance incident.

**B.3.8. Change in Discharge:** All discharges authorized herein shall be consistent with the terms and conditions of this general permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized shall constitute a violation of the permit.

Any anticipated facility expansions or treatment modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit-issuing authority of such changes. Any changes to the permitted treatment facility must comply with NAC 445A.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

**B.3.9. Facilities Operation and Maintenance:** The Permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment or control facilities, or collection systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures.

**B.3.10. Noncompliance, Unauthorized Discharge, Bypass, and Upset:**

**B.3.10.1.** Any diversion, bypass, spill, overflow, or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities or process water from industrial or commercial operations under the control of the Permittee is prohibited except as authorized by this permit.

**B.3.10.2.** In the event the Permittee has knowledge that a diversion, bypass, spill, overflow, or discharge not authorized by this permit is probable, the Permittee shall notify the Administrator immediately at one of the following phone numbers: 775-687-9485 or 888-331-NDEP (6337).

**B.3.10.3.** The Permittee shall notify the Administrator within twenty-four (24) hours of the occurrence of any diversion, bypass, spill, upset, overflow, or release of treated or untreated discharge, other than that which is authorized by this permit, resulting in:

**B.3.10.3.1.** Any unanticipated bypass which exceeds any effluent limitation in the permit;

**B.3.10.3.2.** Any upset which exceeds any effluent limitation in the permit; and

**B.3.10.3.3.** Any violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.

The Permittee shall also notify all agencies, organizations, tribes, utilities, and/or local governments responsible for, having a legal interest in, or impacted by downstream water quality affecting public health and welfare, biological integrity, or designated uses within the state of Nevada, within twenty-four hours of the occurrence.

**B.3.10.4.** A written report shall be submitted to the Administrator within five (5) days of diversion, bypass, spill, overflow, upset, or discharge detailing the entire incident including:

**B.3.10.4.1.** Time and date of discharge;

**B.3.10.4.2.** The type of discharge (e.g. bypass, upset, or violation);

**B.3.10.4.3.** The effluent limitation, condition, or standard violated;

**B.3.10.4.4.** Exact location and estimated amount of discharge;

**B.3.10.4.5.** Flow path and any bodies of water which the discharge contacts;

**B.3.10.4.6.** The specific cause of the discharge;

**B.3.10.4.7.** The preventive and/or corrective actions taken; and

**B.3.10.4.8.** A comprehensive list of all agencies, organizations, tribes, utilities, and/or local governments notified and when notification was issued.

**B.3.10.5.** The Permittee shall report all instances of noncompliance not reported under Part B.3.10.3. at the time DMRs are submitted. The reports shall contain the information listed in Part B.3.10.4.

**B.3.10.6.** A "bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

**B.3.10.6.1.** Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded if the bypass is needed to allow essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts B.3.10.1. and B.3.10.2.

- B.3.10.6.2.** Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of bypass.
- B.3.10.7.** Bypass is prohibited, and the Administrator may take enforcement action against a Permittee for bypass, unless:
- B.3.10.7.1.** The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
- B.3.10.7.2.** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
- B.3.10.8.** The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the conditions listed in Part B.3.10.7.
- B.3.10.9.** An "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B.3.10.10.** A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
- B.3.10.10.1.** An upset occurred and that the Permittee can identify the cause(s) of the upset;
- B.3.10.10.2.** The permitted facility was at the time being properly operated;
- B.3.10.10.3.** The Permittee submitted notice of the upset as required under Part B.3.10.4.; and
- B.3.10.10.4.** The Permittee complied with any remedial measures required under Part B.3.5.
- B.3.10.11.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part B.3.10.9. are met.
- B.3.10.12.** In selecting the appropriate enforcement option, the Administrator shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.

## **PART C**

### **C.1. Definitions**

- C.1.1. Discrete Sample:** means any individual sample collected in less than 15 minutes.
- C.1.2. mg/l:** milligrams per liter.
- C.1.3. Public Water System:** means a system, regardless of ownership, that provides the public with water for human consumption through pipes or other constructed conveyances, if the system has 15 or more service connections or regularly serves 25 or more persons (NRS 445A.235).
- C.1.4. Stormwater Drainage Wells:** Typically shallow disposal wells designed to receive rain water or melted snow from paved areas including parking lots, streets, residential subdivisions, building roofs, and highways. A SWDW is a Class V (e.g. subclass 5D2) and includes any of the following:
- C.1.4.1. Vertical Well:** Any bored, drilled or driven shaft, or dug hole that is deeper than its widest surface dimension; or an improved sinkhole; or a subsurface fluid distribution system;
- C.1.4.2. Subsurface Stormwater Distribution Systems:** An assemblage of perforated pipes, or other mechanisms that distribute stormwater below the ground surface. Perforated pipe is defined as a pipe designed to discharge water through small, multiple, closely spaced orifices or nozzles placed in a segment of its circumference. A stormwater distribution system is considered subsurface if the disposal system is covered by soil, asphalt, or concrete; and
- C.1.4.3.** Other similar subsurface mechanisms used to distribute stormwater below the ground surface.

### **C.2. RESPONSIBILITIES**

- C.2.1. Right of Entry and Inspection:** The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:
- C.2.1.1.** Enter at reasonable times upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
- C.2.1.2.** Have access to and copy any records required to be kept under the terms and conditions of this permit;
- C.2.1.3.** Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and
- C.2.1.4.** Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.

- C.2.2. Transfer of Ownership or Control:** In the event of any change in control or ownership of facilities from which the authorized discharge emanates, 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. The Administrator may require modification or revocation and re-issuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Administrator shall approve all transfer of permits.
- C.2.3. Signatures, Certification Required on Application and Reporting Forms:**
- C.2.3.1.** All information submitted to the Administrator shall be signed and certified by making the following certification.
- “I hereby certify that I am familiar with the information contained in the application, report, or other documents submitted to the Administrator and that to the best of my knowledge and ability such information is true, complete and accurate.”
- C.2.3.2.** All applications, reports or other information submitted to the Administrator shall be signed by one of the following:
- C.2.3.2.1.** A general partner of the partnership;
- C.2.3.2.2.** The proprietor of the sole proprietorship; or
- C.2.3.2.3.** A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.
- C.2.4. Availability of Reports:** Except for data determined to be confidential under Nevada Revised Statutes (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 Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.
- C.2.5. 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.
- C.2.6. Penalty for Violation of 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.

**C.2.7. Permit Modification, Suspension, or Revocation:**

- C.2.7.1.** 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:
- C.2.7.1.1.** Violation of any terms or conditions of this permit;
  - C.2.7.1.2.** Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
  - C.2.7.1.3.** A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - C.2.7.1.4.** A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- C.2.8. Toxic Pollutants:** Notwithstanding Part C.2.7., if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.
- C.2.9. 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.
- C.2.10. 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, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.
- C.2.11. 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.
- C.2.12. Duty to Comply:** The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for: enforcement action, permit termination, revocation and re-issuance, modification, or denial of a permit renewal application.
- C.2.13. Need to Halt or Reduce Activity Not a Defense:** In an enforcement action, the need to halt or reduce permitted activities in order to maintain compliance with the conditions of this permit shall not be a defense for a Permittee.
- C.2.14. Duty to Provide Information:** The Permittee shall furnish to the Administrator, within a reasonable time, any relevant information which the Administrator may request to

determine whether cause exists for modifying, revoking and re-issuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.

**C.2.15. Holding Pond Conditions:** If any treated effluent from the Permittee's facility is placed in transfer and storage ponds, such ponds shall be located and constructed so as to:

- C.2.15.1.** Contain with no discharge, the 25-year 24-hour storm at said location;
- C.2.15.2.** Withstand with no discharge the 100-year flood of said location; and
- C.2.15.3.** Prevent escape of wastewater by leakage other than as authorized by this permit.

