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NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
protecting the future for generations

STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor
Allen Biaggi, Director
Leo M. Drozdoff, P.E., Administrator

Stormwater General Permit NVR050000

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

Stormwater Associated with Industrial Activity

To Waters of the United States

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

This permit shall become effective on September 22, 2008.

This permit and the authorization to discharge shall expire at midnight September 21, 2013.

Signed this 22nd day of September, 2008.

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

PART I. SPECIFIC PERMIT CONDITIONS

I.A PERMIT COVERAGE

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

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

I.A.3 **Waters of the U.S.** is defined at 40 CFR §122.2. This definition and other definitions pertinent to this permit can be found in Appendix A. Discharges to storm drain systems that in turn discharge to Waters of the U.S. are considered to be discharges to Waters of the U.S. The **U.S. Environmental Protection Agency ("EPA")** has delegated responsibility to the State of Nevada to implement the **National Pollutant Discharge Elimination System ("NPDES")** program authorized by the **Clean Water Act ("CWA")**. The NPDES permits regulate discharges to Waters of the U.S., which include surface Waters of the State. Nevada issues NPDES permits for discharges, including stormwater runoff, to surface waters, including lakes, streams, dry washes and storm drains.

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

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

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

I.A.5.b **Stormwater Discharges Associated with Industrial Activity for this permit is defined as:**

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

I.A.5.b.(ii) Facilities classified as **Standard Industrial Classifications ("SIC")** 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

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

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

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

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

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

I.A.5.b.(viii) Transportation facilities classified as SIC 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (b)(14) (i)-(vi) or (viii)-(ix) of this section are associated with industrial activity;

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

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

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

I.A.5.c.(i) Mineral Industry Facilities defined within SIC code 10 under Category III of 40 CFR §122.26(b)(14). These discharges are authorized under Permit NVR300000; or

I.A.5.c.(ii) Construction activity defined under Category (x) of 40 CFR §122.26(b)(14). These discharges are authorized under Permit NVR100000.

I.A.5.d **Request for Inclusion**

I.A.5.d.(i) Eligible dischargers seeking authorization to discharge under this general permit shall electronically submit a completed **Notice of Intent ("NOI")**. The NOI can be found on the **Nevada Division of Environmental Protection's ("NDEP" or "the Division")** stormwater website at: http://ndep.nv.gov/bwpc/storm_ind03.htm. A completed NOI

confirmation page with an original signature by a qualified individual as discussed in Part IV.B and the applicable filling fee shall be submitted to NDEP. Provisional authorization begins 24 hours after a completed NOI is submitted electronically to NDEP. Following review of the NOI, NDEP may either: determine the NOI is complete and confirm coverage by providing a notification and an approval; determine the NOI is incomplete and deny coverage until a completed NOI is submitted; or deny coverage and require an application for an individual permit be submitted. Application deadlines are as follows:

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

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

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

I.A.5.e Terminating Coverage

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

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

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

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

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

I.A.5.f Authorization

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

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

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

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

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

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

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

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

I.A.5.g.(i) Permittees authorized under this general permit may be authorized for certain miscellaneous non-stormwater discharges if those discharges are not significant contributors of pollutants. Such discharges may include: discharges from fire hydrant flushing; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources including waterline flushing; routine external building wash down which does not contain detergents; pavement wash water where spills or leaks of

toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated groundwater or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents. BMPs shall be implemented if needed to minimize impacts from these discharges. Non-stormwater discharges that are significant contributors of pollutants shall be eliminated or authorized under a separate NPDES permit. Although fire-fighting drainage may contain significant pollutant concentrations, the frequency of occurrence is low and the discharge is hereby authorized out of necessity.

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

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

I.A.5.i **NOI Requirements**

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

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

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

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

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

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

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

I.A.5.i.(i).(g) Information about the operator, including the company name and mailing address of the facility and information about the operator

including name, mailing address, phone number and the legal status of the operator (e.g. federal, state, tribal, private or public entity;

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

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

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

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

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

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

I.A.5.k NOT requirements

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

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

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

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

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

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

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

"I certify under penalty of law that all stormwater discharges associated with industrial activity from the identified facility that was authorized by this general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge stormwater associated with industrial activity under this general permit, and that discharging pollutants in stormwater associated with industrial activity to Waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act."

I.A.5.l Address for Submittals:

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

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

PART II. STORMWATER POLLUTION PREVENTION PLAN

II.A GENERAL REQUIREMENTS

II.A.1 The Permittee shall prepare and implement a SWPPP that complies with the terms of this permit for the permitted facility before submitting an NOI for permit coverage. The SWPPP does not need to be submitted to NDEP for review. If a SWPPP was prepared under the previous general permit, the permittee shall review and update it to meet all provisions of this new general permit prior to submitting a renewal NOI. All SWPPPs shall include BMPs, economically reasonable and appropriate in light of current industry practices that have been selected, designed, installed, implemented and maintained in accordance with good engineering practices to prevent or minimize all pollutants in your stormwater discharge, as well as any more stringent measures necessary to meet any water quality provisions of Part II.B.1.f, Part II.B.1.g and Part IV.A.3 of this general permit. NDEP does not currently require the Permittee to use a registered professional engineer or other qualified professional to prepare the SWPPP.

However, the person preparing the SWPPP shall be qualified to ensure all the requirements of the SWPPP are met.

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

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

- Identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the permitted facility;
- Describe and ensure implementation of practices the Permittee will use to eliminate or reduce all pollutants in stormwater discharges from the permitted facility;
- Ensure compliance with the terms and conditions of this permit;
- Include all necessary measures to ensure that the discharge complies with all water quality provisions of Part II.B.1.f, Part II.B.1.g and Part IV.A.3 of this permit.
- The SWPPP shall be prepared in accordance with good engineering practice and shall consist of project information, BMPs that will be used at the site, an inspection and maintenance program, presence of non-stormwater discharges and BMPs for such discharges, and a description of any permanent stormwater controls.

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

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

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

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

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

II.B SPECIFIC REQUIREMENTS

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

II.B.1.a Facility Identification:

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

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

II.B.1.a.(iii) Permittee: Company or agency mailing address and phone number;

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

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

II.B.1.b **Facility Characteristics**

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

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

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

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

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

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

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

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

II.B.1.c **General Location Map**

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

II.B.1.d **Site Map**

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

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

II.B.1.d.(i).(b)	Location and extent of significant structure and impervious surfaces;
II.B.1.d.(i).(c)	The location of each outfall covered by the permit;
II.B.1.d.(i).(d)	An outline of the drainage area and direction of flow (use arrows) that is within the facility's boundary and that contributes stormwater to each permitted outfall;
II.B.1.d.(i).(e)	Locations of connections or discharges to an MS4, including ditches, pipes and swales;
II.B.1.d.(i).(f)	Locations of all structures (e.g. buildings, garages, storage tanks);
II.B.1.d.(i).(g)	Listing and location of all existing source and structural control BMPs that are designed to reduce pollution in stormwater runoff;
II.B.1.d.(i).(h)	Location of any process wastewater treatment units (including ponds);
II.B.1.d.(i).(i)	Location of a bag house and other air treatment units exposed to precipitation or runoff;
II.B.1.d.(i).(j)	Location of surface water bodies (including wetlands) within one (1) mile of the facility, including all receiving waters for the stormwater discharge from the facility;
II.B.1.d.(i).(k)	Location of vehicle and equipment maintenance areas and/or cleaning areas;
II.B.1.d.(i).(l)	Location of physical features of the site that may influence stormwater runoff or contribute a dry weather flow;
II.B.1.d.(i).(m)	Location of processing areas; storage areas; material loading/unloading areas; fueling stations; access roads, rail cars and tracks; and other locations where significant materials are exposed to precipitation or runoff;
II.B.1.d.(i).(n)	Locations and sources of run-on to the facility from adjacent property that contains significant quantities of pollutants. An evaluation of how the quality of the stormwater running onto the facility impacts the stormwater discharges from the facility;
II.B.1.d.(i).(o)	Identify any storage piles containing salt used for road de-icing or other commercial or industrial purposes; and
II.B.1.d.(i).(p)	The site map shall show the flow of stormwater runoff from each of

these locations so that the final outfall where the discharge leaves the facility's boundary is apparent.

II.B.1.e Non-Stormwater Discharges

II.B.1.e.(i) All non-stormwater discharges discussed in Part I.A.5.g.(i) that qualify for permit coverage shall be identified in the SWPPP. The SWPPP shall describe the discharge points and appropriate BMPs for these non-stormwater discharges.

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

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

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

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

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

II.B.1.f Receiving Waters

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

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

II.B.1.g.(i) When discharges to water quality-impaired waters that are contained in the current 303(d) Impaired Water Body listing issued by NDEP's Bureau of Water Quality Planning, the permittee must investigate whether discharges from the permittee's site will contribute significantly to any 303(d) listing. 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. Information concerning the 303(d) list can be found on the following NDEP website: http://ndep.nv.gov/bwqp/303dlist.htm. For a list of TMDLs approved by EPA please refer to the following NDEP website: http://ndep.nv.gov/bwqp/tmdl.htm.

II.B.1.g.(ii) When a TMDL has not been established as described in the previous section, 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. The SWPPP shall document any consultation with state authorities on water quality impairment-related requirements and activities.

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

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

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

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

substances or oil at the facility, and any materials stored in drums, barrels, tanks, and similar containers;

II.B.1.h.(i).(c) **Spills and Leaks.** The permittee shall identify where potential spills and leaks could occur that would contribute pollutants to stormwater discharges and the corresponding outfalls. The permittee shall document in the SWPPP all significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas or that drained to a stormwater conveyance in the three (3) years prior to the date the permittee prepared or amended the SWPPP.

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

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

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

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

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

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

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

II.B.1.i.(i).(d) The investigation for non-stormwater discharges shall be completed and the certification shall be prepared and made readily available for review by authorized NDEP personnel upon request.

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

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

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

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

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

II.B.1.j Stormwater Control Measures

II.B.1.j.(i) The permittee shall implement BMPs for all areas identified in Part II.B.1.d to prevent or minimize pollutants in stormwater discharges from the facility. The permittee shall also take all reasonable steps to control or address the quality of discharges from your site that may not originate at the permitted facility. In the SWPPP describe the type, location and implementation of all BMPs for each area where industrial materials or activities are exposed to stormwater. The permittee shall describe the stormwater runoff management practices, i.e., permanent structural BMPs for the facility in the SWPPP. These are typically used to divert, infiltrate, reuse, contain or otherwise reduce pollutants in your discharges. Such BMPs may be required by local authority. Structural BMPs associated with wetlands may require a separate permit under section 404 of the CWA before installation. Flow velocity dissipation devices shall be

placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions. Discharge velocities shall be controlled to the extent necessary to prevent the destruction of the natural physical characteristics of receiving waters by erosion. Velocity dissipation devices may be constructed at discharge points or along channels and other stormwater collection areas that lead to outfalls. Management alternatives to minimize runoff, such as limiting impervious cover, may also be considered.

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

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

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

II.B.1.k Erosion and Sedimentation Controls

II.B.1.k.(i) A section within the SWPPP shall be developed to address soil erosion. Erosion prevention measures and controls shall be evaluated and implemented as necessary to reduce soil erosion in areas of the facility that

have ongoing erosion or potential for soil erosion. The following controls shall be evaluated, at a minimum: soil stabilization through vegetative cover; contouring slopes; paving; and installation of structural controls.

II.B.1.l Structural Controls

II.B.1.l.(i) Physical structures shall be evaluated annually and installed along with other pollution prevention measures and controls, as necessary, to reduce pollutants in stormwater discharges. Examples of structural controls that may be utilized include vegetated swales, oil/water separators, settling ponds, and other physical structures.

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

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

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

II.B.1.n Good Housekeeping Measures

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

II.B.1.n.(ii) Good housekeeping measures shall include measures to eliminate or reduce exposure of garbage and refuse materials to precipitation or runoff prior to their disposal. The permittee shall include a schedule for regular

pickup and disposal of waste materials , along with quarterly inspections for leaks and conditions of drums, tanks and containers; and

II.B.1.n.(iii) To the extent practicable, locate industrial materials and activities inside, or protect them with storm-resistant coverings to prevent exposure to rain, snow, snowmelt and runoff (although significant enlargement of impervious surface area is not recommended). **Note: If the permittee is able to eliminate exposure at all industrial areas, the facility may be eligible for the "No Exposure" exclusion and not need to have a permit (see 40 CFR 122.26(g) and the *Guidance Manual for Conditional Exclusion from Stormwater Permitting Based on "No Exposure" of Industrial Activities to Stormwater* found at www.epa.gov/npdes/stormwater).**

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

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

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

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

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

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

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

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

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

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

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

II.B.1.p Miscellaneous/Additional BMPs

II.B.1.p.(i) A section within the SWPPP shall be developed to establish any other miscellaneous and/or additional BMPs not previously mentioned in other sections of the SWPPP to reduce the discharge and potential discharge of pollutants in stormwater. Development of BMPs shall be based on the activities and potentials for contamination that are identified in Part II.B.1.h of this general permit, "Description of Potential Pollutants and Sources;"

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

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

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

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

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

II.B.1.p.(vii) For storage piles of salt or piles containing salt used for de-icing or other commercial or industrial purposes, the permittee shall enclose or cover these piles to prevent exposure to precipitation. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing

materials from the pile. Piles do not need to be enclosed or covered only if stormwater from the pile is not discharged directly or indirectly to Waters of the U.S. or discharges from the piles are authorized and controlled under another NPDES permit.

II.B.1.q **Maintenance of BMPs**

II.B.1.q.(i) All BMPs the permittee identifies in its SWPPP shall be maintained in effective operating condition. If site inspections required by Part III identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of stormwater controls. BMPs shall be maintained or replaced when the BMP reached fifty (50) percent of its operating capacity. If maintenance prior to the next anticipated storm event is impracticable, maintenance shall be scheduled and accomplished as soon as practicable. In the case of non-structural BMPs, the effectiveness of the BMP shall be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

II.B.1.r **Employee Training Program and Employee Education**

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

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

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

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

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

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

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

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

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

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

II.B.1.s Records

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

PART III. Inspections and Compliance Monitoring

III.A.1 Periodic Inspections

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

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

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

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

discovery of the deficiency, or as otherwise provided or approved by NDEP.

III.A.2 Quarterly Visual Monitoring

III.A.2.a Stormwater discharges from each outfall authorized by this general permit shall be visually examined on a quarterly basis. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term to ensure consistency. Monitoring shall be conducted during daylight hours, samples shall be examined in a well lit area, and findings shall document observations of color, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. Any noticeable odors shall also be noted. Some examinations, such as an examination for odor and foam, may necessarily be conducted immediately following collection of the sample. All examinations shall be performed within a time frame that ensures the sample is representative of the discharge.

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

III.A.3 Comprehensive Site Compliance Evaluation

III.A.3.a Description

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

III.A.3.b General Requirements

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

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

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

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

III.A.3.a.(i).(d) Inspection of all reasonably accessible areas immediately downstream of each stormwater outfall that is authorized under this general permit; and

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

III.A.3.c Site Compliance Evaluation Report

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

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

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

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

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

III.A.3.d Revision of the SWPPP

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

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

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

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

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

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

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

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

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

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

III.A.4 General Monitoring and Records Requirements

III.A.4.a Representative Storm Events

III.A.4.a.(i) Monitoring, sampling, examinations, and inspections of stormwater discharges that are required as a provision of this general permit shall be conducted on discharges of runoff from a representative storm event. For the purposes of this general permit, a representative storm event is an event with at least 0.1 inch of measured precipitation that occurs with a

minimum interval from the preceding measurable storm of at least seventy-two (72) hours. The 72-hour interval is not required if either the preceding storm event did not yield a discharge that was sufficient for obtaining a sample, or if it is documented in the SWPPP that a less than 72-hour interval is representative for local storm events for the sampling period.

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

II.A.4.b.(i) If discharges of stormwater through two or more outfalls are substantially the same, sampling and monitoring may be conducted at one of the outfalls, and the results may be reported as representative of the discharge from the substantially similar outfall. Before results may be submitted as representative of discharges from substantially similar outfalls, the SWPPP shall include a description of outfall locations and provide justification of why the discharge qualities from the outfalls are substantially similar. To determine if outfalls are substantially similar, the following characteristics of each outfall shall be compared:

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

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

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

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

III.A.4.c **Sampling Data**

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

the standards listed in the CFR for that category, shall sample stormwater discharges from the facility, at a minimum, of one (1) time per calendar year;

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

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

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

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

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

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

PART IV. STANDARD CONDITIONS

IV.A OPERATING REQUIREMENTS

IV.A.1 Proper Operation and Maintenance

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

IV.A.2 Removed Substances

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

IV.A.3 Water Quality Standards

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

IV.A.4 Sampling and Analysis

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

IV.A.5 Test Procedures

IV.A.5.a Test procedures for analyses of pollutants shall conform to regulations (40 CFR § 136) published pursuant to Section 304(h) of the CWA, under which such procedures may be required, unless other procedures are approved by the Division.

IV.A.6 Recording the Results

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

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

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

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

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

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

IV.A.7 Adverse Impact

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

IV.B ADMINISTRATIVE REQUIREMENTS

IV.B.1 Signature Requirements

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

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

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

IV.B.1.a.(i).(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

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

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

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

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

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

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

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

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

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

IV.B.1.d.(i) Any person signing a document under Section IV.B.1. shall make the following certification.

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. I also confirm that a stormwater pollution prevention plan (SWPPP) has been completed, will be maintained at the project site, and that the SWPPP will be compliant with any applicable local sediment and erosion control plans. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines for knowing violations."

IV.B.3 Records Retention

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

IV.B.4 Availability of Reports

III.B.4.a Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit that have been submitted to NDEP 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.

IV.B.5 Continuation of Coverage

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

IV.B.6 Transfer of Ownership or Control

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

IV.B.7 Annual Fee

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

IV.B.8 Right of Entry

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

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

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

IV.B.9 Penalty for Violation of Permit Conditions

IV.B.9.a NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

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

IV.B.10.a Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than $25,000 per day per violation or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

IV.B.11 Permit Modification, Suspension or Revocation

IV.B.11.a After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

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

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

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

IV.B.12 Liability

IV.B.14.a Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

IV.B.13 Property Rights

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

IV.B.14 Severability

IV.B.14.a The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

Appendix A. Definitions Used in This General Permit

Best Management Practices ("BMPs") - schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to 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.

Clean Water Act ("CWA") (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.

Control Measure - refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

Division – Nevada Division of Environmental Protection

Discharge - when used without qualification, means the "discharge of a pollutant."

Discharge of a Pollutant - any addition of any pollutant or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately-owned treatment works.

Discharge-related activities - activities which cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Facility or Activity - any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

Impaired Water – a water is impaired if it does not meet its designated use(s). For purposes of this permit 'impaired' refers to threatened and impaired waters listed on NDEP's 303(d) lists; 303(d) lists generally include only waters for which TMDLs have not yet been developed. For current 303(d) Impaired Water Body listings, please refer to http://ndep.nv.gov.bwqp/303dlist.htm. States will generally have associated, but separate lists of

impaired waters for which TMDLs have already been established. For a list of TMDLs approved by EPA, please refer to http://ndep.nv.gov/bwqp/tmdl.htm.

Industrial Activity - the 11 categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity."

Industrial Stormwater - stormwater runoff associated with the definition of "stormwater discharges associated with industrial activity."

Municipal Separate Storm Sewer ("MS4") - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

i. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
ii. Designed or used for collecting or conveying stormwater;
iii. Which is not a combined sewer; and
iv. Which is not part of a Publicly Owned Treatment Works ("POTW") as defined at 40 CFR 122.2.

NDEP – Nevada Division of Environmental Protection

New Discharger - as used in this permit, means an operator applying for coverage under this permit for discharges not covered previously under an NPDES general or individual permit.

New Source - any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

No exposure - all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff.

Owner or operator - the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

Person - an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

Point source - any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Primary industrial activity - includes any activities performed on-site which are identified in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix); and activities which are identified by the facility's primary SIC code. [It is recommended that this determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged.] Narrative descriptions identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

Pollutant - dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

Qualified Personnel - Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of BMPs.

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts110, 177, and 302 for complete definitions and reportable quantities for which notification is required.

Runoff coefficient - the fraction of total rainfall that will appear at the conveyance as runoff.

Significant materials - includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

Special Aquatic Sites - sites identified in 40 CFR 230 Subpart E. These are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

Stormwater - stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Discharges Associated with Construction Activity - a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15) for the two regulatory definitions on regulated stormwater associated with construction sites.)

Stormwater Discharges Associated with Industrial Activity - the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or

municipally owned or operated that meet the description of the facilities designated under the provisions of 40 CFR 122.26(a)(1)(v).

Total Maximum Daily Loads (TMDLs) - A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. It is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL stipulates wasteload allocations (WLAs) for point souce discharges, load allocations (LAs) for nonpoint sources, and a margin of safety (MOS).

Waters of the United States - means:

- All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
- All interstate waters, including interstate "wetlands";
- All other waters, such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including any such waters
    a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    c. Which are or could be used for industrial purposes by industries in interstate commerce;
- All impoundments of waters otherwise defined as waters of the United States under this definition;
- Tributaries of waters identified in paragraphs (1) through (4) of this definition;
- The territorial sea; and
- Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations as specified in 40 CFR 423) which also meet the criteria of this definition, are not waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Water Quality Impaired – See "Impaired Water."