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

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

National Pollutant Discharge Elimination System

General Permit for Discharges from

Small Municipal Separate Storm Sewer Systems

Permit No. NVS040000

Operators of the following small municipal separate storm sewer systems are authorized to discharge stormwater to waters of the United States under the National Pollutant Discharge Elimination System in compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.) and in accordance with the conditions and requirements set forth in this permit:

> **Carson City, Portions of Douglas County, Lyon County and the Indian Hills General Improvement District Located within the Carson City Urbanized Area, the City of Elko, Nellis Air Force Base and the Coyote Springs Development.**

This permit becomes effective on **July 6, 2010.**

This permit and the authorization to discharge expire at midnight, **July 5, 2015**.

Signed and issued this 6th day of July, 2010.

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

I. Permit Coverage and Authorized Discharges

I.A. This permit covers all or part of any Urbanized Area ("UA") within the State of Nevada, as defined in the Definitions in Part VIII. The Permittees currently covered under this permit are: Carson City, portions of Douglas County, Lyon County and the Indian Hills General Improvement District located within the Carson City UA, the City of Elko, Nellis Air Force Base and the Coyote Springs Development.

I.B. This permit authorizes the discharge of stormwater from small municipal separate storm sewer systems ("MS4s"), as defined in 40 CFR§122.26(b)(16). The Permittee is authorized to discharge stormwater under the terms and conditions of this General Permit if the Permittee:

I.B.1. Operates a small MS4 within the permit area described in Part I.A;

I.B.2. Is not a "large" or "medium" MS4 as defined in 40 CFR§122.26(b)(4) or (7);

I.B.3. Submits a Notice of Intent ("NOI") in accordance with Part III of this permit; and

I.B.4. Is located fully or partially within an UA as determined by the latest Decennial Census by the Bureau of Census; or

I.B.5. Is a small MS4 located outside of a UA, serving a jurisdiction with a population of at least 10,000 and has population density of at least 1,000 people per square mile as determined by the latest Decennial Census by the Bureau of Census; or

I.B.6. Is designated for permit authorization by the Nevada Division of Environmental Protection ("NDEP") pursuant to 40 CFR§122.32.

I.C. Operators of unregulated small MS4s wishing to obtain coverage under this permit may apply for coverage under this permit at any time.

I.D. This permit authorizes stormwater discharges to waters of the United States from designated small MS4s, except those discharges excluded in Part I.F.

I.E. The Permittees are authorized to accept, pass through, and discharge, without requiring Best Management Practices ("BMP") or other measures, the following non-stormwater sources provided that NDEP has not determined these sources to be substantial contributors of pollutants to the Permittee's MS4:

I.E.1. Potable water line flushing during testing or fire hydrant testing;
I.E.2. Diverted stream flows not requiring a separate permit;
I.E.3. Springs or rising ground waters;

I.E.4. Uncontaminated groundwater infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow);

I.E.5. Discharges from potable water sources not requiring a separate permit;

I.E.6. Residential foundation and footing drains;

I.E.7. Air conditioning condensate;

I.E.8. Irrigation water from lawns and landscaping;

I.E.9. Water from residential crawl space pumps;

I.E.10. Individual residential car washing;

I.E.11. Flows from natural riparian habitats and wetlands not requiring a separate permit;

I.E.12. De-chlorinated swimming pool discharges;

I.E.13. Water incidental to street sweeping (including associated side walks and medians) and that is not associated with construction activities;

I.E.14. Discharges or flows from fire fighting activities; and

I.E.15. Dewatering activities not requiring a separate permit.

I.F. This permit does not authorize the following discharges:

I.F.1. Discharges that are mixed with sources of non-stormwater unless such non-stormwater discharges are:

I.F.1.a In compliance with a separate National Pollutant Discharge Elimination System ("NPDES") permit; or

I.F.1.b Determined not to be a substantial contributor of pollutants to waters of the U.S.

I.F.2. Stormwater discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi). The discharges are authorized under NDEP's General Permit NVR050000;

I.F.3. Stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR§122.26(b)(15). These discharges are authorized under NDEP's General Permit NVR100000;

I.F.4. Stormwater discharges currently covered under another NPDES permit;

I.F.5. Discharges that would cause or contribute to an instream exceedance of water quality standards. The Permittee's Stormwater Management Program ("SWMP") must include a description of the Best Management Practices ("BMPs") that will be used to ensure that this will not occur. NDEP may require corrective action or an application for an individual NPDES permit or

alternative general permit if an MS4 is determined to cause an instream exceedance of water quality standards;

I.F.6. Discharges of any pollutant into any water for which a Total Maximum Daily Load ("TMDL") has been either established or approved by NDEP unless the Permittee's discharge is consistent with that TMDL. Information on TMDLs can be found on NDEP's website. This eligibility condition applies at the time the Permittee submits an NOI for coverage. If conditions change after the Permittee has permit coverage, the Permittee may remain covered by this General Permit provided the Permittee complies with the applicable requirements of Part II. The Permittee must incorporate any limitations, conditions and requirements applicable to the Permittee's discharges, including monitoring frequency and reporting required, into the Permittee's SWMP in order to be eligible for permit coverage. For discharges not eligible for coverage under this permit, the Permittee must apply for and receive an individual or other applicable general NPDES permit prior to discharging; and

I.F.7. Discharges that do not comply with NDEP's anti-degradation policy for water quality standards.

II. Discharges to Water Quality Impaired Waters

II.A. Impaired Waters Listing on 303(d) List

II.A.1 The Permittees must evaluate whether stormwater discharges from any part of the MS4 contributes directly or indirectly to the listing of a waterbody on the most current 303(d) list (i.e., impaired waterbody). Information concerning the most current 303(d) list can be found on NDEP's website. If Permittees have discharges meeting this criterion, or if there is a TMDL on receiving waters, the Permittees must comply with Part II.B. Part II does not apply if the Permittees do not have discharges meeting this criterion.

II.B. Total Maximum Daily Load

II.B.1 The Permittees must determine whether the MS4 discharges to a waterbody for which a TMDL has been developed and approved by NDEP. If there is a TMDL, the Permittees must comply with Part II.B.2.

II.B.2 If a TMDL is approved for any waterbody into which the Permittees discharge, the Permittees shall:

II.B.2.a Determine and report whether the approved TMDL is for a pollutant likely to be found in stormwater discharges from the Permittees' MS4;

II.B.2.b Determine and report whether the TMDL includes a pollutant wasteload allocation or other performance requirements specifically for stormwater

discharge from the Permittees' MS4. If there is no waste load allocation ("WLA") or other performance requirements specifically for stormwater from the Permittee's MS4, the Permittee must comply with Part II.B.3;

II.B.2.c Determine and report whether the TMDL addresses a flow regime likely to occur during periods of stormwater discharge;

II.B.2.d Assess whether the WLAs are being met through implementation of existing stormwater control measures or if additional control measures are necessary;

II.B.2.e Document all control measures that are currently being implemented or planned to be implemented and are consistent with the WLA. These measures shall be reported in the Annual Report. A schedule of implementation for all planned controls shall be included in the Stormwater Management Program ("SWMP") as described in Sections IV and V.

II.B.2.f Estimate reductions of pollutants through established and accepted BMP performance studies, calculations, models or other evidence that shows that the WLA will be addressed through the implementation of the approved SWMP, and shall be reported in the Annual Report;

II.B.2.g The Monitoring Program required by Section V shall be customized to determine whether the stormwater controls are adequate to meet the WLA to the Maximum Extent Practicable ("MEP"); and,

II.B.2.h If no WLA currently exists, but is developed during the term of this permit, then the Permittees' BMPs outlined in the approved, updated SWMP are expected to be sufficient for the duration of the existing permit period; and

II.B.2.i The need for an iterative approach to control pollutants in stormwater discharges is recognized. If the Permittees determine that additional or modified controls are necessary, the SWMP will be updated pursuant to Part VI.I and will describe the type and schedule for the control additions and/or revisions, and an analysis that demonstrates the overall effectiveness.

II.B.3 The Permittees must determine whether the MS4 discharges to a water on the current State of Nevada 303(d) List of Impaired Waters. If a waterbody is listed, the Permittees shall include a section in the Annual Report describing the conditions(s) for which the water(s) was listed, evaluating possible BMPs that might practicably be implemented, examining whether these BMPs would make a substantial improvement on water quality, and identifying any BMPs that are selected for implementation.

III. Obtaining Coverage for New Applicants

III.A. If the Permittee is automatically designated under 40 CFR§122.32(a)(1) or designated by NDEP in this permit, the Permittee is required to submit an NOI form along with a description of the Permittee's SWMP within ninety (90) days after designation. The NOI form can be obtained by contacting NDEP.

III.B. If a Permittee is designated as a regulated Small MS4 by NDEP after the issuance date of this General Permit, the Permittee is required to submit an NOI form along with a description of the Permittee's SWMP to NDEP within ninety (90) days of notice by NDEP.

III.C. If a late NOI is submitted, the Permittee's coverage is only for discharges that occur after permit coverage is granted. NDEP reserves the right to take appropriate enforcement actions for any unpermitted discharges.

III.D. Unless notified by NDEP to the contrary, Permittees who submit an initial NOI in accordance with the requirements of this permit are authorized to discharge stormwater from small MS4s under the terms and conditions of this General Permit thirty (30) days after the date the NOI is postmarked. NDEP may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information as discussed in Part VII.S.

III.E. The Permittee may also jointly submit an NOI to NDEP with one or more MS4s. Each MS4 shall fill out its own separate NOI.

III.F. The Permittee shall submit the completed NOI, which has been signed in accordance with the signatory requirements of Part VII.I of this General Permit, and the required filing fee to NDEP at 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

IV. Stormwater Management Program Requirements for New Permittees

IV.A. The new Permittee shall develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the Permittee's small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA. The SWMP shall include management practices; control techniques and system, design, and engineering methods; and such other provisions as NDEP determines appropriate for the control of such pollutants. The Permittee's initial

SWMP must include the following information and comply with each of the six minimum control measures ("MCMs") described in Part VI:

IV.A.1. The BMPs that the Permittee or another entity will implement for each of the stormwater MCMs;

IV.A.2. The measurable goals for each of the BMPs including, as appropriate, the months and years in which the Permittee will undertake required actions, including interim milestones and the frequency of the action; and

IV.A.3. The person(s) responsible for implementing or coordinating the BMPs for the Permittee's SWMP.

IV.B. In addition to the requirements listed above, the new Permittee shall provide a rationale for how and why the Permittee selected each of the BMPs and the measurable goals for the Permittee's SWMP. The information required for such a rationale is described in the section for each minimum measure. The new Permittee shall develop and fully implement the Permittee's program within five (5) years from the issuance date of the new permit.

IV.C. The initial SWMP shall be submitted to NDEP for review and approval one (1) year from the issuance date of the NOI.

IV.D. Prior to submitting the initial SWMP to NDEP, the Permittee shall make the draft SWMP available to the public for review and comment. The Permittee shall comply with all public noticing requirements pursuant to Nevada Revised Statutes ("NRS") 241.020 concerning this draft SWMP. The draft must be made available to the public with sufficient time to meet the minimum noticing period, hold the public meeting and allow time necessary to review and incorporate the public comments. This can be done:

IV.D.1. At a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the proposed SWMP. This may be a regular meeting of an existing board. It may also be a separate meeting, specifically to deal with the initial SWMP. If multiple Permittees are working together, they may have a group meeting to discuss the draft SWMP;

IV.D.2. On the internet by making the draft SWMP available to the public on a website, providing the public the opportunity to provide comments on the internet or some other method, and making available the opportunity for the public to request an open meeting to ask questions about and make comments on the draft SWMP;

IV.D.3. Include a summary of comments received and intended responses with the final SWMP; and

IV.D.4. Make a copy of the final SWMP available for public inspection, either at a municipal office or on the internet.

IV.E. When the Permittee's initial SWMP has been approved by NDEP, the Permittee shall file an Annual Report with NDEP by December 1 of the year following NDEP's approval, and continue thereafter for the term of the permit. The Annual Report shall include the items outlined in Part VI.N and those listed on the Annual Report Template.

IV.F. New Permittees may partner with other MS4s to develop and implement the Permittee's SWMP. The description of the Permittee's SWMP must clearly describe which Permittees are responsible for implementing each of the MCMs.

IV.G. New Permittees within the Carson City UA shall also maintain a separate Clear Creek Master Stormwater Management Program ("CCSWMP") that is described in more detail in Part VI.G.

V. Stormwater Management Program Requirements for Existing Permittees

V.A. Existing Permittees shall revise, implement and enforce a SWMP designed to reduce the discharge of pollutants from the Permittees' MS4 to the MEP to protect water quality, and to satisfy the appropriate water quality requirements of the CWA;

V.B. The Permittees shall submit the revised SWMP to NDEP as a permit modification no later than eighteen (18) months after the effective date of this permit;

V.C. Prior to submitting the revised SWMP to NDEP, the Permittee shall make the draft SWMP available to the public for review and comment. The Permittee shall comply with all public noticing requirements pursuant to NRS 241.020 concerning this draft SWMP revision. The draft must be made available to the public with sufficient time to meet the minimum noticing period, hold the public meeting and allow time necessary to review and incorporate the public comments. This can be done:

V.C.1. At a meeting that is open to the public, where the public attendees are able to ask questions about and make comments on the revised SWMP. This may be a regular meeting of an existing board. It may also be a separate meeting, specifically for to deal with the revised SWMP. If multiple Permittees are working together, they may have a group meeting to discuss the draft SWMP;

V.C.2. On the internet by making the draft revised SWMP available to the public on a website, providing the public the opportunity to provide comments on the internet or some other method, and making available the opportunity for the public to request an open meeting to ask questions about and make comments on the draft revised SWMP;

V.C.3. Include a summary of comments received and intended responses with the final revised SWMP; and

V.C.4. Make a copy of the final revised SWMP available for public inspection, either at a municipal office or on the internet.

V.D. The Permittees shall fully implement the updated SWMP as soon as practicable, but in no case later than two (2) years after approval of the revised SWMP by NDEP, unless NDEP establishes an alternative implementation date for one of the MCMs. While the SWMP is being updated in accordance with this permit, the Permittee shall continue to fully implement its existing SWMP;

V.E. The revised SWMP shall identify existing BMPs and any new BMPs that the Permittees or another entity will implement;

V.F. The revised SWMP shall identify the measurable goals for the new BMPs, as appropriate, including the months and years in which the Permittees will undertake required actions;

V.G. The revised SWMP shall provide information explaining how and why the Permittees selected each new BMP and measurable goals for the SWMP;

V.H. Implementation of new and existing BMPs consistent with the provisions of the SWMP as required by this permit and approved by NDEP constitutes compliance with the standard of reducing pollutants to the MEP; and

V.I. Permittees may partner with other MS4s to develop and implement the Permittee's SWMP. The description of the Permittee's SWMP must clearly describe which Permittees are responsible for implementing each of the MCMs.

VI. Minimum Control Measures. The following six MCMs must be included in each Permittee's initial or revised SWMP:

VI.A. **Public Education and Outreach**

VI.A.1. **Permit requirement**. The Permittee shall implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps the public can take to reduce pollutants in stormwater runoff.

VI.A.2. **Decision process**. The Permittee shall document the Permittee's decision process for the development of a stormwater public education and outreach program. The Permittee's rationale statement shall address the overall public education program and the individual BMPs, measurable goals and persons

responsible for the program. The rationale statement, at a minimum, must include the following information:

VI.A.2.a The plan the Permittee will use to inform individuals and households about the steps available to reduce stormwater pollution;

VI.A.2.b The plan the Permittee will use to inform individuals and groups about how to become involved in the stormwater program;

VI.A.2.c The selected target audiences for the Permittee's education program that are likely to have significant stormwater impacts (including commercial, industrial and institutional entities) and the reason(s) those target audiences were selected;

VI.A.2.d The target pollutant sources that the Permittee's public education program is designed to address;

VI.A.2.e The plan the Permittee will use for public outreach, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) the Permittee will use to reach the Permittee's target audiences, and the number of people expected to be reached by the public outreach plan during the term of the permit;

VI.A.2.f The person(s) responsible for overall management and implementation of the Permittee's stormwater public education and outreach program and, if different, is the person(s) responsible for each of the BMPs identified in this program; and

VI.A.2.g The measures the Permittee will use to evaluate the success of this minimum measure, including how the Permittee selected the measurable goals for each of the BMPs.

VI.B. **Public Involvement/Participation**

VI.B.1. **Permit requirement.** The Permittee shall, at a minimum, comply with all State and local public noticing requirements when implementing a public involvement/participation program.

VI.B.2. **Decision process.** The Permittee shall document the decision process for the development of a stormwater public involvement/participation program. The Permittee's rationale statement must address the overall public involvement/participation program and the individual BMPs, measurable goals, and person(s) responsible for the program. The rational statement shall include the following information, at a minimum:

VI.B.2.a The steps taken by the Permittee to involve the public in the development and submittal of the Permittees NOI and SWMP;

VI.B.2.b The plan the Permittee will use to actively involve the public in the development and implementation of the program;

VI.B.2.c The target audiences for the Permittee's public involvement program, including a description of the types of ethnic and economic groups engaged. The Permittee is encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others;

VI.B.2.d The types of public involvement activities included in the Permittee's program. These pubic involvement activities may include:

VI.B.2.d.i Citizen representatives on a stormwater management panel;
VI.B.2.d.ii Public hearings;

VI.B.2.d.iii Working with citizen volunteers willing to educate others about the program; and

VI.B.2.d.iv Volunteer monitoring for stream or lake clean-up activities.

VI.B.2.e The person(s) responsible for the overall management and implementation of the Permittee's stormwater public involvement/participation program and, if different, the person(s) responsible for each of the BMPs identified for this program.

VI.B.2.f Metrics the Permittee will use to evaluate the success of this MCM, including how the Permittee selected the measurable goals for each of the BMPs.

VI.C. **Illicit Discharge Detection and Elimination**

VI.C.1. **Permit requirement**. The Permittee shall:

VI.C.1.a Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 40 CFR§122.26(b)(2)) into the Permittee's MS4;

VI.C.1.b Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the U.S. that receive discharges from those outfalls;

VI.C.1.c To the extent allowable under State, or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-stormwater

discharges into the Permittee's MS4 and implement appropriate enforcement procedures and actions;

VI.C.1.d Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumping, into the Permittee's MS4;

VI.C.1.e Inform public employees, businesses, and the general public about the hazards associated with illegal discharges and improper disposal of waste;

VI.C.1.f Address the discharges listed in Part I.E or flows (i.e., illicit discharges) only if the Permittee identifies them as significant contributors of pollutants to the Permittee's MS4; and

VI.C.1.g The Permittee may also develop a list of other similar occasional incidental non-stormwater discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-stormwater discharges must not be reasonably expected to be significant sources of pollutants to the MS4 either because of the nature of the discharges or conditions the Permittee has established for allowing these discharges to the Permittee's MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). The Permittee shall document in the SWMP any local controls or conditions placed on the discharges. The Permittee shall include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

VI.C.2. **Decision process.** The Permittee shall document the decision process for the development of a stormwater illicit discharge detection and elimination ("IDDE") program. The Permittee's rationale statement must address the overall IDDE program and the individual BMPs, measurable goals, and person(s) responsible for administering the program. The rational statement shall include the following information, at a minimum:

VI.C.2.a The plan the Permittee will use to develop a storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information the Permittee will use for the maps, and how the Permittee plans to verify the outfall locations with field surveys. If the Permittee has already completed the map, describe how the map was developed. Also, discuss how the Permittee will update the map and the frequency of the updates;

VI.C.2.b The mechanism (ordinance or other regulatory mechanism) the Permittee will use to effectively prohibit illicit discharges into the MS4 and why the mechanism was chosen. If the Permittee needs to develop this mechanism, describe the plan and the schedule to do so. If the Permittee's

ordinance or regulatory mechanism has already been developed, include a copy of the relevant sections with the SWMP;

VI.C.2.c The Permittee's plan to ensure that by using appropriate enforcement procedures and actions the illicit discharge ordinance (or other regulatory mechanism) is implemented;

VI.C.2.d The Permittee's plan to detect and address illicit discharges to the system, including discharges from illegal dumping and spills. The Permittee's plan shall include dry weather field screening for non-stormwater flows and field tests of selected chemical parameters as indicators of discharge sources. The Permittee's plan shall also address on-site sewage disposal systems that overflow ("Sanitary Sewer Overflows") into the storm drainage system. The Permittee's description must address the following, at a minimum:

VI.C.2.d.i Procedures for locating priority areas which include areas with a higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches;

VI.C.2.d.ii Procedures for tracing the source of an illicit discharge, including the specific techniques that will be used to detect the location of the source;

VI.C.2.d.iii Procedures for removing the source of the illicit discharge;

VI.C.2.d.iv Procedures for program evaluation and assessment;

VI.C.2.d.v The plan the Permittee will use to inform public employees, businesses, and the general public of the hazards associated with illegal discharges and improper disposal of waste. Discuss how this plan will coordinate with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs;

VI.C.2.d.vi The person(s) responsible for overall management and implementation of the stormwater IDDE program and, if different, is the person(s) responsible for each of the BMPs identified for this program; and

VI.C.2.d.vii Discuss how the Permittee will evaluate the success of this MCM, including how the Permittee selected the measurable goals for each of the BMPs.

VI.D. **Construction Site Stormwater Runoff Control**

VI.D.1. **Permit requirement.** The Permittee shall develop, implement, and enforce a program to reduce pollutants from any stormwater runoff to the Permittee's MS4 from construction activities that result in a land disturbance of greater than or equal to one (1) acre. Reduction of stormwater discharges from construction activity disturbing less than one (1) acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one (1) acre or more. If NDEP waives the requirements for stormwater discharges associated with small construction activity in accordance with 40 CFR§122.26(b)(15)(i), the Permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites. The Permittee's program must include the development and implementation of, at a minimum:

VI.D.1.a An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, or local law;

VI.D.1.b Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;

VI.D.1.c Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

VI.D.1.d Procedures for site plan review which incorporate consideration of potential water quality impacts;

VI.D.1.e Procedures for receipt and consideration of information submitted by the public; and

VI.D.1.f Procedures for site inspection and enforcement of control measures.

VI.D.2. **Decision process.** The Permittee shall document the decision process for the development of a construction site stormwater control program. The Permittee's rationale statement must address the overall construction site stormwater control program and the individual BMPs, measurable goals, and responsible person(s) for the program. The rationale statement must include the following information, at a minimum:

VI.D.2.a The mechanism (ordinance or other regulatory mechanism) the Permittee will use to require erosion and sediment controls at construction sites and why that mechanism was chosen. If the Permittee needs to develop this mechanism, describe the plan and the schedule to do so. If the Permittee's

ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the SWMP;

VI.D.2.b The Permittee's plan to ensure compliance with the erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms that will be used to ensure compliance. Describe the procedures the Permittee will use when imposing certain sanctions. Possible sanctions include monetary penalties such as fines and non-monetary penalties such as stop-work orders, bonding requirements, and/or permit denials for non-compliance;

VI.D.2.c The Permittee's requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste;

VI.D.2.d The Permittee's procedures for site plan reviews, including reviews of pre-construction site plans which incorporate potential water quality impacts. Describe the Permittee's procedures and the rationale for how the Permittee will identify certain sites for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of construction sites that will have pre-construction site plans reviewed;

VI.D.2.e The Permittee's procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the Permittee's public education program;

VI.D.2.f The Permittee's procedures for site inspection and enforcement of control measures, including how the Permittee will prioritize sites for inspection;

VI.D.2.g The person(s) responsible for overall management and implementation of the construction site stormwater control program and, if different, the person(s) responsible for each of the BMPs identified for this program; and

VI.D.2.h Describe how the Permittee will evaluate the success of this minimum measure, including how the Permittee selected the measurable goals for each of the BMPs.

VI.E. Post-Construction Stormwater Management Requirements for New Development and Significant Redevelopment Projects

VI.E.1. The Permittees shall develop a post-construction stormwater management BMP program for new development and significant redevelopment ("NDSR") projects that is suited for the unique hydrologic, hydrogeologic and regional

conditions of the Permittee's locality. The program shall focus on planning procedures consistent with the goals identified in Part VI.E.2.

VI.E.2. The post-construction stormwater management program shall have the following goals:

VI.E.2.a To prevent stormwater discharges from post-construction projects from causing or contributing to downstream violations of water quality standards of any pollutant of concern to the MEP; and

VI.E.2.b To promote the improvement of ambient water quality by reducing the discharge of pollutants in stormwater.

VI.E.3. The post-construction stormwater management program shall address at a minimum the following elements:

VI.E.3.a Describe how the Permittees will review and enhance the SWMP post-construction program requirements in a manner appropriate for the unique hydrologic, hydrogeologic and regional conditions and needs of the Permittee's locality. The review shall address the following elements:

VI.E.3.a.i Describe how the Permittees will develop, implement and enforce a program to address post-construction urban runoff from NDSR projects that disturb areas ≥1 acre, including projects <1 acre that are part of a larger common plan of development or sale, that discharge into the MS4 by ensuring that NDSR projects are complying to the MEP with the requirements of this program;

VI.E.3.a.ii Describe how the Permittees will develop low-impact development ("LID") measures that will remain in effect after construction is complete and are effective and appropriate for the Permittee's locality and its environment. The program will outline the selected LID measures found effective and appropriate for the Permittee's locality along with a summary and schedule for implementation in the MS4;

VI.E.3.a.iii Describe how the Permittees will develop any additional structural and non-structural BMPs that will remain in effect after construction is complete and are effective and appropriate for Permittee's locality and its environment. The program will outline the selected BMP measures found effective and appropriate for the Permittee's locality along with a summary and schedule for implementation in the MS4;

VI.E.3.a.iv Describe procedures to assure that future regional flood management projects assess the impacts on the water quality of receiving water bodies;

VI.E.3.a.v Describe how the Permittees will develop and implement an ordinance or other regulatory mechanism to address urban stormwater runoff from NDSR projects;

VI.E.3.a.vi Describe how the Permittees will provide verification of maintenance provisions for structural BMPs located on private property that are subject to post-construction structural BMP requirements;

VI.E.3.a.vii Describe how the Permittees will develop and implement an inventory and tracking system for post-construction structural stormwater BMPs. The inventory and tracking system shall use at a minimum the following items: project or property owner's name, project location, project acreage, BMP type and description, inspection or contact date and summary of recommendations or any necessary corrective actions undertaken;

VI.E.3.a.viii Describe how the Permittees will inspect and enforce the proper installation and long-term maintenance of post-construction structural stormwater BMPs ; and

VI.E.3.a.ix Describe how the Permittees will update its MS4 maps to show areas of NDSR, including any new stormwater major infrastructure that was constructed to serve these areas.

VI.E.3.b All NDSR projects submitted to the permitting authority subsequent to program implementation as identified in VI.E.3.b.i that fall into one of the following categories shall be subject to one or more of the SWMP design standards developed in accordance with Part VI.E.4:

VI.E.3.b.i Residential subdivisions five (5) acres or greater in size;

VI.E.3.b.ii Single-family residences subject to local ordinances governing hillside development;

VI.E.3.b.iii 100,000 square foot commercial and industrial developments;

VI.E.3.b.iv Automotive repair shops (with Standard Industrial Classification ("SIC") codes 5013, 7532, 7533, 7534, 7537, 7538, and 7539);

VI.E.3.b.v Retail gasoline outlets disturbing greater than one (1) acre;

VI.E.3.b.vi Restaurants disturbing greater than one (1) acre;

VI.E.3.b.vii Parking lots greater than one (1) acre potentially exposed to urban runoff; and

VI.E.3.b.viii Any other NDSR projects the Permittees deem necessary to be included in this part.

VI.E.4. **Design Standards.** The post-construction stormwater management program shall describe how NDSR projects specified in the previous section will implement the design standards outlined in this section. Subject to Section VI.E.4.e, the design standards program shall address at minimum the following criteria:

VI.E.4.a **Peak-Urban Runoff Discharge Rates.** Describe how the Permittees will develop design standards for peak-urban runoff from NDSR projects that will provide protection against downstream erosion;

VI.E.4.b **Site Design BMPs.** Describe how the post-construction stormwater management program will develop and implement site design BMPs in the site layout during the design and approval process to meet the goals of this program identified in Part VI.E.2;

VI.E.4.c **Source Control BMPs.** The post-construction stormwater management program shall describe how source control BMPs will be implemented. The design standards program shall include the following source-control BMPs that are consistent with the goals of this program:

VI.E.4.c.i Slopes and channel design or protection to minimize erosion;

VI.E.4.c.ii Outdoor material storage areas designed to minimize the risk of stormwater runoff contacting and carrying away pollutants to the MS4; and

VI.E.4.c.iii Trash storage areas designed to minimize the risk of stormwater runoff contacting and carrying away pollutants to the MS4.

VI.E.4.d **Structural Treatment Control BMPs.** The post-construction stormwater management program shall describe how treatment control BMPs will be developed and implemented. "Treatment control BMPs" and "treat" refer to any onsite or offsite process that provides for infiltration or detention of stormwater or that removes pollutants through any physical, chemical, or biological process. The design standards program shall describe in sufficient detail how the Permittees will size treatment control BMPs using accepted hydrologic engineering quantitative methods and the following design criteria:

VI.E.4.d.i **Volumetric Treatment Control BMP design criteria.** The post-construction stormwater management program shall describe how the Permittees will design volume-based BMPs to treat the increase of stormwater discharges from projects listed in Part VI.E.3.b. The

Permittees shall use one of the following conditions to develop the volumetric treatment control BMP design criteria:

VI.E.4.d.i.1 Historical rainfall records for the Permittee's locality to determine the maximized capture stormwater volume for the area for the 24-hour event using the formula recommended in Urban Runoff Quality Management, Water Environment Federation Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

VI.E.4.d.i.2 The volume of annual runoff based on unit basin storage water quality volume, to achieve at least 80% of volume treatment by the method recommended in hydrology manuals, textbooks or similar technical publications; or

VI.E.4.d.i.3 An alternative treatment design criteria, appropriate for the unique hydrologic, hydrogeologic and regional conditions of the Permittee's locality. Any alternative design criteria shall be submitted to NDEP with sufficient technical data to establish the appropriateness of the alternative treatment design criteria.

VI.E.4.d.ii **Flow-Based BMP design criteria.** The post-construction stormwater management program shall describe how the Permittees will design flow-based BMPs to treat stormwater discharges from projects listed in Part VI.E.3.b. The Permittees shall use one of the following conditions to develop flow-based BMP design criteria:

VI.E.4.d.ii.1 Historical rainfall data for the Permittee's locality to determine the maximum flow rate of runoff from rainfall per hour, for each hour of a storm event; or

VI.E.4.d.ii.2 The maximum flow rate of runoff produced by the 80th percentile hourly rainfall intensity (for each hour of the storm event), as determined from the local historical rainfall record; or

VI.E.4.d.ii.3 The maximum flow rate of runoff for each hour of a storm event, as determined from the local historical rainfall record that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 80th percentile hourly rainfall intensity; or

VI.E.4.d.ii.4 An alternative treatment design criteria, appropriate for the unique hydrologic, hydrogeologic and regional conditions of the Permittee's locality. Any alternative design criteria shall be submitted to NDEP with sufficient technical data to establish the appropriateness of the alternative treatment design criteria.

VI.E.4.e If the Permittees will not use some or all of the design standards described in this section, the Permittees shall provide justification using documentation and engineering analyses, and propose reasonable alternatives that are appropriate for the unique hydrologic, hydrogeologic and regional conditions in Permittee's locality.

VI.E.4.f **Effect of the Post-Construction Stormwater Management Program on Water Quality Standards and Drinking Water Supply**

VI.E.4.f.i The Permittees shall provide a written evaluation whether the criteria developed as part of the post-construction stormwater management program will tend to cause or contribute to elevated levels of pollutants of concern in surface waters within Permittee's locality and shall submit the evaluation to NDEP as part of the post-construction program; and

VI.E.4.f.ii If any criteria developed under the post-construction stormwater management program in accordance with the provisions of this permit would have a reasonable potential of causing or contributing to any water quality or water quantity impairment, or violates Nevada law, they shall be rescinded, and the Permittees shall determine whether alternate criteria can be implemented without causing water quality or water quantity impairments or violating Nevada law.

VI.F. **Pollution Prevention/Good Housekeeping for Municipal Operations**

VI.F.1. **Permit requirement.** The Permittee shall:

VI.F.1.a Develop and implement an O&M program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and

VI.F.1.b Using training materials that are available from EPA, NDEP, or other organizations, the Permittee's program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

VI.F.2. **Decision process.** The Permittee shall document the decision process for the development of a pollution prevention/good housekeeping program for municipal operations. The Permittee's rationale statement must address both the overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and person(s) responsible for the program. The rationale statement must include the following information, at a minimum:

VI.F.2.a The Permittee's O&M program to prevent or reduce pollutant runoff from the Permittee's municipal operations. The Permittee's program shall specifically list the municipal operations that are impacted by this O&M program. The Permittee shall also include a list of industrial facilities the Permittee owns or operates that are subject to NDEP's Industrial Stormwater General Permit or individual NPDES permits for discharges of stormwater associated with industrial activities that ultimately discharge to the Permittee's MS4. Include the NDEP permit number or a copy of the Industrial NOI form for each facility.

VI.F.2.b Any employee training program the Permittee will use to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. Describe any existing, available materials the Permittee plans to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.

VI.F.2.c The Permittee's program description shall specifically address the following areas:

VI.F.2.c.i Maintenance activities, maintenance goals, and long-term inspection procedures for controls to reduce floatables and other pollutants to the Permittee's MS4;

VI.F.2.c.ii Controls for mitigating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas the Permittee operates. These measures shall include:

VI.F.2.c.ii.1 A description of salt and salt/sand storage piles at any of the Permittee's facilities. Salt and salt/sand piles shall be enclosed or covered by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff. If applicable, describe any temporary practices used to prevent exposure of salt and salt/sand piles to rain, snow, snowmelt and/or runoff. Sand may be stored outside and uncovered if BMPs such as setback from the storm sewer inlet, drop inlet protection, perimeter controls, or sedimentation basins are maintained to prevent discharge of sand to the MS4;

VI.F.2.c.ii.2 Permittees must develop and implement standard operating procedures ("SOP") for vehicle fueling, and receiving of bulk fuel deliveries at maintenance yard operations;

VI.F.2.c.ii.3 Permittees shall develop and implement an SOP for vehicle maintenance and repair activities that occur at municipal maintenance yard operations; and

VI.F.2.c.ii.4 Permittees shall eliminate the unpermitted discharge of equipment and vehicle wash wastewater to waters of the U.S. from municipal maintenance yard operations by either installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the activity and/or applying for and obtaining a separate NPDES permit.;

VI.F.2.c.ii.5 Procedures for the proper disposal of waste removed from the Permittee's MS4 and the Permittee's municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris;

VI.F.2.c.ii.6 The person(s) responsible for overall management and implementation of the pollution prevention/good housekeeping program and, if different, the person(s) responsible for each of the BMPs identified for this program; and

VI.F.2.c.ii.7 Describe how the Permittee will evaluate the success of this minimum measure, including how the Permittee selected the measurable goals for each of the BMPs.

VI.G. **Carson City UA Discharges to Clear Creek**

VI.G.1. Permittees within the Carson City UA shall also maintain a separate Clear Creek Master Stormwater Management Program ("CCSWMP"). The CCSWMP must be developed, implemented, and enforced to reduce the discharge of pollutants to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of a construction area, unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained, shall be provided. The CCSWMP shall include the following:

VI.G.1.a A detailed description of BMPs that have been, or will be, implemented on construction projects located in the Clear Creek watershed;

VI.G.1.b A detailed description of sediment controls for all down-slope boundaries (and for those side-slope boundaries deemed appropriate as dictated by

individual site conditions) that have been, or will be, used on construction areas located in the Clear Creek watershed;

VI.G.1.c A detailed description of control techniques that have been or will be used by the Permittee to the MEP to ensure no illicit discharge of pollutants into Clear Creek;

VI.G.1.d A detailed description of system design and/or engineering methods the Permittee has used, or plans to use, to protect Clear Creek from illicit discharges of pollutants;

VI.G.1.e A schedule of implementation for all future short-term and long-term activities describing program development, implementation and maintenance;

VI.G.1.f An annual monitoring program to ensure the overall quality and health of Clear Creek;

VI.G.1.g An inventory and tracking program for all maintenance yards that have the potential to discharge pollutants into Clear Creek;

VI.G.1.h The Permittee's inspection program on its MS4 or construction sites to ensure that no illicit discharges of pollutants enter Clear Creek; and

VI.G.1.i The Permittee may partner with other MS4s to develop and implement the CCSWMP.

VI.H. **Sharing Responsibility for MCMs**

VI.H.1. Implementation of one or more of the MCMs may be shared with another MS4, or the Permittee may fully take over the MCM. The Permittee may rely on another entity only if:

VI.H.1.a The other entity, in fact, implements the control measure;

VI.H.1.b The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and

VI.H.1.c The other entity agrees to implement the control measure on the Permittee's behalf. Written acceptance of this obligation is required. This obligation must be maintained as part of the description of the Permittee's SWMP. If the other entity agrees to report on the MCM, the Permittee must supply the other entity with the reporting requirements contained in Part VI.N of this permit. If the other entity fails to implement the control measure on the Permittee's behalf, then the Permittee still remains liable for any discharges due to that failure to implement the MCM.

VI.I. **Reviewing and Updating the SWMP**

VI.I.1. The Permittee shall complete an annual review of its SWMP in conjunction with preparation of the Annual Report required under Part VI.N of this permit.

VI.I.2. The Permittee may change or update the SWMP during the life of the permit in accordance with the following procedures:

VI.I.2.a Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to NDEP.

VI.I.2.b Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Unless denied by NDEP, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented sixty (60) days from submittal of the request. If the request is denied, NDEP will send the Permittee a written response giving a reason for the decision. The Permittee's modification requests must include the following:

VI.I.2.b.i An analysis of why the BMP is ineffective or infeasible (including cost prohibitive);

VI.I.2.b.ii Expectations on the effectiveness of the replacement BMP; and

VI.I.2.b.iii An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

VI.I.2.c Change requests or notifications must be made in writing to NDEP and signed in accordance with Part VII.I of this permit.

VI.J. **SWMP Updates Required by NDEP.**

VI.J.1. NDEP may require changes to the SWMP as needed to:

VI.J.1.a Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;

VI.J.1.b Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or

VI.J.1.c Include such other conditions deemed necessary by NDEP to comply with the goals and requirements of the CWA.

VI.J.2. Changes requested by NDEP must be made in writing, set forth the time schedule for the Permittee to develop the changes, and offer the Permittee the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by NDEP will be made in accordance with 40 CFR§124.5, 40 CFR§122.62, or, as appropriate, 40 CFR§122.63.

VI.K. **Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.**

VI.K.1. The Permittee shall implement the SWMP on all new areas added to the Permittee's portion of the MS4 (or for which the Permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as practicable, but not later than one (1) year from the addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately;

VI.K.2. Within ninety (90) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the Permittee shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the Annual Report;

VI.K.3. Only those portions of the SWMP that are specifically required as permit conditions shall be subject to the modification requirements of 40 CFR§124.5. Addition of components, controls, or requirements by the Permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

VI.L. **Water Quality Monitoring**

VI.L.1. The Permittee must evaluate program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals. If the Permittee discharges to an impaired waterbody for which a TMDL has been approved and has no WLA developed for stormwater, the Permittee will comply with Part II.B.3.

VI.L.2. Permittees shall submit a stormwater monitoring plan for the following year on or before November 1 each year.

VI.L.3. When the Permittee conducts monitoring at the Permittee's permitted small MS4, the Permittee shall comply with the following:

VI.L.3.a **Representative monitoring.** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

VI.L.3.b **Test Procedures.** Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the CWA, under which such procedures may be required unless other procedures are approved by NDEP.

VI.L.4. Records of monitoring information shall include:

VI.L.4.a The date, exact place, and time of sampling or measurements;

VI.L.4.b The names(s) of the individual(s) who performed the sampling or measurements and the firm where the individual works;

VI.L.4.c The date(s) analyses were performed;

VI.L.4.d The names of the individuals who performed the analyses;

VI.L.4.e The analytical techniques or methods used; and

VI.L.4.f The results of such analyses.

VI.L.5. Monitoring results must be reported on a Discharge Monitoring Report ("DMR");

VI.L.6. Analyses shall be performed by a State of Nevada-certified laboratory. Results from this lab must be included in the Annual Report; and

VI.L.7. After considering monitoring data, stream flow, discharge flow and receiving water conditions, NDEP may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.

VI.M. **Record Keeping**

VI.M.1. The Permittee shall retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the NOI for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of NDEP at any time; and

VI.M.2. The Permittee shall submit the records to NDEP only when specifically asked to do so. The Permittee must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to NDEP. The Permittee must make the records, including the NOI and the description of the SWMP, available to the public if requested to do so in writing.

VI.N. **Annual Reporting and Fees**

VI.N.1. Permittees shall submit an Annual Report to NDEP by December 1 of each year of the permit term using the Annual Report Template found on NDEP's website;

VI.N.2. New Permittees shall remit an Annual Report by December 1 of the year following the initial approval of the SWMP by NDEP;

VI.N.3. If the Permittee performs any additional monitoring beyond that required by the stormwater monitoring plan the results of such monitoring shall be reported in the Annual Report;

VI.N.4. Permittees shall also remit an annual permit renewal fee in accordance with Nevada Administrative Code ("NAC") 445A.232 on or before July 1 of every year until the permit is terminated;

VI.N.5. New Permittees shall also remit a service fee in accordance with NAC 445A.232 on or before July 1 of the year following initial approval of the NOI and every year thereafter until the permit is terminated;

VI.N.6. Permittees working together to develop and/or implement their SWMPs may complete a shared Annual Report. The shared Annual Report is one report outlining and explaining group activities with the tasks performed by individual Permittees (BMPs, measurable goals, schedules of planned activities, etc.) included. Individual Permittees activities may be incorporated into the Annual Report in one of two ways, either:

VI.N.6.a Providing the details specific to their MS4 to a person(s) who incorporates that information into the group Annual Report, or

VI.N.6.b Providing the details specific to their MS4 on a separate sheet that will be attached to the group Annual Report.

VI.N.7. An original signed copy of all reports required herein shall be submitted to NDEP at the following address:

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

VII. Standard Permit Conditions

VII.A. Duty to Comply

VII.A.1. The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

VII.B. Penalties for Violations of Permit Conditions

VII.B.1. NRS 445A.675 provides that any Permittee who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

VII.C. Continuation of the Expired General Permit

VII.C.1. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

VII.C.1.a Reissuance or replacement of this permit, at which time the Permittee must comply with the renewal NOI conditions of the new permit to maintain authorization to discharge; or

VII.C.1.b Issuance of an individual permit for the Permittee's discharges; or

VII.C.1.c A formal permit decision by NDEP not to reissue this General Permit, at which time the Permittee must seek coverage under an alternative General Permit or an individual permit.

VII.D. Continuing Permit Coverage for Existing Permittees

VII.D.1. To continue coverage under this General Permit, Permittees currently covered under the expired General Permit NVS040000 shall submit a renewal NOI to NDEP within ninety (90) days of the effective date of this permit to remain included under the original NOI. The Permittee must verify that their information on the renewal NOI is valid and accurate before submitting the

renewal NOI for continued coverage. No additional filing fee is required to file this renewal NOI.

VII.E. **Need to Halt or Reduce Activity Not a Defense**

VII.E.1. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

VII.F. **Duty to Mitigate**

VII.F.1. The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

VII.G. **Duty to Provide Information**

VII.G.1. The Permittee shall furnish any information to NDEP that is requested to determine compliance with this permit or other information.

VII.H. **Other Information**

VII.H.1. If the Permittee becomes aware that it has failed to submit any relevant facts in the Permittee's NOI or submitted incorrect information in the NOI or in any other report to NDEP, the Permittee must promptly submit such facts or information.

VII.I. **Signatory Requirements**

VII.I.1. All NOIs, reports, certifications, or information submitted to NDEP, or that this permit requires be maintained by the Permittee shall be signed and certified as follows:

VII.I.1.a **NOIs.** All NOIs shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA);

VII.I.1.b **Reports and other information.** All reports required by the permit and other information requested by NDEP or an authorized representative of NDEP shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

VII.I.1.b.i **Signed authorization.** The authorization is made in writing by a person described above and submitted to NDEP.

VII.I.1.b.ii **Authorization with specified responsibility.** The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matter for the regulated entity.

VII.I.1.b.iii **Changes to authorization.** If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of Part VII.I shall be submitted to NDEP prior to or together with any reports, information, or NOIs to be signed by an authorized representative.

VII.I.1.c **Certification.** Any authorized person as defined in Parts VII.I signing documents under Part VII.I 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. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering 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 fine and imprisonment for knowing violations."

VII.J. Property Rights

VII.J.1. The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

VII.K. Proper Operation and Maintenance

VII.K.1. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit and with the conditions of the SWMP. Proper O&M also includes adequate laboratory controls and appropriate quality assurance procedures. Proper O&M requires the operation of backup or auxiliary

facilities or similar systems, installed by the Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

VII.L. **Inspection and Entry**

VII.L.1. The Permittee shall allow NDEP or an authorized representative (including an authorized contractor acting as a representative of NDEP) upon the presentation of credentials and other documents as may be required by law, to do any of the following:

VII.L.1.a Enter the Permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

VII.L.1.b Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

VII.L.1.c Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and

VII.L.1.d Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

VII.M. **Permit Actions**

VII.M.1. This permit may be modified, revoked and reissued, or terminated for cause. The Permittee's filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

VII.N. **Permit Transfers**

VII.N.1. This permit is not transferable to any person except after written notice to NDEP. NDEP may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the CWA.

VII.O. **Anticipated Noncompliance**

VII.O.1. The Permittee shall give advanced written notice to NDEP of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

VII.P. **State Environmental Laws**

VII.P.1. 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 State law or regulation under authority preserved by Section 510 of the CWA; and

VII.P.2. No condition of this permit releases the Permittee from any responsibility or requirements under other environmental statutes or regulations.

VII.Q. **Severability**

VII.Q.1. The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit in any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

VII.R. **Procedures for Modification or Revocation**

VII.R.1. Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

VII.S. **Requiring an Individual Permit or an Alternative General Permit**

VII.S.1. **Request by NDEP.** NDEP may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the permitting authority to take action under this paragraph. Where NDEP requires the Permittee to apply for an individual NPDES permit, NDEP will notify the Permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the Permittee to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual Permittee, coverage under this General Permit shall automatically terminate. NDEP may grant additional time to submit the application upon request of the applicant. If the Permittee fails to submit in a timely manner an individual NPDES permit application as required by NDEP under this paragraph, then the applicability of this permit to the Permittee is automatically terminated at the end of the day specified by NDEP for application submittal.

VII.S.2. **Request by Permittee.** Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the Permittee must submit an individual application in accordance with the requirements of 40 CFR§122.33(b)(2), with reasons

supporting the request, to NDEP at the address listed in Part VI.N.7. The request may be granted by issuance of any individual permit or an alternative General Permit if the reasons cited by the Permittee are adequate to support the request.

VII.S.3. **General permit termination.** When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the Permittee is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES Permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative General Permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES Permittee is automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

VII.T. **Transfer of Ownership or Control**

VII.T.1. In the event of any change in control or ownership of storm drain systems covered by this permit, 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. All transfer of permits shall be approved by NDEP.

VII.U. **Availability of Reports**

VII.U.1. Except for data determined to be confidential under NRS 445A.665, all reports and plans prepared in accordance with the terms of this permit shall be available for public inspection at NDEP's office. As required by the CWA, 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.

VII.V. **Furnishing False Information and Tampering with Monitoring Devices**

VII.V.1. 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 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, pursuant to NRS 445A.300 to 445A.730, inclusive.

VII.W. **Penalty for Violation of Permit Conditions**

VII.W.1. 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.710.

VII.W.2. **Permit Modification, Suspension or Revocation**

VII.W.2.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:

VII.W.2.a.i Violation of any terms or conditions of this permit;

VII.W.2.a.ii Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

VII.W.2.a.iii A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

VII.X. **Liability**

VII.X.1. 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.

VII.Y. **Property Rights**

VII.Y.1. 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.

VII.Z. **Severability**

VII.Z.1. 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.

VIII. Definitions

VIII.A. All applicable definitions contained in Section 502 of the CWA and 40 CFR §122 shall apply to this permit and are incorporated herein by reference. For

convenience, simplified explanations of some regulatory/statutory definitions have been provided.

VIII.A.1. **Best Management Practices ("BMPs")** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

VIII.A.2. **Clean Water Act ("CWA" or "The Act")** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

VIII.A.3. **Control Measure,** as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to Waters of the United States.

VIII.A.4. **Discharge,** when used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR §122.2.

VIII.A.5. **Illicit Connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

VIII.A.6. **Illicit Discharge** is defined at 40 CFR §122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities. For the purposes of this permit, illicit discharges do not include discharges into the MS4 authorized in Part I.D.

VIII.A.7. **Low Impact Development** ("LID") features are considered public domain treatment controls. LID is an approach to land development or redevelopment that works to manage stormwater close to its source. LID employs principles and techniques used in designing sites (starting from site layout, and grading and compaction phases of construction) that disturb only the smallest area necessary, minimize soil compaction and imperviousness, preserve natural drainages, vegetation and buffer zones, and utilize on-site storm water treatment techniques. LID sites reduce and compensate for development's impact(s) on hydrology and water quality. Rather than conventional hardpiping from impervious surfaces, implementing LID principles and practices, stormwater can be managed in a way that reduces the impact of built-up areas and promotes the natural movement of stormwater within an

ecosystem or watershed. Applied on a broad scale, LID can support and promote a watershed's hydrologic and ecological functions.

VIII.A.8. **Maximum Extent Practicable** ("MEP") - Refers to the technology-based discharge standard for MS4s to reduce pollutants in stormwater discharges that was established by CWA §402(p).

VIII.A.9. **Municipal Separate Storm Sewer System** ("MS4") means a Large, Medium, or Small MS4 (e.g. "the Truckee Meadows MS4"). The term is used to refer to either the system operated by a single entity, or a group of systems within an area that are operated by multiple entities (e.g. the Truckee Meadows MS4 includes MS4s operated by the City of Reno, the City of Sparks and Washoe County). MS4 is defined at 40 CFR§ 122.26(b)(8) and means 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.

VIII.A.10. **Notice of Intent ("NOI")** means an entity files an NOI with NDEP requesting coverage under this permit.

VIII.A.11. **Non-Structural BMP**: Refers to techniques that aim to change human behavior to reduce the amount of pollutants that enter stormwater systems (pollution prevention). Non-structural measures may include minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; public outreach and education; restoration or enhancement of natural areas.

VIII.A.12. **"The Permittee" and "The Permittees"** as used in this permit is intended to refer to the Permittee and that party's responsibilities to meet the requirements of this permit.

VIII.A.13. **Permitting Authority** means the Nevada Division of Environmental Protection.

VIII.A.14. **Post-Construction Stormwater** is a term used to distinguish stormwater practices used during site construction (otherwise known as "construction

stormwater" or "erosion and sediment control") from those that are used on a permanent basis to control runoff once construction is complete and a Notice of Termination has been approved by NDEP.

VIII.A.15. **Sites that are tributary** are defined as sites that discharge directly into a CWA section 303(d)-listed waterbody segment.

VIII.A.16. **Small Municipal Separate Storm Sewer System** is defined at 40 CFR§ 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, 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, but is not defined as "large"' or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

VIII.A.17. **Source Control** means techniques that aim to reduce the quantity and improve the quality of stormwater at or near its source by using infrastructure, natural physical resources, or changes in practices.

VIII.A.18. **Stormwater BMP** is a generic term that has been used interchangeably with stormwater practice or stormwater treatment practice. Stormwater BMPs can be either "structural" or "non-structural."

VIII.A.19. **Stormwater** is defined at 40 CFR §122.26(b)(13) and means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

VIII.A.20. **Stormwater Management Program ("SWMP")** refers to a comprehensive program to manage the quality of stormwater discharged from the MS4.

VIII.A.21. **Structural BMPs or Structural Treatment Controls** can be public domain treatment controls or manufactured (proprietary) treatment controls. Public domain treatment controls are those that can be designed by an engineer and have been implemented and tested by numerous communities throughout the nation. Manufactured (proprietary) treatment controls are patented devices that have been engineered and constructed by private companies. In either case, engineering plans must be developed.