Permit No. NVS000001

Permit for Authorization to Discharge from Municipal Separate Storm Sewer Systems 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 Chapter 445A of the Nevada Revised Statutes, the following Permittees are authorized to discharge municipal stormwater runoff to the Truckee River, its tributaries, and other waters of the United States in accordance with the conditions and requirements set forth herein:

The City of Reno, the City of Sparks and Washoe County.

This permit becomes effective on May 26, 2010.

This permit and the authorization to discharge expire at midnight May 25, 2015.

Signed and issued this 26th day of May, 2010.

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

I. PERMIT AREA AND COVERAGE UNDER THIS PERMIT

I.A. Permit Area

I.A.1 This permit authorizes stormwater discharges into receiving waters of the United States within the Cities of Reno and Sparks, and Washoe County ("Permittees") that are located within the Truckee Meadows. The permitted area includes the limits of the urbanized area within the Truckee Meadows Service Area as established by the Truckee Meadows Regional Planning Agency. This area includes areas which are, or could reasonably be, urbanized within the time covered by the permit.

I.B. Permit Coverage

I.B.1 This Permit authorizes discharges of stormwater from the Permittees' municipal separate storm sewer systems ("MS4s"), as defined in 40 Code of Federal Regulations ("CFR") §122.26. The Permittees are authorized to discharge stormwater in accordance with the terms and conditions of this Permit.

I.B.2 The following are types of authorized discharges:

I.B.2.a **Authorized discharges.** This Permit authorizes stormwater discharges and the non-stormwater discharges identified in Part I.B.2.b to waters of the United States from the Permittees' MS4s. This Permit does not allow discharges listed in Part I.B.3.

I.B.2.a.i This Permit authorizes the Permittees to accept, pass through and discharge stormwater and non-stormwater currently covered or required to be covered under another National Pollutant Discharge Elimination System ("NPDES") permit. The permittees shall implement on those discharges into their MS4s the measures required by this Permit.

I.B.2.a.ii This permit does not authorize any non-Permittees to discharge into the MS4 any stormwater or non-stormwater that requires a separate NPDES permit. Those non-Permittees must obtain their own NPDES permits to cover discharges through the Permittees' MS4s into waters of the United States.

I.B.2.b **Non-stormwater discharges.** The Permittees are authorized to accept, pass through and discharge, without requiring Best Management Practices ("BMPs") or other measures, the following non-stormwater sources provided that the Nevada Division of Environmental Protection ("NDEP") has not determined these sources to be substantial contributors of pollutants to the Permittees' MS4:

I.B.2.b.i Potable water line flushing during testing or fire hydrant testing;
I.B.2.b.ii Diverted stream flows not requiring a separate permit;
I.B.2.b.iii Springs or rising ground waters;
I.B.2.b.iv 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.B.2.b.v Discharges from potable water sources not requiring a separate permit;
I.B.2.b.vi Residential foundation and footing drains;
I.B.2.b.vii Air conditioning condensate;
I.B.2.b.viii Irrigation water from lawns and landscaping;
I.B.2.b.ix Water from residential crawl space pumps;
I.B.2.b.x Individual residential car washing;
I.B.2.b.xi Flows from natural riparian habitats and wetlands not requiring a separate permit;
I.B.2.b.xii De-chlorinated swimming pool discharges;
I.B.2.b.xiii Water incidental to street sweeping (including associated side walks and medians) and that is not associated with construction activities;
I.B.2.b.xiv Discharges or flows from fire fighting activities; and
I.B.2.b.xv Dewatering activities not requiring a separate discharge permit.

I.B.3 Non-Authorized Discharges

I.B.3.a This permit does not authorize the following :

I.B.3.a.i Discharges that do not comply with the Nevada's anti-degradation policy for water quality standards; and

I.B.3.a.ii Any discharge that causes or contributes to an in-stream exceedance of 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 Total Maximum Daily Load ("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. If there is no TMDL, the Permittees must comply with Part II.B.3.

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 ("WLA") or other performance requirements specifically for stormwater discharge from the Permittees' MS4;

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 Section IV.

II.B.2.f Estimate reductions of pollutants through established and accepted BMP performance studies (such as referenced in the Truckee Meadows Structural Controls Design Manual, Appendix A), 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 IV.L 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. ADEQUATE LEGAL AUTHORITY

III.A. Ordinance

III.A.1 Each of the Permittees shall have an ordinance in place that authorizes or enables each Permittee to:

III.A.1.a Prohibit illicit discharges and illicit connections to the Permittees' MS4s;

III.A.1.b Mitigate the discharge from spills, dumping or disposal of materials other than stormwater to any of the Permittees' MS4s;

III.A.1.c Require compliance with any condition contained in ordinances, permits, contracts or orders;

III.A.1.d Require structural and non-structural BMPs for erosion and sediment controls at construction sites;

III.A.1.e Inspect construction sites disturbing ≥ one (1) acre or < one (1) acre if part of a common plan of development to ensure compliance with each Permittee's ordinance and take appropriate enforcement action as necessary;

III.A.1.f Inspect industrial sites that are part of each jurisdiction's inventory of industrial sites to ensure compliance with each Permittee's ordinance, and take appropriate enforcement action as necessary;

III.A.1.g Establish civil, administrative and criminal penalties for violations of the ordinance; and

III.A.1.h Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with the prohibition of illicit discharges to the Permittees' MS4s.

IV. STORMWATER MANAGEMENT PROGRAM

IV.A. General Requirements

IV.A.1 The Permittees shall continue to implement and enforce their Stormwater Management Program ("SWMP") designed to reduce the discharge of pollutants from the Permittees' MS4 to the maximum extent practicable ("MEP") to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act ("CWA");

IV.A.2 The Permittees may partner with other MS4s in the region to develop and implement the SWMP. The description of the Permittees' SWMP must clearly describe which Permittee is responsible for implementing each of the BMPs identified in the SWMP.

IV.A.3 The Permittees shall review, revise as necessary and submit an updated SWMP to NDEP for its review and approval within eighteen (18) months of the effective date of this permit and shall implement the revised SWMP no later than two (2) years after receiving NDEP's approval;

IV.A.3.a Before the updated SWMP is submitted to NDEP for its review, it shall be made available for public comment at a meeting noticed in accordance with the Nevada open meeting law;

IV.A.3.b The Permittees shall compile any comments received as part of the process in IV.A.3.a., describe the actions taken concerning the public comments and include this information in the updated SWMP;

IV.A.4 The updated SWMP shall present a review of legal authority to ensure adequate authority to implement the requirements of this permit and the updated SWMP. Where necessary, additional ordinances or other regulatory mechanisms shall be submitted to the governing boards and councils for their adoption.

IV.A.5 The updated SWMP shall identify existing BMPs and any new BMPs that the Permittees or another entity will implement;

IV.A.6 The updated 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;

IV.A.7 The updated SWMP shall provide information explaining how and why the Permittees selected each new BMP and measurable goals for the SWMP;

IV.A.8 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;

IV.A.9 The scope and coverage of the updated SWMP shall extend at least to the limits of the urbanized area in the Truckee Meadows Service Area as established by the Truckee Meadows Regional Planning Agency. The area includes areas which are, or could reasonably be, urbanized within the time covered by the permit;

IV.A.10 The updated SWMP shall include a description of the staff and resources available to implement the program elements;

IV.A.11 A separate, updated SWMP, or one or more joint SWMPs, may be submitted by each Permittee;

IV.A.12 The updated SWMP may impose controls on a system-wide basis, a watershed basis, a jurisdictional basis, or on individual outfalls;

IV.A.13 The updated SWMP shall describe any new priorities for implementing structural and non-structural BMPs for each of the following elements: Public Outreach and Education; Illicit Discharge and Detection; Industrial Facility Monitoring and Control; Municipal Operations (MS4 maintenance activities and good housekeeping practices), Post-Construction Stormwater Management Program for New Development and Significant Redevelopment, and a Construction Site BMP Program and Intergovernmental Coordination;

IV.A.14 The updated SWMP shall incorporate the BMPs identified in this permit; and

IV.A.15 Pending submittal and approval of the updated SWMP, the Permittees shall continue to implement the current SWMP and any existing BMPs.

IV.B. Source Identification

IV.B.1 The updated SWMP shall provide updated maps of the Permittees' MS4s, including the location of any major outfall that discharges to waters of the United States that was not reported in the previous SWMP.

IV.C. Characterization Data

IV.C.1 The updated SWMP shall evaluate characterization data previously submitted and include additional data collected in the same manner, and evaluate whether existing data collection programs should be modified to improve

characterization of stormwater discharges, effects of BMPs, or ambient water quality. This information shall be submitted for approval as part of the Annual Monitoring Plan required in Part V.A.

IV.D. Public Outreach and Education

IV.D.1 The updated SWMP covering the duration of this permit shall describe public outreach and education to reduce the discharge of pollutants to the MEP;

IV.D.2 The updated SWMP shall contain information about the different types of educational material distributed during environmental fairs or other public outreach events; and

IV.D.3 The updated SWMP shall describe educational activities, public information activities, and other appropriate activities;

IV.D.4 The updated SWMP shall describe how the Permittees will inform developers, contractors, operators, and agency staff about upcoming educational and training workshops on construction site erosion and sediment control and construction materials management sponsored by industry groups, professional organizations and public agencies;

IV.D.5 The updated SWMP shall describe how the Permittees will inform local government officials, municipal development personnel, architects, and engineers about water quality problems associated with urban runoff and the requirements for meeting NPDES laws and program goals for properly managing the quality of urban runoff.

IV.E. MS4 Maintenance Activities (Municipal Operations)

IV.E.1 The updated SWMP shall include a description of BMPs expected to reduce pollutants from stormwater runoff from commercial and residential areas that are discharged into the MS4. This section shall also discuss the basis for the expected reduction of pollutant loads and a proposed schedule for implementing such controls. At a minimum, the description shall include:

IV.E.1.a A description of maintenance activities and a maintenance schedule to reduce pollutants in discharges from MS4s;

IV.E.1.b A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from the MS4s;

IV.E.1.c A description of a program to evaluate, monitor and reduce pollutants in runoff from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste;

IV.E.1.d A description of a program to evaluate and reduce pollutants in discharges from MS4s associated with the application of pesticides, herbicides, and fertilizers by each of the Permittees.

IV.F. Post-Construction Stormwater Management Program For New Development and Significant Redevelopment Projects

IV.F.1 The Permittees shall develop a post-construction stormwater management program for new development and significant redevelopment ("NDSR") projects that is suited for the unique hydrologic, hydrogeologic and regional conditions of the Truckee Meadows. The program shall focus on planning procedures consistent with the goals identified in Part IV.F.2.

IV.F.2 The post-construction stormwater management program shall have the following goals:

IV.F.2.a To prevent stormwater discharges to the MEP from post-construction projects that cause or contribute to downstream violations of water quality standards; and

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

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

IV.F.3.a Describe how the Permittees will review and enhance the SWMP post-construction stormwater management program requirements in a manner appropriate for the unique hydrologic, hydrogeologic and regional conditions and needs of the Truckee Meadows. The review shall address the following elements:

IV.F.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;

IV.F.3.a.ii Describe how the Permittees will promote the use of low-impact development ("LID") measures that will remain in effect after construction is complete and are effective and appropriate for the Truckee Meadows and its environment. The program will outline the selected LID measures found effective and appropriate for the Truckee

Meadows along with a summary and schedule for implementation in the MS4;

IV.F.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 the Truckee Meadows and its environment. The program will outline the selected BMP measures found effective and appropriate for the Truckee Meadows along with a summary and schedule for implementation in the MS4;

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

IV.F.3.a.v Describe how the Permittees will develop and implement an ordinance or other regulatory mechanism to address post-construction stormwater management from NDSR projects;

IV.F.3.a.vi Describe how the Permittees will provide verification of maintenance provisions for post-construction structural BMPs located on private property;

IV.F.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 name, project location, project acreage, BMP type and description, inspection date and summary, and any corrective actions undertaken;

IV.F.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

IV.F.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.

IV.F.3.b All NDSR projects submitted to the permitting authority subsequent to program implementation as identified in IV.F.2 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 IV.F.4:

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

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

IV.F.3.b.iii 100,000 square foot commercial and industrial developments;

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

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

IV.F.3.b.vi Restaurants disturbing greater than one (1) acre;

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

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

IV.F.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 IV.F.4.e, the design standards program shall address at minimum the following criteria:

IV.F.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;

IV.F.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 IV.F.2;

IV.F.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:

IV.F.4.c.i Slopes and channel design or protection to minimize erosion;

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

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

IV.F.4.d **Structural Treatment Control BMPs.** The post-construction stormwater management program shall describe why a treatment control BMP is selected, how it 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:

IV.F.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 stormwater discharges from projects listed in Part IV.F.3.b. The Permittees shall use one of the following conditions to develop the volumetric treatment control BMP design criteria:

IV.F.4.d.i.1 Historical rainfall records for the Truckee Meadows 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

IV.F.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

IV.F.4.d.i.3 An alternative treatment design criteria, appropriate for the unique hydrologic, hydrogeologic and regional conditions of the Truckee Meadows. Any alternative design criteria shall be submitted to NDEP with sufficient technical data to establish the appropriateness of the alternative treatment design criteria.

IV.F.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 IV.F.3.b. The Permittees shall use one of the following conditions to develop flow-based BMP design criteria:

IV.F.4.d.ii.1 Historical rainfall data for the Truckee Meadows to determine the maximum flow rate of runoff from rainfall per hour, for each hour of a storm event; or

IV.F.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

IV.F.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

IV.F.4.d.ii.4 An alternative treatment design criteria, appropriate for the unique hydrologic, hydrogeologic and regional conditions of the Truckee Meadows. Any alternative design criteria shall be submitted to NDEP with sufficient technical data to establish the appropriateness of the alternative treatment design criteria.

IV.F.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 the Truckee Meadows.

IV.F.5 **Effect of the Post-Construction Stormwater Management Program on Water Quality Standards and Drinking Water Supply**

IV.F.5.a The Permittees shall provide a written evaluation in the Annual Report 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 the Truckee Meadows, including an exceedance of the water quality standards for pollutants of concern in identified streams and tributaries, and shall submit the evaluation to NDEP as part of the post-construction stormwater management program; and

IV.F.5.b The Permittees shall provide a written evaluation in the Annual Report whether the criteria developed as part of the post-construction stormwater management program will tend to reduce or degrade the contribution of stormwater to the water supplies provided by the Truckee River.

IV.F.5.c 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.

IV.G. Illicit Discharge and Detection

IV.G.1 The updated SWMP shall include a description of a program, including a schedule, to detect and remove illicit discharges and improper disposal into the MS4. The program shall include:

IV.G.1.a A description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent all types of illicit discharges to the MS4. Non-stormwater discharges, as defined in Part I.B.2.b, shall only be addressed where such discharges are identified by the Permittee as substantial contributors of pollutants to the Permittee's MS4;

IV.G.1.b A description of procedures to conduct on-going field screening activities during the life of this permit, including areas or locations that will be evaluated by such field screens;

IV.G.1.c Field screening protocol to investigate dry weather flows that would indicate when an illicit discharge may be present, and when follow-up investigation will be required;

IV.G.1.d A description of procedures to be followed to investigate portions of the MS4 that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-stormwater;

IV.G.1.e A description of procedures to prevent, contain, and respond to spills that may discharge into the MS4;

IV.G.1.f A description of a program to facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from MS4s;

IV.G.1.g A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and

IV.G.1.h An assessment of whether the procedures otherwise implemented in response to this section are sufficient to identify instances of exfiltration from the sanitary sewer to the storm sewers, and if not, a description of additional activities to be undertaken to control exfiltration.

IV.H. Industrial Facility Monitoring and Control

IV.H.1 The updated SWMP shall include a description of a program to monitor and control pollutants in stormwater discharges to MS4s from municipal landfills,

hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986, and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the MS4. The program shall include the following components:

IV.H.1.a Identify priorities and procedures for inspections and establishing and implementing control measures for such discharges;

IV.H.1.b Each Permittee shall develop and maintain an inventory of the facilities identified in part IV.H.1. The inventory shall list the facilities by specific categories and list the minimum inspection frequency for each category of facilities;

IV.H.1.c Each Permittee shall provide a list of the inventoried facilities to NDEP by October 1, 2010. Each year thereafter for the life of this permit, each Permittee shall provide to NDEP by October 1 of that year, an updated list of the facilities inventoried during that year; and

IV.H.1.d Describe a Monitoring Program for stormwater discharges associated with the industrial facilities identified in this section, to be implemented during the term of the Permit in accordance with the monitoring programs defined in Part V.A.

IV.I. Construction Site BMP Program

IV.I.1 The updated SWMP shall include a description of a program to implement and maintain structural and non-structural BMPs to reduce pollutants in stormwater runoff from construction sites to the MS4, which shall include:

IV.I.1.a A description of procedures for notifying developers and operators of properties of one (1) acre or more (and less than one acre if part of a larger plan of development) of requirements applicable to stormwater runoff;

IV.I.1.b A description of nonstructural and structural BMPs to be utilized for construction sites;

IV.I.1.c A description of appropriate educational and training measures for construction site operators; and

IV.I.1.d A description of a procedure to check for coverage under NDEP's General Construction Permit for Construction Activity prior to Permit issuance.

IV.J. Inspection of Construction Sites

IV.J.1 Each Permittee shall conduct construction site inspections for compliance with its local ordinances (grading, stormwater, etc.) and permits (construction, grading, etc.);

IV.J.2 Each Permittee shall inspect at least monthly, all construction sites within its jurisdiction meeting the following criteria:

IV.J.2.a All sites disturbing 100 acres or more in size at one time;

IV.J.2.b All sites disturbing one (1) acre or more that are tributary to a CWA section 303(d) water body segment impaired for sediment or turbidity; and

IV.J.2.c Sites determined by the permittees as a significant threat to water quality. In evaluating threat to water quality, the following factors shall be considered:

IV.J.2.c.i Soil erosion potential;
IV.J.2.c.ii Site slope;
IV.J.2.c.iii Project size and type;
IV.J.2.c.iv Sensitivity of receiving water bodies;
IV.J.2.c.v Proximity to receiving water bodies;
IV.J.2.c.vi Proximity to water bodies 303(d) listed for turbidity and sediment;
IV.J.2.c.vii Non-storm water discharges;
IV.J.2.c.viii Past record of non-compliance by the construction site operators; and
IV.J.2.c.ix Any other relevant factors.

IV.J.2.d All other construction sites of > one (1) acre not listed in Part IV.J.2 shall be inspected at least two (2) times for the duration of ground disturbance activities;

IV.J.3 Based upon site inspection findings, each Permittee shall implement all follow-up actions (i.e., re-inspection or enforcement) necessary to comply with this Permit;

IV.J.4 Inspections of construction sites shall include, but not be limited to:

IV.J.4.a Assessment of compliance with Permittee ordinances and permits related to urban runoff, including the implementation and maintenance of designated minimum BMPs;

IV.J.4.b Assessment of BMP effectiveness;

IV.J.4.c Visual observations for non-stormwater discharges and potential illicit connections;

IV.J.4.d Education and outreach on stormwater pollution prevention, as needed; and

IV.J.4.e Creation of a written or electronic inspection report.

IV.J.5 The Permittees shall track the number of inspections for the inventoried construction sites throughout the reporting period to verify that the sites are inspected at the minimum frequencies required. This information shall be included in the Annual Report.

IV.K. Sharing Responsibility

IV.K.1 The Permittees may either share responsibility or assign responsibility to one or more Permittees, and may implement BMPs individually, as a group, or through consultants. The SWMP shall include a description of how responsibility to implement BMPs is being shared or assigned.

IV.L. Reviewing and Updating Stormwater Management Programs

IV.L.1 After submittal and approval of the updated SWMP, the Permittees must complete an annual review of the SWMP in conjunction with preparation of the Annual Report required under Part VI.C;

IV.L.2 The Permittees may change the SWMP during the life of the Permit in accordance with the following procedures:

IV.L.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;

IV.L.2.b Requests for changes replacing an ineffective, unfeasible, or inappropriate BMP specifically identified in the SWMP with an alternate BMP may be submitted to NDEP for approval at any time. If the request is denied, NDEP will send the Permittees a written response giving a reason for its decision. The Permittees modification requests must include the following:

IV.L.2.b.i An analysis of why the BMP is ineffective, infeasible (including cost prohibitive), or otherwise should be revised or replaced, and

IV.L.2.b.ii An analysis of why the replacement BMP is expected to be more effective, feasible, or appropriate than the BMP to be replaced.

IV.M. Responsibility for Stormwater Management Program Implementation

IV.M.1 The Permittees must implement the SWMP on all new areas added to the Permittees portion of the MS4 (or for which the Permittees become responsible for implementation of stormwater quality controls) not later than one (1) year from addition of the new areas; and

IV.M.2 Information on all new annexed areas and any resulting updates required to the SWMP must be included in the Annual Report.

V. STORMWATER MONITORING, RECORDKEEPING & ANNUAL REPORT

V.A. Stormwater Monitoring

V.A.1 The Permittees shall submit a Stormwater Monitoring Plan to NDEP for the following year on or before October 1 each year. In developing the plan, the Permittees must evaluate and update as necessary how monitoring may assist in making decisions about program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals. Pending submittal of the annual monitoring plan, the Permittees shall continue to implement the existing monitoring plan.

V.A.2 When the Permittees conduct monitoring at the Permittees' MS4, the Permittees are required to comply with the following:

V.A.2.a Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. This requirement does not prevent Permittees from analyzing or reporting samples that are representative of a limited situation (e.g. concentration at peak flow);

V.A.2.b Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Act, unless other procedures are approved by NDEP.

V.A.2.c Records of monitoring information shall include:

V.A.2.c.i The date, exact place, and time of sampling or measurements;

V.A.2.c.ii The names(s) of the individual(s) who performed the sampling or measurements;

V.A.2.c.iii The date(s) analyses were performed;

V.A.2.c.iv The name(s) of the individual(s) who performed the analyses;

V.A.2.c.v The analytical techniques or methods used; and

V.A.2.c.vi The results of such analyses.

V.A.2.d Analyses shall be performed by a State of Nevada-certified laboratory. Laboratory reports shall be provided if requested by NDEP.

V.A.2.e If the Permittees perform stormwater monitoring more frequently than required by the Stormwater Monitoring Plan, the results of such monitoring shall be reported in the Annual Report.

V.B. Recordkeeping

V.B.1 The Permittees must 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, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the termination date of this permit. This period may be extended at the direction of NDEP at any time.

V.B.2 The Permittees must submit the records to NDEP only when specifically asked to do so. The Permittees must retain a copy of the SWMP required by this permit (including a copy of the permit language) at a location accessible to NDEP. The Permittees must make the records, including a copy of the SWMP, available to the public if requested to do so in writing.

V.B.3 For public requests of records, the Permittees may impose a reasonable fee for personnel time and copying expenses.

V.C. Annual Report

V.C.1 Permittees shall submit an Annual Report to NDEP by January 15 of each year of the permit term. Each Annual Report shall cover the previous fiscal year (July 1st through June 30th). For example, the Annual Report submitted January 15, 2011, will cover the period July 1, 2009, through June 30, 2010.

V.C.2 Each year, Permittees shall review the SWMP defined under Part IV of this permit, and report to NDEP on the status of the program, whether Permittees have identified any modifications, and the plans for implementing those modifications.

V.C.3 At a minimum, the Annual Report shall include:

V.C.3.a Status of the Permittees' compliance with permit conditions;

V.C.3.b An assessment of the appropriateness of the identified BMPs, and any revisions to previous assessments if appropriate;

V.C.3.c Progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP;

V.C.3.d Status of the achievement of measurable goals;

V.C.3.e Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP, a description of any identified improvements to or degradation in water quality attributable to the program, and a description of any identified effects on attainment of water quality standards attributable to the program;

V.C.3.f A summary of the stormwater activities the Permittees plan to undertake during the next reporting cycle (including an implementation schedule and a fiscal analysis);

V.C.3.g Changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;

V.C.3.h Notice that the Permittees are relying on another government entity to satisfy some of the permit obligations (if applicable);

V.C.3.i Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from MS4s expected as the result of the municipal stormwater quality management program. The assessment shall also identify known impacts of stormwater controls on groundwater;

V.C.3.j A summary of inspections performed and enforcement activity taken during the report cycle; and

V.C.3.k Annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP, and the budget for the year following each Annual Report.

V.C.4 An original signed copy of all reports and plans 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 St., Suite 4001
Carson City, NV 89701

VI. STANDARD PERMIT CONDITIONS

VI.A. Duty to Comply

VI.A.1 The Permittees must comply with all applicable conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; permit termination; revocation and reissuance; modification; or for denial of a permit renewal application. Each Permittee is responsible for its own compliance with this permit, but not for any noncompliance of another Permittee. No Permittee shall be held liable for the violation of this Permit by another Permittee.

VI.B. Annual Fee

VI.B.1 The Permittees shall remit an annual review and services fee in accordance with Nevada Administrative Code ("NAC") 445A.232 starting July 1, 2010, and every year thereafter until the Permit is terminated.

VI.C. Continuation of the Expired Permit

VI.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. Permittees granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

VI.C.1.a Reissuance or replacement of this Permit; or

VI.C.1.b Issuance of another individual permit for the Permittees' discharges.

VI.D. Need to Halt or Reduce Activity Not a Defense

VI.D.1 It shall not be a defense for the Permittees in an enforcement action that it would have been necessary to halt or reduce the permitted activity under the Permittees' control in order to maintain compliance with the conditions of this Permit.

VI.E. Duty to Mitigate

VI.E.1 The Permittees must 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.

VI.F. Duty to Provide Information

VI.F.1 The Permittees must furnish to NDEP any information that is requested by NDEP and needed to determine compliance with this permit or other information.

VI.G. Other Information

VI.G.1 If the Permittees become aware that the Permittees have failed to submit any relevant facts in the Permittees SWMP or Annual Report or submitted incorrect information in the SWMP or Annual Report or in any other report to NDEP, the Permittees must promptly submit such facts or information.

VI.H. Signatory Requirements

VI.H.1 All applications, reports, certifications, or information submitted to NDEP, or that this Permit requires be maintained by the Permittees shall be signed and certified as follows:

VI.H.1.a **Applications.** All applications shall be signed by either a principal executive officer or ranking elected official.

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

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

VI.H.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.

VI.H.1.c **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 VI.H.1.b must be submitted to NDEP prior to or together with any reports, information, or applications to be signed by an authorized representative.

VI.I. Property Rights

VI.I.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.

VI.J. Proper Operation and Maintenance

VI.J.1 The Permittees must 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 Permittees to achieve compliance with the conditions of this Permit.

VI.K. Inspection and Entry

VI.K.1 The Permittees 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:

VI.K.1.a Enter the Permittees' premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Permit;

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

VI.K.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

VI.K.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.

VI.L. Permit Actions

VI.L.1 This Permit may be modified, revoked and reissued, or terminated for cause. The Permittees 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.

VI.M. Deadlines for Reapplication to Continue Permit Coverage

VI.M.1 The Permittees shall submit written correspondence to NDEP requesting continued permit coverage not later than 180 days before this Permit expires.

VI.N. Permit Transfers

VI.N.1 This Permit is not transferable to any person except after written notice to NDEP and approval by 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.

VI.O. Anticipated Noncompliance

VI.O.1 The Permittees shall give 24-hour notice to NDEP of any planned changes in the permitted MS4 or activity which may result in non-compliance with this Permit.

VI.P. State Environmental Laws

VI.P.1 Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittees from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the CWA.

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

VI.Q. Severability

VI.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 due 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.

VI.R. Procedures for Modification or Revocation

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

VI.S. Availability of Reports

VI.S.1 Except for data determined to be confidential under Nevada Revised Statutes ("NRS") 445A.665, all reports and plans submitted in accordance with the terms of this permit shall be available for public inspection at NDEP's office in Carson City. 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.

VI.T. Furnishing False Information and Tampering with Monitoring Devices

VI.T.1 Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document submitted 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.

VI.U. Penalty for Violation of Permit Conditions

VI.U.1.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.710.

VI.V. Permit Modification, Suspension or Revocation

VI.V.1 After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

VI.V.1.a Violation of any terms or conditions of this permit;

VI.V.1.b Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

VI.V.1.c A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

VI.V.1.d To impose specific requirements for BMPs or annual reporting requirements in accordance with 40 CFR § 122.62 or §122.63.

VI.V.2 Any Permittee may request that NDEP reopen and modify this permit.

VII. DEFINITIONS

VII.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.

VII.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.

VII.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.

VII.A.3 **Discharge,** when used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR §122.2.

VII.A.4 **Illicit Connection** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

VII.A.5 **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.B.

VII.A.6 **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.

VII.A.7 **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).

VII.A.8 **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.

VII.A.9 **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.

VII.A.10 **Permitting Authority** means the Nevada Division of Environmental Protection.

VII.A.11 **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.

VII.A.12 **Sites that are tributary** are defined as sites that discharge directly into a CWA section 303(d)-listed waterbody segment.

VII.A.13 **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.

VII.A.14 **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."

VII.A.15 **Stormwater** is defined at 40 CFR §122.26(b)(13) and means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

VII.A.16 **Stormwater Management Program ("SWMP")** refers to a comprehensive program to manage the quality of stormwater discharged from the MS4.

VII.A.17 **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.

ACRONYMS

BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
LID	Low-Impact Development
MCM	Minimum Control Measure
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
NAC	Nevada Administrative Code
NDEP	Nevada Division of Environmental Protection
NDSR	New Development and Significant Redevelopment
NPDES	National Pollutant Discharge Elimination System
NRS	Nevada Revised Statute
SARA	Superfund Amendments and Reauthorization Act
SWMP	Stormwater Management Program
TMDL	Total Maximum Daily Load
USC	United States Code
WLA	Waste Load Allocation