

# National Pollutant Discharge Elimination System General Permit

## FACTSHEET (pursuant to NAC 445A.236)

**Permit Type:** NPDES general permit for water discharges that pose insignificant (*De Minimis*) threat to water quality and the environment.

**Permit number:** NVG201000

### **Permit Objective:**

This permit is for De Minimis discharges as defined below and may be intermittent or continuous. Its purpose is to provide timely authorization for discharges to Waters of the United States. This general permit establishes Notice of Intent (NOI) requirements, water quality limitations, prohibitions and management practices for five (5) separate discharge categories.

### **Background:**

The Clean Water Act provides that the discharge of pollutants to Waters of the United States from any point source is prohibited, unless the discharge is in compliance with an NPDES permit. The federal regulations allow authorized states to issue either general permits or individual permits to regulate discharges of pollutants to Waters of the U.S. The permit will be valid throughout Nevada. Monitoring requirements are intended to ensure there is no adverse impact to Waters of the State.

### **Description of Discharge:**

NVG201000 authorizes water discharges associated with various activities; it was developed to authorize a range of De Minimis water discharges under one permit. Monitoring requirements have been established for five (5) discharge categories.

Discharges from the following activities are considered De Minimis when they are consistent with provisions of this NPDES De Minimis general permit NVG201000.

**Discharge Category 1 – Public Water System Emergency discharges** – Permitted Public Water System Emergency discharges are situations which pose an immediate risk to health, life, property or environment.

**Discharge Category 2 – Category 2 - Water supply systems discharges** - Permitted discharges include discharges related to construction, maintenance, and testing (quantity, duration and capacity) of water supply systems (including the pipes, tanks, and reservoirs) such as:

- Disinfection and flushing activities;
- Discharges resulting from pressure releases, or overflows;
- Discharge from wells and storage reservoirs.

**Discharge Category 3 – Well testing & maintenance / aquifer testing / water quality testing** - Permitted water discharges include discharges of water associated with:

- Drilling of new water or geothermal wells;
- Rehabilitation or maintenance of water or geothermal wells, piezometers, and boreholes;
- Water supply quantity or quality evaluations;
- Well/aquifer test pumping and/or purging;
- Discharges from any borehole not fully developed.

**Discharge Category 4 - Subsurface water discharges** - Permitted water discharges include:

- Groundwater from foundation, footer drain, basement, underground structure or other dewatering, provided the discharge is not contaminated with pollutants, chemicals or co-mingled with other wastewaters;
- Water from intercepted or pumped groundwater.

**Discharge Category 5 – Utility vault water discharges** - Permitted water discharges include:

- Groundwater or surface water collected in vaults;
- Water from subterranean seepage;
- Snow melt, stormwater, or water present as a result of inclement weather.

**Discharges not covered by this permit include, but are not limited to:**

- Discharges in excess of 250 gpm, except for emergencies as defined in Category 1 (above);
- Category 3, Category 4, or Category 5 type discharges that are within the BMI Complex as defined in Attachment I;
- Discharges that are subject to effluent limitation guidelines at 40 CFR Part 440;
- Discharges near or adjacent to hazardous waste sites, remediation sites, or where discharge activities may encounter naturally occurring constituents that would cause a violation of Water Quality Standards;
- Subsurface (tile) drainage systems(or equivalent);
- Discharges from mining activities;
- Leaking chemical and fuel tanks;
- Discharge of industrial waste;
- Discharge of domestic/sanitary waste;
- Biohazardous waste (e.g. wastes from hospitals, dentists, and/or veterinary clinics);
- Discharges authorized by other NDEP permits;
- Discharges that are not in conformance with an approved Total Maximum Daily Load (TMDL);
- Discharges into impaired waters on the Federal Clean Water Act Section 303(d) list, unless the discharge does not contain the pollutant for which the water body is impaired, or does not cause or contribute to an exceedance of water quality standards; or that there are sufficient remaining waste load allocations in an EPA approved or established TMDL to allow the discharge.
- Discharges from vehicle or equipment washing or maintenance activities including mobile washes (e.g. car, carpet, animal, and heavy equipment);
- Underground injection control (UIC) activities;
- Working in Waters of the U.S.; or,
- Discharges not authorized under this permit.

**Certification of Discharge:**

In order to ensure De Minimis impact by the approved discharge to Waters of the US the following permit requirements were established:

- A water sample test must be submitted, as applicable, as part of the NOI application.
- Water sample monitoring test must include analysis for substances as defined in Section A of the permit.
- In order to certify that the quality of the approved discharge has not significantly changed, annual water tests are required for discharge operations.
- Annual test results must be submitted by the end of the 4<sup>th</sup> quarter as defined in Sections A of the permit.
- Test results must be submitted in a manner that is consistent with all permit conditions; specifically Section A.

**Permit Requirements & Rational:**

NDEP believes that water discharge categories included in this general permit can be efficiently regulated under the general permit rather than using individual permits. Approved discharges involve substantially similar operations with respect to the nature of the discharge activities. Dischargers engage in similar disposal practices, operating conditions, standards for disposal, monitoring and inspections of their respective discharge activity.

This De Minimis General Permit intends to control and reduce pollution to Waters of the United States (U.S.) from water discharges. NVG201000 requires NOI water quality submittal, annual sampling, installation of BMPs and reporting to ensure the site is performing at a level that minimizes water pollution and protects public health and the environment.

This permit establishes required background water sampling protocol that must be submitted by all applicants seeking coverage under permit NVG201000 as part of NOI. As defined in Section A of the permit, testing protocols are established based on type of discharge. Annual testing requirements are defined in Section A of the permit

Qualifying dischargers shall not begin to discharge until the Division has received and approved the original complete and signed NOI, applicable fees, and associated acceptable results of the water quality samples taken in accordance with Section A of the permit. Existing dischargers who are covered under a current NDEP permit may continue to discharge until valid permit expires. Discharges who are not granted coverage under this general NPDES permit because the nature, quality and quantity of the proposed discharge, may apply for an individual NPDES permit.

**Procedures for Public Comment:**

The Notice of the Division's intent to issue a general NPDES permit authorizing the Permittee to discharge to Waters of the U.S. subject to the conditions contained within the permit, is being sent to the Reno Gazette-Journal, Nevada Appeal, Las Vegas Review Journal, Elko Daily Free Press, Battle Mountain Bugle, Humboldt Sun, Eureka Sentinel, Ely Times, Lahontan Valley News, Mineral County Independent News, The Record Courier, Lincoln County Record, Mason Valley News, Tonapah Times, and the Lovelock Review Miner for publication. The notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing until 5:00 P.M. **February 4<sup>th</sup>, 2011**, a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator of EPA Region IX or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determined to be appropriate. All public hearings must be conducted to accordance with NAC 445A.238.

The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NRS 445A.238.

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