



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

FACT SHEET (Pursuant to NAC 445A.236)

Permit Name: General Permit for Stormwater Discharges Associated with Industrial Activity from Metals Mining Activities.

Permit No.: NVR300000

Permit Coverage: Coverage under this permit is available for stormwater discharges associated with industrial activity from active and inactive mine sites in the mineral industry, category iii of 40 CFR 122.26(b)(14) Sector G - metals mining.

Location: Currently, there are 63 separately permitted metallic mineral mines located statewide.

Flow: In response to non-point source discharges from precipitation (rainfall and snowmelt).

Description of Discharge: Stormwater runoff from waste rock piles, haul roads, milling facilities and other mine areas that have not mixed with process solutions or other contaminant sources. Typical pollutants include suspended and dissolved solids and minerals eroded from exposed surfaces.

Receiving Water Characteristics: Variable depending on facility location.

Introduction:

This fact sheet describes the 2013 General Permit NVR300000, for stormwater discharges associated with industrial activity from active and inactive mine sites in the mineral industry. Like the previous permit, this permit authorizes stormwater discharges associated with Standard Industrial Classification Code 10 metal mining (metallic mineral/ores) Category iii as defined under 40 CFR §122.26(b) (14) Category III Mineral Industry and all construction-related activities as defined by 40 CFR § 122.26(b)(14) (x) and (b)(15) at mine sites to Waters of the State of Nevada when they apply to the definition of Waters of the U.S. This permit is a continuation of a program begun in 1993 under the previous General Permits, GNV0022225 and the 2000 and 2007 General Permit NVR300000 respectively.

Additionally, this fact sheet describes a summary of changes from the previous 2007 General Permit NVR300000.

Background:

Since the passage of the Clean Water Act (CWA), the quality of our Nation's waters has improved dramatically. Despite this progress, however, degraded water bodies still exist. According to the 2000 National Water Quality Inventory (Inventory), a biennial summary of State surveys of water quality, approximately 40 percent of surveyed U.S. water bodies are still impaired by pollution and do not meet water quality standards. A leading source of this impairment is polluted runoff. Phase I of the U.S. Environmental Protection Agency's (EPA) stormwater program was promulgated in 1990 under the CWA. Phase I relies on National Pollutant Discharge Elimination System (NPDES) permit coverage to address stormwater runoff from:

- (1) "Medium" and "large" municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, and
- (2) Eleven categories of industrial activity as defined by 40 CFR 122.26.

Activities that take place at industrial facilities, such as material handling and storage, are often exposed to stormwater. The runoff from these activities discharges industrial pollutants into nearby storm sewer systems and water bodies. This may adversely impact water quality.

To limit pollutants in stormwater discharges from industrial facilities, the NPDES Phase I Stormwater Program includes an industrial stormwater permitting component. Operators of industrial facilities included in one of the 11 categories of "stormwater discharges associated with industrial activity" (40 CFR 122.26 (b)(14)(i)-(xi)) that discharge stormwater to a municipal separate storm sewer system (MS4) or directly to waters of the United States require authorization under a NPDES industrial stormwater permit. If an industrial facility has an applicable Standard Industrial Classification (SIC) code or meets the narrative description listed in the 11 categories, the facility operator must determine if the facility is eligible for coverage under a general or an individual NPDES industrial stormwater permit. Operators of industrial facilities or sites with activities included in one of these 11 categories must obtain coverage under an NPDES industrial stormwater permit, unless conditionally excluded. Facilities that do not discharge to waters of the U.S. are not required to obtain coverage under this permit.

Nevada led the nation in 2010 in production of gold, barite, and lithium as it has for several years. Nevada's mines also produce a wide variety of other minerals such as aggregates, copper, diatomite, dolomite, lapidary and gemstones, lime and limestone, magnesium compounds, molybdenite, perlite, salt, silica sand, silver, and other specialty aggregates and clays (Nevada Bureau of Mines and

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Geology: Special Publication P-22). Currently permitted, under NVR300000, are 63 separate metal mines located statewide and defined under Category iii, SIC code 10.

Facilities that do not discharge to Waters of the State when they apply to the definition of Waters of the U.S. are not required to obtain coverage under this permit. Non-metallic mineral mining, classified under Category iii SIC codes 11 through 14, are required to obtain coverage under a separate Stormwater General Permit NVR050000 released in September 2008.

During the course of review for this permit, NDEP has performed a review of its Stormwater program. The review included elements of its General Permit for Stormwater Discharges Associated with Industrial Activity (Permit Number: NVR050000), General Permit for Stormwater Discharges Associated with Construction Activity (Permit Number: NVR100000), mining annual reports, monitoring plans, and other submittals. As a result of the review, the language from the previous permit has been retained and improvements made to some areas to maintain consistency with the statewide program.

Changes to the 2013 General Permit NVR300000 are as follows:

- NDEP has restructured its 2013 General Permit (NVR300000) so that it is organized to present requirements in a more readable manner. The permit has been divided into 9 parts containing general requirements that apply to all permittees: (Part 1) Coverage Under this Permit, (Part 2) Control Measures, (Part3) Corrective Actions, (Part 4) Inspections, (Part 5) Stormwater Pollution Prevention Plan, (Part 6) Monitoring Program (Part 7) Reporting and Recordkeeping, (Part 8) Construction Site Stormwater Discharges, and (Part 9) General Permit Conditions.
- Clarification of inactive and/or unstaffed mine sites and their requirements.
- Clarification for the inclusion and requirements of construction and exploration activities under this permit.
- A change from 6 months to 60 days for submission of new and updated SWPPPs and Monitoring Plans.
- Currently the number of routine site inspections is at the discretion of the operator. This permit clarifies that routine inspections will be conducted quarterly for active sites and annually for documented inactive and/or unstaffed sites.

Incorporation of these additional requirements is consistent with Nevada's requirements for its other General Permits for Stormwater Discharges.

Under the General requirements of this permit, there shall be no discharge of substances to Waters of the State that would cause a violation of water quality standards of the State of Nevada.

Permit Requirements:

Facilities that are authorized under the existing National Pollutant Discharge Elimination System (NPDES) permit NVR300000 for discharges associated with Metals Mining Activities must submit a renewal Notice of Intent (NOI) within 60 days of the effective date of this permit (by **April 30, 2013**).

New eligible dischargers are required to request inclusion in this general permit by completing a NOI and filing fee with NDEP no later than 2 days prior to the start of discharge. Provisional authorization begins 24 hours after a completed NOI is received by the Division.

Facilities that are authorized under the existing NPDES permit NVR300000 must submit a new or updated SWPPP to NDEP within 60 days of the effective date of this permit (by **April 30, 2013**) or for new dischargers within 30 days of the submitted NOI. SWPPPs shall also be available for inspection at the project site or operation covered by this permit. The purpose of the SWPPP is to guide the identification of stormwater pollution sources and the reduction of their impacts, and otherwise lead to compliance with the conditions of this permit. Each of the SWPPP elements must be revised as necessary to maintain accuracy if there are changes in design or construction of the project or if the SWPPP is found to be insufficient.

The permittee shall make SWPPPs available upon request to the State or local agency approving sediment and erosion plans, grading plans, and stormwater management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site. The copy of the SWPPP that is required to be kept on the mining site or locally available must be made available to NDEP for review at the time of an on-site inspection.

Rationale for Permit Requirements:

The conditions set in permit language are the minimum requirements to maintain and implement an effective stormwater program consistent with U. S. EPA rules (Title 40 of the Code of Federal Regulations Part 122). BMPs are approved by the U.S. EPA for use in stormwater permits, and the existing program appears successful based on the past eleven years under the previous permits.

Proposed Determination:

The Division has made the tentative determination to renew permit NVR300000 for a period of five (5) years.

Procedures for Public Comment:

The Notice of the Division's intent to renew the modified discharge permit subject to the conditions contained within the permit is being sent to the **Las Vegas Review Journal, Reno Gazette, Nevada Appeal and Elko Daily Free Press**, 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 for a period of thirty (30) days following the date of publication of the public notice in the newspaper. The comment period can be extended at the discretion of the Administrator. The deadline date and time by which all comments are to be submitted (via postmarked mail or time-stamped faxes, e-mails, or hand-delivered items) to the Division **January 11, 2013 by 5:00 P.M.**

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator 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 determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.238.

The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NRS 445A.605.

Final Fact Sheet Prepared by: Michele R. Reid, ES III
Bureau of Water Pollution Control