



NEVADA DIVISION OF  
**ENVIRONMENTAL  
PROTECTION**



Nevada Department of  
**CONSERVATION &  
NATURAL RESOURCES**

# Statewide General Permit to Regulate Discharge of Stormwater Associated with Construction Activity

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## Presented by

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# INTRODUCTIONS

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**Matthew McDaniel** – Public Information Officer

**Jennifer Carr** – Deputy Administrator

**Andrew Dixon** – Bureau of Water Pollution Control Chief

**Kristie Black** – Environmental Scientist

# REGULATORY AUTHORITY

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## **Bureau of Water Pollution Control:**

- Delegated authority that implements provisions of the federal Clean Water Act

## **Stormwater Branch:**

- Regulates stormwater discharges to protect the waters of the U.S. in Nevada from the discharge of pollutants

## **NPDES Stormwater Permits:**

- Authorized in accordance with Title 40 Part 122 of the Code of Federal Regulations (CFR) and with Chapter 445A of the Nevada Revised Statutes (NRS)

# CONSTRUCTION STORMWATER GENERAL PERMIT

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## **What is the purpose of the permit?**

- To control and reduce pollution to waters of the U.S.

## **When is permit coverage required?**

- Disturbance of one or more acres of total land area
- Disturbance of less than one acre of total land area that is part of a larger common plan of development or sale

## **When may permit coverage be required?**

- A project less than one acre in size within a 1/4-mile radius of a waters of the U.S.
- Projects that have been designated by NDEP as requiring coverage

# CONSTRUCTION STORMWATER GENERAL PERMIT

## NDEP PERMIT RENEWAL EFFORTS TO DATE

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### **Stakeholder Outreach:**

This outreach included multiple meetings with stakeholders representing the construction industry, municipal agencies, and state agencies. The purpose of these meetings was to help identify areas that needed clarification or modifications.

### **Environmental Protection Agency Review:**

After the stakeholder outreach, the draft Construction Stormwater General Permit was reviewed to ensure compliance with the federal Clean Water Act.

### **Public Comment:**

The draft Construction Stormwater Permit was made available for public comment for 30 days.

# CONSTRUCTION STORMWATER GENERAL PERMIT

## NDEP PERMIT RENEWAL EFFORTS TO DATE

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### Major Permit Modifications Based on Stakeholder Outreach:

- Modified text in several sections of the permit for clarity.
- Incidental discharge modifications:
  - Added “potable water sources, including uncontaminated water line flushing” and “uncontaminated and non-turbid potable water well flushing, where the receiving waters are ephemeral” to allowable incidental discharges.
  - Allowed incidental discharges at multiple points offsite; however, only one discharge point is allowed at a time.
  - Incidental discharges flows were changed from allowable for 15 days to 30 days.
- Clarified that if permittees are affected by unforeseen circumstances the permittee can document the reason.

# CONSTRUCTION STORMWATER GENERAL PERMIT

## NDEP PERMIT RENEWAL EFFORTS TO DATE

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### **Major Permit Modifications Based on Stakeholder Outreach:**

- Added a second option for inspection frequency.
- Clarified the original requirement for asphalt millings used during final stabilization. If asphalt millings are utilized, they must be placed in such a way that they will not enter a waterway.
- Changed arid exception for final stabilization for coverage remaining open from 3 years to 2 years.
- Removed gravel and mulch stockpiles from needing cover.
- Clarified employee training record requirements.
- Defined steep slopes.

# COMMON PUBLIC COMMENTS

## HOW LONG DOES NDEP HAVE TO APPROVE AN NOI?

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### Answer:

60 days

### Explanation:

The current permit states that dischargers must submit a Notice of Intent (NOI) and filing fee with NDEP no later than 14 days prior to the start of the permitted activity, **not that an approval letter would be issued in 14 days.**

### Permit Language:

*“The Division will issue an approval letter no later than 60 days after the date on which the Department receives the completed notice of intent and the required fees in accordance with NRS 445A.465 and NAC 445A.266.”*

- The 60-day limitation is based on deadlines established in NRS 445A.465 and NAC 445A.266.



# COMMON PUBLIC COMMENTS

## INCIDENTAL DISCHARGES

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### Question:

Section 1.3.3 refers to “incidental” discharges, which are defined as “unexpected and unplanned” discharges. Clarity would be improved if NDEP made explicit in the permit what it has said informally: that when groundwater dewatering is expected, the permittee should separately apply for NDEP’s De Minimis permit.

### Answer:

- The incidental discharges are allowed in this stormwater permit in order for the permittee(s) to have time to obtain additional coverage under more appropriate permits.
- Section 1.3.3.3 of the draft Permit states “Incidental discharges that exceed or do not meet the conditions set in Section 1.3.3.1 through 1.3.3.2 must apply for alternate permit coverage with the Division at <https://ndep.nv.gov/water/water-pollution-control/permitting>.”

# COMMON PUBLIC COMMENTS

## INCIDENTAL DISCHARGES

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### **Permit language:**

“Incidental discharges are allowed at multiple outfalls per permitted site; however, only one outfall may exist at a time, and the sum of the discharge flow rates and duration may not exceed the limits in the permit. The discharge flow is limited to 250 gallons per minute (gpm) or less for 30 days or less.”

### **Explanation:**

- Incidental discharges are unexpected and unplanned.
- Incidental discharges are typically permitted separately from the stormwater permit. Incidental discharges are allowed in a limited capacity, so the permittee(s) has time to apply for different permits from NDEP without having to stop construction.
- Incidental discharges requiring multiple outfalls operating at the same time are better regulated with separate NDEP permits.

# COMMON PUBLIC COMMENTS

## INCIDENTAL DISCHARGE SAMPLING AND LIMITATIONS TABLE

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### Question:

In Appendix B, a majority of the constituents were changed from Monitor and Report to max daily discharge limits. Why the change?

### Explanation:

- The table has been modified to align with Water Quality Standards in the Nevada Administrative Code (NAC) Chapter 445A.
- All parameters listed in the table are already required to be sampled for in the current active permit.
- Even though the previous table constituents were listed as Monitor and Report, all of these constituents should have already been sampled for under the current permit.

## NEXT STEPS

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1. NDEP will address all the comments sent in during the public comment period and during the public hearing.
2. Once all the questions have been addressed, NDEP will issue a Notice of Decision.
3. The permit will be issued.
4. All current permittees will be informed about the renewal permit issuance. The permittees will be directed on how to renew permit coverage.

# Questions?



## Contact

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