

Frequently Asked Questions

1. How do construction activities affect stormwater quality?

Stormwater runoff consists of rainwater and melted snow that runs off the land and enters surrounding surface waters. Construction activities—like clearing, grading, and excavation - expose soil surfaces and change natural water runoff patterns, which increase soil erosion. Stormwater runoff carries loose particles (i.e., sediment) from construction projects to lakes, rivers, streams, and ponds. Gradually, layers of clay and silt build up in the streambeds and cover areas where fish spawn and aquatic plants grow. Thus, NDEP considers sediment a pollutant. In addition, some construction activities require the use of toxic chemicals, metals, oil, and other materials that may contaminate the stormwater running off a job site.

2. What types of construction activities require a permit?

A construction stormwater permit is required if the construction project disturbs more than one (1) acre, or will disturb less than one (1) acre but is part of a larger common plan for development or sale that will ultimately disturb one (1) or more acres.

In some cases, if NDEP determines that a project less than one (1) acre in size will impact receiving waters or its tributaries within a 1/4-mile radius of the project, the owner/operator of the project may also be required to obtain a construction stormwater permit.

3. Is it possible to apply for a construction stormwater permit waiver?

If the construction site will disturb less than five (5) acres and meets certain criteria, the site may be eligible for a construction stormwater permit waiver. The permit waiver can be applied for when the applicant fills out the Notice of Intent (NOI).

4. Do I have to pay the filing fee if I receive a waiver?

No, a waiver does not require the applicant to pay a filing fee, but the waiver must be signed by an authorized person and submitted to NDEP.

5. Who is responsible for obtaining a construction stormwater permit?

The stormwater permit NOI can be filled out electronically by either the owner or the operator. The General Permit defines the “operator” as the party or parties that: (1) have operational control over the construction plans and site specifications, including the ability to change those plans; and (2) have day-to-day operational control of those activities at the site necessary to ensure compliance with stormwater pollution prevention plan (SWPPP) and permit conditions (i.e., authority to direct workers at the site to carry out activities identified in the plan).

6. When do I need to apply for a construction stormwater permit?

You need to complete the NOI at least 2 days before disturbing the site. After you complete the NOI, you need to print out the confirmation page, have it signed by an authorized person and send it and the \$200 filing to NDEP.

7. Am I covered under the Construction Stormwater General Permit when I have completed the NOI?

Yes, once you complete the NOI on-line you are provisionally covered under the Construction Stormwater General Permit. A couple weeks after you submit the confirmation page and filing fee to NDEP, you will receive an authorization letter from NDEP for your files.

7. When do I need to renew my construction stormwater permit?

The permit cycle runs from July 1st through June 30th, so you will receive a renewal form from NDEP sometime in May. Please be advised that if you plan to start a project in June, you will have to renew the permit on July 1st. If you can wait to start the project after June 30th, then you will not need to renew the permit until the following year.

8. What do I need to do when I complete the construction project?

When you have completed the project, meet the site stabilization requirements and have removed the BMPs from the site, then you can file a Notice of Termination (NOT) with NDEP. We will send out an inspector to insure that the site stabilization requirements have been met. If the inspector approves the NOT, the permit will be terminated and you will no longer have to keep the permit open.

9. What are the final stabilization requirements?

Final stabilization means that all soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed. In most parts of Nevada, background native vegetation will cover less than 100% of the ground. Establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization; on a beach with no natural vegetation, no stabilization is required).

For individual lots in a residential development, the developer must complete the final stabilization requirements discussed above or the developer must establish temporary stabilization, including perimeter controls for an individual lot, prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

NDEP recommends that before the site is disturbed, the owner/operator should take pictures of the site to establish a baseline for final stabilization requirements.

10. What is a Stormwater Pollution Prevention Plan?

A Stormwater Pollution Prevention Plan (SWPPP) describes how the operator(s) will satisfy the storm water permit requirements for preventing and controlling pollutants in construction site runoff. Several items are required in an SWPPP, including: site maps showing drainage and discharge locations, and the locations of control measures; a description of the site and of the pollution prevention best management practices (BMPs) (i.e., erosion and sediment controls); and inspection and maintenance procedures and reports.

11. Who can prepare the SWPPP?

The SWPPP must be prepared by a qualified person who is familiar with the requirements of the SWPPP. A SWPPP is a “living document” and will need to be updated as conditions change at the site. Nevada does not currently require SWPPPs to be prepared by a Professional Engineer (P.E.), a Certified Professional in Erosion and Sediment Control (CPESC), or a Certified Professional in Stormwater Quality (CPSWQ).

12. Do you have any information about preparing a SWPPP?

Yes, guidance on SWPPP development and implementation of appropriate best management practices (BMPs) is available on NDEP’s website.

13. What are Best Management Practices?

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