



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

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FACT SHEET (Pursuant to NAC 445A.236)

Permit: Working in Waters General Permit

Permit Number: GNSWW2014

General: The Nevada Water Pollution Control law, NRS 445A, authorizes NDEP to regulate the discharge of pollutants from point sources to waters of the State. General permits in Nevada are issued by the Administrator of the Division of Environmental Protection under an approved program, operating in accordance with the Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC).

The Working in Waters General Permit (formerly the Rolling Stock General Permit) is for maintenance and construction activities involving heavy equipment, or activities which have the potential impact of heavy equipment, working within the banks of waters of the State. The monitoring requirements are intended to ensure that waters of the State are not degraded.

The use of this general permit will allow NDEP to provide timely permitting for certain activities, reduce the inconvenience and cost of the permit process for applicants, and reduce the cost of administering the program.

This general permit regulates discharges to waters of the State. Waters of the State are defined in NRS 445A.415 as “all waters situated wholly or partly within or bordering upon this State, including but not limited to: 1) All streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems, and drainage systems; and 2) All bodies or accumulations of water, surface and underground, natural or artificial.” Waterways of the State also include intermittent and ephemeral drainages and channels as well as other non-perennial water bodies and wetlands. The permit will be valid throughout Nevada except on Tribal Lands.

Activities that do not involve the use of heavy equipment, but are determined by the Division to have an impact that is potentially equivalent to that of heavy equipment, may also be required to apply for this general permit.

The Division may require the holder of this general permit to apply for and obtain an individual permit in accordance with NRS 445A.480 and NAC 445A.269 or a temporary permit in accordance with NRS 445A.485 and NAC 445A.890.

Permitted Activity and Discharge Types: Permitted activities under GNSWW2014 may include the following project/activity categories and activity types.

Category 1 - Working in Waters Activities: Category 1 activities are singular projects which require working in waters with heavy equipment or heavy equipment equivalent. This category excludes emergency response activities. Permit coverage is limited to one site or one project. Category 1 activities may include, but are not limited to, the following:

- Bank stabilization, re-stabilization, channel restoration, or other erosion control/protection project maintenance and construction activities not categorized as emergency activities;
- Canal headworks and diversion channel maintenance and construction activities;
- Pipeline, utility line, and communication line maintenance, repairs, replacements, and new

construction project activities.

- Habitat restoration or improvement projects, including maintenance and repairs, re-vegetation, new construction, and other activities;
- Sediment basin/detention pond maintenance and new construction activities;
- Drinking water intake maintenance, repairs, relocation, replacement, and new construction activities;
- Outfall structure maintenance, repairs, and new construction of the following structures: diversion dams, weirs (all types), RCP pipes, storm drain outfalls, gravity sewers, concrete outfalls with manholes, and other outfall structures;
- Public and private road, access road, drill pad, or trail maintenance, resurfacing, replacement, and new construction projects, including culverts and bridges;
- Pier, rock revetment, breakwater, and jetty maintenance, repair, rehabilitation, removal, relocation, extensions, expansions, and new construction activities;
- Small sluice mining or suction dredging projects; and
- Other waterbody maintenance, restoration, and new construction project activities.

Category 2 - Routine Maintenance Activities: Category 2 activities are those conducted by government entities on a regular basis. Coverage may be granted for multiple waterbodies if the same entity is performing similar types of maintenance in similar types of waterbodies. Category 2 activities may include, but are not limited to, the following:

- Culvert clearing and maintenance activities;
- Channel maintenance, including clearing and snagging, and non-emergency removal of debris, sediment, and other flow impediments;
- Utility corridor or transportation corridor vegetation removal activities;
- Diversion dam maintenance activities;
- Maintenance/clearing of sediment basins, retention ponds, and settling basins;
- Trail maintenance or rehabilitation activities;
- Required vegetation monitoring restoration/replacement activities; and
- Other routine, periodic waterbody maintenance activities.

Category 3 - Emergency Response Activities: Emergency activities address situations which pose an immediate risk to health, life, property, or the environment. Category 3 activities may include, but are not limited to, the following:

- Diking, re-routing of flood flows, and other flood control mitigation activities;
- Bank stabilization, erosion protection, and other imminent flood protection activities;
- Hazardous materials removal from waterways and adjacent areas;
- Removal of flood-produced stream and river flow obstructions and debris;
- Restoration of transportation system including construction and repairs and/or removal of access roads, temporary bridges, and culverts;
- Restoration of utility system infrastructure/ancillary features including stormwater facilities, natural gas pipelines, power lines, communication lines, wastewater conveyance pipelines, etc.;
- Emergency repairs to drinking water system distribution, storage, or treatment facilities; and
- Other emergency public safety or health hazard prevention or mitigation activities.

These three activity types can be regulated under this general permit because they involve the same or similar operations with respect to the nature of the project; they require the same or similar monitoring and/or inspections of the system as a defense against threat to human health and environment; and, in the opinion of NDEP, they are more appropriately controlled under a general permit rather than individual permits.

Best Management Practices: Depending on the water quality and the affected water body standards, various best management practices (BMPs) shall be employed to ensure that water quality is not degraded and that erosion and sediment transport are minimized. If water contains sediments, then sediment barriers such as fiber rolls, gravel bags, silt fences or other suitable methods shall be employed to contain sediments. Even during emergency response activities, BMPs shall be implemented as expeditiously as possible.

Discharge Limitations, Sampling, and Monitoring Requirements: Activities shall be performed and discharges shall be routed and handled to prevent water quality degradation, sediment/pollutant transport, and soil erosion to the maximum extent practicable in accordance with the plans and information submitted to NDEP. Activities and discharges shall be limited and monitored by the Permittee as specified below.

Category 1 and Category 2 Discharge Requirements: Projects must comply with the conditions in Section B.5 in addition to those listed below.

- The Permittee shall submit a BMP plan for Division review and approval.
- In the event of an unplanned discharge, monitor average daily waterbody flow rate on tracking logs and report on discharge monitoring report (DMR) form to be submitted with the quarterly and final reports. The nearest USGS gage data may be substituted (See Table A.1).
- If a turbidity plume occurs that persists for 15 minutes, begin turbidity monitoring immediately; if the turbidity at Outfall 002 (downstream monitoring point) exceeds that at Outfall 001 (upstream monitoring point) by 20 nephelometric turbidity units (NTUs), then work is to cease and additional BMPs are to be implemented prior to work resuming. Record all turbidity observations and submit with quarterly report (See Table A.1.). In addition, call the NDEP spill hotline at 1-888-331-6337.
- Sample and analyze for total suspended solids (TSS) in the event of a turbidity plume in which the turbidity at Outfall 002 exceeds that at Outfall 001 by 20 NTU. Report on DMR form with applicable quarterly and annual reports (See Table A.1.).
- In the event of a fuel leak or equipment failure in or near the waterbody, or when sheen is observed, cease work immediately and sample and analyze for total petroleum hydrocarbons (TPH). Sample at Outfall 001 and Outfall 002. Analyze using EPA Method 8015B. Report on DMR form and submit with applicable reports (See Table A.1.). In addition, call the NDEP spill hotline at 1-888-331-6337.

Table A.1. Categories 1 & 2 Discharge Monitoring Requirements

Parameters	Units	Discharge Limitations	Outfalls ¹	Permit Condition	Type
Flow	cfs	M&R	002	A.3.4.2	Meter
Δ Turbidity	NTU	20	001, 002	A.3.4.3	Discrete
TSS	mg/L	M&R	001, 002	A.3.4.4	Discrete
TPH	mg/L	1.0	001, 002	A.3.4.5	Discrete

1. Outfall 001 = Upstream sample point for representative stream background characteristics.
 Outfall 002 = Downstream of the active project work area, stream compliance sampling point.

Category 3 Emergency Response Activities Monitoring Requirements

- Visually monitor and submit narrative report with photographs. When the immediate risk to health, life, property, or the environment no longer exists, continued work must conform to the requirements of permit Section A.3.4 (Categories 1 & 2 discharge requirements).

Prohibited Activities:

- **Pump and Treat Remediation Activities:** This general permit does not authorize pump and treat activities, or any discharge of treated or process fluids to waters of the State.
- **De Minimis Discharge Activities:** This general permit does not authorize activities covered by the General De Minimis Permit, including discharges from well drilling projects or pump tests or discharge from hydrostatic testing of pipelines.
- **Some Specific Working in Waters Projects:** This general permit does not authorize projects or activities that are determined by the Director to require individual or temporary working in waters permits.
- **Trout Streams:** Working in designated trout streams from March 15 through June 15, or designated wild trout streams from October 1 through December 31, unless approval is obtained from the Nevada Department of Wildlife, is prohibited.
- **State Historic Preservation Sites:** Historic, cultural or archaeological sites as identified in the latest published version of the Nevada Inventory of Historic Places may not be disturbed.
- **Dewatering:** Discharge from dewatering operations is prohibited.
- **Bio-hazardous Waste Discharges:** Discharge of bio-hazardous waste is prohibited.
- **Domestic/Sanitary Waste Discharge:** Discharge of domestic/sanitary waste is prohibited.
- **Large River Restoration Projects:** The Division may determine that some river restoration projects require an individual or temporary permit.
- **Other Disallowed Activities/Discharges:** Activities or discharges not authorized by this general permit or any discharges that are not directly related to the permitted project are prohibited.

Rationale for Permit Requirements: The permit requires routine monitoring, sampling if necessary, preparation of a Best Management Practices Plan (BMPP), 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. Construction activity in or near the water has the potential to kill fish and other aquatic life directly. More importantly, this activity can also alter the habitat that fish and other aquatic life require. Sampling and analysis of the following parameters may be required:

- **Flow -** Flow shall be monitored in the event of a spill or unauthorized discharge to determine the potential amount of constituents that could be discharged.
- **Turbidity -** Turbidity is a measurement of the “cloudiness” of water. It indicates the presence of suspended solids and is measured in Nephelometric Turbidity Units (NTUs). A measured increase of 20 NTU indicates that BMPs have failed and work should cease immediately so that the failure can be corrected.
- **Total Suspended Solids (TSS) -** TSS can block light from submerged vegetation, resulting in less dissolved oxygen in the water, and can cause an increase in surface water temperatures because the suspended particles absorb heat from sunlight. TSS can also clog fish gills and reduce growth rates, and when suspended solids settle to the bottom of a water body, they can smother fish and insect eggs.
- **Total Petroleum Hydrocarbons (TPH) -** The limit is 1.0 mg/L. Any activities utilizing heavy equipment have the potential to discharge petroleum hydrocarbons to waters of the State. Monitoring is required in the event of a spill or equipment failure to ensure that waters of the State are not degraded.

No other water quality based limits are required with the assumption that discharges to be covered under this permit will consist of return water from dredging, demolition, construction, etc. and will not contain pollutants in amounts which would have reasonable potential to cause or contribute to violations of applicable state water quality standards. For activities or discharges which are not granted coverage under this permit because the discharge contains pollutants in quantities which represent reasonable potential to cause or contribute to violations of water quality standards, the discharger shall apply for an individual permit or a temporary permit.

Schedule of Compliance: The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including in said implementation and compliance, any additions or modifications which the Administrator may make in approving the schedule of compliance. The Permittee shall achieve compliance with the permit conditions and water quality limitations upon issuance of the permit.

Proposed Determination: The Division has made the tentative determination to issue the proposed general permit for a period of five (5) years.

Procedures for Public Comment: The Notice of the Division's intent to issue a general permit authorizing Permittees for a five-year period to work in waters of the State for the specified activities, subject to the conditions contained within the permit, is being sent to the Las Vegas Review-Journal, Reno Gazette Journal, the Nevada Appeal, the Elko Daily Free Press, the Record-Courier, the Humboldt Sun, and the Ely Times 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 is January 27, 2014 by 5:00 P.M.

A public hearing on the proposed determination can be requested by 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.

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