

Table of Contents

1. Coverage under this Permit.....	5
1.1. Eligibility.....	5
1.2. Schedule of Compliance.....	5
1.3. Permit Compliance.....	5
1.4. Allowable Stormwater Discharges.....	6
1.5. Allowable Non-Stormwater Discharges.....	6
1.6. Limitations on Coverage.....	7
1.7. Authorization Under this Permit.....	7
1.8. Continuation of this Permit.....	9
1.9. Terminating Coverage.....	9
1.10. Inactive and Unstaffed Sites.....	10
1.11. Stormwater Discharges Associated with Exploration and Construction Phases.....	11
2. Control Measures Requirements.....	11
2.1. Control Measures.....	11
2.2. Control Measure Selection and Design Considerations.....	11
2.3. Additional Control Measures for Exploration and Construction Phases.....	12
2.4. Stabilization Practices for Exploration and Construction Phases.....	13
2.5. Water Quality Standards.....	13
3. Corrective Actions.....	14
3.1. Conditions Requiring Review and Revision to Eliminate a Problem.....	14
3.2. Corrective Action Notification.....	14
3.3. Corrective Action Reporting.....	14
4. Inspections.....	15
4.1. Routine Facility Inspection Procedures.....	15
4.2. Inspection Documentation.....	16
4.3. Inspection Results.....	16
4.4. Exceptions for Inspection Requirements for Inactive and/or Unstaffed Mining Sites.....	16
5. Monitoring Program.....	17
5.1. Benchmark Monitoring.....	17
5.2. Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles.....	19
5.3. Discharges from Substantially Similar Outfalls.....	19
5.4. Measurable Storm Events.....	19
5.5. Monitoring Exemptions.....	20

5.6.	<i>Representative Samples</i>	20
5.7.	<i>Recording the Results</i>	20
5.8.	<i>Detection Limits</i>	21
5.9.	<i>Additional Monitoring by Permittee</i>	21
5.10.	<i>Modification of Monitoring Frequency and Sample Type</i>	21
5.11.	<i>Corrective Action Plan for Exceedances of Water Quality Standards</i>	21
6.	Stormwater Pollution Prevention Plan (SWPPP)	21
6.1.	<i>Contents of the SWPPP</i>	21
6.2.	<i>Stormwater Pollution Prevention Team</i>	22
6.3.	<i>Site Description</i>	22
6.4.	<i>Summary of Potential Pollutant Sources</i>	23
6.5.	<i>Description of Control Measures</i>	23
6.6.	<i>Schedules and Procedures</i>	24
6.7.	<i>Signature Requirements</i>	24
6.8.	<i>SWPPP Modifications and Amendments</i>	24
6.9.	<i>SWPPP Conditions</i>	25
6.10.	<i>SWPPP Availability</i>	25
6.11.	<i>SWPPP Documentation Requirements</i>	25
7.	Reporting and Recordkeeping	26
7.1.	<i>Annual Report</i>	26
7.2.	<i>Exceedance Report for Water Quality Standards</i>	27
7.3.	<i>Annual Photo Documentation</i>	27
7.4.	<i>Recordkeeping</i>	27
7.5.	<i>Address for Fee Payments and SWPPP and Report Submissions</i>	28
8.	Construction Phase Stormwater Discharges	28
8.1.	<i>Additional Control Measure Requirements for Construction Sites</i>	28
8.2.	<i>Additional SWPPP Requirements for Construction Sites</i>	29
8.3.	<i>Additional Inspection Requirements for Construction Sites</i>	30
8.4.	<i>Waiver from Weekly Inspections at Construction Sites</i>	30
9.	General Permit Conditions	30
9.1.	<i>Annual Fee</i>	31
9.2.	<i>General Permit Re-issuance for Ongoing Projects</i>	31
9.3.	<i>Facilities Operation</i>	31
9.4.	<i>Need to Halt or Reduce Activity Not a Defense</i>	31

9.5.	<i>Noncompliance, Unauthorized Discharge, Bypass, and Upset</i>	31
9.6.	<i>Odors</i>	32
9.7.	<i>Removed Substances</i>	33
9.8.	<i>Changes in Discharge</i>	33
9.9.	<i>Adverse Impact</i>	33
9.10.	<i>Right of Entry</i>	33
9.11.	<i>Transfer of Ownership or Control</i>	33
9.12.	<i>Availability of Reports</i>	34
9.13.	<i>Furnishing False Information and Tampering with Monitoring Devices</i>	34
9.14.	<i>Penalty for Violation of General Permit Conditions</i>	34
9.15.	<i>General Permit Modification, Suspension or Revocation</i>	34
9.16.	<i>Liability</i>	34
9.17.	<i>Property Rights</i>	34
9.18.	<i>Severability</i>	35
9.19.	<i>Signature Requirements</i>	35
9.20.	<i>Changes to Authorization</i>	35
9.21.	<i>Certification Requirements</i>	35
Appendix A		37
	<i>Definitions</i>	38
	<i>Abbreviations and Acronyms</i>	40
Appendix B		41
	<i>Website Links</i>	41

1. Coverage under this Permit

1.1. Eligibility

- 1.1.1. The objective of this permit is to control and reduce pollution to waters of the U.S., from Stormwater Discharges Associated with Industrial Activity from Metals Mining Activities, through the use of control measures implemented in accordance with good engineering practices.
- 1.1.2. This General Permit authorizes Stormwater Discharges Associated with Standard Industrial Classification (SIC) code 10 as derived from Category iii, defined under Title 40 Code of Federal Regulations (CFR) §122.26(b)(14), and all construction-related activities as defined by 40 CFR § 122.26 (b)(14)(x) and (b)(15) at mine sites (including exploration, development, and reclamation activities). This permit is not authorized for use by facilities with stormwater discharges associated with industrial activities on Tribal Lands. U.S. Environmental Protection Agency (USEPA) Region 9 is the permitting authority for Tribal Lands in Nevada. If a portion of the project is on tribal land, and the remainder meets the eligibility requirements of this permit, permit coverage is required from both the USEPA Region 9 and the Nevada Division of Environmental Protection (the Division).
- 1.1.3. Any discharges that do not comply with the eligibility conditions of this permit are not authorized by the permit. A person shall either apply for the separate National Pollutant Discharge Elimination System (NPDES) permit to cover the ineligible discharge(s), cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this permit.

1.2. Schedule of Compliance

- 1.2.1. The Permittee shall implement and comply with the provisions of the schedule of compliance, where applicable, after approval by the Division, including in said implementation and compliance, any additions or modifications which the Division may make in approving the schedule of compliance.

1.2.2. Permit Application Timelines

- 1.2.2.1. For existing permittees, a renewal Notice of Intent (NOI) and a revised stormwater pollution prevention plan (SWPPP) shall be submitted for review and approval to the Division within 60 days of the effective date of this permit (by Month Day, 2023). SWPPP requirements can be found in Section 6 and Section 8 of this permit.
- 1.2.2.2. For new permittees, a NOI, an application fee, and SWPPP shall be submitted for review and approval at least 60 days prior to the anticipated start of the permitted activity. SWPPP requirements can be found in Section 6 and Section 8 of this permit. A SWPPP template can be accessed on our website at: <https://ndep.nv.gov/water/water-pollution-control/permitting/stormwater-discharge-permits/mining-permit>
- 1.2.2.3. All schedule of compliance submittals and evidence of compliance documents shall be submitted to the address indicated in Section 7.5.

1.3. Permit Compliance

- 1.3.1. NRS 445A.465 prohibits the discharge of pollutants from a point source without a permit. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean

Water Act (CWA) and NRS Chapter 445A.

1.4. Allowable Stormwater Discharges

- 1.4.1. Unless otherwise ineligible under Section 1.6 Limitations on Coverage, the following are eligible for discharge under this permit:
 - 1.4.1.1. Stormwater discharges associated with industrial activity for any primary industrial activities authorized under this permit as defined in Section 1.1.2;
 - 1.4.1.2. Stormwater discharges associated with construction activity are eligible for coverage under this permit, as specified in Section 8.
 - 1.4.1.3. Discharges designated by the Division as needing a stormwater permit; and
 - 1.4.1.4. Discharges that are not otherwise required to obtain a National Pollutant Discharge Elimination System (NPDES) permit but are commingled with discharges that are authorized under this permit.

1.5. Allowable Non-Stormwater Discharges

- 1.5.1. Permittees authorized under this permit may be authorized for certain miscellaneous non-stormwater discharges if those discharges will not exceed applicable state water quality standards for the receiving waterbody into which the discharge occurs as established in NAC 445A.121 through NAC 445A.2234 and if the point source discharges will not introduce pollutants to the receiving waterbody into which the discharge occurs. Such discharges may include:
 - 1.5.1.1. Fire-fighting activities and fire hydrant flushing;
 - 1.5.1.2. Potable water sources including uncontaminated, dechlorinated waterline flushing, installation, and maintenance;
 - 1.5.1.3. Uncontaminated condensate from air conditioners and evaporative coolers;
 - 1.5.1.4. Routine external building wash down, where detergents or hazardous cleaning products (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) are not used;
 - 1.5.1.5. Pavement wash water, where spills or leaks of toxic or hazardous materials have not occurred (or have been removed) and detergents are not used. Directing pavement wash waters directly into any surface water, storm drain inlet, or stormwater conveyance without the appropriate pollution control measures in place is prohibited;
 - 1.5.1.6. Vehicle wash-water where detergents or hazardous cleaning products (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) are not used;
 - 1.5.1.7. Water used to control dust, provided effluent or other wastewaters are not used. Reclaimed water or other wastewaters may be used if alternate permit coverage is obtained with the Division at <https://ndep.nv.gov/water/water-pollution-control/permitting>;

- 1.5.2. There shall be no discharge of substances from the permitted facility that would exceed applicable state water quality standards for the receiving waterbody into which the discharge occurs in the State of Nevada in accordance with NAC 445A.11704 – NAC 445A.2234 inclusive.

1.6. Limitations on Coverage

- 1.6.1. Discharges Mixed with Non-Stormwater: Stormwater discharges that are mixed with non-stormwater, other than allowable non-stormwater discharges listed in Section 1.5, are not eligible for coverage under this permit.
- 1.6.2. Discharges Currently or Previously Covered by Another Permit: Unless written notification is received from the Division, stormwater and non-stormwater discharges associated with industrial activity that is currently covered under an individual NPDES permit or alternative general permit are not eligible for coverage under this general permit.
- 1.6.3. Discharges of Mine-Impacted Water off of Waste Rock Dumps or Overburden Piles with the potential to liberate contaminants that may degrade waters of the United States (i.e. acid and metals), are not eligible for coverage under this Stormwater Discharge permit without treatment. In order to determine if discharges from waste rock or overburden piles require treatment prior to discharge, the facility will conduct benchmark sampling in accordance with Tables 1, 2 and 3, unless the facility can demonstrate to the Division and retain such data and technical information on site with the SWPPP:
 - 1.6.3.1. The facility employs measures to prevent all exposure to stormwater on waste rock dumps or overburden piles containing contaminants that can cause an exceedance of water quality standards.
- 1.6.4. Discharges to Water Quality Impaired Waters: A discharge to surface water listed in the current 303(d) list of impaired waters issued by the Bureau of Water Quality Planning (BWQP), is not automatically eligible for coverage under this permit. To receive authorization the applicant shall make one of the following demonstrations and retain such data and technical information on site with the SWPPP:
 - 1.6.4.1. That the facility will employ measures to prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired; or
 - 1.6.4.2. That the discharge from the site has no potential to contain the pollutants causing impairment; or
- 1.6.5. The Division may require the holder of a general permit to apply for and obtain an individual permit in accordance with NRS 445A.480.

1.7. Authorization Under this Permit

- 1.7.1. Eligible new dischargers are required to request inclusion in this general permit by submitting a NOI, SWPPP, and the application fee with the Division prior to the start of the permitted activity.
- 1.7.2. Prior to obtaining authorization under this permit, the applicant shall:
 - 1.7.2.1. Ensure the facility is not located on Tribal Lands;

- 1.7.2.2. Ensure that the facility meets the Section 1.1 eligibility requirements;
- 1.7.2.3. Develop a SWPPP according to requirements in Section 6 and Section 8 of this permit and submit to the Division for approval;
- 1.7.2.4. Submit to the Division a complete and accurate NOI. The NOI is available through the Division website at <https://ndep.nv.gov/water/water-pollution-control/permitting/stormwater-discharge-permits/mining-permit>
- 1.7.2.5. Should an electronic NOI Certification version become available during the term of this permit a link for this electronic reporting requirement will be provided on the Division's Stormwater Page at: <https://ndep.nv.gov/water/water-pollution-control/permitting/stormwater-discharge-permits/mining-permit>
- 1.7.3. The minimum information required on a NOI consists of:
 - 1.7.3.1. Owner/Operator (Applicant) Information – Name, Mailing Address, City, State, Zip Code, Email, and Phone Number(s);
 - 1.7.3.2. Project/Site Information – Project Name, Project Address/Location, City, County, State, Zip Code, Latitude, Longitude, and Phone Number(s);
 - 1.7.3.3. Name of receiving water;
 - 1.7.3.4. Estimated start date;
 - 1.7.3.5. Estimated completion date;
 - 1.7.3.6. Estimate of area to be disturbed (in acres);
 - 1.7.3.7. Address for location of SWPPP for viewing – City, State, Zip Code, and Phone Number(s); and
 - 1.7.3.8. Certification (see Section 9.21) signed and dated by appropriate authority (see Section 9.19).
- 1.7.4. Following review of the NOI and SWPPP, the Division will determine if the NOI is complete and confirm coverage by providing an Approval Letter. If the Division determines the NOI is incomplete, coverage will not be approved until complete documentation is submitted.
- 1.7.5. If the contact information or addresses on the NOI filed for permit coverage changes during the permit coverage, the permittee(s) shall, within 15 days of the change, submit a letter on official letterhead indicating the updated information. When an electronic Contact Information Change form becomes available, electronic submission will be required.
- 1.7.6. Timeframes for discharge authorization are as follows:
 - 1.7.6.1. *Existing Dischargers* —The owner/operator shall update and submit a SWPPP and submit a renewal NOI within 60 days of the effective date of this permit.

- 1.7.6.1.1. Coverage under the previous version of NVR300000 is administratively continued until the Division grants the applicant coverage under this permit in accordance with Section 1.8.
- 1.7.6.2. *New Discharger* — The owner/operator shall develop and submit a SWPPP to conform to this permit and submit a NOI with the application fee prior to anticipated start of permitted activity.

1.7.7. Change of Ownership:

- 1.7.7.1. Current owner/operator shall submit a Notice of Termination (NOT) within 30 calendar days after the new owner/operator assumes responsibility for the facility; and
- 1.7.7.2. New owner/operator shall update and submit SWPPP documents to conform to the permit and submit a NOI within 15 calendar days before taking over operational control or initiating activities at the facility.

1.8. Continuation of this Permit

- 1.8.1. If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. If the owner/operator is authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until:
 - 1.8.1.1. The owner/operator submits a complete, and accurate NOI requesting authorization to discharge under a renewal or revision of the permit and the Division issues an Approval Letter;
 - 1.8.1.2. The owner/operator submits a NOT; or
 - 1.8.1.3. A formal permit decision is made by the Division not to reissue this general permit, at which time the Division will identify a reasonable time period for covered discharger to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

1.9. Terminating Coverage

- 1.9.1. To terminate coverage, the Permittee shall submit, electronically, a complete and accurate NOT form, available online at <https://ndep.nv.gov/water/water-pollution-control/permitting/stormwater-discharge-permits/mining-permit> . The permittee is responsible for meeting the terms and conditions of this permit until the facility's authorization to discharge is terminated.
- 1.9.2. The Permittee shall file a NOT:
 - 1.9.2.1. Within 30 calendar days after a new owner or operator assumes ownership of or has taken over responsibility for the facility; or
 - 1.9.2.2. When the site satisfies all the following criteria:
 - 1.9.2.2.1. Stormwater discharges associated with industrial activity have ceased at the site;

- 1.9.2.2.2. Soil disturbing activities related to mining at the site have been completed;
- 1.9.2.2.3. The site has been stabilized to minimize, to the extent practicable, soil erosion;
- 1.9.2.2.4. As appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site has been re-vegetated, will be amenable to natural re-vegetation, or will be left in a condition consistent with the post-mining land use; and
- 1.9.2.2.5. The site has been released from state or federal reclamation requirements where active mining activities have occurred.
- 1.9.3. The minimum information required on a NOT consists of:
 - 1.9.3.1. Site specific identification number (i.e., MSW-xxx);
 - 1.9.3.2. Owner/Operator (Permittee) Information – Name, Mailing Address, City, State, Zip Code, Email, and Phone Number(s);
 - 1.9.3.3. Project/Site Information – Project Name, Project Address/Location, City, County, State, Zip Code, Latitude, Longitude, and Phone Number(s);
 - 1.9.3.4. Certification signed and dated by the appropriate authority (see Sections 9.19 and 9.21); and
 - 1.9.3.5. A site map that shows the extent of the project and areas that have been stabilized.

1.10. Inactive and Unstaffed Sites

- 1.10.1. Subject to the conditions below, the Permit holders of inactive and/or unstaffed mining facilities may qualify for reduced inspections by certifying an “Exemption” status, indicating there are no industrial materials or activities exposed to stormwater.
- 1.10.2. Inactive and/or Unstaffed Sites are eligible to discharge stormwater under this general permit, as long as the following conditions are met:
- 1.10.3. To the extent practicable, the Permittee shall implement the following control measures:
 - 1.10.3.1. Industrial materials used in the operations will be removed, enclosed, or kept in appropriate containers or within containment if applicable to minimize, to the extent practicable, discharges of stormwater associated with industrial activity as outlined in the facility’s SWPPP; and
 - 1.10.3.2. Stockpiles, waste rock, over burden piles, tailings, and other spoil or waste piles shall be protected from erosion and/or downstream catchments shall be installed and maintained.
- 1.10.4. If circumstances change and the facility becomes active and/or staffed, this exemption no longer applies, and the Permittee shall immediately begin complying with the inspection requirements as if the facility were in active permit coverage.

1.10.5. The Division retains the authority to revoke this exemption where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an exceedance of an applicable water quality standard, including designated uses.

1.10.6. Notification for Exemption of Inactive and/or Unstaffed Sites

1.10.6.1. To invoke the exemption for an inactive and/or unstaffed site, the Permittee shall:

1.10.6.1.1. Submit to the Division and maintain in the SWPPP a statement indicating that the site is inactive and/or unstaffed, in accordance with the substantive requirements of this section. The statement must be signed and certified in accordance with Sections 9.19 and 9.21 of this permit.

1.11. Stormwater Discharges Associated with Exploration and Construction Phases

1.11.1. Clearing, grading, and excavation activities being conducted as part of the exploration and construction phases at mining sites are covered under this permit (or may be covered under an alternative permit such as the General Permit NVR100000 for Stormwater Discharge associated with Construction Activity disturbing greater than one (1) acre). Exploration and construction activities disturbing less than one acre do not require permit coverage unless they are integrally related to other exploration or construction activities that collectively disturb one acre or more.

1.11.2. For all areas affected by exploration and construction activities that will occur at an active site or previously mined site, the Permittee shall select, design, and implement control measures as described in Section 2 of this permit.

1.11.3. Once areas subject to construction and exploration activities are stabilized or the area(s) become part of the mining operation, any additional required control measures, inspections, monitoring, or other requirements related to these activities will no longer be required; however, the facility remains subject to all other applicable provisions of this permit.

2. Control Measures Requirements

2.1. Control Measures

2.1.1. The permittee shall select, design, install, and implement control measures as appropriate, to ensure the discharge meets the requirements of this permit. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. If the facility's control measures are not achieving their intended effect of minimizing pollutant discharges, the Permittee shall modify these and/or add additional control measures to meet the requirements of this permit. Regulated stormwater discharges from the facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at the facility.

2.2. Control Measure Selection and Design Considerations

2.2.1. The Permittee shall assess the type and quantity of pollutants likely to discharge in stormwater or allowable non-stormwater from the site when designing and implementing control measures.

2.2.1.1. *Minimize Exposure* — The Permittee shall minimize, to the extent practicable, the exposure of manufacturing, processing, material storage areas, and other potential

pollutants to rain, snow, snowmelt, and runoff. (Note): Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

- 2.2.1.2. *Minimize Discharge* — The Permittee shall minimize, to the extent practicable, the discharge of pollutants from equipment washing, vehicle washing, wheel wash water, and other wash waters. Wash water must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
- 2.2.1.3. *Good Housekeeping* — The Permittee shall implement practices to ensure litter, debris, and chemicals are prevented from contact with stormwater discharges. These procedures shall include storage practices to minimize, to the extent practicable, exposure of the materials to stormwater.
- 2.2.1.4. *Maintenance* — The Permittee shall regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters.
- 2.2.1.5. *Spill Prevention and Response Procedures* — The Permittee shall minimize, to the extent practicable, the potential for leaks, spills, and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur.
- 2.2.1.6. *Erosion and Sediment Controls* — The Permittee shall design and implement a combination of erosion and/or sediment control measures to keep sediment in place and/or to capture sediment to the extent practicable before it leaves the site.
- 2.2.1.7. *Management of Runoff* — The Permittee shall reduce stormwater runoff to minimize, to the extent practicable, the discharge of pollutants from the facility.
- 2.2.1.8. *Employee Training* — The Permittee must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel).
- 2.2.1.9. *Non-Stormwater Discharges* — The Permittee shall not allow any non-stormwater discharges from the facility unless they are specifically authorized in Section 1.5.
- 2.2.1.10. *Litter, Garbage, and Floatable Debris* — The Permittee shall ensure that litter, garbage, and floatable debris are not discharged to receiving waters.
- 2.2.1.11. *Control measure Maintenance* — The Permittee shall maintain all control measures identified in the SWPPP in effective operating condition.
- 2.2.1.12. *Vehicle Track-out* — The Permittee shall minimize and remove, to the extent practicable, off-site tracking of raw, final, or waste materials.

2.3. Additional Control Measures for Exploration and Construction Phases

- 2.3.1. The Permittee shall implement, as applicable, additional control measures as practicable for erosion control, sediment control, perimeter control, good housekeeping, material storage, fueling and maintenance, concrete washouts, and non-stormwater discharges. The Permittee shall identify

and describe in the SWPPP all temporary and/or permanent control measures to be implemented during exploration and construction phases.

- 2.3.1.1. At a minimum, the additional controls shall:
 - 2.3.1.1.1. Phase or sequence exploration and construction activities, as practicable, to minimize the area of disturbance at one time;
 - 2.3.1.1.2. Ensure that exploration and construction phase erosion and sediment controls are designed to retain sediment on-site in accordance with permit conditions;
 - 2.3.1.1.3. Minimize and remove, to the extent practicable, off-site vehicle tracking and generation of dust;
 - 2.3.1.1.4. Where practicable, increase sediment removal and maximize stormwater infiltration and/or reuse. Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%; and
 - 2.3.1.1.5. Where practicable, minimize soil compaction and preserve topsoil.

2.4. Stabilization Practices for Exploration and Construction Phases

- 2.4.1. The Permittee shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.
 - 2.4.1.1. *Stabilization Deadlines* — Except as provided below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
 - 2.4.1.1.1. Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.
 - 2.4.1.1.2. Where construction activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of the site.

2.5. Water Quality Standards

- 2.5.1. The Permittee shall control discharges from the facility to ensure the facility is not causing or contributing to an exceedance of water quality standards, as established in NAC 445A.121 through NAC 445A.2234. If the Permittee becomes aware, or the Division determines, that the discharge is causing or contributing to an exceedance of applicable water quality standards or introducing pollutants into the receiving waterbody, the Permittee shall take corrective action and report the incident to the Division in accordance with Section 3.2.
- 2.5.2. In a case-by-case basis, the Division may notify permittee(s) of new or existing sites that

additional analyses, stormwater controls, or other measures are necessary to comply with applicable antidegradation requirements. An individual permit may also be required at the discretion of the Division.

- 2.5.3. If you are a “new discharger” or a “new source”, or an existing discharger increasing or expanding their discharge, and you discharge directly to waters designated by a state or Tribe as Tier 2 or Tier 2.5 for antidegradation purposes under 40 CFR 131.12(a), the Division may require that you undertake additional control measures as necessary to ensure compliance with the applicable antidegradation requirements.

3. Corrective Actions

3.1. Conditions Requiring Review and Revision to Eliminate a Problem

- 3.1.1. If any of the following conditions occur, the Permittee must review and revise the selection, design, installation, and implementation of control measures to ensure that the condition is eliminated and will not be repeated in the future:

- 3.1.1.1. An unauthorized release or discharge (i.e., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at the facility that results in discharges of pollutants;
- 3.1.1.2. The Permittee becomes aware, or the Division determines, that control measures are not adequate for the discharge;
- 3.1.1.3. An inspection or evaluation of the facility by a Division official determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
- 3.1.1.4. The Permittee finds in a routine inspection or visual assessment that the control measures are not being properly operated or maintained.

3.2. Corrective Action Notification

- 3.2.1. The Permittee shall notify the Division of any diversion, bypass, spill, overflow, upset or discharge of treated or untreated stormwater other than that which is authorized by the permit in accordance with NAC 445A.347 and NAC 445A.3473 by calling the NDEP Spill Hotline at (775) 687- 9485 or (888) 331-6337 or by filling out a spill report on the Division’s Spill Hotline website at: <https://ndep.nv.gov/environmental-cleanup/spill-hotline/>.

3.3. Corrective Action Reporting

- 3.3.1. A written report shall be submitted to the Division within five business days of any condition listed in Section 3.1 or 3.2, detailing the entire incident. The report shall also be maintained with the onsite SWPPP and shall include the following:
- 3.3.1.1. A description of the event and its causes;
- 3.3.1.2. Time and date(s) of the discharge;
- 3.3.1.3. Exact location and estimated amount of the discharge;

- 3.3.1.4. Flow path and any bodies of water which the discharge reached;
- 3.3.1.5. The specific cause of the discharge;
- 3.3.1.6. The preventive and corrective actions taken; and
- 3.3.1.7. If the situation cannot be corrected, the anticipated length is expected to continue.
- 3.3.2. The following shall be included as information which must be reported within twenty-four hours:
 - 3.3.2.1. Any unanticipated bypass which exceeds any effluent limitation in the permit; and
 - 3.3.2.2. Any upset which exceeds any effluent limitation in the permit.
- 3.3.3. The Division may require the Permittee submit a Corrective Action Plan for a Water Quality Standards exceedance caused by a point source discharge from the facility, in accordance with Section 5.11 of this permit.

4. Inspections

4.1. Routine Facility Inspection Procedures

- 4.1.1. Implementation of the SWPPP must be verified by inspections. If, during any routine facility inspection or any other time, the facility's control measures are found to be inadequate or otherwise not being properly operated and/or maintained, the Permittee shall review selection, design, installation, and implementation of the control measures to determine if maintenance and/or modifications are necessary. Modifications shall be documented in the SWPPP and implemented to the extent practicable, within 30 days following the inspection results or prior to the next storm event, whichever is sooner.
- 4.1.2. The Permittee shall conduct routine quarterly inspections of all areas of the facility where industrial materials or activities are exposed to stormwater discharges authorized by this permit. At least one facility inspection shall be attempted during a stormwater discharge event each year. If no inspections occur during a stormwater discharge event during the year, the Permittee shall document the conditions that precluded such inspections. Routine inspections shall be conducted by a qualified person or persons as defined in Appendix A of this permit. Routine inspections shall incorporate the following:
 - 4.1.2.1. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or potential for, pollutants entering the drainage system;
 - 4.1.2.2. Sediment and erosion control measures identified in the SWPPP shall be observed to ensure that they are operating correctly;
 - 4.1.2.3. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters;
 - 4.1.2.4. Where discharge locations are inaccessible, nearby downstream locations shall be

inspected to the extent that such inspections are practicable and

- 4.1.2.5. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking;

4.2. Inspection Documentation

- 4.2.1. The Permittee shall document the findings of each facility inspection performed and maintain this documentation onsite with the SWPPP. Facility inspections do not need to be submitted to the Division unless they are specifically requested. At a minimum, the documentation for each routine facility inspection must include:

- 4.2.1.1. The inspection date and time;
- 4.2.1.2. The name(s) and signature(s) of the inspector(s);
- 4.2.1.3. Weather information and a description of any discharges occurring at the time of the inspection;
- 4.2.1.4. Location(s) of discharges of sediment or other pollutants from the site;
- 4.2.1.5. Any control measures needing maintenance or repairs;
- 4.2.1.6. Any control measures that failed to operate as designed or proved inadequate for a particular location;
- 4.2.1.7. Discussion describing the reason(s) for any failed control measure;
- 4.2.1.8. Record alternative control measures implemented after failed control measures;
- 4.2.1.9. Any observations of deviations from the permit or SWPPP;
- 4.2.1.10. Locations where additional control measures are needed to comply with the permit requirements.

4.3. Inspection Results

- 4.3.1. Actions taken based on inspection results shall be recorded and retained as part of the SWPPP. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP. The report shall be signed and certified in accordance with Sections 9.19 and 9.21 of this permit.

4.4. Exceptions for Inspection Requirements for Inactive and/or Unstaffed Mining Sites

- 4.4.1. Inactive and/or unstaffed mines shall be inspected once every three years (triennial). Triennial inspections must be conducted in accordance with Section 4.2 above and be signed by a Qualified Personnel, certifying that the facility is in compliance with the SWPPP. The Permittee shall also inspect the site whenever there is a reasonable expectation that severe weather or other events may have damaged control measures or increased discharges.

- 4.4.2. To invoke this exception, the Permittee must maintain a statement in the SWPPP pursuant to Section 1.10 indicating that the site is inactive and/or unstaffed and that there are, to the extent practicable, no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements listed in Sections 4.4.2.1 and 4.4.2.2.
- 4.4.2.1. Industrial materials used in the operations will be removed, covered, or kept in appropriate containers or within containment if applicable so as to minimize, to the extent practicable, discharges of stormwater associated with industrial activity as outlined in the facility's SWPPP and;
- 4.4.2.2. Stockpiles, waste rock, tailings, and other spoil or waste piles shall be protected from erosion and/or downstream catchments shall be installed and maintained.
- 4.4.3. The statement must be signed and certified in accordance with Sections 9.19 and 9.21. If circumstances change and the facility becomes active and/or staffed, this exemption no longer applies, and the permittee shall immediately begin complying with the inspection requirements as indicated in Section 4.

5. Monitoring Program

5.1. Benchmark Monitoring

- 5.1.1 For stormwater discharges from waste rock and overburden piles to waters of the U.S., perform benchmark monitoring once in the first year of coverage under this permit for the parameters listed in Table 1, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. Parameters that do not exceed benchmark values in the first year of coverage do not require additional monitoring. The Division may also notify the facility that the facility must perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from the facilities waste rock and overburden piles.
- 5.1.2 The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, Section 1.7.3 identifies benchmark exceedances as ineligible discharges under this Stormwater Discharge permit without treatment. If corrective action is required as a result of any benchmark exceedances, failure to conduct the required corrective actions is a permit violation.
- 5.1.3 The facility is subject to benchmark concentrations that are hardness-dependent, and you are required to submit to the Division within your monitoring plan a hardness value, established consistent with the procedures listed in Section 5, which is representative of your receiving water.
- 5.1.4 Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which the facility is required to sample.
- 5.1.5 Where benchmark parameters have been exceeded, the Permittee may request to discontinue the additional sampling requirement for any exceeded benchmark constituent after two full calendar years of biannual samples meeting the benchmark limits within Tables 1 and 2. Prior to discontinuing benchmark sampling, the facility must submit all the following to the Division for review and approval:

- 5.1.5.1 A summary of the corrective actions performed at the site to reduce the benchmark monitoring within permit limits;
- 5.1.5.2 All sampling data for the 4 consecutive samples within benchmark monitoring limits in accordance with Section 5.7 of this permit;
- 5.1.5.3 A summary of control measures in place at the site to maintain benchmark compliance; and
- 5.1.5.4 An inspection schedule for the control measures in place at the site to maintain control measure installation and maintenance requirements.
- 5.1.6 The Division shall review the submitted information and will deny or approve the request to discontinue benchmark monitoring after receiving a complete request to discontinue benchmark monitoring. The Division shall notify the Permittee if the Division requests additional information in order to process the request, or if the request is incomplete. Benchmark monitoring shall continue until the request is approved by the Division.

Table 1. Benchmark Sampling Requirements¹

Parameters	Benchmark Concentrations	Units
Hardness (as CaCO ₃)	Monitor and Report	mg/L
Chemical Oxygen Demand ^{2, 3}	120	mg/L
Total Suspended Solids	100	mg/L
Turbidity	50	NTU
pH	6.0-9.0	S.U.
Antimony, total recoverable	640	µg/L
Arsenic, total recoverable	150	µg/L
Beryllium, total recoverable	130	µg/L
Cadmium, total recoverable	Hardness Dependent ³	µg/L
Copper, total recoverable	5.19	µg/L
Lead, total recoverable	Hardness Dependent ³	µg/L
Mercury, total recoverable	1.4	µg/L
Nickel, total recoverable	Hardness Dependent ³	µg/L
Selenium, total recoverable (still / standing water)	1.5	µg/L
Selenium, total recoverable (flowing water)	3.1	µg/L
Silver, total recoverable	Hardness Dependent ³	µg/L
Zinc, total recoverable	Hardness Dependent ³	µg/L

mg/L = milligrams per liter

NTU = nephelometric turbidity units

S.U. = Standard Units

µg/L = micrograms per liter

1: Perform benchmark monitoring once in the first year for parameters listed in Table 1, and twice annually in following years of coverage under this permit for parameters for which the benchmark has been exceeded.

2: Only active copper ore mining and dressing facilities need to sample chemical oxygen demand and nitrate plus nitrite as nitrogen (N).

3: See Table 2. Hardness-Dependent Benchmark Concentrations.

Table 2. Hardness-Dependent Benchmark Concentrations

Hardness Range (mg/L)	Cadmium (µg/L)	Lead (µg/L)	Nickel (µg/L)	Silver (µg/L)	Zinc (µg/L)
0-24.99	0.49	14	145	0.37	37
25-49.99	0.73	24	203	0.80	52
50-74.99	1.2	45	314	1.9	80
75-99.99	1.7	69	418	3.3	107
100-124.99	2.1	95	518	5.0	132
125-149.99	2.6	123	614	7.1	157
150-174.99	3.1	152	707	9.4	181
175-199.99	3.5	182	798	12	204
200-224.99	4.0	213	888	15	227
225-249.99	4.4	246	975	18	249
250+	4.7	262	1019	20	260

mg/L = milligrams per liter
µg/L = micrograms per liter

5.2. Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles

5.2.1 Additional monitoring requirements are required at active mining and dressing facilities that mine aluminum, copper, iron, radium, titanium, uranium, and vanadium. Supplemental requirements are listed in Table 3.

Table 3. Supplemental Requirements for Additional Monitoring Required Facilities

Type of Ore Mined	Additional Sampling Requirements ¹
Aluminum Ore	Total Suspended Solids (TSS), Iron
Copper Ore and Dressing Facilities	TSS, Nitrate plus nitrite as nitrogen (N)
Iron Ore	TSS, Iron, Iron (dissolved)
Radium Ore	TSS, Radium (total), Radium (dissolved), Uranium
Titanium Ore	TSS, Iron
Uranium Ore	TSS, Radium (total), Radium (dissolved) Uranium
Vanadium Ore	TSS, Radium (total), Radium (dissolved), Uranium

1: All constituents are to be measured as monitor and report.

5.3. Discharges from Substantially Similar Outfalls

5.3.1 All outfalls that receive mixed stormwater runoff from overburden or waste rock dumps require sampling.

5.4. Measurable Storm Events

5.4.1 All required monitoring shall be performed during a storm event that results in an actual discharge from the facility (measurable storm event) that follows the preceding measurable storm event by at least 72 hours. The 72-hour storm interval does not apply if the Permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring shall be performed at a time when a measurable discharge occurs at the site.

5.4.2 For each monitoring event, the Permittee shall identify all the following in accordance with

Sections 6.11 and 7.1 of this permit:

- 5.4.2.1 The person performing the monitoring,
 - 5.4.2.2 The date and estimated duration (in hours) of the rainfall event,
 - 5.4.2.3 Estimated rainfall total (in inches) for that rainfall event; and,
 - 5.4.2.4 Time (in days) since the previous measurable storm event.
- 5.4.3 For snowmelt monitoring, the Permittee shall identify the sample as “snowmelt” and shall identify the person performing the monitoring, and the date of the sampling event.
- 5.4.4 If there is no measurable storm event(s) during any calendar year that benchmark monitoring is required, the Permittee shall document the inability to perform benchmark monitoring in accordance with Section 6.11 of this permit. The Permittee shall report in the annual report the reason(s) benchmark monitoring was not conducted during the calendar year that benchmark monitoring was required in accordance with Section 7.1 of this permit. No measurable storm event(s) during any calendar year does not constitute a sample result to be considered in the consecutive sampling requirements listed in Section 5.1 of this permit.

5.5. Monitoring Exemptions

- 5.5.1 The requirement for stormwater benchmark monitoring does not apply at a facility that is determined to be inactive and/or unstaffed and meets the requirements in Section 1.11. The facility shall comply with Section 5.0 of this permit in the first calendar year the facility no longer meets the requirements of Section 1.11 of this permit.

5.6. Representative Samples

- 5.6.1 Samples and measurements taken as required herein shall be representative of the nature and volume of the monitored discharge. Laboratory analyses shall be performed by a State of Nevada Certified Laboratory. Analytical results for monitoring required throughout Sections 5.0 through 6.0 of this permit shall be submitted, as part of the Annual Report in accordance with Section 7.1 of this permit, to the Division each July 28th for the previous calendar year.
- 5.6.2 Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to discharge into the receiving water.
- 5.6.3 If sampling is required, the sample must be taken within the first thirty (30) minutes of the discharge where practicable. Otherwise, a grab sample must be obtained as soon as practicable.

5.7. Recording the Results

- 5.7.1 For each measurement or sample taken pursuant to the requirements of this general permit, the Permittee shall record the following information:
- 5.7.1.1 The exact place, date, and time of sampling;
 - 5.7.1.2 The dates the analyses were performed;

- 5.7.1.3 The person(s) who performed the analyses;
- 5.7.1.4 The analytical techniques or methods used; and
- 5.7.1.5 The results of all required analyses.

5.8. Detection Limits

- 5.8.1 All laboratory analyses conducted in accordance with this general permit must have detection limits at or below the general permit limits or the method detection limits as defined in the analytical method.

5.9. Additional Monitoring by Permittee

- 5.9.1 If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this general permit, using approved analytical methods and laboratories as specified above, the results of that monitoring shall be included in the next annual monitoring report submitted to the Division.

5.10. Modification of Monitoring Frequency and Sample Type

- 5.10.1 The Division holds the authority to modify the monitoring frequency and/or sample type by issuing an order to the Permittee, after considering monitoring data, stream flow, discharge flow, and receiving water conditions. Previous sampling data, and water quality standards will be considered prior to a modification order issuance.

5.11. Corrective Action Plan for Exceedances of Water Quality Standards

- 5.11.1 Upon a determination by the Permittee or the Division that the point source discharges from the facility are exceeding applicable state water quality standards for the receiving waterbody into which the discharge occurs as established in NAC 445A.121 through NAC 445A.2234 or the point source discharges are introducing pollutants to the receiving waterbody into which the discharge occurs, the Permittee shall develop and implement a corrective action plan, with supplemental control measures or treatment practices, including an implementation schedule, to ensure that future discharges do not exceed applicable water quality standards.
- 5.11.2 The corrective action plan shall be submitted to the Division within 60 days of the determination unless additional time is provided by the Division. Upon review, the Division shall notify the permittee within 6 months if the information is insufficient to ensure compliance with the requirements and objectives of this permit. In such a circumstance, the Division may require modifications to the action plan which must be implemented within a time frame determined by the Division. Submission and compliance with the corrective action plan establishes substantial compliance with the permit.

6. Stormwater Pollution Prevention Plan (SWPPP)

6.1. Contents of the SWPPP

- 6.1.1. The Permittee shall prepare a SWPPP for the facility before submitting a NOI for permit coverage. If the Permittee prepared a SWPPP for coverage under the previous NPDES permit, they must review and update the SWPPP to implement all provisions of this permit prior to submitting the renewal NOI. The SWPPP documentation requirements are intended 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. The SWPPP shall be prepared in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either the Permittee or a third party, so long as it is developed by qualified personnel.

6.1.2. The SWPPP shall contain all the following elements:

6.1.2.1. Identification of a stormwater pollution prevention team (see Section 6.2);

6.1.2.2. Site description (see Section 6.3);

6.1.2.3. Summary of potential pollutant sources (see Section 6.4);

6.1.2.4. Description of control measures (see Section 6.5);

6.1.2.5. Schedules and Procedures (see Section 6.6); and

6.1.2.6. Signature requirements (see Section 6.7).

6.2. Stormwater Pollution Prevention Team

6.2.1. The Permittee shall identify (by name, title, individual responsibilities, and contact number) members of the facility's stormwater pollution prevention team (responsible individuals). The team may include members who are not employed by the facility (such as third-party consultants). The stormwater pollution prevention team is responsible for overseeing development of the SWPPP and any required revisions as well as maintaining control measures and taking corrective actions where required.

6.3. Site Description

6.3.1. The SWPPP shall include all the following:

6.3.1.1. *Activities at the Facility*— Provide a description of the proposed nature and scope of the industrial activities at the facility to including a description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., mining, grubbing, excavation, grading, utilities, and infrastructure installation).

6.3.1.2. *General location map*—Provide a general location map (e.g., U.S. Geological Survey [USGS] quadrangle map) with enough detail to identify the location of the facility (i.e., Latitude and Longitude, Township, Range, and Section), as well as the surface waters receiving stormwater discharges from the facility.

6.3.1.3. *Site Map*—Provide a legible site map (or maps) that identify at a minimum the:

6.3.1.3.1. Boundary and size of the property in acres;

6.3.1.3.2. Location of significant structures, equipment storage, and borrow areas;

6.3.1.3.3. Directions of stormwater flow (e.g., use arrows);

- 6.3.1.3.4. Locations of stormwater conveyances (e.g., ditches, pipes, and swales);
- 6.3.1.3.5. Locations of all existing structural control measures;
- 6.3.1.3.6. Locations of surface waters receiving the facility's discharges;
- 6.3.1.3.7. Locations (latitude and longitude) where the facility's stormwater discharges to a water of the U.S.;
- 6.3.1.3.8. Name(s) of the receiving water(s) and the aerial extent and description of wetland or other special aquatic sites at or near the site which will be disturbed, or which will receive discharges from disturbed areas of the project;
- 6.3.1.3.9. Locations of potential pollutant sources;
- 6.3.1.3.10. Locations (latitude and longitude) of all stormwater monitoring points and/or outfalls; and
- 6.3.1.3.11. Locations and sources of run-on to the facility from adjacent property that contain significant quantities of pollutants.

6.4. Summary of Potential Pollutant Sources

6.4.1. The Permittee shall describe in the SWPPP areas at the facility, where industrial materials or activities are exposed to stormwater, and from which allowable non-stormwater discharges are released. Industrial materials or activities include but are not limited to material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include but are not limited to, the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product, or waste product.

6.4.1.1. *Spills and Leaks*—The Permittee shall list, describe, and quantify all spills and leaks of reportable quantities under the CWA or the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) that have occurred from three years prior to the date the SWPPP is prepared or amended. The Permittee shall also describe each cleanup action taken.

6.4.1.2. *Non-Stormwater Discharges*—The Permittee shall identify all non-stormwater discharges authorized in Section 1.6 of this permit and their source locations. The Permittee shall also identify all other potential non-stormwater discharges that may occur, and list control measures used to minimize, to the extent practicable, the impacts of these discharges.

6.5. Description of Control Measures

6.5.1. The Permittee shall describe in the SWPPP the location and type of control measures installed and implemented at the site to comply with Sections 2. and 8. of this permit. This documentation must describe how the control measures at the site address both the pollutant sources identified in Section 6.4 and any stormwater run-on that commingles with any discharges covered under this permit.

- 6.5.2. Minimum control measures to be considered and included as appropriate in the SWPPP include good housekeeping; employee training; erosion, diversion, and sediment controls; preventative maintenance; visual inspections; material handling and storage practices that minimize, to the extent practicable, exposure of pollutants to stormwater; spill prevention and response; and stormwater control structures and control measures that will be implemented so that water quality standards are not violated.
- 6.5.3. Structural practices may include but are not limited to silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.
- 6.5.4. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channels, as necessary, to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (i.e., no significant changes in the hydrological regime of the receiving water).

6.6. Schedules and Procedures

- 6.6.1. *Control Measures*—The following must be described in the SWPPP:
 - 6.6.1.1. Good housekeeping measures, procedures, and related schedules;
 - 6.6.1.2. Maintenance measures, procedures, and related schedules;
 - 6.6.1.3. Spill prevention and response procedures;
 - 6.6.1.4. Sequence of major soil disturbing activities;
 - 6.6.1.5. Sediment and erosion control procedures; and
 - 6.6.1.6. Employee Training (at least one session per year).
- 6.6.2. *Inspection*—The Permittee shall describe in the SWPPP the procedures for performing, as appropriate, inspections specified by Section 4.
- 6.6.3. *Inactive and/or Unstaffed Sites*—When the Permittee declares that the site has become inactive and/or unstaffed, the SWPPP shall include the information that supports this claim as required by Section 1.11.

6.7. Signature Requirements

- 6.7.1. The Permittee shall sign and certify the SWPPP in accordance with Sections 9.19 and 9.21 and include the date of the signature.

6.8. SWPPP Modifications and Amendments

- 6.8.1. The Permittee must revise the SWPPP whenever a change in design, operation, maintenance procedures, etc. occurs that may cause a significant effect on the discharge of pollutants to surface waters. The SWPPP must be amended if inspections indicate a control has been used

inappropriately or incorrectly or the SWPPP is ineffective in eliminating or significantly reducing pollutants in the discharge. The SWPPP and control measures must be updated to identify and correct any deficiencies noted.

- 6.8.2. SWPPP revisions and amendments must be completed within 30 calendar days of the triggering events noted above.

6.9. SWPPP Conditions

- 6.9.1. Precautions shall be taken to control pollution, erosion, and sedimentation that could impact water quality or aquatic life. Control measures shall be implemented during discharge to prevent, control, and minimize, to the extent practicable, the generation; migration; and transport of any pollutants, including sediments, within or into any waterbody that may degrade water quality or damage aquatic life, as applicable.
- 6.9.2. No dredge or fill materials shall be discharged to waters of the U.S., except as authorized by a permit issued under section 404 of the CWA.
- 6.9.3. The SWPPP shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations to the extent these are located within the permitted area.
- 6.9.4. The SWPPP must include a description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.

6.10. SWPPP Availability

- 6.10.1. The Permittee shall retain a copy of the current SWPPP at the facility, and it shall be made immediately available to the Division, USEPA, or another Federal, State, or local agency having stormwater program authority, or the operator of a regulated Municipal Separate Storm Sewer System (MS4) receiving discharges from the facility (where applicable) at the time of an onsite inspection or upon request. SWPPP's may be electronic as long as they are maintained and are available for review.

6.11. SWPPP Documentation Requirements

- 6.11.1. The Permittee shall keep the following inspection, monitoring, and certification records complete and up to date. Retaining these records with the SWPPP (unless otherwise specified below) is necessary to demonstrate compliance with the conditions of this permit.
 - 6.11.1.1. A copy of the signed electronic NOI certification page submitted to the Division;
 - 6.11.1.2. A copy of this permit;
 - 6.11.1.3. A copy of the Approval Letter issued by the Division;
 - 6.11.1.4. Descriptions and dates of significant spills, leaks, or other releases that resulted in discharges of pollutants in stormwater to a waters of the U.S., the circumstances leading to the release and actions taken in response to the release, and measures taken to prevent recurrence of such releases;

- 6.11.1.5. Records of employee training, including the date training was received;
- 6.11.1.6. Documentation of repairs of structural control measures, including the date(s) of discovery of areas in need of repair/replacement, date(s) that the structural control measure(s) returned to full function, and the justification for any extended repair schedules;
- 6.11.1.7. All inspection reports, including the required Routine Facility Inspection Reports;
- 6.11.1.8. Description of any corrective action taken at the site, including events and dates when problems were discovered, and modifications occurred;
- 6.11.1.9. All Annual Reports;
- 6.11.1.10. Documentation to support the Permittee's claim that the facility has changed its status to or from an inactive and/or unstaffed site;
- 6.11.1.11. Description of and rationale for any deviations from the schedule for monitoring and the reason for the deviations; and
- 6.11.1.12. Monitoring Data and associated records collected in accordance with Section 5.

7. Reporting and Recordkeeping

7.1. Annual Report

- 7.1.1. All facilities, unless implementing the triennial inspection requirements in Section 4.4, shall prepare and submit to the Division an annual report each year on or before July 28.
- 7.1.2. The Annual Report shall cover the timeframe between July 1 and June 30 (for example, the annual report for July 1, 2021, through June 30, 2022, will be due by July 28, 2022).
- 7.1.3. A copy of the report shall also be retained with the SWPPP on-site.
- 7.1.4. The Division template must be used for the Annual Report. The template for the Annual Report can be found at <https://ndep.nv.gov/water/water-pollution-control>. The Annual Report shall include at a minimum:
 - 7.1.4.1. A brief summary of the findings from the facility's Routine Facility Inspection documentation;
 - 7.1.4.2. Updated spill, leak, and unauthorized discharge information and any necessary corrective actions taken;
 - 7.1.4.3. A narrative evaluation of the SWPPP effectiveness in reducing pollutant loads;
 - 7.1.4.4. A schedule for modifying Control Measures and revising the SWPPP if further reductions of pollutant loads can be reasonably achieved;
 - 7.1.4.5. Submission of the revised SWPPP documentation (if changes are made during the

- reporting year);
- 7.1.4.6. Monitoring data, if collected, with a narrative summary and interpretation of the data;
 - 7.1.4.7. Estimated total discharge of stormwater from each outfall to waters of the U.S. and number of discharge events;
 - 7.1.4.8. Narrative description of any incidence of noncompliance with either the SWPPP or the Permit, and any necessary corrective actions taken as required by this permit;
 - 7.1.4.9. Photo documentation, with a brief summary narrative, from established photo points of management and discharge point control measures in accordance with Section 7.3; and
 - 7.1.4.10. A certification that the facility is in compliance with the SWPPP and the permit.
- 7.1.5. Annual Reports for inactive and/or unstaffed mining sites shall include a copy of the most recent inspection and a letter confirming the inactive status of the facility.

7.2. Exceedance Report for Water Quality Standards

- 7.2.1. If monitoring pursuant to Section 5 identifies an exceedance of a water quality standard, the Permittee shall submit an Exceedance Report to the Division no later than 30 calendar days after the incident. The facility's Exceedance Report shall include the following:
- 7.2.1.1. Facility name, physical address, and location;
 - 7.2.1.2. The Division site identification number (MSW-###);
 - 7.2.1.3. Name of the receiving waters of the U.S.;
 - 7.2.1.4. Monitoring data from this and the preceding monitoring event(s);
 - 7.2.1.5. Narrative explanation of the situation, including what actions the Permittee has completed or intends to complete, to correct the violation; and
 - 7.2.1.6. Contact person – name, title, email, and phone number.

7.3. Annual Photo Documentation

- 7.3.1. Compliance with the terms and conditions of this general permit shall also be monitored by means of photo documentation of the water management and the discharge point control measures (prior to discharge to a water of the U.S.). Photos shall be taken from established photo points (using a location description or map with legend) annually and shall show representative views of the control measures and discharge points on site. The photography shall present the scope of operations with project sites, monitoring location(s), discharge point(s), and any relevant activity related to the discharge and water quality protection.

7.4. Recordkeeping

- 7.4.1. The Permittee shall retain copies of the SWPPP (including any modifications made during the term of this permit) and additional documentation requirements pursuant to Section 6.11 (including documentation related to corrective actions taken pursuant to Section 3.0, all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit) for a period of at least 3 years from the date that the facility's coverage under this permit expires or is terminated.

7.5. Address for Fee Payments and SWPPP and Report Submissions

- 7.5.1. NOI certification pages and NOT applications shall be signed and dated in accordance with Sections 1.7, 1.9 and 9.19 and submitted to the Division at the address below. Filing fees, monitoring data, and paper copies of any SWPPP and report submissions required by this permit shall also be sent to the following address:

**Nevada Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701**

- 7.5.2. Electronic reporting will be required by when the Division's electronic reporting system becomes available and active. Electronic reporting is required by the NPDES Electronic Reporting Rule.

8. Construction Phase Stormwater Discharges

8.1. Additional Control Measure Requirements for Construction Sites

- 8.1.1. In addition to the above requirements, all construction site stormwater discharges within the mining site that are subject to NPDES permit requirements shall be controlled in accordance with the SWPPP. Construction sites are, for purposes of the construction site requirements of this permit, limited to areas of disturbance associated with building construction or road construction (where those roads are constructed with mine materials).
- 8.1.2. For purposes of this general permit, construction sites do not include those areas of disturbance related to the following:
- 8.1.2.1. Extraction of the ore from the earth;
 - 8.1.2.2. Construction of heap leach pads, waste rock facilities or tailings impoundments; or
 - 8.1.2.3. Construction of roads (provided they are not constructed with overburden, raw material, intermediate products, finished product, byproduct, or waste product).
- 8.1.3. The construction-phase erosion and sediment controls shall be designed to retain sediment on-site in accordance with permit conditions.
- 8.1.4. For locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm for each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per

acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site; or

- 8.1.4.1. Where a sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries deemed appropriate as dictated by individual site conditions.
- 8.1.5. Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.
- 8.1.6. Off-site vehicle tracking of sediments and the generation of dust shall be minimized, to the extent practicable.
- 8.1.7. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls and picked up daily).

8.2. Additional SWPPP Requirements for Construction Sites

- 8.2.1. The SWPPP shall include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP shall also include a description of controls to reduce pollutants from these materials, including storage practices to minimize, to the extent practicable, exposure of the materials to stormwater.
- 8.2.2. The construction site SWPPP may be a separate document created specifically for the project or part of the overall Mining site SWPPP. In either case, the construction site SWPPP must address the following minimum elements:
 - 8.2.2.1. Construction schedule;
 - 8.2.2.2. Acreage to be disturbed by the construction activity;
 - 8.2.2.3. Site plan drawing with discharge points and control measures shown;
 - 8.2.2.4. A description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable;
 - 8.2.2.5. Control measures for erosion and sediment control;
 - 8.2.2.6. Control measures for maintenance and repair;
 - 8.2.2.7. A description of construction and waste materials expected to be stored on-site with updates as appropriate;
 - 8.2.2.8. Material storage practices including spill prevention and response;
 - 8.2.2.9. Permanent stabilization practices for the site, including a schedule of when the practices will be implemented;

- 8.2.2.10. A description of storm drain facilities built as part of the project;
 - 8.2.2.11. Post construction control measures associated with the operation of the storm drain facilities; and
 - 8.2.2.12. A description of post construction measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed.
- 8.2.3. The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels. Stormwater management practices may include but are not limited to:
- 8.2.3.1. Stormwater detention structures (including wet ponds);
 - 8.2.3.2. Stormwater retention structures;
 - 8.2.3.3. Flow attenuation by use of open vegetated swales and natural depressions;
 - 8.2.3.4. Infiltration of runoff onsite; and
 - 8.2.3.5. Sequential systems (which combine several practices).

8.3. Additional Inspection Requirements for Construction Sites

- 8.3.1. For construction activities at mine sites, qualified personnel shall inspect, at least once every (7) calendar days and within 24 hours of the end of a 10-year 24-hour storm event, the following:
- 8.3.1.1. Disturbed areas associated with construction activities that are still being stabilized, as per the terms and schedule of the SWPPP;
 - 8.3.1.2. Areas used for storage of materials that are exposed to precipitation;
 - 8.3.1.3. Structural control measures; and
 - 8.3.1.4. Locations where vehicles enter or exit the site.

8.4. Waiver from Weekly Inspections at Construction Sites

- 8.4.1. Permittees are eligible for a waiver of weekly inspection requirements until one month before thawing conditions are expected to result in a discharge if all the following requirements are met:
- 8.4.1.1. The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than 30 days);
 - 8.4.1.2. Land disturbance activities have been suspended; and
 - 8.4.1.3. The beginning and ending dates of the waiver period are documented in the SWPPP.

9. General Permit Conditions

9.1. Annual Fee

- 9.1.1. In accordance with NAC 445A.268, a discharger who is covered under a general permit shall pay to the Director the applicable non-refundable annual fee not later than July 1 of each year the discharger is covered under that permit.
- 9.1.2. If application/ fee for the permit occurs prior to July 1, the permittee(s) shall also submit the annual renewal fee due on or before July 1 of the same year.
- 9.1.3. Application and annual renewal fees may be sent to the address in Section 7.5.1. or submitted through the Division e-payments website located in Appendix B.

9.2. General Permit Re-issuance for Ongoing Projects

- 9.2.1. The Permittee will be included in the reissued general permit after this general permit expires or will be informed of other permitting requirements. The Permittee will receive public notice if the Division determines to reissue the general permit.

9.3. Facilities Operation

- 9.3.1. The Permittee shall maintain good working order and operate as efficiently as possible all equipment and ancillary control measures used by the Permittee to achieve compliance with the terms and conditions of this general permit.

9.4. Need to Halt or Reduce Activity Not a Defense

- 9.4.1. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity, under the Permittee's control, in order to maintain compliance with the conditions of this permit.

9.5. Noncompliance, Unauthorized Discharge, Bypass, and Upset

- 9.5.1. Any diversion, bypass, spill, overflow, upset, or discharge of treated or untreated stormwater from stormwater treatment or conveyance facilities under the control of the Permittee is prohibited except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow, upset or discharge not authorized by this permit is imminent, the permittee shall notify the Division in writing, immediately.
 - 9.5.1.1. *Bypass* — means the intentional diversion of stormwater from any portion of a treatment facility.
 - 9.5.1.1.1. The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. (These bypasses are not subject to the provisions of Section 9.8).
 - 9.5.1.1.2. If the Permittee knows in advance of the need for a bypass, the permittee shall submit prior notice at least 10 days before the date of the bypass.
 - 9.5.1.1.3. Bypass is prohibited, and the Division may take enforcement action against the

Permittee for bypass, unless:

9.5.1.1.3.1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

9.5.1.1.3.2. There were no feasible alternatives to the bypass. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

9.5.1.1.3.3. The Permittee submitted prior notice at least 10 days before the date of the bypass.

9.5.1.1.4. The Division may approve an anticipated bypass, after considering its adverse effects, if the Division determines that it will meet the three conditions listed in Section 9.5.1.1.3.

9.5.1.2. *Upset* — means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

9.5.1.2.1. An upset constitutes an affirmative defense to an action brought for non-compliance with such technology-based permit effluent limitations if the requirements of Section 9.5.1.2.2 below are met.

9.5.1.2.2. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

9.5.1.2.2.1. An upset occurred and that the Permittee can identify the cause(s) of the upset;

9.5.1.2.2.2. The permitted facility was at the time being properly operated;

9.5.1.2.2.3. The Permittee submitted notice of the upset as required in Sections 3.2 and 3.3 of this permit; and

9.5.1.2.2.4. The Permittee complied with any remedial measures required under Section 9.9.

9.5.1.2.3. In selecting the appropriate enforcement option, the Division shall consider whether the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.

9.6. Odors

9.6.1. There shall be no objectionable odors resulting from activities authorized by this general permit.

9.7. Removed Substances

9.7.1. Solids or other pollutants removed during treatment or control of stormwater shall be disposed of in a manner such as to prevent pollution from such materials from entering any surface water.

9.8. Changes in Discharge

9.8.1. All discharges authorized herein shall be consistent with the terms and conditions of this general permit. Any anticipated new discharges at the site which will result in new, different, or increased discharges of pollutants must be reported to the Division. Pursuant to NAC 445A.263, the general permit may be modified to specify and limit any pollutants not previously limited.

9.9. Adverse Impact

9.9.1. The Permittee shall take all reasonable steps to minimize, to the extent practicable, any adverse impact to receiving waters resulting from noncompliance with this general permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.

9.10. Right of Entry

9.10.1. The Permittee shall allow the Administrator and/or their authorized representatives, upon the presentation of credentials:

9.10.1.1. To enter upon the Permittee's premises where a discharge is or could be located or in which any records are required to be kept under the terms and conditions of the general permit; and

9.10.1.2. At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this general permit; to inspect any monitoring equipment or monitoring method required in this general permit; and to perform any necessary sampling to determine compliance with the general permit or to sample any discharge.

9.11. Transfer of Ownership or Control

9.11.1. In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner/operator of the existence of this permit, by letter, a copy of which shall be forwarded to the Division. Completion of transfer requires the following actions:

9.11.2. Transfer of coverage from one owner/operator to a different owner/operator (e.g., facility sold to a new company):

9.11.2.1. *New owner/operator* — Shall complete and file a Notice of Intent in accordance with Section 1.7, at least 2 days prior to taking over operational control of the facility.

9.11.2.2. *Old owner/operator* — Shall file a Notice of Termination within thirty (30) days after the

new owner/operator has assumed responsibility for the facility.

- 9.11.3. Name changes of the Permittee (e.g., Company “A” changes name to “BCD, Inc.”) may be done by submitting to the Division a request letter with the following: on company letterhead, indicating the facility’s assigned permit number, and requesting the name change.

9.12. Availability of Reports

- 9.12.1. Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this general permit shall be available for public inspection at the office of the Division. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

9.13. Furnishing False Information and Tampering with Monitoring Devices

- 9.13.1. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730 inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730 inclusive.

9.14. Penalty for Violation of General Permit Conditions

- 9.14.1. NRS 445A.675 provides that any person who violates a general permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

9.15. General Permit Modification, Suspension or Revocation

- 9.15.1. After notice and opportunity for a hearing, this general permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- 9.15.1.1. Violation of any terms or conditions of this general permit;
- 9.15.1.2. Obtaining this general permit by misrepresentation or failure to disclose fully all relevant facts; or
- 9.15.1.3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

9.16. Liability

- 9.16.1. Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State, or local laws, regulations, or ordinances.

9.17. Property Rights

9.17.1. The issuance of this general permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

9.18. Severability

9.18.1. The provisions of this general permit are severable, and if any provisions of this general permit, or the application of any provisions of this general permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of the general permit, shall not be affected thereby.

9.19. Signature Requirements

9.19.1. All NOIs, reporting forms, and document submissions shall be signed by one of the following:

9.19.1.1. A principal executive officer of the corporation (of at least the level of vice president) or their authorized representative who is responsible for the overall operation of the facility for which the discharge described in the application or reporting form originates; or

9.19.1.2. A general partner of the partnership; or

9.19.1.3. The proprietor of the sole proprietorship; or

9.19.1.4. A principal executive officer, ranking elected official or other authorized employee of the municipal, state, or other public facility.

9.19.1.5. A duly authorized representative only if:

9.19.1.5.1. The authorization is made in writing by a person described in Section 9.19.1;

9.19.1.5.2. The authorization specifies either an individual or a position within the organization; and

9.19.1.5.3. The written authorization is submitted to the Administrator.

9.20. Changes to Authorization

9.20.1. If an authorization under Section 9.19 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section 9.19 must be submitted to the Division in writing, prior to or together with any reports, information, or application to be signed by an authorized representative.

9.21. Certification Requirements

9.21.1. Each application, notice of termination, report, and any other information submitted must certify, by signature, that the person(s) submitting are familiar with the information contained in the application and that to the best of their knowledge and ability, such information is true, complete, and accurate.

DRAFT

Appendix A

Definitions, Abbreviations, and Acronyms

DRAFT

Definitions

Active mining activities – Activities related to the extraction, removal or recovery, and beneficiation of metal ore from the earth; removal of overburden and waste rock to expose mineable minerals; and site reclamation and closure activities. All such activities occur within the “active mining area.” Reclamation involves activities undertaken, in compliance with applicable mined land reclamation requirements, to return the land to an appropriate post-mining contour and land use in order to meet applicable federal and state reclamation requirements. In addition, once earth-disturbing activities conducted prior to active mining activities have ceased and all related requirements in Section 2.4 have been met, and a well-delineated “active mining area” has been established, all activities (including any clearing, grading, and excavation) that occur within the active mining area are “active mining activities.”

Active mining area – A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted.

Administrator – means the executive head of the Division (NRS 445A.315).

Control Measure – refers to any stormwater control or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

Department – means the State Department of Conservation and Natural Resources (NRS 445A.330).

Discharge – means any addition of a pollutant or pollutants to water (NRS 445A.345).

Discharge of a pollutant – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

Division – means the State of Nevada Division of Environmental Protection.

Existing Discharger – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

General Permit - means a permit issued by the Department pursuant to NRS 445A.475 (NRS445A.360).

Impaired Water – waters that have been assessed by the Division, under the CWA, Section 303(d), as not attaining a water quality standard for at least one designated use and are listed in the “Nevada 2016-2018 Water Quality Integrated Report” (https://ndep.nv.gov/uploads/water-wqm-docs/IR2018_FinalEPA_Approved.pdf) .

Inactive Mine – as defined in 40 CFR 122.26(b)(14)(iii), means sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiations, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

Industrial Activity – the 10 categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Industrial Stormwater – means the stormwater runoff from an industrial activity.

Mine-Impacted Waters – means any contaminated water:

1. Resulting from an industrial mining operation, including, without limitation:
 - A) An underground mine;
 - B) A mine pit penetrating the water table; or
 - C) Waste or development rock piles or other non-process components: and
2. Requiring stabilization, management, control or treatment to prevent or mitigate:
 - A) Adverse effects to the health of human, terrestrial, or avian life, or
 - B) Degradation or violations of receiving water quality standards.

Municipal Separate Storm Sewer (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; Designed or used for the collecting or conveying stormwater; which is not a combined sewer; and is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

Operator – any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:

1. The entity has operation control over the industrial activities, including the ability to modify those activities; or
2. The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Pollutant – (NRS 445A.400)

1. Means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
2. Does not mean water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well if the well is used either for facilitating production or for disposal purposes and if the Department determines that such injection or disposal will not result in the degradation of ground or surface water resources.
3. Does not mean water, gas or other material injected into a well or used to stimulate a reservoir of geothermal resources if the Department determines that the injection or stimulation will not result in the degradation of ground or surface water resources.

Primary Industrial Activity – includes any activities performed on-site which are identified by the facility's primary SIC code; or included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii) and (ix).

Qualified Personnel – Qualified personnel are those (either the Permittee's employees or outside consultants)

who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures.

Stormwater – means stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

Water Quality Standards – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and USEPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the CWA. Water quality standards for Nevada can be found in NAC 445A.11704 – 445A.2234.

Abbreviations and Acronyms

BMP – Best Management Practice

BWQP – Bureau of Water Quality Planning

CFR – Code of Federal Regulations

CWA – Clean Water Act (or Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)

MS4 – Municipal Separate Storm Sewer System

NAC – Nevada Administrative Code

NRS – Nevada Revised Statutes

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

POTW – Publicly owned treatment works

SIC – Standard Industrial Classification

SWPPP – Stormwater Pollution Prevention Plan

USEPA – U.S. Environmental Protection Agency

USGS – U.S. Geological Survey

Appendix B

Website Links

NDEP Stormwater Mining Permit Main Site

<https://ndep.nv.gov/water/water-pollution-control/permitting/stormwater-discharge-permits/mining-permit>

Alternative Permitting Website

<https://ndep.nv.gov/water/water-pollution-control/permitting>

Division Spill Hotline

<https://ndep.nv.gov/environmental-cleanup/spill-hotline/>

Annual Report Template

https://ndep.nv.gov/uploads/documents/NVR300000_AnnualReportTemplateForm_Jun15_.pdf

Water Quality Integrated Report

https://ndep.nv.gov/uploads/water-wqm-docs/IR2022FINAL_Report.pdf

DRAFT