



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

A division of the
Nevada Department of Conservation & Natural Resources

FACTSHEET
(pursuant to NAC 445A.236)

Permit Name:	General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems ("Small MS4s")
Permit Number:	NVS040000
Permit Type:	MUNICIPAL SEPARATE STORM SEWER SYSTEMS
Designation:	MINOR NPDES
New/Renewal:	RENEWAL
Location:	Statewide

Permit History/Description of Proposed Action

Polluted stormwater runoff is often transported to MS4s and ultimately discharged into local rivers and streams without treatment. EPA's Stormwater Phase II Rule established an MS4 stormwater management program that is intended to improve the Nation's waterways by reducing the quantity of pollutants that stormwater picks up and carries into storm sewer systems during storm events. Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites, and carelessly discarded trash, such as pet waste, cigarette butts, paper wrappers, and plastic bottles. When deposited into nearby waterways via MS4 discharges, these pollutants can impair the waterways, thereby discouraging recreational use of the resource, contaminating drinking water supplies, and interfering with the habitat for fish, other aquatic organisms, and wildlife. In 1990, EPA promulgated rules establishing Phase I of the National Pollutant Discharge Elimination System ("NPDES") stormwater program. The Phase I program for MS4s requires operators of "medium" and "large" MS4s, that is, those that generally serve populations of 100,000 or greater, to implement a stormwater management program to control polluted discharges from these MS4s. In 1999, EPA promulgated a rule establishing the Stormwater Phase II Rule that extended coverage of the NPDES stormwater program to certain "small" MS4s, but the Phase II Rule takes a slightly different approach on how the stormwater management program is developed and implemented.

A small MS4 is any MS4 not already covered by the Phase I program as a medium or large MS4. A small MS4 can be designated by the permitting authority as a regulated small MS4 in one of two ways:

- **Nationwide Designation:** The Phase II Final Rule requires nationwide coverage of all operators of small MS4s that are located within the boundaries of a Bureau of the Census-defined "urban area" ("UA") with a population of 50,000 or more people based on the latest decennial Census. Once a small MS4 is designated into the program based on the UA boundaries, it cannot be waived from the program if, in a subsequent UA determination, the small MS4 is no longer within the UA boundaries.
- **Permitting Authority Designation:** The Nevada Division of Environmental Protection (hereinafter "the

Division”) requires coverage of all operators of a small MS4 located outside of a UA with a population of 50,000 or more people but serving a jurisdiction with a population of at least 10,000 and a population density of at least 1,000-people/square mile as determined by the latest decennial census by the Bureau of the Census.

In 2016, EPA updated the small MS4 regulations via the Remand Rule to clarify: (1) the procedures to be used when coverage is by general permits (see 40 CFR 122.28(d)); (2) the requirement that the permit establish the terms and conditions necessary to meet the “MS4 permit standard” (i.e., “to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act”), including conditions to address the minimum control measures (MCMs), reporting, and, as appropriate, water quality requirements (see 40 CFR 122.34(a) and (b)); and (3) the requirement that permit terms must be established in a “clear, specific, and measurable” manner (see 40 CFR 122.34(a)).

The Remand Rule establishes two alternative approaches a permitting authority can use to issue NPDES general permits for small MS4s and meet the requirements of a remand from the United States Court of Appeals for the Ninth Circuit in *Environmental Defense Center, et al. v. EPA*, 344 F.3d 832 (9th Cir. 2003). The first option is to establish all necessary permit terms and conditions to require the MS4 operator to comply with the MS4 permit standard upfront in one comprehensive permit. The second option allows the permitting authority to establish the necessary permit terms and conditions in two steps: a first step to issue a base general permit that contains terms and conditions applicable to all small MS4s covered by the permit and a second step to establish necessary permit terms and conditions for individual MS4s that are not in the base general permit (i.e., the two-step approach).

The Division chose the comprehensive permitting approach. As a result, the permit includes “clear, specific, and measurable” requirements for all small MS4s and the function of the Notice of Intent (NOI) is only to establish certain minimum facts about the Permittee. The permit requires implementation of specific best management practices (BMPs), including development and implementation of a comprehensive stormwater management program (SWMP) to meet the MS4 permit standard and pollutant reduction requirements.

The Phase II program for MS4s is designed to accommodate a general permit approach using a NOI as the permit application. Under this general permit, the function of the NOI is to establish certain minimum facts about the Permittee, including the operator’s contact details, the discharge location(s), and confirmation that the operator is eligible for permit coverage and has agreed to comply with the terms of the permit.

Discharge Characteristics

The permit authorizes the discharge of stormwater to waters of the United States.

The following non-stormwater discharges not requiring a separate permit are also authorized by this permit:

- Potable water line flushing during testing or fire hydrant testing;
- Diverted stream flows;
- Springs or rising groundwaters;
- Uncontaminated groundwater infiltration;
- Potable water sources;
- Residential foundation and/or footing drains;
- Air conditioning condensate;
- Irrigation water from lawns and landscaping;
- Water from residential crawl space pumps;
- Flows from natural riparian habitats and wetlands;
- De-chlorinated swimming pool water;
- Individual residential car washing;
- Water incidental to street sweeping (not associated with construction activities);
- Discharges or flows from firefighting activities, including training activities;
- Dewatering discharges not requiring a separate permit;
- Discharges from sources required to be covered under a separate National Pollutant Discharge Elimination System (NPDES) permit that pass through the Permittees’ MS4 that are permitted; and
- Other discharges determined not to be a substantial contributor of pollutants to waters of the United

States by the Division.

The permit does not authorize:

- Non-stormwater mixed with stormwater unless the non-stormwater discharges are expressly authorized;
- Stormwater discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi). These discharges are authorized under the Division's General Permit NVR050000;
- Stormwater discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15). These discharges are authorized under the Division's General Permit NVR100000 and NVR300000;
- Discharges that do not comply with all applicable federal, State, or local laws, regulations, or ordinances.
- Discharges that do not comply with the Division's antidegradation policy for water quality standards.

Receiving Water

The receiving waters are various waters of the United States in Nevada.

Proposed Effluent Limitations

The permit includes requirements that are necessary to:

- Reduce the discharge of pollutants to the MEP;
- Protect water quality; and
- Satisfy the appropriate water quality requirements of the Clean Water Act ("CWA").

Implementation requires the development and implementation of BMPs and the achievement of measurable goals to satisfy each of the following six MCMs:

1. **Public Education and Outreach** - Distributing educational materials and performing outreach to inform citizens about the impacts polluted stormwater runoff can have on water quality.
2. **Public Participation** - Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a stormwater management panel.
3. **Illicit Discharge Detection and Elimination** - Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system (includes developing a system map and informing the community about hazards associated with illegal discharges and improper disposal of waste).
4. **Management of Construction Site Runoff** - Developing, implementing, and enforcing an erosion and sediment control program for construction activities that disturb one (1) or more acres of land (controls could include silt fences and temporary stormwater detention ponds).
5. **Management of Post Construction Site Runoff** - Developing, implementing, and enforcing a program to address discharges of post-construction stormwater runoff from new development and redevelopment areas. Applicable controls could include preventative actions such as protecting sensitive areas (e.g., wetlands) or the use of structural BMPs such as grassed swales or porous pavement.
6. **Pollution Prevention/Good Housekeeping in Municipal Operations** - Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures and techniques.

This general permit allows Permittees to share responsibility for program development with a nearby regulated small MS4, take advantage of existing local or State programs, or participate in the implementation of an existing Phase I MS4's stormwater program as a co-permittee. These options are intended to promote a regional approach to stormwater management, coordinated on a watershed basis.

Permittees need to evaluate the effectiveness of their chosen BMPs to determine whether the BMPs are reducing the discharge of pollutants from their systems to the MEP and to determine if the BMP mix is satisfying the water quality requirements of the CWA. Permittees are also required to assess their progress in achieving their program's measurable goals. While monitoring is not required under the rule, the NPDES permitting authority has the discretion to require monitoring if deemed necessary. If there is an indication of

a need for improved controls, permittees can revise their mix of BMPs to create a more effective program.

Summary of Changes from Previous Permit

Stormwater Management Program (SWMP):

Under the current Remand Rule, the SWMP document is “supposed to describe the program and “is intended to be a tool that describes the means by which the MS4 establishes its stormwater controls and engages in the adaptive management process during the term of the permit.” It is important to note that the Remand Rule eliminated the prior provision that compliance with the SWMP document constitutes compliance with the MEP standard. Therefore, the provisions included in the permittee’s SWMP document are no longer automatically enforceable as requirements under the permit, unless those requirements are included in the permit itself.

This general permit requires permittees to define the adequate legal authority to control pollutant discharges into and from its MS4 and to meet the permit requirements. Adequate legal authority is required to implement and enforce most parts of the SWMP. Without adequate legal authority, Permittees would be unable to perform many vital SWMP functions such as performing inspections and requiring installation of control measures. In addition, Permittees would not be able to penalize and/or attain remediation costs from violators. This general permit also requires development of a written Enforcement Response Plan (ERP) that describes how the Permittee will eliminate and abate illicit discharges and enforce construction and post-construction requirements; identify staff with enforcement authority; describe enforcement actions available and the enforcement escalation process, including a schedule for quickly and consistently eliminating the source of the discharge; and abate any damages and prevent recurrence.

In addition, new details have been included for each MCM to provide “clear, specific, and measurable” requirements for each BMP. For example:

- **Public Education and Outreach:** This MCM has been revised to require Permittees to identify three (3) priority stormwater pollutant sources and key groups that are associated with those sources to target with specific education and outreach efforts. For each of the three priority sources, two (2) types of outreach must be done annually. This outreach would be designed to educate the targeted audiences about the impacts their actions (e.g., picking up after dogs) can have to improve water quality.
- **Public Participation:** This MCM has been revised to require Permittees to identify three (3) key stakeholders (e.g., business coalitions, watershed groups, community organizations) and initiate one (1) public involvement and participation opportunity (e.g., advisory panels, public hearings, watershed committees, stewardship programs) for each key stakeholder to participate in the development and implementation of stormwater program elements for the term of the permit.
- **Illicit Discharge Detection and Elimination:** This MCM has been revised to require Permittees to inspect at least 20 percent of all outfalls annually for dry weather flows (or 100 percent during the five-year permit term) and then investigate and eliminate any illicit discharges or connection using a written Illicit Discharge Investigation and Corrective Action Plan.
- **Management of Construction Site Runoff:** This MCM has been revised to require Permittees to inspect all regulated construction sites that are within ¼ mile of a water of the United States that is impaired for turbidity or total suspended solids once per week and within 24 hours after a storm event of 0.5 inches or greater in a 24-hour period. The permit also requires that Permittees keep an up-to-date inventory of all active projects and develop procedures for reviewing all site plans to ensure water quality impacts have been considered and appropriate BMPs are included.
- **Management of Post-Construction Runoff:** This MCM has been revised to require control measures for all public and private projects that disturb one (1) or more acres, including activities that disturb less than one (1) acre but are part of a larger common plan of development or sale that would disturb one (1) acre or more and all automotive repair shops. These controls must manage, on-site, the 90th percentile storm event discharge volume¹ associated with new development sites and 80th

¹ The 90th percentile rainfall event represents a precipitation amount which 90 percent of all rainfall events for the period of record do

percentile storm event discharge volume associated with redevelopment sites through infiltration and/or evapotranspiration. This performance standard can be met through green infrastructure or other controls. The general permit allows for alternative performance criteria if a Permittee submits sufficient technical data to the Division to establish the appropriateness of the criteria. The general permit also requires the development of a written inspection frequency determination protocol that includes the inspection of post-construction stormwater management controls at least once during installation and once upon completion to ensure that the BMP was built as designed prior to final approval of occupancy. Permittees will have to inspect all post-construction stormwater management controls located within ¼ mile of a water of the United States that is impaired for turbidity or total suspended solids a minimum of once per year and all other BMPs a minimum of once every two years. On private sites where the property owner/operator is conducting self-inspection the Permittee must still inspect controls located within ¼ mile of a water of the United States that is impaired for turbidity or total suspended solids a minimum of once per three years and all other BMPs a minimum of once every five years.

For Permittee's located in the Las Vegas Valley, the Permittee shall provide a written evaluation of whether the criteria developed as part of the post-construction stormwater management program will tend to cause or contribute to elevated levels of selenium in surface waters. In order to prevent the release of selenium into the Las Vegas Wash, post construction controls have to be evaluated in order to meet planning and design processes detailed in the Las Vegas Wash Selenium Management Plan.

- **Pollution Prevention/Good Housekeeping in Municipal Operations:** This MCM has been revised to require Permittees to inventory all high priority facilities and activities operated/conducted by Permittee staff, map these facilities and activities, and develop documentation to describe how water quality impacts will be minimized at each. Facility pollution prevention plans (FPPPs) are required for each facility and standard operating procedures are required for each activity. This general permit also requires that all priority facilities with an FPPP be inspected at least quarterly.

Measurable Goals:

This general permit includes specific actions for meeting the MS4 permit standard and specifies the measures for determining compliance with this standard (i.e., "to reduce the discharge of pollutants from the MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act") rather than requiring the Permittees to develop measurable goals.

Monitoring and Reporting:

This general permit requires that Permittees sample either wet or dry weather flows annually at no fewer than two outfalls that represent discharges from primarily commercial/industrial areas and residential areas. The permit also describes the information that should be included within the annual reports to document compliance with the MS4 permit standard.

Technology Based Effluent Limitations

This permit is in response to requirements of the CWA and implementing federal regulations and is based on an approved SWMP that includes MCMs such as public education and participation, construction site stormwater runoff control, illicit discharge detection and elimination, and good housekeeping practices. This is a continuation of a program begun in 2002 under the previous general permit, NVS040000. Like the previous permit, this permit authorizes certain Stormwater Discharges from Small MS4s to waters of the State.

Water Quality Based Effluent Limitations

When the Permittee's MS4 discharges to water quality-impaired waters contained in the current 303(d) Impaired Water Body listing issued by the Division's Bureau of Water Quality Planning, the Permittee must investigate whether discharges from the MS4 will contribute significantly to any 303(d) listing, and when the Permittee discharges into a water body with an established Total Maximum Daily Load ("TMDL"), the Permittee shall comply with all applicable TMDL requirements. This information can be found on the

not exceed. The 90th percentile rainfall event is defined as the measured precipitation depth accumulated over a 24-hour period for the period of record that ranks as the 90th percentile rainfall depth based on the range of all daily event occurrences during this period. Retaining rainfall events equal to or less than the 90th percentile rainfall event reduces the runoff from smaller, frequently occurring storms, which account for the majority of the annual precipitation volume.

Rationale for Permit Requirements

The conditions set in the permit language are the minimum requirements to maintain and implement an effective stormwater program within the confines of EPA-published rules (40 CFR Part 122) for use in stormwater permits.

Flow

The flow consists of stormwater and some permit authorized non-stormwater discharges. The flow rates associated with this permit will vary by activity and by precipitation event characteristics.

Antidegradation

The Division has developed an antidegradation regulation that is applied on a statewide basis, and which meets the statutory requirements of Nevada's water pollution control law found at Nevada Revised Statute (NRS) 445A.520 and NRS 445A.565 and is consistent with the federal antidegradation policy found at Title 40 in the CFR section 131.12. The objective of the Division's antidegradation regulation is to prevent degradation of Nevada's surface waters and maintain the unique attributes and special characteristics and water quality associated with high-quality waters. This objective is achieved through the implementation of procedures to ensure that waters are protected from regulated activities that have the potential to degrade the water quality. The regulation uses four (4) tiers of antidegradation protection. Tier 1 protects water quality for beneficial uses of the water on a parameter-by-parameter basis. Tier 2 protects high-quality waters where data show the water quality is better than levels needed to protect beneficial uses (on a parameter-by-parameter basis). Tier 2.5 and Tier 3 protect water quality and the special characteristics of waterbodies designated with the beneficial use of "extraordinary, ecological, aesthetic or recreational value" (NAC 445A.122). In accordance with the antidegradation regulations, the Division will conduct an antidegradation review for a general permit when issuing a new general permit. This general permit is a reissuance, not a new general permit issuance; therefore, an antidegradation review is not required.

Corrective Action Sites

Because this permit covers discharges from large, dispersed areas, discharges that could be impacted by corrective actions sites, or vice versa, shall be evaluated on a case-by-case basis.

Wellhead Protection Program

Because this permit covers discharges from large, dispersed areas, discharges near or within wellhead protection areas and drinking water protection areas shall be evaluated on a case-by-case basis.

Schedule of Compliance:

SOC – Schedule of Compliance Table

Item #	Description	Due Date
1	Develop a list of three priority stormwater pollutant sources determined by the Permittee to be contributing to pollutants in stormwater runoff, including the key audiences and pollutant(s) of concern associated with each source.	10/01/2027
2	Develop a list of public involvement and participation approaches for involving key stakeholders in the development and implementation of the stormwater program elements described in Section 3.0 of the permit.	10/01/2027
3	Develop and implement a stormwater website that is publicly available on the internet and can be accessed by the public and other interested stakeholders.	10/01/2028
4	Develop a storm sewer system map showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls.	10/01/2027
5	Develop an ordinance or other regulatory mechanism (e.g., policies) to effectively prohibit non-stormwater discharges (except those listed under Section 1.2.2.2 of the permit) into the MS4.	10/01/2028
6	Develop an ERP for illicit discharge detection and elimination that describes the procedures the Permittee will use when imposing certain sanctions and escalating enforcement, as necessary.	10/01/2029
7	Develop an Illicit Discharge Investigation and Corrective Action Plan that describes the process the Permittee will use to locate the source of an illicit discharge.	10/01/2027
8	Develop an ordinance or other regulatory mechanism (e.g., policies, standard procedures, environmental specifications) requiring construction site operators to select, design, install, implement, and maintain erosion and sediment controls as well as BMPs to control pollutants that may cause adverse impacts to water quality.	10/01/2028
9	Develop an ERP for construction site stormwater management that describes the procedures the Permittee will use when imposing certain sanctions and escalating enforcement, as necessary.	10/01/2029
10	Develop an inventory of all private and public construction projects (i.e., contract, in-house, maintenance, and encroachment) that disturb or will disturb one (1) or more acres within the permitted area, including activities that disturb less than one (1) acre but are part of a larger common plan of development or sale that would disturb one (1) acre or more.	10/01/2027
11	Develop a plan review checklist to ensure consistent review of submitted construction plans and to determine and document compliance with state and local requirements.	10/01/2027
12	Develop an inspection form or checklist to ensure consistent inspections of construction stormwater management controls.	10/01/2027
13	Develop a construction stormwater inspection frequency determination protocol that considers, at a minimum, the phase of construction, the proximity to an impaired waterbody, the size of the construction activity (i.e., acreage disturbed) and any history of non-compliance.	10/01/2027

Item #	Description	Due Date
14	Develop an ordinance or other regulatory mechanism to require post-construction stormwater runoff controls on regulated public and private NDSR projects.	10/01/2028
15	Develop an ERP for post-construction stormwater management that describes the procedures the Permittee will use when imposing certain sanctions and escalating enforcement, as necessary.	10/01/2029
16	Develop an inventory of post-construction structural stormwater controls, including both public and private sites that discharge into the MS4.	10/01/2028
17	Develop a site plan review checklist to ensure consistent review of submitted plans and to determine and document compliance with post-construction performance standards.	10/01/2027
18	Develop an inspection form or checklist to ensure consistent and thorough inspections of public and private post-construction stormwater management controls.	10/01/2027
19	Develop an inspection frequency determination protocol that considers, at a minimum, operation and maintenance needs, proximity to waterbodies, drainage area treated, land use type, and location within an impaired waterbody watershed.	10/01/2027
20	Develop a written evaluation of whether the criteria developed as part of the post-construction stormwater management program will tend to cause or contribute to elevated levels of pollutants of concern in surface waters within the Permittee's locality. If any criteria developed under the post-construction stormwater management program in accordance with the provisions of this permit would have a reasonable potential of causing or contributing to any water quality or water quantity impairment, or violates Nevada law, they shall be rescinded, and the Permittee shall determine whether alternate criteria can be implemented without causing water quality or water quantity impairments or violating Nevada law.	10/01/2027
21	Develop a map that identifies the locations of high priority facilities identified in Section 3.6.1.1.4 of the permit.	10/01/2027
22	Develop FPPPs for all high priority facilities identified in Section 3.6.1.1.4 of the permit.	01/29/2027
23	Develop an inspection form or checklist to ensure consistent and thorough inspections of high priority facilities with an FPPP.	10/01/2027
24	Submit a revised draft of the Stormwater Management Plan per Section 4.0 of the permit for Division review.	10/01/2027

Deliverable Schedule:

DLV– Deliverable Schedule for Reports, Plans, and Other Submittals

Item #	Description	Interval	First Scheduled Due Date
1	Annual Report	Annually	12/1/2027
2	Annual fiscal analysis to include allocated resources, expenditures, and staff resources.	Annually	12/1/2027
3	Stormwater Monitoring Plan Review per Section 5.1.4.4.	Annually	12/1/2027

Procedures for Public Comment:

The Notice of the Division's intent to issue a permit authorizing the facility to discharge to groundwater of the State of Nevada subject to the conditions contained within the permit, is being mailed to interested persons on our mailing list and will be posted on our website at <https://ndep.nv.gov/posts>. Anyone wishing to comment on the proposed permit can do so in writing until 5:00 P.M. **06/25/2026**, a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator of EPA Region IX or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determined to be appropriate. All public hearings must be conducted to accordance with NAC 445A.238.

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

Proposed Determination:

The Division has made the tentative determination to issue/reissue the proposed 5-year permit.

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Date: **05/26/2026**
Title: **Staff II Associate Engineer**