

Small Municipal Separate Storm Sewer Systems (Small MS4s)

There are currently seven small MS4s covered under NDEP's General Permit NVS040000. They are:

- ❖ Carson City
- ❖ Portions of Lyon County located within the Carson City Urban Area and Dayton
- ❖ Portions of Douglas County located within the Carson City Urban Area
- ❖ Indian Hills General Improvement District – Part of the Carson City Urban Area
- ❖ City of Elko
- ❖ Nellis Air Force Base

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 three ways:

1. Automatic 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 "urbanized area" ("UA") 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 calculation the small MS4 is no longer within the UA boundaries. An automatically designated small MS4 remains regulated unless, or until, it meets the criteria for a waiver.

2. Potential Designation by the NPDES Permitting Authority – Required Evaluation

An operator of a small MS4 located outside of a UA may be designated as a regulated small MS4 if the NPDES permitting authority determines that its discharges cause, or have the potential to cause, an adverse impact on water quality. The Phase II Final Rule requires the NPDES permitting authority to develop a set of designation criteria and apply them, *at a minimum*, to all small MS4s located outside of a UA serving a jurisdiction with a population of at least 10,000 and a population density of at least 1,000-people/square mile.

3. Potential Designation by the NPDES Permitting Authority – Physically Interconnected

Under the final rule, the NPDES permitting authority is required to designate any small MS4 located outside of a UA that contributes substantially to the pollutant loadings of a *physically interconnected* MS4 regulated by the NPDES storm water program. The final rule does not set a deadline for designation of small MS4s meeting this criterion.

Once a new Small MS4 requires coverage under General Permit NVS040000, it will need to submit a **Notice of Intent (NOI)** to NDEP along with a **\$200 filing fee**. A Stormwater Management Program (SWMP) will need to be developed within one (1) year of submitting the NOI and implemented within two (2) years after NDEP's approval of the SWMP.