



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

FACT SHEET (pursuant to NAC 445A.236)

Permit Name: General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (“Small MS4s”)

Permit Number: NVS040000

Location: This permit will immediately affect all or portions of the following areas:

- Carson City
- Douglas County
- Lyon County
- City of Elko
- Nellis Air Force Base, Las Vegas
- Coyote Springs.

Background Relating to the General Permit

Polluted storm water 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 per 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 as a means to control polluted discharges from these MS4s. In 1992, 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 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.

Operators of regulated small MS4s are required to design their programs to:

- Reduce the discharge of pollutants to the maximum extent practicable (“MEP”);
- Protect water quality; and
- Satisfy the appropriate water quality requirements of the Clean Water Act (“CWA”).

Implementation of the MEP standard will typically require the development and implementation of Best Management Practices (“BMPs”) and the achievement of measurable goals to satisfy each of the six minimum control measures (“MCMs”). The Phase II Rule defines a small MS4 storm water management program as a program comprising six elements that, when implemented in concert, are expected to result in significant reductions of pollutants discharged into receiving water bodies.

The six MS4 program MCMs are outlined below:

1. **Public Education and Outreach** - Distributing educational materials and performing outreach to inform citizens about the impacts polluted stormwater runoff discharges can have on water quality.
2. **Public Participation/Involvement** - 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. Construction Site Runoff Control - 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 storm water detention ponds).
5. Post-Construction Runoff Control - 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 - 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 (e.g., regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch-basin cleaning).

The Phase II program for MS4s is designed to accommodate a general permit approach using a Notice of Intent (“NOI”) as the permit application. The operator of a regulated small MS4 must include in its permit application, or NOI, its chosen BMPs and measurable goals for each minimum control measure. To help permittees identify the most appropriate BMPs for their programs, EPA will issue a menu of BMPs to serve as guidance. NPDES permitting authorities can modify the EPA menu or develop their own lists.

The rule identifies a number of implementation options for regulated small MS4 operators. These include sharing responsibility for program development with a nearby regulated small MS4, taking advantage of existing local or State programs, or participating in the implementation of an existing Phase I MS4’s storm water 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 also are 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.

Projected Impact:

Six entities were initially subject to the Small MS4 General Permit in 2002 and included all or portions of the following areas:

1. **Carson City** – Automatic designation by EPA through Bureau of the Census UA designation.
2. **Lyon County** - Automatic designation by EPA through Bureau of the Census UA

- designation.
3. **Douglas County** - Automatic designation by EPA through Bureau of the Census UA designation.
 4. **Nellis AFB** - Automatic designation by EPA through Bureau of the Census UA designation.
 5. **Indian Hills General Improvement District** - Automatic designation by EPA through Bureau of the Census UA designation.
 6. **City of Elko** - An operator of a small MS4 located outside of a UA maybe 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 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. NDEP has determined that the City of Elko will require coverage under this general permit because its discharges have the potential to cause an adverse impact on the Humboldt River water quality.

A seventh entity, **Coyote Springs Development**, filed an NOI in 2007 requesting inclusion under this permit. Coyote Springs is a private development consisting of 6,881 acres approximately 50 miles northeast of Las Vegas. Coyote Springs requested coverage under this permit even though they do not yet meet the criteria for a UA.

Hospitals, prisons, universities, and other facilities that exist in Nevada's regulated MS4 areas that are operators of small MS4s may be required to obtain coverage under this Small MS4 General permit.

What's New with This General Permit

This general permit has added language to this permit that addresses the following issues:

Discharges to Water Quality-Impaired Waters. When discharges to water quality-impaired waters that are contained in the current 303(d) Impaired Water Body listing issued by the Nevada Division of Environmental Protection, Bureau of Water Quality Planning, the permittee must investigate whether discharges from the permittee's 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 NDEP's website.

Additional Information Required in the SWMP. Additional information will be required to be included in the SWMP. This information will include more details about each of the MCMs, including mapping outfalls, public participation and education, illicit discharge detection and elimination, Low-Impact Development measures, and good housekeeping practices.

Salt Stockpiles. For storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes, the permittee must enclose or cover these piles to prevent exposure to precipitation. The permittee must implement appropriate measures (e.g., good housekeeping, diversions, containment) to

minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered only if stormwater from the pile is not discharged directly or indirectly to waters of the U.S. or discharges from the piles are authorized and controlled under another NPDES permit.

Public Participation in the revised Stormwater Management Program. The public will have an opportunity to review and comment on the draft initial (for new Permittees) and revised Stormwater Management Programs (“SWMP”). Comments from interested parties will be included in the final SWMP submitted and the Permittee will be required to include any comments and explain how it will act on any comments received from interested parties.

Annual Report Template. To make annual reports more consistent amongst MS4s, an Annual Report template has been developed that will require all MS4s to report the same information.

Receiving Water Characteristics:

Varies depending on location.

Permit Requirements:

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 WOS.

Rationale for Permit Requirements:

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

NDEP Guidance Materials

Various guidance materials concerning stormwater and BMPs can be found on NDEP’s website.

Prepared by: Steve McGoff, P.E.
Staff III Engineer
April 26, 2010