

FACT SHEET
(Pursuant to NAC 445A.236)

Permit Name: 2019 Multi-Sector General Permit (2019 MSGP) for “Stormwater Discharges Associated with Industrial Activities”

Permit Number: NVR050000

Location: Currently, there are approximately 726 separate industrial facilities permitted statewide.

I. Background

Prior to the Water Quality Act of 1987, there were numerous questions regarding the appropriate means of regulating stormwater discharges within the National Pollutant Discharge Elimination System (NPDES) program due to the serious water quality impacts of stormwater discharges, the variable nature of stormwater, and the large number of stormwater point sources. The United States Environmental Protection Agency (U.S. EPA) undertook numerous regulatory actions in an attempt to address these unique discharges. Congress, with the addition of section 402(p) of the Clean Water Act (CWA), established a structured and phased approach to address stormwater discharges and fundamentally altered the way stormwater is addressed under the CWA as compared with other point source discharges of pollutants.

In 1990, pursuant to section 402(p), U.S. EPA promulgated the Phase I stormwater regulations. The Phase I regulations required NPDES permit coverage for discharges associated with industrial activity and from “large” and “medium” municipal separate storm sewer systems (MS4s). In 40 CFR 122.26(b)(14), U.S. EPA defined the term “stormwater discharge associated with industrial activity” in a comprehensive manner to cover a wide variety of facilities. The Nevada Division of Environmental Protection (the Division) received authorization to administer the NPDES program in Nevada on November 19, 1975. The NPDES permitting program applies throughout Nevada, except on Tribal lands, where U.S. EPA continues to be the permitting authority.

II. Purpose

The purpose of this Fact Sheet is to describe the permitting requirements of the 2019 MSGP for stormwater discharges associated with industrial activity, including the non-metals mining sectors. This Fact Sheet will also describe the details for significant changes from the 2008 Industrial Stormwater General Permit, hereinafter referred to as the 2008 ISGP. The following categories listed in 40 CFR 122.26(b)(14) are included for coverage under this permit: categories i, ii, iii (except for facilities defined with SIC code 10 (Metal Mining), iv through ix and xi. Table 1, in this Fact sheet shows the sectors covered by this permit. Additionally Appendix B of the permit presents more specific information about each sector. A separate NPDES general permit for industrial activity associated with Metals Mining (NVR300000) has been developed for sector G.

The Division is issuing the 2019 MSGP (NVR050000) to replace the expired 2008 ISGP. The permit will have a five year term. The permit contains provisions that require industrial facilities in 28 different sectors to, among other things, implement control measures and develop a site-specific stormwater pollution prevention plan (SWPPP) to comply with the Division permitting requirements. In addition, the 2019 MSGP includes a 29th sector, allowing the Division to permit additional industrial activities which the Division has determined requires permit coverage for industrial stormwater discharges not included in the other 28 sectors. The Division's 2019 MSGP is patterned after U.S. EPA's MSGP 2015.

III. Summary of Changes

Structure and Appearance of the Permit

The Division restructured the 2019 MSGP so that it would be better organized to present requirements in a more readable manner. It is the Division's intent that this structure will enhance the Permittee's understanding of and compliance with the permit's requirements. The new structure divides the permit into 10 Sections; general requirements applicable to all Permittees (i.e., (Section 1) permit coverage, (Section 2) authorizations, (Section 3) control measures, effluent limits, water quality standards, (Section 4) inspections, (Section 5) corrective actions, (Section 6) stormwater pollution prevention plan (SWPPP), (Section 7) monitoring, (Section 8) recordkeeping, (Section 9) industry sector-specific conditions, and (Section 10) general permit conditions. Appendices include a table of sector-specific SIC codes covered by the permit as well as a required inspection template and required annual report template.

Electronic Reporting Requirements

The Division requires that all Notice of Intent (NOI) and No Exposure Certifications be submitted electronically through the Division's online General Permits System database. In addition to this current electronic reporting requirement all Notices of Termination shall, upon issuance of the permit, be submitted electronically using the Division online form located at <https://ndep.nv.gov/resources/notice-of-termination-not>.

Electronic Application Requirements

Section 2.3 of the 2019 MSGP specifies that NOIs must be submitted using the Division's electronic NOI system. The NOI application and renewal application may be accessed via the Division website at <https://genpermits.ndep.nv.gov>

The Division has changed the requirement for filing a Notice of Intent (NOI) from 24 hours prior to the start of permitted activity to 14 days prior to the start of permitted activity. This change is intended to allow the Division time to review the NOI for completeness, receive fees, and provide an approval letter before any stormwater discharge associated with industrial activity occurs at the permitted site.

Language in Section 2.4.2 of the 2019 MSGP has been revised to address notification of an incomplete application and states as follows: *"The Division will notify an applicant of an incomplete application within 7 days of receipt of the NOI Certification Page in the Bureau of Water Pollution Control."*

Allowable Non-Stormwater Discharges

NDEP has removed the following non-stormwater discharges:

- Uncontaminated ground or spring water
- Foundation or footing drains where flows are not contaminated

NDEP has removed the above listed discharges from the Multi Sector General Permit as they can be more effectively regulated under the separately issued DeMinimis General Permit NVG201000 or and individual permit. As point source discharges, there are additional requirements that must be met to protect Waters of the State.

Owner/Operator Responsibility

Section 2.1 of the 2019 MSGP is new to this permit and has been added to clarify and define “Owner/Operator”, “Owner/Operator Responsibility”, and “Multiple Operators” requirements. This section follows as such:

2.1 Owner/Operator Responsibility

2.1.1 All Operators. All operators are required to obtain coverage for stormwater discharges associated with industrial activities covered under this permit. In some cases, an “operator” may be the facility owner, in other cases the operator may be a contractor. In the event of a default by the “Operator” submitted on the Notice of Intent (NOI), the Division will consider the “Owner” submitted on the NOI as the responsible “Operator”. For the purpose of this permit, an “Operator” is any entity that has the day to day operational control of those activities at the facility necessary to ensure compliance with the SWPPP requirements or other permit conditions.

2.1.2 Multiple Operators. Where there are multiple operators associated with the same site, each operator is required to file an NOI for permit coverage. Operators shall ensure, either directly or through coordination with other operators, that their activities do not render another operator’s pollutant discharge controls ineffective.

Change of Owner/Operator

The Division has revised the requirements for change of Owner/Operator responsibility. To be consistent with the Division’s general permits, the following is the revised Section 2.4.5 of the 2019 MSGP:

2.4.5 Change of Owner/Operator – For industrial sites where the owner/operator changes, including instances where an operator is added after an NOI has been submitted, the following shall apply:

2.4.5.1 Current operator shall notify the succeeding owner/operator of the existence of this permit by letter, a copy of which shall be forwarded to the Division for file record;

2.4.5.2 New operator shall update SWPPP documents as needed or develop and implement a new SWPPP to comply with permit requirements in Section 6.0; and submit an NOI no later than 14 calendar days prior to taking over operational control of the site; and

2.4.5.3 *Current operator shall submit a Notice of Termination (NOT) within 30 calendar days after the new owner/operator assumes responsibility for the site.*

Control Measures, Effluent Limits, and Water Quality Standards

Section 3.0 Control Measures, Effluent Limits, and Water Quality Standards has been created in the 2019 MSGP to expand and clarify permit terms and to better enable Permittees to understand and meet the regulatory requirements of the permit.

Effluent Limit Clarifications

Stormwater effluent limits discussed in Sections 1.2, 3.3, 7.3 and 9.0 of the 2019 MSGP include a greater level of specificity in order to make the monitoring terms more clear and to enable the Permittee to better comply with regulatory requirements.

At this time Nevada has not established Waste Load Allocations (WLAs) for stormwater discharges. If the Division's Bureau of Water Quality Planning develops these criteria, the language in the permit is set to ensure compliance.

Inspections

The Division has consolidated the Comprehensive Site Compliance Evaluation and the Periodic Inspections into one set of inspection procedures to eliminate redundancies and reduce burden on the Permittee. To aid Permittees with inspection procedures, the Division has provided a "Sample Inspection Form" template in Appendix D of the permit.

Exceptions to Routine Inspections

The Division has added to the 2019 MSGP Section 4.4 Exceptions to Routine Facility Inspections. The requirement to conduct routine facility inspections on a quarterly basis does not apply to a facility that meets the definition of "inactive and unstaffed", provided that no industrial materials or activities are exposed to stormwater. Such a facility is only required to conduct an annual inspection in accordance with Section 4.0 of the 2019 MSGP.

Corrective Actions

Although the 2008 ISGP discussed corrective actions in regards to SWPPP documentation, the Division has clarified in the 2019 MSGP with Section 5.0 in the permit. This Section identifies corrective action notification requirements, when SWPPP review and revisions should occur, corrective action deadlines, and reporting requirements.

Reporting Requirements

The Division has added to the Annual Report, the requirement to use the Division Annual Report Template provided in Appendix C of the Permit. Except for Permittees required to submit an annual report in accordance with Section 7.2.4 of the 2019 MSGP, annual reports are not required to be turned in to the Division; however they shall be kept onsite and made available upon the Division request.

Analytical Results for monitoring required in Section 7.2.4, Section 7.3, and Section 7.5 of the 2019 MSGP shall be submitted, as part of an Annual Report (Appendix C), to the Division each January 28th for the previous calendar year.

The Division has added to the 2019 MSGP the requirement to submit to the Division an Exceedance Report in the event that monitoring pursuant to Section 7.0 exceeds a numeric effluent limit. The Permittee shall submit the Exceedance Report to the Division no later than 30 calendar days after receiving the facility's lab results.

For one year after the exceedance, monitoring shall be conducted quarterly and the quarterly monitoring shall be kept with the SWPPP. If after one year no additional exceedances are found, then the normal monitoring schedule can resume.

Sector-Specific Requirements

The Division has added Section 9.0 to the 2019 MSGP to clarify additional requirements for Sector-Specific industrial activities. The Sector-Specific Requirements are in addition to any requirements specified elsewhere in the permit.

General Permit Conditions

Section 10.0 of the 2019 MSGP has been expanded to be consistent with the *General Permit Conditions* language now standardized in all newly issued permits from the Division's Bureau of Water Pollution Control.

Definitions

Appendix A has been expanded and clarified to ensure Permittee understanding of the terms used in the permit.

Incorporation of the above is consistent with Nevada's requirements for its other General Permits for Stormwater Discharges.

IV. Categories of Facilities Covered by the 2019 MSGP

Coverage under this permit is available for stormwater discharges to waters of the State that meet the definition of Waters of the United States from the following 29 specified sectors of industrial activity (excluding the metals-mining industry Sector G). The sector descriptions are based on the four digit Standard Industrial Classification (SIC) codes and two letter Industrial Activity Codes consistent with the definition of stormwater discharge associated with industrial activity at 40 CFR 122.26(b)(14)(i-ix and xi). Appendix B of the permit provides for specific information on each sector. A summary of covered sectors is provided in Table 1 below.

Table 1 - Sectors of Industrial Activity Covered by the MSGP	
Sector A: Timber Products	Sector Q: Water Transportation
Sector B: Paper and Allied Products Manufacturing	Sector R: Ship and Boat Building or Repairing Yards
Sector C: Chemical and Allied Products Manufacturing	Sector S: Air Transportation Facilities
Sector D: Asphalt Paving and Roofing Materials Manufacturers and Lubricant Manufacturers	Sector T: Treatment Works
Sector E: Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing	Sector U: Food and Kindred Products
Sector F: Primary Metals	Sector V: Textile Mills, Apparel, and Other Fabric Products Manufacturing
Sector I: Oil and Gas Extraction	Sector W: Furniture and Fixtures
Sector J: Mineral Mining and Dressing	Sector X: Printing and Publishing
Sector K: Hazardous Waste Treatment Storage or Disposal	Sector Y: Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries
Sector L: Landfills and Land Application Sites	Sector Z: Leather Tanning and Finishing
Sector M: Automobile Salvage Yards	Sector AA: Fabricated Metal Products
Sector N: Scrap Recycling Facilities	Sector AB: Transportation Equipment, Industrial or Commercial Machinery
Sector O: Steam Electric Generating Facilities	Sector AC: Electronic, Electrical, Photographic, and Optical Goods
Sector P: Land Transportation	Sector AD: Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director

V. Permit Coverage and Authorization Under the Division's 2019 MSGP

Section 1.0 and Section 2.0 of the 2019 MSGP detail the requirements that must be met in order to obtain coverage under the 2019 MSGP. Although these sections have been restructured from previous permits, many of the requirements for coverage and the process to apply for coverage remain unchanged.

Existing Discharger – For Owner/Operators of industrial facilities, as of the effective date of this permit, who received authorization to discharge for this facility under the expired 2008 Industrial General Permit (NVR050000), the Owner/Operator shall submit a Renewal NOI within 60 days of the effective date of this permit. The Division will determine if the NOI is complete and confirm coverage by providing a Renewal Approval Letter. Following receipt of the renewal approval letter the operator shall comply with the following terms:

- Within 120 days of the effective date of this permit, the Permittee shall update the SWPPP as necessary to comply with the requirements of Section 6.0 of this permit.
- The Permittee shall continue to comply with the terms and conditions of the expired 2008 Industrial General Permit NVR050000 until 120 days after the effective date of this permit or until the SWPPP is updated, whichever comes first.

New Dischargers seeking authorization for stormwater discharges under this general permit shall submit a NOI and filing fee with the Division no later than 14 days prior to the start of the permitted activity. Following receipt of the NOI Certification Page and applicable Application Fee, the Division will determine if the NOI is complete and confirm coverage by providing an Approval Letter with a site authorization number. If the Division determines the NOI is incomplete, coverage may not be “approved” until a completed NOI is submitted. The Division will notify an applicant of an incomplete application within 7 days of receipt of the NOI Certification Page in the Bureau of Water Pollution Control.

VI. Permit Coverage Area

This general permit covers the State of Nevada except for Tribal Lands. U.S. EPA Region 9 is the permitting authority for stormwater discharges on Tribal Lands.

VII. Permit Requirements

This permit is in response to requirements of the Federal Clean Water Act and implementing federal regulations, and is based on BMPs such as education, diversion, detention, covered storage, spill response, and good housekeeping. This permit is a continuation of a program began in 1993 under the first general permit, GNV0022241 and continued with the subsequent and previous General Permit identified as NVR050000. Like the previous permit, this permit authorizes certain Stormwater Discharges Associated with Industrial Activity to Waters of the State of Nevada that meet the definition of Waters of the United States.

VIII. Rationale for Permit Requirements

The conditions set in the 2019 MSGP language are the minimum requirements to maintain and implement an effective stormwater program consistent with U.S. EPA rules (Title 40 of the CFR Part 122).

IX. Proposed Determination

The Division has made the tentative determination to renew permit NVR050000 for a period of five (5) years.

X. Procedures for Public Comment

The Notice of the Division's intent to renew the modified discharge permit subject to the conditions contained within the permit is being sent to the **Las Vegas Review Journal, Reno Gazette, Nevada Appeal, Elko Daily Free Press, Humboldt Sun, Lahontan Valley News, and Ely Times** for publication. The notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing for a period of thirty (30) days following the date of publication of the public notice in the newspaper. The comment period can be extended at the discretion of the Administrator. The deadline date and time by which all comments are to be submitted (via postmarked mail or time-stamped faxes, e-mails, or hand-delivered items) to the Division **Monday February 11, 2019 by 5:00 P.M.**

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator or any interested agency, person or group of persons.

The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.238.

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

Fact Sheet Prepared by: Michelle Grover
 Environmental Scientist III
 Bureau of Water Pollution Control