



# 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:** National Pollutant Discharge Elimination System Permit (“NPDES”) for stormwater discharges from The City of Henderson, City of Las Vegas, City of North Las Vegas, Portions of Unincorporated Clark County Located in the Las Vegas Valley and the Clark County Regional Flood Control District (“Permittees”) into their respective Municipal Separate Storm Sewer Systems (“MS4s”).

**Permit Number:** NV0021911

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

Receiving waters of the United States within the Cities of Henderson, Las Vegas, North Las Vegas and portions of unincorporated Clark County located in the Las Vegas Valley.

### Background Relating to This General Permit

In 1972, The Federal Water Pollution Control Act [also referred to as the Clean Water Act (“CWA”)] was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful, unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added section 402(p), which directs that stormwater discharges are point source discharges and established a framework for regulating municipal and industrial storm water discharges under the NPDES program. On November 16, 1990, the U.S. Environmental Protection Agency (“EPA”) promulgated final regulations that establish the stormwater permit requirements.

Pursuant to these regulations, stormwater permits are required for discharges from an MS4 serving a population of 100,000 or more. EPA defined MS4s to include road systems owned by states which are in an area with a population greater than 100,000. The regulations also specified a requirement for stormwater permits from 11 categories of industry, including construction activities where the construction activity disturbs five acres or more.

On March 10, 2003, Phase II of the Stormwater program took effect. The Stormwater Phase II Rule extends coverage of the NPDES stormwater program to certain “small” MS4s but 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: Automatic Nationwide Designation; Potential Designation by the NPDES Permitting Authority – Required evaluation; or, 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 an Urbanized Area that

contributes substantially to the pollutant loadings of a *physically interconnected* MS4 regulated by the NPDES stormwater program.

In Nevada, large MS4s were initially issued individual NPDES permits for the Nevada Department of Transportation, Clark, and Washoe Counties. Small MS4s are permitted through a “Small MS4 General Permit.” Because NDEP had issued NPDES stormwater permits to all of the areas currently requiring a permit, this permit was not considered a new stormwater permit, Parts I and II of the application were not required.

The “Interpretative Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems” issued by USEPA on May 17, 1996, outlines the requirements for permittees seeking a second Municipal NPDES Stormwater Permit. The requirements are: (1) name and address of the applicant; (2) name and title of primary administrative and technical contacts; and (3) proposed changes or improvements to the stormwater management program and monitoring activities for the upcoming five-year term of the permit. In addition, USEPA recommends that the applicant provide identification of any previously unidentified water bodies and a summary of any known water quality impacts.

This permit covers all municipal storm water activities within the Las Vegas Valley urbanized area. This permit does not cover Construction disturbances one acre or greater or industrial activities which require a separate permit under the federal regulations. These discharges are authorized under Permit NVR100000 and Permit NVR050000, respectively.

Aside from general requirements, the re-issuance of this Large MS4 permit addresses several areas including adequate legal authority; source identification; characterization data; public outreach and education; best management practices (BMP); illicit discharge and detection; industrial facility monitoring and control; and a construction site BMP program. This permit also requires that the permittees comply with all applicable Federal and State laws.

### **Projected Impact:**

At this time, four (4) entities will continue to be impacted by this Permit. They include all or portions of the following entities:

1. *Clark County* – Automatic designation by EPA;
2. *City of Las Vegas* - Automatic designation by EPA;
3. *City of North Las Vegas* - Automatic designation by EPA; and
4. *City of Henderson* - Automatic designation by EPA.

### **What’s New with This General Permit**

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

**Revise the Existing Stormwater Management Program (“SWMP”).** This permit requires the Permittees to revise the current SWMP to address new permit requirements by June 30, 2010.

**Adequate Legal Authority.** This permit requires each of the Permittees to have an ordinance in place by December 31, 2008, that prohibits illicit discharges into the MS4, requires structural and non-structural Best Management Practices

("BMPs") at construction sites, requires Permittees to inspect construction sites over one (1) acre to ensure compliance with the site's Stormwater Pollution Prevention Plan ("SWPPP"), inspect industrial sites to ensure compliance with the facility's SWPPP, and establish escalating enforcement procedures for non-compliance with the ordinance.

**MS4 Maintenance Activities.** The new permit requires the Permittees to include a description of structural and source control measures in the updated SWMP that are expected to minimize pollutants from stormwater runoff from commercial and residential areas that are discharged from the MS4. These activities impact streets, roads, flood control projects, landfills, and pesticide, fertilizer and herbicide use.

**New Development and Significant Redevelopment Controls.** The updated SWMP shall include a description of planning procedures including a plan to reduce the discharge of pollutants to the MS4s which receive discharges from areas of new development and significant redevelopment ("NDSR"). These planning procedures will look at Low-Impact Development practices, long-term maintenance of post construction structures, an inventory and tracking system for post construction structures, and an inspection and enforcement program. Design standards have also been developed for certain NDSR projects. The design standards will address peak-urban runoff discharge; site design BMPs; source control BMPs; and treatment control BMPs. Treatment control BMPs will be sized using accepted hydrologic engineering quantitative methods along with volumetric treatment control BMP design and flow-based BMP design criteria.

If the Permittees will not use some or all of the design standards described in this section, the Permittees will provide justification using documentation and engineering analyses, and propose reasonable alternatives that are appropriate for the unique hydrologic, hydrogeologic and regional conditions in Las Vegas Valley.

**Industrial Facility Monitoring and Control.** The permit will require the updated SWMP to include additional requirements related to industrial facilities including an inventory of all industrial facilities which discharge stormwater associated with industrial activities and all commercial and municipal facilities which may be significant sources of pollutants. The permittees will also be required to notify NDEP within ten (10) business days after a Permittee determines that a facility is in significant non-compliance or is a non-filer under NDEP's industrial stormwater program.

**Construction Site BMP Program.** The permit will require the Permittees to inspect construction sites to ensure compliance with their ordinances. In addition, the permit will require a schedule of inspections for sites meeting certain criteria.

**Minor Changes in Permit Language and Updating Relevant Information.** Minor changes have been made to wording in the permit and acronyms have been

used when appropriate. Also, address changes have been made to reflect NDEP's new office location.

**Receiving Water Characteristics:**

Varies depending on location.

**Permit Requirements:**

This permit is in response to requirements of the CWA and implementing federal regulations. This is a continuation of a program begun in 2003 under the previous general permit, NV0021911. Like the previous permit, this permit authorizes certain discharges from the Cities of Las Vegas, Henderson, North Las Vegas, and Clark County MS4s.

**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 EPA-published rules (40CFR Part 122) for use in stormwater permits.

**Noticing Requirements:**

Pursuant to NRS 445A.590, NDEP shall notify each interested person and appropriate governmental agency of each complete application for a permit, and shall provide them an opportunity to submit their written views and recommendations thereon. The public has thirty (30) calendar days from the date of issuance of the public notice in which to submit written comments to:

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