

NVR100000

STATE OF NEVADA  
DIVISION OF ENVIRONMENTAL PROTECTION

PERMIT FOR  
STORMWATER DISCHARGES ASSOCIATED WITH LARGE CONSTRUCTION ACTIVITY, SMALL  
CONSTRUCTION ACTIVITY AND INDUSTRIAL ACTIVITY FROM TEMPORARY CONCRETE, ASPHALT AND  
MATERIAL PLANTS OR OPERATIONS DEDICATED TO THE PERMITTED CONSTRUCTION PROJECT

AUTHORIZATION TO DISCHARGE

In compliance with the provisions of the federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq: the "Act") and Chapter 445A of the Nevada Revised Statutes (NRS), eligible dischargers have submitted: 1) a Notice of Intent and filing fee in accordance with Nevada Administrative Code (NAC) 445A.268.

In accordance with the terms and conditions set forth hereof;

Site Number: CSW- XXXXX

NOI Approval Date: mm/dd/yyyy

Facility Information	
Site Name	XX
Site Address	XX
Owner Name	XX
Operator Name	XX

This permit shall become effective on: **January 5, 2015**

This permit and the authorization to discharge shall expire at midnight **January 4, 2020.**

Signed this 18th day of **December 2014.**

Michele R. Reid  
Staff Engineer I  
Bureau of Water Pollution Control



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## **1.0 Coverage under this General Permit**

### **1.1 Eligibility**

- 1.1.1 The objective of this permit is to control and reduce pollution to Waters of the State of Nevada that meet the definition of Waters of the United States from: Stormwater Discharges Associated with Construction Activity and Stormwater Discharges Associated with Industrial Activity from temporary plants or operations set up to produce concrete, asphalt or other materials exclusively for the permitted construction project, through the use of Best Management Practices (BMPs).
- 1.1.2 This General Permit authorizes stormwater discharges associated with large construction activity, small construction activity and associated industrial activity, provided the operator complies with all the requirements of this general permit and submits a Notice of Intent (NOI) in accordance with Part 2.3 of this general permit. A waiver from coverage under this permit is not offered.
- 1.1.3 This permit is not authorized for use by operators with stormwater discharges associated with construction activities on any Tribal Lands in Nevada. USEPA Region 9 is the permitting authority for Tribal Lands in Nevada.
- 1.1.4 Any discharges that do not comply with the eligibility conditions of this permit are not authorized by the permit. A person shall either apply for a separate National Pollutant Discharge Elimination System (NPDES) permit to cover the ineligible discharge(s), cease the discharge(s), or take necessary steps to make the discharge(s) eligible for coverage under this permit.

### **1.2 Authorized Discharges**

- 1.2.1 Allowable Stormwater Discharges. Subject to compliance with the terms and conditions of this permit, the following is a list of discharges that are allowed under the permit provided that appropriate stormwater controls are designed, installed and maintained:
  - 1.2.1.1 Stormwater runoff associated with construction activities;
  - 1.2.1.2 Stormwater discharges from construction support activities (e.g. concrete or asphalt batch plants, equipment staging yards, material storage yards, excavated material disposal areas, borrow areas) provided:
    - 1.2.1.2.1 The support activity is directly related to a construction site that is required to have NPDES permit coverage for discharges of stormwater associated with construction activity;
    - 1.2.1.2.2 The support activity is not a commercial operation (serving multiple unrelated construction projects by different operators) and does not operate beyond the completion of the construction activity at the last construction project it supports; and
    - 1.2.1.2.3 Appropriate controls and measures covering the discharges from the support activity areas are identified in a stormwater pollution prevention plan (SWPPP).

1.2.2 Allowable Non-Stormwater Discharges. The operator shall reduce or eliminate discharges of non-stormwater from construction sites to the maximum extent practicable.

1.2.2.1 The following are non-stormwater discharges allowed under this permit, provided they are not a significant source of pollutants and appropriate control measures are in place to assure compliance with Parts 3.0 and 3.8 of this permit:

1.2.2.1.1 Discharges from emergency fire-fighting activities;

1.2.2.1.2 Water used to rinse/wash vehicles and equipment, provided that reclaimed water or other wastewater is not used and no soaps, solvents, detergents, oils, grease, or fuels are present in the rinse/wash water;

1.2.2.1.3 Water used to control dust, provided reclaimed water or other wastewaters are not used;

1.2.2.1.4 Routine external building wash-down where detergents are not used;

1.2.2.1.5 Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used. Directing pavement wash waters directly into any surface water, storm drain inlet, or stormwater conveyance without the appropriate pollution control measures in place is prohibited;

1.2.2.1.6 Uncontaminated air conditioning or compressor condensate;

1.2.2.1.7 Dewatering of accumulated stormwater where flows are not contaminated (see Part 3.8 Dewatering Practices); and

1.2.2.1.8 Water used for compacting soil, provided reclaimed water or other wastewaters are not used.

1.2.3 Allowable Non-Stormwater DeMinimus Discharges

1.2.3.1 The following are non-stormwater de minimis discharges allowed under this permit, provided they are not a significant source of pollutants and appropriate control measures are in place to assure compliance with Parts 3.0 and 3.8 of this permit:

1.2.3.1.1 Uncontaminated, non-turbid groundwater or spring water;

1.2.3.1.2 Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater;

1.2.3.1.3 Potable water sources including uncontaminated water line flushing; and

1.2.3.1.4 Uncontaminated, non-turbid potable water well flushing where the receiving waters are ephemeral.

1.2.3.2 DeMinimis Discharges are limited to one discharge outfall per permitted site. The discharge flow is limited to 250 gallons per minute (gpm) or less for 30 days or less. DeMinimis discharges that exceed these conditions must apply for permit coverage under the General Permit for DeMinimis Discharges NVG201000 at <http://ndep.nv.gov/bwpc/diminimis.htm>

### 1.3 Prohibited Discharges

- 1.3.1 The operator shall not allow any non-stormwater discharges from the site except as provided in Part 1.2.2, 1.2.3 or Part 3.8 Dewatering Practices. All other non-stormwater discharges shall be eliminated or authorized under a separate permit as determined by NDEP. The prohibited discharges include but are not limited to:
- 1.3.1.1 Wastewater from washout of concrete, unless managed by an appropriate control described in Part 3.7.2.2;
  - 1.3.1.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials. See Part 3.7.2.3;
  - 1.3.1.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance. See Part 3.7.2.4;
  - 1.3.1.4 Soaps or solvents used in vehicle and equipment washing; and
  - 1.3.1.5 Toxic or hazardous substance from a spill or other release.
- 1.3.2 Stormwater discharges that are mixed with non-stormwater, other than the allowable non-stormwater discharges listed in Part 1.2.2, are not eligible for coverage under this permit.

### 1.4 Limitations of Coverage

- 1.4.1 Post Construction Discharges. This general permit does not authorize stormwater discharges that originate from the site after construction activities have been completed and the site, including any temporary support activity site, has achieved final stabilization and a Notice of Termination (NOT) has been filed. Post construction stormwater discharges from industrial sites may need to be covered by a separate NPDES permit.
- 1.4.2 Discharges Covered by Another NPDES Permit. This general permit does not authorize discharges associated with construction activities that have been covered under an individual permit or another applicable general permit. Construction discharges at mining operations are covered under the Mining General Permit NVR300000.
- 1.4.3 Discharges Threatening Water Quality. This general permit does not authorize discharges that will cause or contribute to non-attainment of water quality standards or the beneficial uses of receiving waters as defined in NAC 445A.121 and NAC 445A.122 respectively. The operator shall design and implement BMPs sufficient to meet these requirements.
- 1.4.4 Discharges to Water Quality Impaired Waters. A discharge to a surface water contained in the current 303(d) *Impaired Water Body* listing issued by NDEP Bureau of Water Quality Planning (BWQP), that is impaired for (1) sediment or a sediment-related parameter, such as total suspended solids (TSS) or turbidity, and/or (2) nutrients, including impairments for nitrogen and/or phosphorus shall make one of the following demonstrations and retain such data and technical information on site with the Stormwater Pollution Prevention Plan (SWPPP):
- 1.4.4.1 That the site will employ measures to prevent the discharge of stormwater pollutant(s) for which the waterbody is impaired; or

- 1.4.4.2 That the discharge from the site has no potential to contain the pollutants causing impairment; or
- 1.4.4.3 That the discharge is not expected to cause or contribute to an exceedence of an applicable water quality standard.
- 1.4.5 Discharges to Water Bodies with Established Total Maximum Daily Load (TMDL). The Permittee shall comply with all applicable TMDL requirements. TMDL information can be found on the NDEP website: <http://ndep.nv.gov/bwqp/303dlist2012.htm>
- 1.4.6 Exempt Discharges. Persons performing the following activities are not required to seek coverage under this permit:
  - 1.4.6.1 Construction projects that disturb less than 1 acre, unless part of a larger common plan of development or sale (e.g., subdivisions or commercial development areas) or unless required as a condition of Part 1.6.1;
  - 1.4.6.2 Routine maintenance that disturbs less than 5 acres that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility or structure; or
- 1.4.7 Use of Cationic Treatment Chemicals. The use of cationic treatment chemicals (as defined in Appendix A), are ineligible for coverage under this permit, unless the Permittee notifies NDEP in advance and the Administrator authorizes the coverage under this permit. The Permittee must include appropriate controls and implementation procedures designed to ensure that any approved use of cationic treatment chemicals will not lead to a violation of water quality standards.
- 1.4.8 Oil and Gas Operations. Construction activities associated with the oil and gas exploration, production, processing, or treatment operations or transmission facilities (e.g. drilling site preparation, crude oil pipelines, etc.) are addressed in NDEP's Stormwater General Permit NVR050000 for Stormwater Associated with Industrial Activity.

## **1.5 Requirement for Individual Permit**

- 1.5.1 NDEP may require the holder of a general stormwater permit to apply for and obtain an individual permit in accordance with NAC 445A.269.

## **1.6 Requirement for a Stormwater Permit for Projects Less Than 1 Acre**

- 1.6.1 If NDEP determines that a project less than 1 acre in size will impact receiving waters or their tributaries within a 1/4-mile radius of the project, the owner of the project may be required to obtain a stormwater permit and abide by the terms of this permit.

## **2.0 Authorization Under this General Permit**

### **2.1 Owner/Operator Responsibility**

- 2.1.1 All Operators. All operators are required to obtain coverage for stormwater discharges associated with construction activity under this permit. In some cases, an operator may be

the owner or the developer, in other cases the operator may be the general contractor. In the event of a default by the “Operator” submitted on the NOI, NDEP will consider the “Owner” submitted on the NOI as the responsible “Operator”. For the purpose of this permit, an “Operator” is any person associated with the construction project who meets the following criteria:

- 2.1.1.1 The person has operational control over the construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- 2.1.1.2 The person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).
- 2.1.2 Multiple Operators. Where there are multiple operators associated with the same project, each operator is required to file an NOI for permit coverage. The following applies in these situations:
  - 2.1.2.1 If one operator has control over plans and specifications and a different operator has control over activities at the project site, they may divide responsibility for compliance with the terms of this permit and jointly develop a common SWPPP, which documents which operator has responsibility for each requirement of the permit.
  - 2.1.2.2 If an operator only has operational control over a portion of a larger project (e.g. one of the four homebuilders in a subdivision), the operator is responsible for compliance with applicable effluent limits, terms and conditions of this permit as it relates to their activities on their portion of the construction site, and implementation of control measures described in the SWPPP in the areas under their control.
  - 2.1.2.3 Operators shall ensure, either directly or through coordination with other operators, that their activities do not render another operator’s pollutant discharge controls ineffective.

## **2.2 Application for Coverage**

- 2.2.1 Prior to submission of a Notice of Intent (NOI), an applicant seeking authorization to discharge under this general permit shall:
  - 2.2.1.1 Ensure that the facility is not located on Tribal lands;
  - 2.2.1.2 Ensure the facility meets the eligibility requirements under Part 1.1; and
  - 2.2.1.3 Develop and implement a SWPPP that meets the requirements of Part 6.0 of this permit and that covers either the entire site or all portions of the site for which the Permittee is an operator.
    - 2.2.1.3.1 The SWPPP shall be prepared prior to submission of the NOI and shall be implemented prior to the start of construction.
    - 2.2.1.3.2 It is not necessary to submit a copy of the SWPPP to NDEP. The SWPPP, including any updates, shall be retained and made available in accordance with Part 6.7.1.



- 2.2.1.4 An operator shall submit separate NOIs to NDEP for each project that disturbs one or more acres of land. The operator of a common plan of development or sale that will ultimately disturb one or more acres shall also submit an NOI in accordance with Part 2.3.

### 2.3 NOI Electronic Application Requirements

- 2.3.1 NOIs must be submitted using NDEP's electronic NOI system. Submission of the NOI demonstrates the owner's/operator's intent to be covered by this permit; it is not a determination by NDEP that the owner/operator has met the eligibility requirements for the permit.
- 2.3.2 New Dischargers seeking authorization for stormwater discharges under this general permit shall submit a Notice of Intent (NOI) and filing fee with NDEP no later than 14 days prior to the start of the permitted activity. The NOI application may be accessed via the NDEP website at: <https://genpermits.ndep.nv.gov/>
- 2.3.3 Existing Dischargers seeking authorization for stormwater discharges under this general permit shall submit a **RENEWAL** Notice of Intent (NOI) within 60 days (**by March 6, 2015**) of the effective date of this permit. **NO FEE IS REQUIRED FOR A RENEWAL NOI.** The Renewal NOI application may be accessed via the NDEP website at: <https://genpermits.ndep.nv.gov/>
- 2.3.4 The minimum information required for an approved NOI consists of:
- 2.3.4.1 Project Owner and Operator (Applicant) Information – Name, Address, City, State, Zip Code, Phone Number(s) and Tax Identification Number for both the owner and operator;
- 2.3.4.2 Project/Site Information – Project Name, Project Address/Location, City, County, State, Zip Code, Latitude, Longitude, and at least one Assessor's Parcel Number (APN) associated with the project;
- 2.3.4.3 Name of the receiving water;
- 2.3.4.4 Whether any part of the site is located on Tribal lands;
- 2.3.4.5 Estimated start date;
- 2.3.4.6 Estimated completion date;
- 2.3.4.7 Estimate of area to be disturbed (to nearest acre);
- 2.3.4.8 Estimate for likelihood of discharge;
- 2.3.4.9 Address for location of SWPPP for viewing – City, State, Zip Code and Phone Number(s); and
- 2.3.4.10 NOI Certification page signed and dated by appropriate authority (see Part 7.23) and mailed with the application fee to NDEP at the address indicated on the form and in Part 7.26 of this permit.
- 2.3.5 If the contact information or addresses on the NOI filed for permit coverage change during

the permit coverage, the Permittee shall, within 15 days of the change, submit a letter on official letterhead indicating the updated information.

## 2.4 Effective Date of Permit Coverage

2.4.1 New Discharger – Following receipt of the NOI Certification Page and applicable Application Fee, NDEP will determine if the NOI is complete and confirm coverage by providing an Approval Letter with a site authorization number.

2.4.2 If NDEP determines the NOI is incomplete, coverage may not be “approved” until a completed NOI is submitted. NDEP 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.

2.4.2.1 In accordance with NAC 445A.268 (4), a discharger will not be covered under a general permit until the discharger has been notified by the Director.

2.4.3 Existing Discharger – For operators of construction projects ongoing as of the effective date of this permit who received authorization to discharge for these projects under the expired 2007 Construction General Permit (NVR100000), the Operator shall submit a Renewal NOI within 60 days of the effective date of this permit (**by March 6, 2015**). NDEP 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:

2.4.3.1 Within 120 days of the effective date of this permit (**by May 5, 2015**), the Permittee shall update the SWPPP as necessary to comply with the requirements of Part 6.0 of this permit.

2.4.3.2 The Permittee shall continue to comply with the terms and conditions of the expired 2007 Construction General Permit NVR100000 until the SWPPP is updated.

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

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

2.4.4.2 **New operator** shall update SWPPP documents as needed or develop and implement a new SWPPP to comply with permit requirements in Part 6.0; and submit an NOI **within 14 calendar days** of taking over operational control of the site; and

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

## 2.5 Authorization of Emergency-Related Construction Activities

2.5.1 Emergency-related construction activities are automatically authorized provided that;

2.5.1.1 An operator is conducting earth-disturbing activities in response to a public

emergency (e.g., natural disaster, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services;

- 2.5.1.2 If the activity continues past 30 calendar days of commencing construction activities, the operator shall prepare a SWPPP and submit an NOI in accordance with Parts 2.2 and 2.3 of this permit;
  - 2.5.1.3 The operator provides documentation in the SWPPP to substantiate the occurrence of the public emergency; and
  - 2.5.1.4 The operator complies with all other applicable requirements in the permit regarding discharges associated with the construction activities.
- 2.5.2 Operators of emergency-related construction activities are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered within 14 calendar days after NDEP receives a complete NOI and application fee in accordance with Part 2.3 above.

## **2.6 Continuation of this Permit**

- 2.6.1 If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. If the operator is authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until:
- 2.6.1.1 The owner/operator submits an NOI requesting authorization to discharge under a renewal or revision of the permit and NDEP issues an Approval Letter; or
  - 2.6.1.2 The owner/operator submits a NOT; or
  - 2.6.1.3 A formal permit decision is made by NDEP not to reissue this general permit, at which time NDEP will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

## **2.7 Requirement to Post a Notice of Permit Coverage**

- 2.7.1 The Permittee shall post a sign or other notice conspicuously at a safe, publicly accessible location in close proximity to the project site. At a minimum, the notice shall include the Permit site ID (CSW-xxxx) and a contact name and telephone number.
- 2.7.2 The notice shall be located so that it is visible from the public road that is nearest to the active part of the construction site, and it shall use a font large enough to be readily viewed from a public right-of-way. For linear projects, the site authorization number(s) shall be posted near the entrance where most of the construction activity is occurring.

## **2.8 Terminating Coverage**

- 2.8.1 To terminate coverage, the Permittee shall submit a completed hard-copy Notice of

Termination (NOT) form, available at <http://ndep.nv.gov/bwpc/forms.htm>, to the address listed on the form and in Part 7.26 of this permit. The submitted form shall include a wet signature; copies will not be accepted. The facility's authorization to discharge will expire at midnight of the day that a complete NOT form is received by NDEP. The permittee is responsible for meeting the terms and conditions of this permit until the facility's authorization to discharge are terminated.

- 2.8.1.1 Should an electronic NOT version become available during the term of this permit a link for this electronic reporting requirement will be provided on the NDEP Stormwater page at [http://ndep.nv.gov/bwpc/storm\\_cont03.htm](http://ndep.nv.gov/bwpc/storm_cont03.htm)
- 2.8.2 All Notice of Termination (NOT) forms shall be signed in accordance with the signatory requirements of Part 7.23.
- 2.8.3 The Permittee may submit an NOT form to NDEP after any of the following conditions have been met:
  - 2.8.3.1 The Permittee has established final stabilization on all portions of the site for which the operator is responsible, in accordance with Part 3.6.3; or
  - 2.8.3.2 Another operator, who has a valid NOI and site number under this general permit or an individual NPDES permit, has assumed control over all areas of the site that have not been finally stabilized; or
  - 2.8.3.3 For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner in accordance with Part 3.6.3.2 of this permit; or
  - 2.8.3.4 The planned construction activity identified on the original NOI was never initiated (i.e., no grading or earthwork was ever started and plans for construction have been permanently abandoned or indefinitely postponed); or
  - 2.8.3.5 The operator has obtained coverage for the site under another NPDES permit.
- 2.8.4 The minimum information required on a NOT consists of:
  - 2.8.4.1 Site specific identification number (i.e., CSW-xxxxx);
  - 2.8.4.2 Owner/Operator (Applicant) Information – name, address, city, state, Zip Code and phone number(s);
  - 2.8.4.3 Project/Site Information – project name, project address/location, city, county, state, Zip Code, latitude, longitude or APN, and phone number(s); and
  - 2.8.4.4 Certification signed and dated by the appropriate authority (see Parts 8.23 and 8.25).

### **3.0 Effluent Limitations Applicable to All Discharges from Construction Sites**

#### **3.1 Provisions for Existing Construction Projects**

- 3.1.1 If a project is an “existing project” as defined in Appendix A, or if a person is a new operator of an existing project, and it is infeasible for the operator to comply with a specific requirement in Part 3.0 because (1) the requirement was not part of the permit the project was previously covered under (i.e. the 2007 CGP NVR100000) and (2) the operator is prevented from compliance due to the nature or location of earth disturbances at the site, or the operator is unable to comply with the requirement due to the manner in which the stormwater controls have already been installed or were already designed prior to **January 5, 2015**, the project is waived from complying with that requirement as long as the operator documents this fact in the SWPPP. This provision only applies to those portions of a project that have already commenced earth-disturbing activities or where stormwater controls implemented in compliance with the previous permit have already been installed.

### **3.2 Non-numeric Effluent Limitations and Associated Control Measures**

- 3.2.1 The stormwater control requirements in this Part are technology-based, effluent limitations that, where applicable, apply to all discharges from construction sites eligible for coverage under this permit. These requirements apply the national effluent limitations guidelines and new source performance standards found at 40 CFR Part 450. The Permittee shall comply with the stormwater control requirements included in Part 3.0 through site planning and through designing, installing, and maintaining stormwater controls.
- 3.2.2 Whenever applicable, the operator shall design, install and maintain the following control measures at construction sites:
- 3.2.2.1 Erosion and sediment control (Part 3.4 and Part 3.5);
  - 3.2.2.2 Site Stabilization (Part 3.6); and
  - 3.2.2.3 Pollution Prevention (Part 3.7);

### **3.3 General Maintenance Requirements**

- 3.3.1 The operator shall ensure that all control measures required in this Part remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.
- 3.3.2 The operator shall inspect all control measures in accordance with the inspection requirements in Part 5.0. The operator shall document the findings in accordance with Part 5.4. When controls need to be replaced, repaired or maintained, the operator shall make the necessary repairs or modifications in compliance with the following schedule:
- 3.3.2.1 Initiate work to correct the problem immediately after discovery, and complete such work by the close of the next work day, if feasible and the problem does not require significant maintenance, repair or replacement.
  - 3.3.2.2 If existing control measures need significant repair or modification, or if additional control measures are necessary, implementation shall be completed within 7 calendar days or before the next storm event (whichever is sooner). If implementation before the next storm event is impracticable, the reason(s) for the delay shall be documented in the SWPPP and alternative control measures shall be implemented as soon as possible. Additionally, the following maintenance activities

shall be implemented:

- 3.3.2.2.1 Remove accumulated sediment when it reaches a maximum of one-half the height of the silt fence or one-half the height of the fiber roll.
- 3.3.2.2.2 Sediment shall be removed from temporary and permanent sedimentation basins, ponds and traps when the depth of the sediment collected in the basin reaches 50% of the storage capacity.
- 3.2.2.2.3 Construction site egress location(s) shall be inspected for evidence of off-site tracking of sediment, debris, and other pollutants onto paved surfaces. Removal of sediment, debris, and other pollutants from all off-site paved areas shall be completed as soon as practicable, or as otherwise required by Federal, State, and local requirements.
- 3.2.2.2.4 Accumulations of sediment, debris, and other pollutants observed in off-site surface waters, drainage ways, catch basins, and other drainage features shall be removed in a manner and at a frequency sufficient to minimize impacts and to ensure no adverse effects on water quality.

### **3.4 Erosion and Sediment Controls**

- 3.4.1 The Operator shall design, install, and maintain erosion and sediment controls that minimize the discharge of pollutants from earth-disturbing activities. The operator shall minimize the amount of soil exposed during construction activities and control stormwater volume and velocity to minimize soil erosion. The operator is also subject to the deadlines for temporarily and/or permanently stabilizing exposed portions of the site in accordance with Part 3.6.
- 3.4.2 Design Requirements – The operator shall account for the following factors in designing stormwater controls:
  - 3.4.2.1 The expected amount, frequency, intensity, and duration of a 2-year, 24-hour precipitation event;
  - 3.4.2.2 The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If any stormwater flow will be channelized at the site, stormwater control measures shall be designed to control both peak flow rates and total stormwater volume to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points:
  - 3.4.2.3 The range of soil particle sizes expected to be present on the site.
  - 3.4.3 The operator shall direct discharges from stormwater controls to vegetated areas of the site to increase sediment removal and maximize stormwater infiltration, including any natural buffers established under Part 3.5.1, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.
- 3.4.4 Installation Requirements
  - 3.4.4.1 Complete installation of stormwater controls by the time each phase of the earth disturbance has begun. By the time construction activities in any given portion of the

site have begun, unless infeasible, the operator shall install and make operational any down-gradient sediment controls (e.g., buffers, or equivalent sediment controls, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other land-disturbing activities.

- 3.4.4.2 Following the installation of these initial controls, all other stormwater controls planned for this portion of the site and described in the SWPPP shall be installed and made operational as soon as site conditions allow. The requirement to install stormwater controls prior to earth disturbance for each phase of the project does not apply to the earth disturbance associated with the actual installation of these controls.
- 3.4.4.3 The operator shall install all stormwater controls in accordance with good engineering practices, including applicable design specifications. Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or local ordinances. Any departures from such specifications shall reflect good engineering practice and shall be explained in the SWPPP.
- 3.4.5 The operator shall control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize channel and stream bank erosion and scour in the immediate vicinity of the discharge points.
  - 3.4.5.1 Culvert Stabilization – If culverts are present on the site, the SWPPP shall include measures to sufficiently minimize the threat of erosion at culvert location to prevent the formation of rills and gullies during construction; and
  - 3.4.5.2 Velocity Dissipation Devices – The operator shall place velocity dissipation devices at locations where discharges leave the construction site as necessary to provide a non-erosive flow velocity.

### 3.5 Erosion and Sediment Controls Required by All Sites

- 3.5.1 **Maintain Natural Buffers** adjacent to surface waters of the State that meet the definition of Waters of the U.S., and direct stormwater to vegetated areas to maximize stormwater infiltration and reduce pollutant discharges, unless infeasible. The operator is not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists. Areas not owned or that are otherwise outside the operational control of the Permittee may be considered areas of undisturbed natural buffer for purposes of compliance with this Part.
  - 3.5.1.1 Provide Natural Buffers or Equivalent Sediment Controls – these requirements only apply when surface water is located within 50 feet of the project's earth disturbances.
    - 3.5.1.1.1 The operator shall ensure that any discharges to surface waters through the area between the disturbed portions of the property and any surface waters located within 50 feet of the site are treated by an area of undisturbed natural buffer and/or additional erosion and sediment controls in order to achieve a reduction in sediment load estimated to be equivalent to that achieved by a 50-foot natural buffer. Appendix G of EPA's Construction General Permit may help in providing guidance in determine estimated equivalents.

[http://water.epa.gov/polwaste/npdes/stormwater/upload/cgp2012\\_appendixg.pdf](http://water.epa.gov/polwaste/npdes/stormwater/upload/cgp2012_appendixg.pdf)

- 3.5.1.2 Alternatives to Natural Buffers – In areas where it is infeasible to maintain the 50 foot buffer the operator shall:
- 3.5.1.2.1 Document in the SWPPP the reasons why the 50-foot buffer cannot be maintained, and identify the additional erosion and sediment controls selected;
  - 3.5.1.2.2 Preserve as much buffer as possible and design, implement and maintain additional erosion and sediment controls (such as berms, diversion dikes, sediment basins, etc.);
  - 3.5.1.2.3 Ensure that all discharges from the area of the earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;
  - 3.5.1.2.4 Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on the site plan;
  - 3.5.1.2.5 Delineate, and clearly mark off with flags, tape or other similar marking device, all natural buffer areas; and
  - 3.5.1.2.6 Follow the additional stabilization requirements described in Part 3.6.2.
- 3.5.1.3 Exceptions –
- 3.5.1.3.1 If there is no discharge of stormwater to perennial waters through the area between the site and any perennial waters located within 50 feet of the site, the operator is not required to comply with the requirements of this Part. This includes situations where control measures, such as a berm or other barrier that will prevent such discharges, have been implemented.
  - 3.5.1.3.2 Where no natural buffer exists due to pre-existing development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, operators are not required to comply with the requirements in this Part, unless portions of the pre-existing development are removed.
  - 3.5.1.3.3 Where some natural buffer exists but portions of the area within 50 feet of the perennial water are occupied by preexisting development disturbances, operators are required to comply with the requirements in this Part. For the purposes of calculating the sediment load reduction, an operator is not expected to compensate for the reduction in buffer function from the area covered by these pre-existing disturbances.
  - 3.5.1.3.4 If any portion of a pre-existing area will be disturbed during the project, the area disturbed will be deducted from the area treated as natural buffer.
  - 3.5.1.3.5 Linear construction projects are not required to comply with the requirements in this Part if site constraints (e.g., limited right-of-way) prevent the operator



from meeting any of the compliance alternatives in Part 3.5.1.2, provided that, to the extent practicable, the operator limits disturbances within 50 feet of the surface water and/or provides supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the surface water. The operator shall also document in the SWPPP the rationale for why it is infeasible to comply with the requirements in Part 3.5.1.2, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

3.5.1.3.6 “Small residential lot” construction (i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre) is exempt from buffer requirements provided that the operator minimizes the discharge of pollutants and complies with the requirements of Part 3.4.

3.5.1.3.7 The following disturbances within 50 feet of surface water are exempt from the requirements in this Part but shall be documented in the SWPPP and on the site map:

3.5.1.3.7.1 Construction approved under a CWA Section 404 permit; or

3.5.1.3.7.2 Construction of a water-dependent structure or water access area (e.g., pier, boat ramp, trail).

### 3.5.2 **Install Perimeter Controls** –

3.5.2.1 The operator shall install appropriate control measures (e.g., fiber rolls, berms, silt fences, vegetative buffer strips, sediment traps, or equivalent approved sediment controls) along those perimeter areas of the site that will receive stormwater from earth-disturbing activities.

3.5.2.2 For linear projects with rights-of-way that restrict or prevent the use of such perimeter controls, the operator shall maximize the use of perimeter controls where practicable and document in the SWPPP why it is impracticable in other areas of the project.

3.5.3 **Minimize Sediment Track-Out** – The operator shall implement effective control measures (e.g., stone/rip rap pad, concrete or steel wash racks, or other NDEP approved systems) to minimize tracking of sediments, debris and other pollutants from vehicles and equipment leaving the site. To comply with this requirement the operator shall:

3.5.3.1 Restrict vehicle use to properly designated exit points;

3.5.3.2 Use appropriate stabilization techniques at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;

3.5.3.3 Where necessary, use additional controls to remove sediment from vehicle tires prior to exit; and

3.5.3.4 Where sediment has been tracked-out from the site onto the surface of off-site streets, other paved areas, and sidewalks, the deposited sediment shall be removed by the end of the same work day in which the track-out occurs or by the end of the next work day if the track-out occurs on a non-work day. Track-out shall be removed by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly

effective means of sediment removal. Hosing or sweeping tracked-out sediment into any stormwater conveyance, without appropriate control measures in place, is strictly prohibited.

- 3.5.3.5 If site conditions make it infeasible to install structural controls to prevent track-out (e.g., linear project along a paved right-of-way), the operator shall explain in the SWPPP why such controls cannot be installed and what alternative measures will be used to prevent, monitor and remove track-out sediment from paved roadways.
- 3.5.4 **Control Discharges from Stockpiled Sediment or Soil** – As necessary, implement the following measures for any stockpiled or land clearing debris composed, in whole or in part, of sediment or soil:
  - 3.5.4.1 Place stockpiles away from stormwater conveyances, such as curb and gutter systems, and streets leading to such conveyances. If placement is infeasible, install appropriate sediment controls and document the reasons in the SWPPP;
  - 3.5.4.2 Locate the piles outside of any buffers implemented in accordance with Part 3.5.1;
  - 3.5.4.3 Protect piles from contact with stormwater (including run-on) using a temporary sediment barrier or other protective means;
  - 3.5.4.4 Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or surface water leading to a Water of the State Nevada that meets the definition of Waters of the United States; and
  - 3.5.4.5 Unless infeasible, contain and securely protect from wind.
- 3.5.5 **Discharge of Sediments during Dry Weather** – The operator shall implement effective control measures that minimize the discharge of sediment from construction activities to any water body, including dry washes, during dry weather.
- 3.5.6 **Minimize the Disturbance of Steep Slopes** – Where practicable, implement standard erosion and sediment control practices, such as phasing disturbances to these areas and using stabilization practices designed to be used on steep grades.
- 3.5.7 **Minimize Soil Compaction and Preserve Topsoil** – The operator shall minimize soil compaction and, unless infeasible, preserve topsoil for re-vegetation.
  - 3.5.7.1 In areas of the site where final vegetative stabilization will occur or where infiltration practices will be installed, the operator shall either:
    - 3.5.7.1.1 Restrict vehicle and equipment use in these locations to avoid soil compaction; or
    - 3.5.7.1.2 Prior to seeding or planting areas of exposed soils that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible.
  - 3.5.7.2 Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.
  - 3.5.7.3 Preserving topsoil is not required where the intended function of a specific area of

the site dictates that the topsoil be disturbed or removed.

3.5.8 **Storm Drain Inlet Protection** – For discharge to any storm drain inlet that carries stormwater flow from the site directly to surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), **where the operator has authority to access the storm drain inlet**, the operator shall:

3.5.8.1 Install inlet protection measures that remove sediment from the discharge prior to entry into the storm drain inlet; and

3.5.8.2 Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised.

3.5.8.3 Public Safety – Inlet protection measures can be removed in the event of flooding conditions or to prevent erosion.

3.5.9 **Preserve Natural Vegetation** – Where practicable, existing vegetation should be preserved. If natural vegetation can be preserved, the operator shall clearly mark vegetation before clearing activities begin. Locations of trees and boundaries of environmentally sensitive areas and buffer zones to be preserved shall be identified on the SWPPP site map.

### 3.6 Site Stabilization Requirements, Schedules and Deadlines

3.6.1 The operator shall, at a minimum, initiate soil stabilization measures immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.

3.6.2 *Temporary Stabilization* – The operator shall provide temporary stabilization, or initiate permanent stabilization, of disturbed areas within 14 calendar days of the most recent land disturbance in areas where construction or support activities have been temporarily suspended or have permanently ceased, except as follows:

3.6.2.1 Where stabilization by the 14<sup>th</sup> day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;

3.6.2.2 Where disturbed areas are awaiting vegetative stabilization for periods greater than 14 calendar days, non-vegetative methods of stabilization shall be employed. These methods shall be described in the SWPPP.

3.6.2.3 In arid areas (areas with an average annual precipitation of 0-10 inches), semi-arid areas (areas with an average annual precipitation of 10-20 inches), and areas experiencing drought, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed and vegetative or final stabilization measures shall be initiated as soon as practicable.

3.6.3 *Final Stabilization* – Final stabilization means the operator has achieved one of the following conditions:

3.6.3.1 All soil disturbing activities at the site have been completed; all construction materials, waste and temporary erosion and sediment control measures (including any sediment that was being retained by temporary erosion and sediment control

measures) have been removed and properly disposed of; and

3.6.3.1.1 A uniform (i.e., evenly distributed, without large bare areas) annual and/or perennial vegetative cover with a density of 70% of the native background vegetative cover for the area is in place on all unpaved areas and areas not covered by permanent structure, or

3.6.3.1.2 Equivalent permanent stabilization measures (such as the use of riprap, gabions, gravel, geotextiles, or other NDEP approved methods) have been employed.

*Note: When preconstruction native background vegetation covered less than 100% of the ground (i.e., arid areas, beaches), the 70% coverage criteria is adjusted as follows: if the native vegetation covered 50% of the ground, 70% of 50% (.70 x .50 = .35) or 35% cover density would be required.*

3.6.3.2 For individual lots in residential construction, final stabilization means that the homebuilder:

3.6.3.2.1 Has completed final stabilization as specified in Part 3.6.3 above; or

3.6.3.2.2 Has established temporary stabilization, including perimeter controls, for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the need for, and benefits of, final stabilization.

3.6.3.3 For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to waters of the U.S., and areas that are not being returned to their preconstruction agricultural use shall meet the final stabilization criteria in Part 3.6.3 above.

### 3.7 Pollution Prevention Requirements

3.7.1 These requirements apply to all areas of the construction site and any support activities covered by this permit. The operator shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. To meet this requirement, the operator shall comply with all of the following:

3.7.1.1 Eliminate certain pollutant discharges from the site (see Part 1.3 Prohibited Discharges);

3.7.1.2 Properly maintain all pollution prevention controls (see Part 3.3 General Maintenance Requirements); and

3.7.1.3 Comply with pollution prevention measures for pollutant generating activities that occur at the site (See Parts 3.7.2 and 3.7.3).

3.7.2 **Minimize the Discharge of Pollutants** – The operator shall minimize the discharge of pollutants from equipment and vehicle washing, wheel washing and other wash waters.

3.7.2.1 *Equipment/Vehicle Washing* – The operator shall minimize the discharge of

pollutants from equipment and vehicle washing and wheel wash water.

- 3.7.2.1.1 Wash waters shall be treated in a sediment basin or an alternative control that provides equivalent or better treatment prior to discharge.
- 3.7.2.2 *Concrete Washout* – The operator shall provide an effective means of eliminating the discharge of water from the washout of concrete.
  - 3.7.2.2.1 Where possible, concrete suppliers should conduct washout activities at their own plants or dispatch facilities.
  - 3.7.2.2.2 If washout is conducted at the construction site, the operator shall employ control measures (e.g., lined pits or portable washouts) to contain and manage on-site concrete washout to prevent discharge.
  - 3.7.2.2.3 The pit or container shall be designed so that no overflows can occur due to inadequate sizing or precipitation.
  - 3.7.2.2.4 Hardened concrete shall be removed and disposed of consistent with handling of other construction waste materials.
- 3.7.2.3 *Washing of Applicators and Containers used for paint or other materials* – The operator shall provide an effective means of eliminating the discharge of wash water from the washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.
  - 3.7.2.3.1 All wash water shall be directed into a leak-proof container or leak-proof pit. The container or pit shall be designed so that no overflows can occur due to inadequate sizing or precipitation.
  - 3.7.2.3.2 Any washout or cleanout activities shall be located as far away as possible from surface water and stormwater inlets or conveyances, and, to the extent practicable, areas designated to be used for these activities.
  - 3.7.2.3.3 Liquid waste shall be disposed of in accordance with local and state regulations.
- 3.7.2.4 *Fueling and Maintenance of Equipment or Vehicles* – An operator that conducts fueling and/or maintenance of equipment or vehicles at the site shall provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities take place.
  - 3.7.2.4.1 Adequate supplies shall be available at all times to handle spills, leaks and disposal of used liquids.
  - 3.7.2.4.2 Drip pans, absorbents or other approved methods shall be used under or around leaky vehicles and equipment.
  - 3.7.2.4.3 Oil and oily wastes shall be disposed of or recycled in accordance with other federal, state, or local requirements.
  - 3.7.2.4.4 Spills shall be cleaned up immediately and the source of the spill eliminated to prevent further discharge.

- 3.7.2.4.5 If applicable, the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the CWA shall be complied with.
- 3.7.3 **Building Materials, Chemicals, Products and Waste** – The operator shall minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).
- 3.7.3.1 *Storage, Handling, and Disposal of Construction Products, Wastes and Material* – The operator shall minimize the exposure to stormwater of any of the products, materials, or wastes specified below in this Part. These requirements do not apply to those products or materials that are designed to be exposed to precipitation and stormwater.
- 3.7.3.1.1 Building product storage areas shall provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent products from coming in contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.
- 3.7.3.1.2 Pesticides, herbicides, insecticides, fertilizers, and landscape materials shall (1) be covered (i.e. plastic sheeting or temporary roofs) to prevent these chemicals from coming into contact with rainwater, or (2) be provided a similarly effective means to prevent discharge of pollutants from these areas. Application and disposal requirements shall be in accordance with the products registered label.
- 3.7.3.1.3 Diesel fuel, oil, hydraulic fluids and other petroleum products and chemicals shall be stored in water-tight containers and (1) provided cover (e.g. plastic sheeting or temporary roofs) to prevent containers from coming into contact with rainwater or (2) provide similarly effective means designed to prevent the discharge of pollutants from these areas (e.g. spill kits) or provide secondary containment (e.g., spill berms, decks, spill containment pallets).
- 3.7.3.1.4 Hazardous or toxic waste shall be kept separate from construction and domestic waste. Waste shall be stored in sealed containers constructed of suitable materials, and provided cover or secondary containment to prevent spills from being discharged. All containers shall be labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and other applicable federal, state and local requirements. Additionally, hazardous or toxic wastes shall be disposed of in accordance with the manufacturer's recommendations and federal, state and local requirements.
- 3.7.3.1.5 Waste containers (e.g. dumpsters or trash receptacles) of sufficient size and number shall be provided for construction and domestic waste.
- 3.7.3.1.6 Portable toilets for sanitary waste shall be positioned outside stormwater flow areas and secured to ensure they will not tip over.

### 3.8 Dewatering Practices

3.8.1 **Accumulated stormwater** to be removed from excavations, trenches, foundations, vaults or other similar spaces may be discharged if effectively managed by appropriate controls. Dewatering of accumulated stormwater shall meet the following requirements:

3.8.1.1 A flow of 250 gallons per minute (gpm) or less for no more than 30 days;

3.8.1.2 Only uncontaminated non-turbid waters may be discharged without being routed through a control;

3.8.1.3 An oil-water separator or other suitable filtration device that is designed to remove oil, grease or other products shall be used if dewatering water is found to contain these materials;

3.8.1.4 To the extent feasible, vegetated, upland areas of the site shall be utilized to infiltrate dewatering water before discharge. In no case will surface water be considered part of the treatment area; and

3.8.1.5 At all points where dewatering water is discharged, the velocity dissipation requirements of Part 3.4.5.2 shall be complied with.

3.8.2 **Allowable DeMinimis Discharges**, identified in Part 1.2.3, may be discharged if they are effectively managed by appropriate controls and meet the following requirements:

3.8.2.1 The discharge occurs only from a single outfall per permitted site;

3.8.2.2 A flow of 250 gallons per minute (gpm) or less for no more than 30 days;

3.8.2.3 Within 24 hours of commencement of the discharge a sample shall be taken, for the parameters listed in Appendix B of this permit, to ensure the discharge does not contribute to an exceedence of the discharge limits indicated in the table;

3.8.2.4.1 The sample shall be collected after any control measures, including BMPs, and prior to discharge into the receiving water or MS4.

3.8.2.4.1 If the sample analyses indicate an exceedence of the discharge limits indicated in the Appendix B table, the Permittee shall cease the discharge and contact NDEP for additional permitting options.

3.8.2.5 The following DeMinimis discharge information shall be recorded and maintained in the SWPPP to demonstrate compliance with this permit.

3.8.2.5.1 A description of the discharge;

3.8.2.5.2 The beginning and ending dates of the discharge, and

3.8.2.5.3 A copy of the sampling results,

### 3.9 Water Quality Standards

3.9.1 The Permittee shall control discharges to surface waters, impaired for common construction

related pollutants such as sediment, sediment-related parameters and nutrients (including nitrogen and phosphorus), from the facility as necessary to not cause or contribute to an exceedance of an applicable water quality standard. If at any time the Permittee becomes aware, or NDEP determines, that the facility's discharge causes or contributes to an exceedance of an applicable water quality standard, the Permittee shall take corrective action and report to NDEP as required.

- 3.9.1.1 When discharges are proposed to water quality-impaired waters that are contained in the current 303(d) Impaired Water Body listing issued by the NDEP Bureau of Water Quality Planning, the permittee shall investigate whether discharges from the Permittee's site will contribute to any 303(d) listing. Information for 303(d) listed waters can be found on the following NDEP website:  
<http://ndep.nv.gov/bwqp/303dlist2012.htm>
- 3.9.1.2 If a site discharges into a waterbody with an established Total Maximum Daily Load (TMDL), the Permittee shall comply with all applicable TMDL requirements.
- 3.9.1.3 If a TMDL has not been established as described in Part 3.9.1.2 above, the Permittee shall include a section in the SWPPP describing the condition for which the water has been listed. The SWPPP shall also include a demonstration that the BMPs that are selected for implementation will be sufficient to ensure that the discharges will not cause or contribute to an exceedance of an applicable State water quality standard.

## **4.0 Effluent Limitations Applicable to Sites Using Constructed Stormwater Conveyance Channels or Sediment Basins.**

### **4.1 Constructed Stormwater Conveyance Channels**

- 4.1.1 Stormwater conveyance channels shall be designed to avoid un-stabilized areas on the site and to reduce erosion, unless infeasible. Operators shall minimize erosion of channels and their embankments, outlets, adjacent stream banks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

### **4.2 Sediment Basins**

- 4.2.1 If sediment basins are installed the operator shall comply with the following design and maintenance requirements:
  - 4.2.1.1 Provide storage for either the calculated volume of runoff from a 2-year, 24-hour storm event for each disturbed acre drained, or 3600 cubic feet per acre drained;
  - 4.2.1.2 When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge of pollutants, unless infeasible. If it is determined to be infeasible, support documentation shall be provided in the SWPPP.
  - 4.2.1.3 Prevent erosion of (1) the sediment basin using stabilization controls (e.g., rip-rap or



erosion control blankets), and (2) the inlet and outlet using erosion controls and velocity dissipation devices;

- 4.2.1.4 Sediment basins shall be situated outside of surface waters and any natural buffers established under Part 3.5.1; and
- 4.2.1.5 Basins shall be maintained in effective operating condition and removal of accumulated sediment shall be conducted when design capacity has been reduced by 50%.

## **5.0 Inspections**

### **5.1 Inspector Qualifications**

- 5.1.1 The operator shall provide qualified personnel to perform inspections according to the schedules outlined below. "Qualified Personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls and who possesses the skills to assess conditions at the site that could impact stormwater quality and effectiveness of the control measures selected to manage the quality of the stormwater discharges.

### **5.2 Routine Site Inspection Procedures**

- 5.2.1 Implementation and functioning of the SWPPP shall be verified by inspections. If, during any routine site inspection or any other time, the facility's control measures are found to be inadequate or otherwise not properly operated and/or maintained, the Permittee shall review selection, design, installation, and implementation of the control measures to determine if maintenance and/or modifications are necessary. Modifications shall be documented in the SWPPP and implemented within 7 days following the inspection results or prior to the next storm event, whichever is sooner.
- 5.2.2 The Permittee shall conduct, at a minimum, a routine site inspection once every 7 days and within 24 hours of the end of a 0.5 inch or greater storm event, that includes all areas of the site where construction materials and/or activities are exposed to stormwater discharges authorized by this permit. Routine inspections shall incorporate the following:
  - 5.2.2.1 Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or potential for, pollutants entering the drainage system;
  - 5.2.2.2 Sediment and erosion control measures identified in the SWPPP shall be observed to ensure that they are operating correctly;
  - 5.2.2.3 Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters;
  - 5.2.2.4 Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable;
  - 5.2.2.5 Locations where vehicles enter or exit the site shall be inspected for evidence of

offsite sediment tracking;

- 5.2.2.6 The effectiveness of non-structural stormwater controls and practices (such as good housekeeping practices and pollution prevention measures) shall be evaluated;
- 5.2.2.7 Site conditions shall be inspected for evidence of, or the potential for, pollutants entering the municipal separate storm sewer; and
- 5.2.2.8 All locations where temporary stabilization measures have been implemented shall be inspected.

### **5.3 Reduced Inspection Schedule**

- 5.3.1 The operator may reduce inspection frequency if the following conditions are met:
  - 5.3.1.1 Land disturbance activities have been suspended and discharges are unlikely based on seasonal rainfall patterns; and
  - 5.3.1.2 The disturbed areas of the site have been temporarily stabilized as described in Part 3.6.2; or
  - 5.3.1.3 Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice; or frozen ground exists).
- 5.3.2 During a reduced inspection schedule, the operator shall inspect the site at least once every 30 days and within 24 hours of the end of each storm event of 0.5 inch or greater during a 24 hour period. The reduced schedule shall be documented in the SWPPP and the beginning and ending dates of the period noted.
- 5.3.3 For sites where snow cover or frozen ground exists, the site shall be waived from inspection requirements until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:
  - 5.3.3.1 The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., greater than 30 days);
  - 5.3.3.2 Land disturbance activities have been suspended; and
  - 5.3.3.3 The beginning and ending dates of the reduced inspection schedule are documented in the SWPPP.

### **5.4 Routine Facility Inspection Documentation**

- 5.4.1 The Permittee shall document the findings of each routine site inspection performed and maintain this documentation onsite with the SWPPP. At a minimum, the documentation for each routine facility inspection shall include:
  - 5.4.1.1 The inspection date and time;
  - 5.4.1.2 The name(s) and signatures(s) of the inspector(s);
  - 5.4.1.3 Weather information for the period since the last inspection and a description of any

- discharges occurring at the time of the inspection;
- 5.4.1.4 Location(s) of discharges of sediment or other pollutants from the site;
- 5.4.1.5 Any control measures needing maintenance or repairs;
- 5.4.1.6 Any control measures that failed to operate as designed or proved inadequate for a particular location;
- 5.4.1.7 Discussion describing the reason(s) for any failed control measure;
- 5.4.1.8 Any observations of deviations from the permit or SWPPP; and
- 5.4.1.9 Locations where additional control measures are needed to comply with the permit requirements;

## **5.5 Inspection Results**

- 5.5.1 Actions taken based on inspection results shall be recorded and retained as part of the SWPPP. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP. The report shall be signed in accordance with Part 7.23 of this permit.
- 5.5.2 Inspection reports shall be retained as part of the SWPPP for at least three years from the date that permit coverage is terminated or the site is finally stabilized.

## **5.6 Inspection Follow-up**

- 5.6.1 Based on the findings and observations of the inspection, including the visual assessment, the operator shall implement the changes necessary to comply with the conditions of this permit. The SWPPP shall be updated and modified as needed in accordance with Part 6.4. The changes shall be implemented in accordance with the schedule described in Part 3.3 "General Maintenance Requirements".
- 5.6.2 Based on the scope of the inspection conducted in accordance with 5.0, the operator shall determine and implement appropriate corrective actions, and meet the applicable deadlines and in accordance with the permit.

## **6.0 Stormwater Pollution Prevention Plan (SWPPP)**

### **6.1 General SWPPP Information**

- 6.1.1 The Permittee shall prepare a SWPPP for the site before submitting a Notice of Intent (NOI) for permit coverage. If the Permittee prepared a SWPPP for coverage under the previous NPDES permit, they shall review and update the SWPPP to implement all provisions of this permit within 120 days of the General Permit NVR100000 issuance date. The SWPPP documentation requirements are intended to guide the identification of stormwater pollution sources and the reduction of their impacts, and otherwise lead to compliance with the

conditions of this permit.

6.1.2 The SWPPP shall be prepared and implemented in accordance with good engineering practices and shall:

6.1.2.1 Identify all potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site;

6.1.2.2 Identify, describe, and ensure implementation of control measures that will be used to reduce pollutants in stormwater discharges from the construction site;

6.1.2.3 Ensure compliance with the terms and conditions of this permit; and

6.1.2.4 Be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations to the extent these are located within the permitted area.

6.1.3 All operator(s) shall sign and certify the SWPPP in accordance with the signatory requirements Part 7.23.

6.1.4 The operator shall implement the SWPPP from initial commencement of the construction activity until final stabilization is complete and a Notice of Termination (NOT) is filed, or an NOT transferring the site to a new operator is received by NDEP.

6.1.5 SWPPPs that do not meet all the provisions of this permit are considered incomplete. Operating under an incomplete or inadequate SWPPP is a violation of this permit.

## 6.2 SWPPP Contents

6.2.1 *Identification of Operator(s)* – The SWPPP shall identify (by name, title, and contact number) the operator(s) for the project site. If there is more than one operator the SWPPP shall identify the areas and phases over which each operator has control.

6.2.2 *Stormwater Team* – Each operator or group of operators shall assemble a “stormwater team”, which is responsible for overseeing the development of the SWPPP, any modifications to the SWPPP, and compliance with the requirements of this permit. The SWPPP shall identify the team members by name, title and individual responsibilities. The team may include members who are not employed by the operator (i.e., third party consultants)

6.2.3 *Nature of Construction Activities* – The SWPPP shall describe the nature of the construction activities, including the size of the property (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activity areas covered by this permit (see Part 1.2.1.3), and the maximum area expected to be disturbed at any one time.

6.2.3.1 *Emergency Related Construction Activities* – For earth-disturbing activities in response to a public emergency (see Part 2.5), the Permittee must document the cause of the public emergency (e.g., natural disaster, extreme flooding conditions, etc.), information substantiating its occurrence (e.g., state disaster declaration or similar state or local declaration), and a description of the construction necessary to reestablish effected public services.

6.2.4 *Sequence and Estimated Dates of Construction Activities* – The SWPPP shall include a

description of the intended sequence of construction activities, including a schedule of the estimated start dates and the duration of the activity for the following activities:

- 6.2.4.1 Installation of stormwater control measures, and when they will be made operational, including an explanation of sequence and schedule for installation of stormwater control measures;
- 6.2.4.2 Commencement and duration of construction activities, including clearing and grubbing, grading, site preparation (i.e., excavating, cutting, and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
- 6.2.4.3 Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;
- 6.2.4.4 Final or temporary stabilization of areas of exposed soil. The dates for stabilization shall reflect the applicable deadlines in Part 3.6; and
- 6.2.4.6 When departures from initial projections are necessary, this shall be documented in the SWPPP itself or in associated records, as appropriate.
- 6.2.5 *Site Description* – The SWPPP shall describe the construction site, including:
  - 6.2.5.1 The project name and location including address, city, county and at least one APN associated with the project;
  - 6.2.5.2 A description of the site and its intended use after the NOT is filed (e.g., low density residential, shopping mall, highway, etc.);
  - 6.2.5.3 The total area of the site, and estimate of the total area of the site expected to be disturbed by construction activities, including off-site supporting activities, borrow and fill areas, staging and equipment storage areas;
  - 6.2.5.4 The percentage of the site that is impervious before and after construction;
  - 6.2.5.5 A description of soils at the site including the potential for erosion;
  - 6.2.5.6 For areas where it is infeasible to maintain a 50-foot buffer in accordance with Part 3.5.1, a description of which alternative was selected for the site, and any additional required documentation;
  - 6.2.5.7 Identification and description of all material storage areas (on-site and off-site) including overburden, stockpiles of dirt, borrow areas, etc.; and
  - 6.2.5.8 A general location map (e.g., USGS quadrangle map, a portion of a city or county map or other map) with enough detail to identify the following:
    - 6.2.5.8.1 The location of the construction site and one-mile radius; and
    - 6.2.5.8.2 The waters of the State of Nevada including tributaries within a one-mile radius of the site.
- 6.2.6 *Site Map(s)* – The SWPPP shall contain a legible site map or series of maps completed to scale showing the entire site that identifies all of the following:

- 6.2.6.1 Topography of the site, existing types of cover (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of flow onto, over, and from the site both before and after major grading activities;
- 6.2.6.2 Areas of soil disturbance and areas that will not be disturbed. Boundaries of the property and locations where construction activities will occur, including:
  - 6.2.6.2.1 Locations where construction activities will occur, noting any phasing;
  - 6.2.6.2.2 Locations where sediment or soil will be stockpiled;
  - 6.2.6.2.3 Locations of any crossings of surface waters;
  - 6.2.6.2.4 Designated points on the site where vehicles will exit onto paved road; and
  - 6.2.6.2.5 Locations of construction support activity areas covered by this permit;
- 6.2.6.3 Locations of temporary and permanent stormwater control measures identified in the SWPPP;
- 6.2.6.4 Locations where stabilization control measures are expected to occur;
- 6.2.6.5 Areas protected by buffers (i.e., either the 50-foot buffer or other buffer areas retained on site when within 50 feet of perennial water) consistent with Part 3.5.1. The site map shall show the boundary line of all such buffers;
- 6.2.6.6 Locations of on-site material, waste, borrow areas or equipment storage areas, and other supporting activities (per Part 1.2.1.3);
- 6.2.6.7 Locations of all potential pollutant-generating activities identified in Part 6.2.9;
- 6.2.6.8 Locations of all surface waters and any impaired waters within ¼ mile of the site;
- 6.2.6.9 Stormwater discharge location(s), using arrows to indicate discharge direction(s) that include the following:
  - 6.2.6.9.1 Location(s) where stormwater and/or allowable non-stormwater discharges are discharged to a Water of the U.S.; and
  - 6.2.6.9.2 Location(s) of any discharges to municipal separate storm sewer systems (MS4s) from the construction site.
  - 6.2.6.9.3 Areas where final stabilization has been accomplished and no further construction permit requirements apply; and
  - 6.2.6.9.4 Location of trees and boundaries of environmentally sensitive areas and buffer zones to be preserved.
- 6.2.7 *Receiving Waters* – the SWPPP shall identify the name of the receiving water(s) and the areal extent and description of wetland or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the construction site.
  - 6.2.7.1 If any discharge point from the construction site is within ¼ mile of impaired water,

the SWPPP shall identify any common construction related pollutants such as sediment, sediment-related parameters and nutrients (including nitrogen and phosphorus) listed on the 303(d) list that may potentially be discharged from the construction site and describe additional or enhanced control measures to minimize discharges of these pollutants.

- 6.2.8 *Stormwater Control Measures to be used During Construction Activity* – The SWPPP shall describe all control measures as required in Part 3.0 that will be implemented and maintained as part of the construction project to control pollutants in discharges. The SWPPP shall clearly describe for each major activity identified:
- 6.2.8.1 The appropriate control measures and the general timing (or sequence) during the construction process that the measure will be implemented; and
  - 6.2.8.2 Which operator is responsible for implementation of the control measures.
- 6.2.9 *Summary of Potential Pollutant Sources* – The SWPPP shall identify the location of and describe any pollutant sources, including any non-stormwater discharges expected to be associated with the project, from areas other than construction (i.e., support activities including stormwater discharges from dedicated asphalt or concrete plants and any other non-construction pollutant sources such as fueling and maintenance operations, materials stored on-site, waste piles, equipment staging yards, etc.)
- 6.2.10 *Spill Prevention and Response Procedures* – The SWPPP shall describe procedures to prevent and respond to spills, leaks, and other releases including:
- 6.2.10.1 Procedures for plainly labeling containers (e.g., “Used Oil”, “Pesticides”, etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response as spills or leaks occur;
  - 6.2.10.2 Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
  - 6.2.10.3 Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and
  - 6.2.10.4 Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information shall be in locations that are readily accessible and available;
  - 6.2.10.5 The operator may reference the existence of other plans, such as the Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by NDEP permits for the construction activity, provided that a copy of that other plan is kept with the SWPPP onsite. If an SPCC or other spill prevention plan already exists, the operator may use such plans and incorporate them by reference in the SWPPP.
- 6.2.11 *Waste Management Procedures* – The SWPPP shall describe procedures for handling and

disposing of all wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

### **6.3 Documentation Requirements including Permit Related Records**

6.3.1 The Permittee shall keep the following inspection, monitoring, and certification records complete and up-to-date. Retaining these records with the SWPPP (unless otherwise specified below) is necessary to demonstrate compliance with the conditions of this permit.

6.3.1.1 A copy of the signed electronic NOI certification page submitted to NDEP;

6.3.1.2 A copy of the approval letter received from NDEP;

6.3.1.3 A copy of this permit;

6.3.1.4 Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants in stormwater to a regulated MS4 or waters of the State of Nevada that meet the definition of Waters of the U.S., the circumstances leading to the release and actions taken in response to the release and measures taken to prevent recurrence of such releases;

6.3.1.5 Documentation of repairs of structural control measures, including the date(s) of discovery of areas in need of repair/replacement, date(s) that the structural control measure(s) returned to full function, and the justification for any extended repair schedules;

6.3.1.6 All inspection reports including post storm event inspections;

6.3.1.7 Description of any corrective action taken at the site, including events and dates when problems were discovered and modification occurred;

6.3.1.8 Buffer documentation if the sites disturbance area is located within 50 feet of perennial water;

6.3.1.9 Records of employee training, including the date training was received; and

6.3.1.10 The SWPPP may incorporate by reference the appropriate elements of plans required by other agencies. A copy of the requirements incorporated by reference shall be included as an attachment to the SWPPP.

6.3.1.11 For DeMinimis discharges, a description of the discharge, the beginning and end dates of the discharge, and a copy of the sampling analyses report.

6.3.2 *Post Construction Stormwater Management* – The SWPPP shall include the following documentation:

6.3.2.1 A description of stormwater management control measures that will be installed during the construction process to control pollutants in stormwater discharges after construction has been completed.



## 6.4 SWPPP Updates and Modification Requirements

- 6.4.1 *Maintaining an Updated SWPPP* – The SWPPP shall be revised as necessary during permit coverage to reflect current conditions and to maintain accuracy. The operator shall make any required amendments to the SWPPP within 7 calendar days whenever:
- 6.4.1.1 There is a change in design, construction, operations, or maintenance at the construction site that may have a significant effect on the discharge of pollutants to the waters of the state of Nevada that meet the definition of waters of the U.S. that has not been previously addressed in the SWPPP; or
  - 6.4.1.2 During inspections, monitoring if required, or investigations by the operator or by local, state, MS4 or federal officials, it is determined the discharges are causing or contributing to water quality exceedences or the SWPPP is ineffective in eliminating or significantly minimizing pollutants in stormwater discharges from the construction site; or
  - 6.4.1.3 There is a change to the stormwater team.
- 6.4.2 *Conditions Requiring SWPPP Modification* – The operator shall complete required revisions to the SWPPP within 7 calendar days following the occurrence of any of the conditions listed below. The operator shall modify the SWPPP, including the site map(s), in response to any of the following conditions:
- 6.4.2.1 Whenever new operators become active in construction activities on the site, or changes are made to construction plans, stormwater control measures, pollution prevention measures, or other activities at the site that are no longer accurately reflected in the SWPPP. This includes changes made in response to corrective actions;
  - 6.4.2.2 To reflect areas on the site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
  - 6.4.2.3 If inspections or investigation by site staff, or by local, state or federal officials, determine that SWPPP modifications are necessary for compliance with this permit;
  - 6.4.2.4 Where NDEP determines it is necessary to impose additional requirements on the discharge, the following shall be included in the SWPPP:
    - 6.4.2.4.1 A copy of any correspondence describing such requirements; and
    - 6.4.2.4.2 A description of the stormwater control measures that will be used to meet such requirements.
  - 6.4.2.5 To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater control measures implemented at the site.

## 6.5 Deficiencies in the SWPPP

- 6.5.1 NDEP may notify the permittee at any time that the SWPPP does not meet one or more requirements of this section. The notification shall identify the parts of this permit that are not being met and parts of the SWPPP that require modification. Within fifteen (15) calendar days of receipt of the written notification from NDEP, the operator shall make the

required changes to the SWPPP and submit to NDEP a written certification that the requested changes have been made. NDEP may request a copy of the SWPPP to confirm that all deficiencies have been adequately addressed. NDEP may also take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet minimum requirements of this permit.

## **6.6 Procedures for Inspection, Maintenance, and Corrective Action**

6.6.1 The SWPPP shall describe the procedures operators will follow for maintaining their stormwater control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Parts 3.0, 4.0, and 5.0, of this permit. The following information shall also be included in the SWPPP:

6.6.1.1 Personnel responsible for conducting inspections;

6.6.1.2 The inspection schedule that will be followed based on whether the site is subject to Part 5.2 or whether the site qualifies for the reduced inspection frequency in Part 5.3;

6.6.1.3 If reducing the inspection frequency in accordance with Part 5.3, the beginning and ending dates of the reduced inspection period; and

6.6.1.4 Any inspection or maintenance checklists or other forms that will be used.

6.6.1.5 The operator shall ensure that all qualified personnel (see Appendix A) review the requirements of this permit. Qualified personnel are responsible for:

6.6.1.5.1 The design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention measures); and

6.6.1.5.2 Conducting inspections as required in Part 5.0.

## **6.7 SWPPP Review and Making SWPPPS Available**

6.7.1 The operator shall retain a copy of the current SWPPP at the site or at an easily accessible location so that it can be made available to NDEP, EPA, or another Federal, State or local agency having stormwater program authority, or the operator of a regulated MS4 receiving discharges from the facility (where applicable), at the time of an onsite inspection or upon request.

## **7.0 General Permit Conditions**

### **7.1 Annual Fee**

7.1.1 In accordance with NAC 445A.268, a discharger who is covered under a general permit shall pay to the Director the applicable nonrefundable annual fee not later than July 1 of each year that the discharger is covered under that permit.

7.1.2 If application/fee for the permit occurs prior to July 1, the permittee shall also submit the

annual renewal fee due on or before July 1 of the same year.

## 7.2 General Permit Re-issuance for Ongoing Projects

- 7.2.1 The Permittee will be included in the reissued general permit after this general permit expires, or will be informed of other permitting requirements. The Permittee will receive public notice if NDEP determines to reissue the general permit.

## 7.3 Facilities Operation

- 7.3.1 The Permittee shall at all times maintain in good working order and operate as efficiently as possible all equipment and ancillary BMPs used by the Permittee to achieve compliance with the terms and conditions of this general permit.

## 7.4 Need to Halt or Reduce Activity Not a Defense

- 7.4.1 It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity, under the Permittee's control, in order to maintain compliance with the conditions of this permit.

## 7.5 Noncompliance, Unauthorized Discharge, Bypass, and Upset

- 7.5.1 Any diversion, bypass, spill, overflow, upset or discharge of treated or untreated stormwater from stormwater treatment or conveyance facilities under the control of the Permittee is prohibited except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow, upset or discharge not authorized by this permit is imminent, the permittee shall notify NDEP immediately.

- 7.5.1.1 **Bypass**: means the intentional diversion of stormwater from any portion of a control measure.

- 7.5.1.1.1 Bypass is prohibited, and NDEP may take enforcement action against the Permittee for bypass, unless:

- 7.5.1.1.1.1 Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- 7.5.1.1.1.2 There were no feasible alternatives to the bypass. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

- 7.5.1.1.1.3 The Permittee submitted prior notice at least 10 days before the date of the bypass.

- 7.5.1.1.2 NDEP may approve an anticipated bypass, after considering its adverse effects, if NDEP determines that it will meet the three conditions listed in Part 7.5.1.1.1 above.

- 7.5.1.2 **Upset:** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed control measures, inadequate control measures, lack of preventive maintenance, or careless or improper operation.
- 7.5.1.2.1 An upset constitutes an affirmative defense to an action brought for non-compliance with such technology-based permit effluent limitations if the requirements of Part 7.5.1.2.2 below are met.
- 7.5.1.2.2 A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
- 7.5.1.2.2.1 An upset occurred and that the Permittee can identify the cause(s) of the upset;
- 7.5.1.2.2.2 The permitted site was at the time being properly operated;
- 7.5.1.2.2.3 The Permittee submitted notice of the upset as required under this section; and
- 7.5.1.2.2.4 The Permittee complied with any remedial measures required under Part 7.0.
- 7.5.1.2.3 In selecting the appropriate enforcement option, NDEP shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.
- 7.5.1.3 There shall be no discharge of substances to Waters of the State that would cause a violation of water quality standards of the State of Nevada.

## 7.6 Sampling and Analysis

If any samples or measurements are taken pursuant to this permit they shall be representative of the volume and nature of the discharge. Laboratory analyses shall be performed by a State of Nevada certified lab. Results from this lab shall be provided to NDEP.

## 7.7 Test Procedures

Test procedures for analyses of pollutants shall conform to regulations (40 CFR § 136) published pursuant to Section 304(h) of the Act, under which such procedures may be required, unless other procedures are approved by NDEP.

## 7.8 Recording the Results

If any measurement or sample is taken pursuant to this permit, the permittee shall record the following information:

- 7.8.1 The exact place, date, and time of sampling;
- 7.8.2 The dates the analyses were performed;

- 7.8.3 The person(s) who performed the analyses;
- 7.8.4 The analytical techniques or methods used; and
- 7.8.5 The results of all required analyses.

## **7.9 Odors**

- 7.9.1 There shall be no objectionable odors resulting from activities authorized by this general permit.

## **7.10 Removed Substances**

- 7.10.1 Solids or other pollutants removed in the course of treatment or control of stormwater shall be disposed of in a manner such as to prevent pollution from such materials from entering any surface water.

## **7.11 Changes in Discharge**

- 7.11.1 All discharges authorized herein shall be consistent with the terms and conditions of this general permit. Any anticipated new discharges at the site which will result in new, different, or increased discharges of pollutants shall be reported to NDEP. Pursuant to NAC 445A.263, the general permit may be modified to specify and limit any pollutants not previously limited.

## **7.12 Adverse Impact**

- 7.12.1 The Permittee shall take all reasonable steps to minimize, to the extent practicable, any adverse impact to receiving waters resulting from noncompliance with this general permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.

## **7.13 Right of Entry**

- 7.13.1 The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials:
  - 7.13.1.1 To enter upon the Permittee's premises where a discharge is or could be located or in which any records are required to be kept under the terms and conditions of the general permit; and
  - 7.13.1.2 At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this general permit; to inspect any monitoring equipment or monitoring method required in this general permit; and to perform any necessary sampling to determine compliance with the general permit or to sample any discharge.

## **7.14 Transfer of Ownership or Control**

7.14.1 In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner/operator of the existence of this permit by letter, a copy of which shall be forwarded to NDEP. Completion of transfer requires the following actions:

7.14.1.1 Transfer of coverage from one owner/operator to a different owner/operator (e.g., facility sold to a new company): the new owner/operator shall complete and file a Notice of Intent in accordance with Part 2.3, at least 14 days prior to taking over operational control of the facility. The current owner/operator shall file a Notice of Termination within thirty (30) days after the new owner/operator has assumed responsibility for the facility.

7.14.1.2 Name changes for the Permittee (e.g., Company "A" changes name to "BCD, Inc.") may be done by submitting to NDEP a request letter on company letterhead, indicating the facility's assigned permit number and requesting the name change.

## **7.15 Availability of Reports**

7.15.1 Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this general permit shall be available for public inspection at the office of NDEP. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

## **7.16 Furnishing False Information and Tampering with Monitoring Devices**

7.16.1 Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730 inclusive, or by any general permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730 inclusive.

## **7.17 Penalty for Violation of General Permit Conditions**

7.17.1 The Permittee shall comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the CWA and is grounds for enforcement action, permit termination, revocation and re-issuance, modification, or denial of a permit renewal application. NRS 445A.675 provides that any person who violates a general permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.

## **7.18 General Permit Modification, Suspension or Revocation**

7.18.1 After notice and opportunity for a hearing, this general permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

7.18.1.1 Violation of any terms or conditions of this general permit;

7.18.1.2 Obtaining this general permit by misrepresentation or failure to disclose fully all relevant facts; or

7.18.1.3 A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

## **7.19 Liability**

7.19.1 Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

## **7.20 Property Rights**

7.20.1 The issuance of this general permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

## **7.21 Records Retention**

7.21.1 All records and information resulting from activities performed pursuant to this permit shall be retained for a minimum of three years, or longer if required by NDEP.

## **7.22 Severability**

7.22.1 The provisions of this general permit are severable, and if any provisions of this general permit, or the application of any provisions of this general permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of the general permit, shall not be affected thereby.

## **7.23 Signature Requirements**

7.23.1 All Notices of Intent, Notices of Termination, SWPPPs, reporting forms and document submissions shall be signed by one of the following:

7.23.1.1 A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility for which the discharge described in the application or reporting form originates; or

7.23.1.2 A general partner of the partnership; or

- 7.23.1.3 The proprietor of the sole proprietorship; or
- 7.23.1.4 A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.
- 7.23.1.5 A duly authorized representative only if:
  - 7.23.1.5.1 The authorization is made in writing by a person described above in Part 7.23.1.1;
  - 7.23.1.5.2 The authorization specifies either an individual or a position within the organization; and
  - 7.23.1.5.3 The written authorization is submitted to the Director.

## **7.24 Changes to Authorization**

- 7.24.1 If an authorization under Part 7.23 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 7.23 shall be submitted to NDEP prior to or together with any reports, information, or application to be signed by an authorized representative.

## **7.25 Certification Requirements**

- 7.25.1 Signatures, Certification Required on Application and Reporting Forms: All applications, reports, or information submitted to the Administrator shall be signed and certified by making the following certification. "I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## **7.26 Address for Fee Payment, NOI Certification Page, and Notice of Termination Form**

- 7.26.1 NOI Certification pages and NOT applications shall be signed and dated in accordance with Parts 2.3.3.10, 2.8.2, and 8.23 and submitted to NDEP at the address below. Application fees, Annual Fees, and any required reporting documentation shall likewise be sent to the address in Part 7.26.2.
- 7.26.2 **Nevada Division of Environmental Protection  
Bureau of Water Pollution Control  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701**



**Appendix A**  
**Definitions, Abbreviations and Acronyms**

## A.1 Definitions

**24-hour period** – any consecutive 24-hour period

**Administrator** – means the executive head of the Division (NRS 445A.315).

**Anticipated Storm Event** – for the purpose of this permit, means any storm event with at least a 30% chance of precipitation as predicted by the National Weather Service for the area local to the construction site.

**Best Management Practices (BMPs)** – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Waters of the State of Nevada that meet the definition of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR 122.2. In addition, the term shall include erosion and sediment controls, conveyance, stormwater diversion and treatment structures, and any procedure or facility used to minimize, to the extent practicable, the exposure of pollutants to stormwater or remove pollutants from stormwater.

**Borrow Areas** – the areas where materials are dug or stored for use as fill, either onsite or off-site.

**Cationic Treatment Chemical** – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

**Clean Water Act (CWA)** – Formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 92-217, Public Law 95-576, Public Law 96-483 and Public Law 97-117, 33 U.S.C.1251 et seq. CWA and regulations means the Clean Water Act (CWA) and applicable regulation promulgated thereunder. In the case of an approved State program, it includes State program requirements.

**Commencement of construction activities** – the initial disturbance of soils (or “breaking ground”) associated with clearing, grading, excavating, or stockpiling of fill material activities or other construction related activities.

**Common Plan of Development** – a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one plan. A ‘plan’ is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

**Construction Activity** – includes clearing, grading excavating, stockpiling of fill material and other similar activities. This definition encompasses both large construction activities defined in 40 CFR 122.26(b)(14)(x) and small construction activities in 40 CFR 122.26(b)(15)(i) and include construction support activities.

### Construction and Development Effluent Limitations and New Source Performance

**Standards (C&D Rule)** – as published in 40 CFR § 450 is the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

**Construction Site (or site)** – means the land or water area where construction activities will occur, including construction support activities, and where stormwater controls will be installed and maintained. The construction support activities may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

**Construction Support Activity** – means a construction related activity that exclusively supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas.

**Construction Waste** – refers to discarded material (such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics and Styrofoam).

**Control Measure** – refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to Waters of the State of Nevada that meet the definition of Waters of the United States.

**Conveyance Channel** – means a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

**Corrective Action** – for the purpose of this permit, any action taken to (1) modify or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; or (3) remedy a permit violation.

**Department** - means the State Department of Conservation and Natural Resources (NRS 445A.330).

**Director** – means the Director of the Nevada Division of Environmental Protection or an authorized representative (NRS 445A.340).

**Discharge** – means any addition of a pollutant or pollutants to Waters of the State of Nevada that meet the definition of Waters of the United States or to a MS4 from any point source.

**Discharge of a pollutant** – any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from surface runoff which is collected or channeled by man. See 40 CFR 122.2.

**Discharge Point** – is, for the purpose of this permit, the location where stormwater flows exit the construction site.

**Discharge to an Impaired Water** – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by NDEP, pursuant to section 303(d) of the Clean Water Act, as not meeting an applicable water quality standard. For

discharges that enter a storm drain system prior to discharge, the first surface water to which you discharge is the water body that receives the stormwater discharge from the storm drain system.

**Division** – means the Division of Environmental Protection of the Department (NRS 445A.350)

**Domestic Waste** – for the purpose of this permit means typical household trash, garbage or rubbish items generated by construction activities.

**Emergency-related Construction Activity** – means an activity initiated in response to an emergency (e.g., natural disaster, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

**Ephemeral Water** – means a surface water that has a channel that is at all times above the water table, and that flows only in direct response to precipitation.

**Erosion Control** – means temporary or permanent measures to prevent soil particles from detaching and being transported in stormwater.

**Existing Discharger** – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

**Existing Project** – means a construction project that commenced construction activities prior to ADD DATE PERMIT BECOMES EFFECTIVE

**Exit points** – are any points of egress from the construction site to be used by vehicles and equipment during construction activities.

**General Permit** – means a permit issued by the Department pursuant to NRS 445A.475 (NRS445A.360).

**Impaired Water** – waters that have been assessed by NDEP, under the CWA, Section 303(d), as not attaining a water quality standard for at least one designated use, and are listed in Nevada's 2006 303(d) Impaired Waters List. <http://ndep.nv.gov/bwqp/303dlist2012.htm>

**Industrial Activity** – means temporary concrete, asphalt and material plants which are dedicated exclusively to the permitted construction activity.

**Infeasible** – means not technologically possible, or not economically practicable and achievable in light of best industry practices.

**Large Construction Activity** – includes clearing, grading and excavation that results in the disturbance of five acres or more of total land area.

**Linear Project** – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

**Minimize** – to reduce and/or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

**Municipal Separate Storm Sewer (MS4)** – a conveyance or system of conveyances (including

roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains);

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for the collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2. See 40 CFR 122.26(b)(4) and (b)(7).

**Notice of Intent (NOI)** – the application to operate under this general permit.

**Notice of Termination (NOT)** – the application to terminate coverage under this general permit.

**Operator** – any entity with a stormwater discharge associated with construction activity that meets either of the following two criteria:

1. The person has operational control over the construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

**Person** – “Person” includes the United States, to the extent authorized by federal law, the State or any agency or institution thereof, any municipality or other political subdivision of this State or any interstate body (NRS 445A.390)

**Pollutant** – (NRS 445A.400)

1. Means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

2. Does not mean water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either for facilitating production or for disposal purposes and if the Department determines that such injection or disposal will not result in the degradation of ground or surface water resources.

3. Does not mean water, gas or other material injected into a well or used to stimulate a reservoir of geothermal resources if the Department determines that the injection or stimulation will not result in the degradation of ground or surface water resources.

**Pollution Prevention Measures** – refers to stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

**Qualified Person or Qualified Personnel** – Qualified personnel are those (either the Operator’s employees or outside consultants) who are knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possess the skills to assess conditions at the

construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected to control the quality of stormwater discharges from the construction activity.

**Point Source** – means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Pollution Prevention Measures** – means stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

**Run-on** – means stormwater that drains from land located upslope or upstream from the regulated site in question.

**Sediment Control** – refers to measures designed to intercept and settle out soil particles that have become detached and transported by water.

**Small Construction Activity** – includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

**Stabilization** – means covering or maintaining an existing cover over soil that reduces and minimizes erosion. The use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

**Storm Event** – as used in this permit is defined as a precipitation event that results in a measureable amount of precipitation.

**Stormwater** – means stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

**Stormwater Discharges Associated with Construction Activity** – refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

**Stormwater Pollution Prevention Plan (SWPPP)** – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of the general permit.

**Stormwater Team** – refers to an individual or group of individuals responsible for oversight of the development and modification of the SWPPP, and oversight of compliance with the permit requirements.

**Temporary Stabilization** – means a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, palliatives, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb the area. The application of water alone to control dust is not considered a form of temporary stabilization.

**Waters of the United States or waters of the U.S.** – is defined at 40 CFR §122.2. Discharges to storm drain systems that in turn discharge to Waters of the United States are considered to be discharges to Waters of the United States.

**Water Quality Standards** – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act.

## **A.2 Abbreviations and Acronyms**

**BMP** – Best Management Practice

**BWPC** – Bureau of Water Pollution Control

**CFR** – Code of Federal Regulations

**CWA** – Clean Water Act (or Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)

**EPA** – Federal Environmental Protection Agency

**MS4** – Municipal Separate Storm Sewer System

**NDEP** – Nevada Division of Environmental Protection

**NOI** – Notice of Intent

**NOT** – Notice of Termination

**NPDES** – National Pollutant Discharge Elimination System

**SWPPP** – Stormwater Pollution Prevention Plan

**USGS** – United States Geological Survey

**WOUS** – Waters of the United States

**Appendix B**  
**DeMinimis Discharge Sampling and Limitations**



### B.1 DeMinimis Discharge Sampling and Limitations Table

Parameters	Discharge Limit - Daily Max	Sample Type
Flow - gallons per minute (gpm)	250	Meter
Total Residual Chlorine - mg/L	0.10	Discrete
Total Dissolved Solids (TDS) - mg/L	Monitor & Record in SWPPP	Discrete
Total Suspended Solids (TSS) - mg/L	Monitor & Record in SWPPP	Discrete
Total Petroleum Hydrocarbon (TPH) (C6 - C40) mg/L <sup>1</sup>	1.0	Discrete
Methyl tert-Butyl Ether (MTBE) - µg/L	20.0	Discrete
Total Nitrogen as N - mg/L	10.0	Discrete
Total Phosphorus as P	Monitor & Record in SWPPP	Discrete
Trichloroethylene (TCE) - µg/L	5.0	Discrete
Tetrachloroethylene (PCE) - µg/L	5.0	Discrete
Benzene - µg/L	5.0	Discrete
Ethyl Benzene - µg/L	100.0	Discrete
Toluene - µg/L	100.0	Discrete
Xylene - µg/L	200.0	Discrete
pH - SU	6.5 - 9.0	Discrete
Turbidity - NTU <sup>2</sup>	Monitor & Record in SWPPP	Discrete
Barium - mg/L	2.0	Discrete
Fluoride - mg/L	Monitor & Record in SWPPP	Discrete
Iron - mg/L	1.0	Discrete
Sulfate - mg/L	Monitor & Record in SWPPP	Discrete
Dissolved Oxygen	Monitor & Record in SWPPP	Discrete
Molybdenum - mg/L	6.16	Discrete
Antimony	Monitor & Record in SWPPP	Discrete
Arsenic	Monitor & Record in SWPPP	Discrete
Beryllium	Monitor & Record in SWPPP	Discrete
Boron	Monitor & Record in SWPPP	Discrete
Cadmium	Monitor & Record in SWPPP	Discrete
Calcium	Monitor & Record in SWPPP	Discrete
Copper	Monitor & Record in SWPPP	Discrete
Lead	Monitor & Record in SWPPP	Discrete
Magnesium	Monitor & Record in SWPPP	Discrete
Manganese	Monitor & Record in SWPPP	Discrete
Mercury	Monitor & Record in SWPPP	Discrete
Nickel	Monitor & Record in SWPPP	Discrete
Selenium	Monitor & Record in SWPPP	Discrete

Silver	Monitor & Record in SWPPP	Discrete
Sulfur	Monitor & Record in SWPPP	Discrete
Thallium	Monitor & Record in SWPPP	Discrete
Zinc – total recoverable	Monitor & Record in SWPPP	Discrete
Fecal Coliform - MPN/100 mL	Monitor & Record in SWPPP	Discrete
E Coli - MPN/100 mL	Monitor & Record in SWPPP	Discrete
Hardness (expressed as CaCO <sub>3</sub> ) – mg/L	Monitor & Record in SWPPP	Discrete

1. EPA Method 8015B and EPA Method 8260B, extractable and purgeable, C6-C40. Summation must meet permit limit.
2. Turbidity shall be less than or equal to 10 Nephelometric Turbidity Units (NTUs) over the background value of the receiving water.