



NEVADA DIVISION OF  
**ENVIRONMENTAL  
PROTECTION**

**STATE OF NEVADA**  
Department of Conservation & Natural Resources  
Brian Sandoval, Governor  
Bradley Crowell, Director  
Greg Lovato, Administrator

August 10, 2018

Cliff Lawson  
Nevada Department of Transportation  
1263 S. Stewart St.  
Carson City, NV 89712

**Subject: Issuance of Permit NV0023329 – Nevada Department of Transportation MS4**

Dear Mr. Lawson:

In accordance with provisions of the Nevada Water Pollution Control Law Chapter 445A, of the Nevada Revised Statutes, the Department of Conservation and Natural Resources, Division of Environmental Protection has reviewed the application for renewal of National Pollutant Discharge Elimination System discharge permit **NV0023329** for the Nevada Department of Transportation MS4.

The Notice of Proposed Action was sent to interested persons and governmental agencies on our mailing list and was published in the Reno Gazette-Journal, Las Vegas Review-Journal and Elko Daily Free Press. The 30-day period for this Notice of Proposed Action closed on **July 16, 2018** at 5:00 P.M. One comment was received. In accordance with the proposed Administrative Decision to issue the permit, subject to specific conditions and requirements, the Division of Environmental Protection has issued the enclosed permit for a period of five (5) years.

The new permit shall take effect on **August 10, 2018** and will expire at midnight on **August 9, 2023**, provided all permit conditions are followed and annual fees paid accordingly. In accordance with the permit conditions, an annual review and services fee to maintain the permit is due on **July 1, 2019** and every year thereafter until the permit is terminated.

Please contact me at (775) 687-9422 or at [andrew.dixon@ndep.nv.gov](mailto:andrew.dixon@ndep.nv.gov) should you have any questions.

Sincerely,

Andrew Dixon  
Bureau of Water Pollution Control

Enclosures: Permit NV0023329

**Permit Type: Municipal Separate Storm Sewer Systems**

**Permit No. NV0023329**

**Nevada Division of Environmental Protection**

**AUTHORIZATION TO DISCHARGE**

In compliance with the provisions of the Clean Water Act, as amended, 33 U.S.C. 1251 et. seq. (CWA), and Chapter 445A of the Nevada Revised Statutes (NRS),

**NEVADA DEPARTMENT OF TRANSPORTATION  
1263 S. STEWART STREET  
CARSON CITY, NV - 89712**

is authorized to discharge from a facility located at:

**NEVADA DEPARTMENT OF TRANSPORTATION MUNICIPAL SEPARATE STORM  
SEWER SYSTEM  
STATEWIDE, -, NV - -  
LATITUDE: 39.168790, LONGITUDE: -119.7684  
TOWNSHIP: T15N, RANGE: R20E, SECTION: S20**

to receiving waters named:

**WATERS OF THE UNITED STATES.**

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Sections A, B, and C hereof.

This permit shall become effective on August 10, 2018.

This permit and the authorization to discharge shall expire at midnight, August 09, 2023.

Signed this 10th day of August 2018.



**Andrew Dixon  
Stormwater Supervisor  
Bureau of Water Pollution Control**

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**SECTION A**
**A.1. INTRODUCTION**

**A.1.1.** The Permittee, Nevada Department of Transportation, is authorized to discharge stormwater, and authorized non-stormwater discharges as defined herein, from its municipal separate storm sewer system (MS4) to waters of the U.S. throughout Nevada, excluding Tribal Lands.

**A.2. EFFLUENT LIMITATIONS**

**A.2.1.** There shall be no discharge from the facility except as authorized by this permit.

**A.2.2.** There shall be no discharge of substances that would cause or contribute to an exceedance of water quality standards.

**A.2.3.** During the period beginning on the effective date of this permit, and lasting until the permit expires, the Permittee is authorized to:

discharge stormwater and authorized non-stormwater discharges from the Permittee's MS4, as defined in Title 40 of the Code of Federal Regulations (CFR) §122.26.

Effluent samples and measurements taken in compliance with the monitoring requirements specified below shall be taken at:

Sample Location	Location Type	Location Name
MS4	Sum	MS4

**A.2.4.** The discharge shall be limited and monitored by the Permittee as specified below. As applicable, exceptions to standard language in this permit are identified and authorized in the Special Approvals / Conditions table:

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**A.3. Schedule of Compliance:** The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Nevada Division of Environmental Protection (Division), including in said implementation and compliance, any additions or modifications, which the Division may make in approving the schedule of compliance. All compliance deliverables shall be addressed to the attention of the Bureau of Water Pollution Control.

**A.3.1** The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.

SOC – Schedule of Compliance Table

Item #	Description	Due Date
1	Submit a draft revised Stormwater Management Plan per Section B.5.1. for Division review no later than one (1) year from the issue date of this permit.	8/10/2019

## SA – Special Approvals / Conditions Table

Item #	Description
1	The annual reporting period shall be on the State fiscal year (FY): July 1st to June 30th. Annual Reports shall be due November 1st following each FY reporting period.
2	The Permittee shall submit a final revised Stormwater Management Plan to the Division no later than six (6) months after the Permittee receives comments from the Division on the revised Stormwater Management Plan.
3	The following sections do not apply to this permit; they are addressed elsewhere herein: C.1.1.; C.1.2.; C.1.3.; and C.2.
4	If any report, plan, or other submittal required by this permit cannot be submitted on or before the due date, the Permittee shall notify the Division within 72 hours of the Permittee's knowledge of the delay. The Permittee may then request in writing an extension of the submittal deadline and provide an explanation of the reason for the delay and any measures that will be taken to mitigate the delay. The Division shall notify the Permittee in writing of its decision regarding the extension request.
5	The Permittee will be notified of the Division comments in writing and either the Permittee or the Division may request a meeting to discuss said comments. For any report, plan, or other submittal required by this permit, the Permittee shall address the Division comments, if any.
6	All notifications and written documents required by this permit shall be submitted to the Division, Bureau of Water Pollution Control, Stormwater Branch Supervisor.
7	The Permittee shall submit a revised draft stormwater monitoring plan to the Division for review for this permit within six (6) months of the issuance of this permit and shall submit a revised final stormwater monitoring plan for Division approval after the public notice process.

## DLV- Deliverable Schedule for Reports, Plans, and Other Submittals

Item #	Description	Interval	First Scheduled Due Date
1	Annual Report	Annually	11/1/2019
2	Annual fiscal analysis to include allocated resources, expenditures and staff resources.	Annually	11/1/2019

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**SECTION B**

**Site specific requirements are on the following pages:**

- B. Municipal Separate Storm Sewer Systems (MS4)**
- B.1. Permit Area**
- B.1.1.** This permit covers State and interstate highways and their right-of-ways within the jurisdictional boundary of the Permittee, and maintenance facilities and material source sites owned or operated by the Permittee, served by, or otherwise contributing to, discharges into waters of the U.S. from the MS4.
- B.2. Authorized Discharges**
- B.2.1.** This permit authorizes new or existing discharges composed entirely of stormwater and authorized non-stormwater discharges into the Permittee's MS4. In addition, this permit authorizes stormwater discharges associated with Sector J Non-Metal Mining and Dressing from the Permittee's material source sites. The Permittee is authorized to discharge in accordance with its Division reviewed and approved Stormwater Management Program (SWMP), and the terms and conditions of this permit.
- B.2.2.** The following are authorized discharges:
- B.2.2.1.** **Stormwater discharges.** This permit authorizes stormwater discharges to waters of the U.S. from the Permittee's MS4.
- B.2.2.2.** **Non-stormwater discharges.** The Permittee is authorized to discharge the following non-stormwater sources provided that the Division has not determined these sources to be substantial contributors of pollutants to the Permittee's MS4:
- B.2.2.2.1.** Potable water line flushing during testing or fire hydrant testing;
- B.2.2.2.2.** Diverted stream flows;
- B.2.2.2.3.** Springs or rising groundwaters;
- B.2.2.2.4.** Uncontaminated groundwater infiltration;
- B.2.2.2.5.** Discharges from potable water sources;
- B.2.2.2.6.** Residential foundation and/or footing drains;
- B.2.2.2.7.** Air conditioning condensate;
- B.2.2.2.8.** Irrigation water from lawns and landscaping;
- B.2.2.2.9.** Water from residential crawl space pumps;
- B.2.2.2.10.** Flows from natural riparian habitats and wetlands;

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- B.2.2.2.11.** De-chlorinated swimming pool discharges;
- B.2.2.2.12.** Individual residential car washing;
- B.2.2.2.13.** Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction activities;
- B.2.2.2.14.** Discharges or flows from firefighting activities;
- B.2.2.2.15.** Dewatering discharges not requiring a separate permit;
- B.2.2.2.16.** Discharges currently covered under a separate National Pollution Discharge Elimination System (NPDES) permit that pass through the Permittee's MS4; and
- B.2.2.2.17.** Other discharges determined not to be a substantial contributor of pollutants to waters of the U.S. by the Division.
- B.3.** Non-authorized Discharges
- B.3.1.** The following discharges are not authorized by this permit:
- B.3.1.1.** Discharges of non-stormwater, whether or not mixed with stormwater, unless such non-stormwater discharges are included in Section B.2.2.2. of this permit:
- B.3.2.** Except for Sector J Non-Metals Mineral Mining and Dressing, all stormwater discharges associated with industrial activity shall be authorized under General Permit NVR050000.
- B.3.3.** Stormwater discharges associated with construction activity are authorized under General Permit NVR100000.
- B.3.4.** If it is determined that the Permittee's discharge(s) cause or contribute to an instream exceedance of water quality standards, the Division may require corrective action.
- B.3.5.** The Permittee shall comply with all applicable federal, State, or local laws, regulations, or ordinances.
- B.4.** Discharges to Water Quality Impaired Waters
- B.4.1.** Impaired Waters - Nevada 303(d) List of Impaired Waters
- B.4.1.1.** The Permittee must evaluate annually whether stormwater discharges from any part of its MS4 contributes directly or indirectly to the listing of a waterbody on the current Nevada 303(d) List of Impaired Waters (303(d) List) if the water is a water of the U.S. If the Permittee has discharges meeting this criterion, or if there is a Total Maximum Daily Load (TMDL) on receiving waters, the Permittee shall comply with Section B.4.2.
- B.4.1.2.** Annually, the Permittee shall determine whether the MS4 discharges to a water of the U.S. on the 303(d) List. If a water is listed, the Permittee shall
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include a section in the Annual Report describing the parameter(s) for which the water(s) was listed, evaluating BMPs that might practicably be implemented, examining whether these BMPs would make a substantial improvement on water quality, and identifying the BMPs that are selected for implementation.

**B.4.2. Total Maximum Daily Load**

**B.4.2.1.** The Permittee shall determine whether the MS4 discharges to a waterbody for which a TMDL has been developed and approved by the Division. If there is a TMDL, the Permittee shall comply with Section B.4.2.2.

**B.4.2.2.** If a TMDL is approved for a water of the U.S. into which the Permittee discharges, the Permittee shall:

**B.4.2.2.1.** Determine and report whether the approved TMDL is for a pollutant likely to be found in stormwater discharges from the Permittee's MS4;

**B.4.2.2.2.** Determine and report whether the TMDL includes a pollutant waste load allocation (WLA) or other performance requirements specifically for stormwater discharge from the Permittee's MS4. For the Lake Tahoe TMDL, the Permittee shall comply with Section B.4.3.

**B.4.2.2.3.** Determine and report whether the TMDL addresses a flow regime likely to occur during periods of stormwater discharge;

**B.4.2.2.4.** Assess whether the WLAs are being met through implementation of existing stormwater control measures or if additional control measures are necessary;

**B.4.2.2.5.** Document all control measures that are currently being implemented or planned to be implemented and are consistent with the WLA. These measures shall be reported in the Annual Report. A schedule of implementation for all planned controls shall be included in the revised SWMP as described in Section B.5 of this permit;

**B.4.2.2.6.** Estimate reductions of pollutants through established and accepted BMP performance studies, calculations, models, or other evidence that demonstrates that the WLA will be addressed through the implementation of the SWMP, and shall be reported in the Annual Report;

**B.4.2.2.7.** The monitoring program required by Section B.6.1. of this permit shall be customized to determine whether the stormwater controls are adequate to meet the WLA;

**B.4.2.2.8.** If no WLA currently exists, but is developed during the term of this permit, then the Permittee's BMPs outlined in the revised SWMP are expected to be sufficient for the duration of the permit period; and

**B.4.2.2.9.** The need for an iterative approach to control pollutants in stormwater discharges is recognized. If the Permittee determines that additional or modified controls are necessary, the SWMP will be updated pursuant to Section B.5. of this permit and will describe the type and schedule for the control additions and/or revisions, and the evaluation used to make the

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determination.

**B.4.3. Discharges to Lake Tahoe and Tributaries to Lake Tahoe**

**B.4.3.1.** The Lake Tahoe TMDL identifies the Permittee as a party responsible for the implementation of pollutant controls to restore historic clarity within Lake Tahoe. The Lake Tahoe TMDL is implemented through the November 2016 Interlocal Agreement (ILA) entered into with the Division.

**B.4.3.2.** The Permittee shall comply with all the requirements set forth in the ILA that are applicable to the Permittee. If the ILA is breached by the Permittee, a more regulatory approach may be implemented herein.

**B.5. Stormwater Management Program (SWMP)**

**B.5.1. SWMP Revision**

**B.5.1.1.** Upon issuance of this permit, the Permittee shall review its existing SWMP to determine whether its current programs require revision to meet the requirements of this permit. The Permittee's implementation of the approved SWMP will be considered adequate to reduce the discharge of pollutants from the Permittee's MS4 to the maximum extent practicable (MEP) to protect the quality of waters of the U.S..

**B.5.1.1.1.** The revised SWMP will be subject to Division review and approval and the public notice steps outlined below in this Section, after which the SWMP will be formally incorporated as terms and conditions of this permit.

**B.5.1.2.** The Permittee shall review, revise as necessary, and submit a revised SWMP to the Division for approval.

**B.5.1.2.1.** The Permittee shall submit a draft revised SWMP to the Division for approval no later than one year from the effective date of this permit. The Division will review the draft SWMP to ensure it meets the minimum requirements of the permit and may require additional information from the Permittee in order to ensure the SWMP meets the permit requirements.

**B.5.1.2.2.** The Permittee shall submit a final revised SWMP to the Division for approval no later than six (6) months after receiving comments from the Division on the draft revised SWMP.

**B.5.1.2.2.1.** Before the final revised SWMP is submitted for final approval to the Division, the SWMP shall be made available for public comment for a minimum of thirty (30) days; the Permittee will respond to significant public comments; and the Permittee shall hold a public meeting in accordance with NAC 445A.67558 ; and

**B.5.1.2.2.2.** The Permittee shall compile any comments received as part of the process in Section B.5.1.2.2.1., describe the actions taken in response to the public comments, and include this information in the revised SWMP.

**B.5.1.3.** Within thirty (30) days after the revised SWMP has been submitted to the

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Division, the Permittee shall make the revised SWMP available to the public on its website.

- B.5.1.4.** The revised SWMP shall include, sections for the following programs:
    - B.5.1.4.1.** The Permittee's legal authority;
    - B.5.1.4.2.** The Permittee's Stormwater Education Program;
    - B.5.1.4.3.** The Permittee's Public Involvement/Participation Program;
    - B.5.1.4.4.** The Permittee's MS4 maps and outfalls;
    - B.5.1.4.5.** The Permittee's discharges to waters of the U.S. on the 303(d) List;
    - B.5.1.4.6.** The Permittee's Construction Site BMP Program;
    - B.5.1.4.7.** The Permittee's New Development and Redevelopment Planning Program;
    - B.5.1.4.8.** The Permittee's Illicit Discharge Detection and Elimination (IDDE) Program;
    - B.5.1.4.9.** The Permittee's Industrial Facility Monitoring and Control Program;
    - B.5.1.4.10.** The Permittee's Maintenance Facility Program;
    - B.5.1.4.11.** The Permittee's Public Street Maintenance Program;
    - B.5.1.4.12.** The Permittee's Herbicide, Pesticide and Fertilizer Application Program; and
    - B.5.1.4.13.** The Permittee's discharges to sanitary sewers.
  - B.5.1.5.** **Measurable Goals:** The Permittee shall submit, within the SWMP, to the Division narrative and/or numerical measurable goals for tracking the development or implementation of each program element and shall include for each measurable goal the following:
    - B.5.1.5.1.** A description of the activity, or BMP, to be conducted or completed;
    - B.5.1.5.2.** Identification of which program element, if any, the measurable goal applies to;
    - B.5.1.5.3.** The dates, including the month and year, in which the Permittee will begin and achieve each measurable goal. If the activity is to be continuous, the Permittee shall state so;
    - B.5.1.5.4.** Annual milestones for measurable goals that span more than a single year;
    - B.5.1.5.5.** The rationale for how and why the Permittee selected each measurable goal; and
    - B.5.1.5.6.** Tables or charts to summarize the measurable goals, annual milestones, and completion dates.
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- B.5.1.6.** The Permittee shall provide the title(s) of the position(s) within the Permittee's Stormwater Division responsible for implementing and coordinating each program element.
- B.5.1.7.** The Permittee shall describe any proposed programs, if applicable, that the Permittee may implement during the life of this permit to require additional controls on a system wide basis, a watershed basis, a jurisdictional basis, or on individual outfalls.
- B.5.1.8.** The Permittee may partner with other permitted MS4s to develop and implement all or part of the Permittee's SWMP.
- B.5.1.9.** If collaborating with other MS4 permittees, the Permittee's SWMP shall describe which permittee is responsible for implementing each of the control measures.
- B.5.1.10.** Pending submittal of the SWMP, the Permittee shall continue to implement and maintain current BMPs detailed in the Permittee's current approved SWMP.
- B.5.1.11.** The Division may notify the Permittee of the need to modify the SWMP document to be consistent with the Permit or regulatory requirements, in which case the Permittee shall have thirty (30) days to submit the updated document to the Division.
- B.5.2.** **Legal Authority:** The Permittee shall provide the legal authority to control discharges to its MS4. To demonstrate adequate legal authority, the Permittee shall:
- B.5.2.1.** Provide the specific reference to statute, ordinance, interagency agreements, order or similar means that authorizes or enables the Permittee to:
- B.5.2.1.1.** Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity;
- B.5.2.1.2.** Prohibit illicit discharges to its MS4;
- B.5.2.1.3.** Control the discharge to its MS4 of spills, releases, dumping, or disposal of materials other than stormwater;
- B.5.2.1.4.** Control the contribution of pollutants from one portion of the MS4 to another MS4;
- B.5.2.1.5.** Require the Permittee's contractors to comply with applicable regulatory requirements;
- B.5.2.1.6.** Establish civil, administrative, and criminal penalties for violations of applicable regulatory requirements; and
- B.5.2.1.7.** Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the
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prohibition of illicit discharges to the MS4.

- B.5.2.2.** The Permittee shall provide written notice to the Division of any formal proposal to modify the regulation or statute regulating stormwater discharges into the MS4. Before any regulation or statute is modified, the Division shall have thirty (30) days to review and comment on the proposed modification.
- B.5.3. MS4 Maps and Outfalls**
- B.5.3.1.** The revised SWMP shall include maps of the Permittee's MS4, including the location of any major outfall that discharges to waters of the U.S. The maps may be web-based with a URL provided in the SWMP.
- B.5.4. Discharges into Sanitary Sewer Systems**
- B.5.4.1.** For discharges into facilities treating domestic sewage, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, that are not owned or operated by the Permittee, the following shall be provided by the Permittee:
- B.5.4.1.1.** Written and signed confirmation from each facility authorizing the discharge of pollutants into the facility's sanitary sewer system; and
- B.5.4.1.2.** All authorizations obtained by the Permittee shall be included with the revised SWMP.
- B.5.5. Stormwater Education Program**
- B.5.5.1.** The Permittee shall implement a Stormwater Education Program that includes training and, when necessary, intra- and inter-governmental coordination to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater quality impacts.
- B.5.5.2.** The Permittee shall implement an Employee Stormwater Training Program and shall outline the Program in the SWMP. The Program shall provide for the Permittee's employees to receive refresher training at least once every three (3) years. The Permittee shall also provide training to new staff within the first twelve (12) months of hire, and to existing staff when job responsibilities change to newly incorporate stormwater duties.
- B.5.5.3.** The Permittee shall keep records of all employees who receive stormwater training.
- B.5.5.4.** The Permittee shall provide stormwater awareness training to educate personnel at all levels of responsibility who are involved in activities that may impact stormwater quality and those staff who may come into contact with, or otherwise observe, an illicit discharge or illicit connection to the MS4.
- B.5.5.5.** The Permittee shall provide specific stormwater training to educate personnel who are directly involved in activities that may impact stormwater quality or that may generate or manage non-stormwater discharges. For each topic, the number of trainings offered, the number of employees trained, and other appropriate measurable goals shall be presented in the Annual Report. The

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employee training program shall address:

- B.5.5.5.1.** The Permittee shall train all staff whose responsibilities may include responding to illicit discharges or illicit connections to the MS4. Training shall include:
  - B.5.5.5.1.1.** The procedures for detection, investigation, (i.e. field screening procedures, sampling methods, field measurements) identification, clean-up, and reporting of illicit discharges and connections, and improper disposal/dumping; and
  - B.5.5.5.1.2.** The procedures for outfall screening and investigation.
- B.5.5.5.2.** The Permittee shall train all staff whose responsibilities may include managing non-stormwater discharges. The training shall include:
  - B.5.5.5.2.1.** The types of discharges allowed under this permit and those that are prohibited;
  - B.5.5.5.2.2.** The distinction between non-stormwater discharges and potential pollutant sources;
  - B.5.5.5.2.3.** The pollutants of concern that may be in non-stormwater discharges; and
  - B.5.5.5.2.4.** The BMPs that shall be employed to minimize the discharge of pollutants.
- B.5.5.5.3.** The Permittee shall train all staff directly involved in performing construction site inspections. Training shall include:
  - B.5.5.5.3.1.** The requirements of this permit and General Permit NVR100000 for structural and non-structural BMPs on construction sites, such as erosion and sediment control, waste control, and Stormwater Pollution Prevention Plans (SWPPPs);
  - B.5.5.5.3.2.** Contractors' requirement to obtain coverage under and comply with the General Permit NVR100000; and
  - B.5.5.5.3.3.** The Permittee's compliance, enforcement, and contractual processes to maintain compliance with the permit conditions.
- B.5.5.5.4.** The Permittee shall train all staff involved with controlling stormwater runoff from new development or redevelopment, including those with responsibilities for preliminary design, design, and design review. Training shall include:
  - B.5.5.5.4.1.** Post-construction stormwater BMPs to prevent or minimize water quality impacts; and
  - B.5.5.5.4.2.** Design standards, maintenance requirements, and planning as related to stormwater.
- B.5.5.5.5.** The Permittee shall train all staff directly involved in MS4 maintenance, street repair, and road improvement. Training shall include:
  - B.5.5.5.5.1.** Potential sources of contaminants related to repair and maintenance activities;



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and

- B.5.5.5.5.2.** Proper maintenance, housekeeping, and repair BMPs to prevent discharges to an MS4 or waters of the U.S.
- B.5.5.5.6.** The Permittee shall train all staff who may be involved in waste disposal or spill prevention and response. Training shall include:
- B.5.5.5.6.1.** Procedures to prevent, contain, and respond to spills and releases; and
- B.5.5.5.6.2.** Proper handling, storage, transportation, and disposal of toxic and hazardous materials, including but not limited to used oil and batteries, to prevent or minimize spills, releases or discharges to the MS4.
- B.5.5.5.7.** The Permittee shall train all staff directly involved in the application of pesticides, herbicides, and fertilizers. Training shall include:
- B.5.5.5.7.1.** The potential for stormwater contamination resulting from misapplication or over- application of chemicals; and
- B.5.5.5.7.2.** Proper application procedures and BMPs.
- B.5.5.5.8.** The Permittee shall train all staff working at industrial sites excluding material source sites. Training shall include:
- B.5.5.5.8.1.** The requirements of BMPs, SWPPPs, and the conditions of this permit that relate to on-site activities; and
- B.5.5.5.8.2.** As applicable, used oil and spent solvent management, fueling procedures, general good housekeeping practices, proper painting procedures, and used battery management.
- B.5.5.6.** The Permittee shall provide information in the revised SWMP that discusses how the Permittee will ensure that the Permittee's construction contractors have been adequately trained in BMP installation and maintenance, the ability to recognize activities that may impact stormwater quality, and the procedures in place to prevent or report an illicit discharge or illicit connection to the MS4.
- B.5.6. Public Involvement/Participation Program**
- B.5.6.1.** The Permittee shall implement a Public Education/Outreach Program to provide information to the public about actions individuals can take to reduce transportation related pollutants and improve water quality. The Permittee shall implement or participate in a Stormwater Education Program that uses different types of media and targets a wide range of audiences. The Program shall include a description of:
- B.5.6.1.1.** The methods for disseminating information;
- B.5.6.1.2.** The target audiences and how they were selected; and
- B.5.6.1.3.** The target pollutants and sources and how they were selected.
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- B.5.6.2.** The Permittee shall implement educational and public information activities to distribute education materials on stormwater quality.
- B.5.6.2.1.** The Permittee shall implement a Public Involvement/Participation Program to encourage public involvement and participation and to promote, publicize, and facilitate public reporting of illicit discharges and illegal dumping into or from the Permittee's MS4.
- B.5.6.2.2.** The Permittee shall implement a reporting system to facilitate and track public reports of spills, releases, discharges, and dumping to its MS4 or receiving waters. The Permittee shall develop procedures for receiving and investigating public complaints. The Permittee shall post or advertise telephone numbers or other information to direct the public in reporting illicit discharges and illegal dumping. The Permittee shall evaluate and, where appropriate, the Permittee shall post these numbers in places where illicit discharges and illegal dumping are found to be a recurring problem.
- B.5.6.2.2.1.** The Permittee shall record and report the number of reports received from the public and investigated in the Annual Report.
- B.5.6.2.3.** The Permittee shall implement the Adopt-a-Highway Program, or, if not feasible, another highway trash clean-up program.
- B.5.6.2.4.** The Permittee shall report the number of volunteer groups participating in the Adopt- a-Highway Program, or other highway trash clean-up program, the number of miles cleaned, and the amount of trash collected in the Annual Report.
- B.5.6.2.5.** The Permittee shall implement a program that includes coordination mechanisms among divisions, groups, sections, and districts to ensure compliance with the terms of this permit. The Permittee shall also have mechanisms to coordinate with other government agencies and MS4 communities when necessary to address issues of common concern related to implementation of this permit. The revised SWMP shall include the following BMPs:
- B.5.6.2.5.1.** The Permittee shall implement intra-governmental (internal) coordination procedures to ensure compliance with the terms of this permit and to ensure implementation of SWMP activities. The Permittee shall describe these procedures in the SWMP; and
- B.5.6.2.5.2.** The Permittee shall develop partnerships and cooperative outreach programs, where feasible, with other MS4s and jurisdictions and shall describe these partnerships and programs in the SWMP.
- B.5.7. Construction Site BMP Program**
- B.5.7.1.** The revised SWMP shall include a description of the Permittee's Construction Site BMP Program to implement and maintain structural and non-structural BMPs to reduce pollutants to the MEP in stormwater runoff from construction sites. The Program shall include:
- B.5.7.1.1.** A plan to control construction in the Permittee's rights-of-way. This includes
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both construction by the Permittee, construction done under contract for the Permittee, and construction done by local government agencies or other third parties on Permittee's or non-Permittee's projects. The plan shall include:

- B.5.7.1.2.** Review of construction site plans;
- B.5.7.1.3.** Implementation and maintenance of structural and non-structural BMPs;
- B.5.7.1.4.** Site inspections and enforcement;
- B.5.7.1.5.** A description of non-structural and structural BMPs for construction sites;
- B.5.7.1.6.** A description of procedures for identifying priorities for inspecting sites and enforcing control measures that consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and
- B.5.7.1.7.** A description of the BMPs that the Permittee or its contractors selected, implemented, maintained, and updated on the Permittee's construction projects to minimize the discharge of pollutants to the MEP.
- B.5.7.2.** The Program shall be implemented year-round on all construction projects. The SWMP shall be revised to address these requirements and have a program and a schedule for inspections.
- B.5.7.3.** The Program shall be in conformance with requirements of General Permit NVR100000.
- B.5.8. Permittee's Contractors Performing Construction Activities**
  - B.5.8.1.** The Permittee shall require its contractors to comply with General Permit NVR100000 for regulated construction projects, including the contractor's requirement to file a Notice of Intent (NOI) and obtain authorization under General Permit NVR100000 for each construction project or site that disturbs one (1) acre or more, or less than one (1) if it is part of a larger project. The contractor shall also file a Notice of Termination (NOT) for each construction project or site, either terminating their responsibility if final stabilization has been achieved, or transferring it to the Permittee for completion.
  - B.5.8.2.** The Permittee shall ensure that the contractor's NOI references the construction site as the Permittee's project and shall keep a copy of the Division authorization certificate in the SWPPP.
  - B.5.8.3.** The Permittee shall ensure that all applicable provisions of General Permit NVR100000 and this permit are implemented for the Permittee projects and shall implement a system to enforce these provisions. The Permittee shall be responsible for inspection oversight.
  - B.5.8.4.** The Permittee shall assume responsibility for the site until final stabilization has been achieved for the entire project. The Permittee shall be responsible for removing all temporary sediment control BMPs that may impede stormwater flow as soon as practicable after final stabilization.

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- B.5.8.5.** The Permittee shall include a list of all construction projects covered by permit NVR100000 in the Annual Report, including the name of the project and its associated construction stormwater permit number(s) (e.g. CSW-xxxx), that have achieved final stabilization and that the Permittee considers to be complete.
- B.5.8.6.** The Permittee shall provide in the Annual Report, a list and description of all violations and their resolutions, including any enforcement actions taken against its contractors.
- B.5.9. Discharges from New Development and Redevelopment Program**
- B.5.9.1.** The Permittee shall develop and implement comprehensive planning procedures and BMPs to prevent or minimize water quality impacts from areas of new development and redevelopment statewide. This applies to projects that result in land disturbance of greater than or equal to one (1) acre including projects less than one (1) acre that are part of a larger common plan of development. The revised SWMP shall include a post-construction stormwater pollution control program including maintenance of post-construction stormwater pollution control BMPs. For the purposes of this permit, post-construction stormwater pollution control BMPs include, but are not limited to: stormwater retention/detention basins; constructed wetlands for water quality purposes; media filtration systems; oil/water separators; check dams; grassy swales; or other similar BMPs. The Permittee shall describe the program in the revised SWMP.
- B.5.9.2.** The Permittee shall promote source reduction approaches such as Low Impact Development (LID) techniques, where applicable, in its discussion of the program.
- B.5.9.3.** The Permittee shall describe the BMPs that will protect water quality and reduce the discharge of pollutants to the MEP.
- B.5.9.4.** The Permittee shall install stormwater pollution controls for all newly developed or redeveloped roadways that discharge stormwater runoff to waters of the U.S. on the 303(d) List. For other areas within the MS4, the Permittee shall evaluate the need for permanent post-construction stormwater pollution control BMPs.
- B.5.9.5.** The Permittee shall also install post-construction controls for all newly developed or redeveloped roadways within the MS4 compliance areas where appropriate. Runoff from these roadways and the MS4 shall be treated by post-construction stormwater pollution control BMPs prior to the runoff leaving the Permittee's MS4 and/or entering waters of the U.S.
- B.5.9.6.** All stormwater shall be discharged in a manner that does not cause nuisance conditions or erosion in receiving channels or on down gradient properties.
- B.5.9.7.** The Permittee shall inventory, inspect, and maintain all post-construction stormwater pollution control BMPs. A program summary shall be included in the Annual Report.
- B.5.10. Illicit Discharge Detection and Elimination Program**
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- B.5.10.1.** The revised SWMP shall include a description of the Permittee's Illicit Discharge Detection and Elimination (IDDE) Program, including a schedule to detect and remove illicit discharges and improper disposal into the MS4. The Program shall include:
- B.5.10.1.1.** A description of the Program, including inspections, to implement and enforce statutes, regulations, ordinances, orders, or similar means to prevent illicit discharges to the MS4. This program description shall address all types of illicit discharges; however, non-stormwater discharges or flows listed in Section B.2.2. of this permit shall only be addressed where such discharges are identified by the Permittee as sources of pollutants to waters of the U.S.;
- B.5.10.1.2.** A description of procedures to conduct on-going field screening activities including areas or locations that will be evaluated by such field screens;
- B.5.10.1.3.** A description of procedures to be followed to investigate portions of the MS4 that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-stormwater;
- B.5.10.1.4.** A description of procedures to prevent, contain, and respond to spills and releases that may discharge into the MS4;
- B.5.10.1.5.** A description of a program to facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from the MS4;
- B.5.10.1.6.** A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil; and
- B.5.11. Industrial Facility Monitoring and Control Program**
- B.5.11.1.** The revised SWMP shall describe the Permittee's program to monitor and control pollutants in stormwater discharges to MS4 from municipal landfills, hazardous waste treatment, disposal, and recovery facilities, industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986, and industrial facilities that the Permittee determines are contributing a pollutant loading to the MS4. The Program shall:
- B.5.11.1.1.** Identify priorities and procedures for inspections and establishing and implementing control measures for such discharges; and
- B.5.11.1.2.** Describe a monitoring program for stormwater discharges associated with the industrial facilities identified in this Section, to be implemented during the term of the Permit in accordance with the monitoring programs defined in Section B.6.1.
- B.5.11.2.** The Permittee shall complete an inventory of all industrial facilities that the Permittee determines are contributing a pollutant loading to the MS4:
- B.5.11.2.1.** To include all Division industrial stormwater permitted facilities and other
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facilities that may pose a potential direct impact to the MS4;

- B.5.11.2.2.** Include in the Annual Report the number of industrial facilities that the Permittee determines are contributing a pollutant loading to the MS4; and
- B.5.11.3.** For Non-Metallic Minerals facilities owned or operated by the Permittee, the Permittee shall comply with the provisions for Non-Metallic Minerals except fuels, Standard Industrial Classification 14, Sector J (Section B.5.12).
- B.5.12. Non-Metallic Mineral Mining and Dressing Facility Requirements**
- B.5.12.1. Material Source Site Activities:**
- B.5.12.1.1.** The Permittee's material source site activities covered by this permit include borrow pits, cinder pits, sand and gravel operations, stone quarries and activities composed primarily of the following:
- B.5.12.1.1.1.** Exploration for stone, sand, gravel and cinder; development of material source pits; the excavation and storing mined materials; and
- B.5.12.1.1.2.** Non-metallic mineral processing and mineral services (i.e. processing material sources), which includes but is not limited to, plant and truck screening, making pre-mix material, bulk material handling and storage.
- B.5.12.1.2.** All of the Permittee's material source site activities are categorized into the following groups:
- B.5.12.1.2.1.** Mine Development Phase: This phase is subject to the requirements of this permit because it involves soil disturbing activities such as clearing, grading, and excavation.
- B.5.12.1.2.2.** Active Mining Phase: This phase is subject to the requirements of this permit because it involves actively mining material sources.
- B.5.12.1.2.3.** Inactive Mining Phase: This phase is subject to the requirements of this permit because the material sources have the potential to discharge stormwater associated with industrial activity.
- B.5.12.1.3.** The Permittee shall maintain an inventory of such sites with stockpiles that have a potential to discharge to waters of the U.S. Where applicable, BMPS shall be implemented at these sites to minimize the potential for pollutant discharges to stormwater.
- B.5.12.2. Covered Stormwater Discharges:**
- B.5.12.2.1.** Stormwater discharges from exploration and development of material source sites (Mine Development Phase), active mining facilities (Active Mine Phase), and inactive mining facilities (Inactive Mine Phase) are covered under this permit. Discharges are regulated from stormwater contacting the following areas:
- B.5.12.2.1.1.** Overburden and topsoil piles;

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- B.5.12.2.1.2.** Onsite haul roads;
  - B.5.12.2.1.3.** Runoff from dams or dikes when constructed of overburden or excavated material and no process fluids are present
  - B.5.12.2.1.4.** Office or administrative building, parking, and housing areas if discharges are mixed with other site stormwater discharges;
  - B.5.12.2.1.5.** Chemical storage areas;
  - B.5.12.2.1.6.** Docking facilities;
  - B.5.12.2.1.7.** Fuel storage and dispensing areas;
  - B.5.12.2.1.8.** Vehicle and equipment maintenance areas and buildings;
  - B.5.12.2.1.9.** Un-stabilized, disturbed areas outside of the active excavation areas;
  - B.5.12.2.1.10.** Processing areas and processing waters.
  - B.5.12.3.** Prohibited Discharges: Only those non-stormwater discharges identified in Section B.2 are allowed. Other discharges, including but not limited to, wastewater from concrete washout and soaps and solvents used in equipment cleaning are not authorized by this permit.
  - B.5.12.4.** Design and location requirements: Minimize the discharge of pollutants from pollutant sources by minimizing exposure, using secondary containment, spill kits, or other equivalent measures; locating pollution sources away from surface waters, storm drain inlets, and drainage ways; and cleaning spills immediately.
  - B.5.12.5.** Pollution prevention requirements for wash waters: Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
  - B.5.12.6.** Pollution prevention requirements for the storage, handling, and disposal of construction products, materials, and wastes: Minimize the exposure to stormwater of building materials, building products, constructions wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials that may be present on the site. Minimization of exposure is not required in cases where the exposure 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).
  - B.5.12.7.** Restrictions on use of treatment chemicals for sediment:
    - B.5.12.7.1.** Use conventional erosion and sediment controls prior to and after application of chemicals;
    - B.5.12.7.2.** Select chemicals suited to soil type, and expected turbidity, pH, and flow rate;
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- B.5.12.7.3.** Minimize the discharge risk of stored chemicals;
  - B.5.12.7.4.** Comply with State/local requirements;
  - B.5.12.7.5.** Use chemicals in accordance with good engineering practices and specifications of chemical manufacturer;
  - B.5.12.7.6.** Ensure proper training of applicators;
  - B.5.12.7.7.** Provide proper SWPPP documentation; and
  - B.5.12.7.8.** The use of cationic treatment chemicals is 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 will not lead to a violation of water quality standards.
  - B.5.12.7.9.** Only mine dewatering discharges composed entirely of stormwater or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities are authorized by this permit.
  - B.5.12.8.** Material Source Site Management:
    - B.5.12.8.1.** The Permittee shall implement the following at all material source sites that discharge to a waters of the U.S. and are subject to the conditions of this permit:
      - B.5.12.8.1.1.** Provide a map and summary of the active or inactive status of each site in the Permittee's Annual Report;
      - B.5.12.8.1.2.** Prepare SWPPPs for all Mine Development Phase material source sites prior to the beginning of earth disturbing activity;
      - B.5.12.8.1.3.** Prepare SWPPPs for all Active Mining Phase material source sites within one year of the effective date of this permit;
      - B.5.12.8.1.4.** Prepare SWPPPs for all Inactive Phase material source sites, that have not yet achieved permanent stabilization, within 3 years of the effective date of this permit;
      - B.5.12.8.1.5.** During initial SWPPP preparations, the Permittee shall identify and prioritize any corrective actions needed to minimize pollutant discharges to stormwater.
      - B.5.12.8.1.6.** Develop BMPs in accordance with good engineering practices, for all material source site activities that include clearing, grading, excavating, mining, crushing, stockpiling, hauling, and all ancillary operation for each Mine Development Phase, Active Mining Phase and Inactive Mining Phase source site that has not achieved permanent stabilization status.
      - B.5.12.8.1.7.** Maintain an updated inventory of material source sites, including correcting previous information, adding or removing sites, list of nearest waters of the
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U.S. they may discharge to, and a map showing sites; and

- B.5.12.8.1.8.** Adhere to the management practices described in the Permittee's BMP guidance manuals.
- B.5.12.9.** BMP Management for all Material Source Sites:
- B.5.12.9.1.** The Permittee is responsible for implementing the following BMPs at all material sources sites under exclusive Permittee control, or at joint-use sites during times when the Permittee is actively operating. (For joint-use sites, the BMPs apply only in relation to the Permittee activities.)
- B.5.12.9.2.** For all Material Source Site activities, minimize the amount of soil exposed.
- B.5.12.9.2.1.** The Permittee shall select and install a combination of erosion and/or sediment control BMPs to achieve effective pollutant removal. All BMPs shall be installed and maintained in accordance with any relevant manufacturer specifications and good engineering practices. Consideration shall be made for the following:
- B.5.12.9.2.1.1.** The expected frequency, intensity, and duration of precipitation;
- B.5.12.9.2.1.2.** The nature of stormwater flow at the site, including factors such as impervious surfaces, slopes and site drainage features;
- B.5.12.9.2.1.3.** The range of soil particle sizes expected to be present on the site.
- B.5.12.9.2.2.** Where necessary to minimize pollutant discharges, divert stormwater away from potential pollutant sources through implementation of control measures such as the following, where feasible: interceptor or diversion controls (e.g., dikes, swales, curbs, berms); pipe slope drains, conveyance systems (e.g., channels or gutters, open-top box culverts, and water bars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalent.
- B.5.12.9.2.3.** The Permittee shall provide velocity dissipation devices at appropriate locations. These devices shall be installed when necessary to provide a flow velocity that will not erode inlet/outlet sediment basin locations, a receiving water or an MS4 conveyance;
- B.5.12.9.2.4.** At a minimum, the Permittee shall install silt fences, vegetative buffer strips, or equivalent sediment control BMPs for all down slope boundaries (and side slope boundaries deemed appropriate as dictated by individual site conditions) of the development area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm is provided. Where no calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained shall be provided where attainable until final stabilization has been achieved.
- B.5.12.9.2.5.** Except where the intended function of the site accounts for disturbed earth such that it will become actively mined or controls are effectively controlling disturbance, the following stabilization requirements shall be implemented;

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- B.5.12.9.2.5.1.** Temporary stabilization measures shall be initiated immediately in portions of the site where earth-disturbing activities temporarily ceased. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating vegetative stabilization measures is not possible within fourteen (14) days after earth-disturbing activities has temporarily ceased, temporary stabilization measures shall be initiated as soon as practicable. The Permittee shall ensure that temporary stabilization BMPs are maintained until permanent stabilization status is achieved, or site is transferred to another owner.
- B.5.12.9.2.5.2.** In areas of the site where earth-disturbing activities have permanently ceased, final stabilization measures shall be initiated immediately. In arid, semi-arid, and drought-stricken areas, or in areas subject to snow or freezing conditions, where initiating vegetative stabilization measures is not possible within fourteen (14) days after earth-disturbing activities have permanently ceased, final stabilization measures shall be initiated as soon as practicable. Until final stabilization is achieved, temporary stabilization measures shall be used.
- B.5.12.9.2.5.3.** If there is a potential discharge to a water on the 303(d) list that is impaired for sediment or nitrogen that is also a waters of the U.S., complete initial stabilization activities within seven (7) days of stopping construction work.
- B.5.12.9.2.6.** Ensure that sites exiting directly onto paved roads use appropriate BMPs to remove sediment from vehicle and equipment tires to minimize track-out.
- B.5.12.9.2.7.** Stockpiles shall be managed to minimize erosion from stormwater. Sediment controls shall be used to minimize sediment runoff from stock piled materials.
- B.5.12.9.2.8.** If the Permittee installs stormwater conveyance channels, the channels shall be designed to avoid un-stabilized areas on the site and reduce erosion. Erosion controls and velocity dissipation devices within and along the conveyance shall be used.
- B.5.12.9.2.9.** For stormwater discharges within 50-feet of a water of the U.S. the Permittee shall provide a 50-foot undisturbed natural buffer between the development activity and the waters of the U.S. Where infeasible to provide an undisturbed natural buffer, erosion and sediment controls shall be implemented to achieve an equivalent sediment load reduction.
- B.5.12.9.2.10.** Where steep slope disturbances are necessary, minimize the disturbance through the implementation of standard erosion and sediment controls.
- B.5.12.9.2.11.** Where final vegetative stabilization will occur, use techniques to support vegetative growth.
- B.5.12.10.** Dewatering:
- B.5.12.10.1.** Discharging groundwater or accumulated stormwater that is removed from excavations, trenches, foundations, vaults or other similar points of accumulation is prohibited, unless such waters are first effectively managed by appropriate BMPs (e.g., sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, oil/water separators or filtration systems).
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- B.5.12.10.2.** Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.
- B.5.12.10.3.** Discharges shall meet the following requirements:
  - B.5.12.10.3.1.** No discharge of visible floating solids or foam;
  - B.5.12.10.3.2.** Remove oil, grease, and other pollutants from dewatering water via an oil-water separator or suitable filtration device;
  - B.5.12.10.3.3.** Utilize vegetated upland areas of the site, to the extent feasible, to infiltrate dewatering water before discharge. In no case shall waters of the U.S. be considered part of the treatment area;
  - B.5.12.10.3.4.** Implement velocity dissipation devices at all points where dewatering water is discharged into a waters of the U.S.;
  - B.5.12.10.3.5.** Haul backwash water for disposal or return it to the beginning of the treatment process; and
  - B.5.12.10.3.6.** Clean or replace the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.
  - B.5.12.10.3.7.** Treatment chemical restrictions: Use of polymers, flocculants, or other chemicals to treat dewatering water shall comply with the requirements in Section B.5.12.7.
- B.5.12.10.4.** Monitoring Based on Effluent Limitations for Non-Metals Mine dewatering discharges at crushed stone or construction sand and gravel facilities: Upon issuance of this permit the Permittee shall monitor once per year at each outfall containing the discharges identified in Table B.5.12. below. Include the results of any monitoring in the Annual Report.

**Table B.5.12. Materials Source Site Dewatering Limits**

Parameter	Effluent Limit	Monitoring Frequency	Sample Type
pH	6.0 – 9.0 S.U.	Annually	Grab

- B.5.12.10.5.** Numeric Effluent Limitation Exceedance Requirements:
  - B.5.12.10.5.1.** If monitoring required in Section B.5.12.10.4 exceeds a numeric effluent limit, the Permittee shall submit an Exceedance Report to NDEP no later than 30 calendar days after receiving the water quality results. The facility's Exceedance Report shall include the following:
    - B.5.12.10.5.1.1.** Facility name, physical address and location;
    - B.5.12.10.5.1.2.** Name of the receiving water;
    - B.5.12.10.5.1.3.** Monitoring data from the current and previous monitoring event(s);
    - B.5.12.10.5.1.4.** An explanation of the situation, including what actions the Permittee has completed or intends to complete (if corrective actions are not yet completed)

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to correct the violation; and

**B.5.12.10.5.1.5.** Contact name, title and phone number.

**B.5.12.11.** Inspection Requirements:

**B.5.12.11.1.** The following inspection requirements apply to all Material Source sites owned or operated by the Permittee:

**B.5.12.11.1.1.** The Permittee shall conduct an annual Comprehensive Inspection of all BMPs at all Active Mining Phase sites that discharge to waters of the U.S.; and

**B.5.12.11.1.2.** The Permittee shall conduct once every three (3) years a Comprehensive Inspection of all BMPs at all Inactive Mining Phase sites that discharge to waters of the U.S.

**B.5.12.11.1.3.** For Mine Site Preparation Phase the Permittee shall conduct site inspections once every fourteen (14) calendar days and within 24 hours a storm event of 0.25 inches or greater. For sites that discharge to a 303(d) listed water that is also a waters of the U.S., inspections shall be conducted once every seven (7) days and within 24 hours of a storm event 0.25 inches or greater.

**B.5.12.11.2.** The inspection process for all types of facilities shall include where applicable:

**B.5.12.11.2.1.** An assessment of the integrity of stormwater discharge diversions, conveyance systems, and containment structures;

**B.5.12.11.2.2.** Inspections of erosion and sediment control BMPs to ensure proper operation;

**B.5.12.11.2.3.** Inspections shall include all areas of the site disturbed by clearing, grading and excavation activities and areas used for storage of materials that are exposed to precipitation;

**B.5.12.11.2.4.** Minimum inspection checks: Check whether all stormwater controls are installed and operational, whether any new or modified stormwater controls are needed, for conditions that could lead to a spill or leak, for visual signs of erosion/sedimentation at points of discharge, the quality and characteristic of any discharge, and whether the controls are operating effectively.

**B.5.12.11.2.5.** Inspections of locations where vehicles enter or exit the site for evidence of off-site sediment tracking.

**B.5.12.11.3.** Additional inspection requirements: Except for earth disturbing activities conducted prior to active mining, perform inspections at least quarterly unless adverse weather conditions make the site inaccessible. Active sites that discharge to waters of the U.S. and which are on the 303(d) List or waters that are impaired for sediment or nitrogen shall be inspected monthly.

**B.5.12.12.** Maintenance of BMPs for material source sites:

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- B.5.12.12.1.** The Permittee shall maintain all erosion and sediment control BMPs and other protective BMPs in effective operating condition. If BMPs are not operating effectively, the Permittee shall perform maintenance as soon as possible to ensure continued effectiveness of stormwater BMPs. If maintenance before the next storm event is impracticable, the situation and reasons shall be documented in the SWPPP; and
- B.5.12.12.2.** If existing BMPs need to be modified or, if additional BMPs are required, the Permittee shall complete implementation as soon as possible. If implementation before the next storm event is impracticable, the situation shall be documented in the SWPPP and alternative BMPs implemented as soon as possible.
- B.5.12.12.3.** Sediment shall be removed from sediment traps or sediment ponds whenever the design capacity has been reduced by 50 percent.
- B.5.12.12.4.** Sediment tracked directly onto paved roads shall be addressed at the end of each work day.
- B.5.12.13. SWPPP Requirements for Material Source Sites:**
- B.5.12.13.1.** A SWPPP shall be prepared for all Material Source Site Development activities prior to the commencement of any earth disturbing activities.
- B.5.12.13.2.** The Permittee shall prepare SWPPPs for all Active Mining Phase material source sites within one year of the effective date of this permit and for all Inactive Phase material source sites that have not yet achieved permanent stabilization, within 3 years of the effective date of this permit. SWPPPs shall provide the following:
- B.5.12.13.2.1.** Identification of the Stormwater Pollution Prevention Team
- B.5.12.13.2.2.** Site Description
- B.5.12.13.2.3.** Schedules and Procedures
- B.5.12.13.2.4.** Identify each outfall authorized by this permit and describe the rationale for any substantially similar outfall determinations
- B.5.12.13.3.** Where the SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan, copies of the relevant portions of those documents shall be kept with the SWPPP.
- B.5.12.13.4.** A description of the mining associated activities that can potentially affect the stormwater discharges, and identify the location of the site relative to major transportation routes and communities;
- B.5.12.13.5.** The locations of the following (as applicable to each site):
- B.5.12.13.5.1.** Excavation or processing (screening, washing, crushing, etc.) site boundaries;
- B.5.12.13.5.2.** Access and haul roads;
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- B.5.12.13.5.3.** Outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas;
  - B.5.12.13.5.4.** Outdoor equipment storage, fueling, and maintenance areas;
  - B.5.12.13.5.5.** Outdoor manufacturing areas (outdoor storage, materials handling and materials disposal areas);
  - B.5.12.13.5.6.** Outdoor chemical storage areas;
  - B.5.12.13.5.7.** Overburden, materials, soils or waste storage areas;
  - B.5.12.13.5.8.** Location of impoundments, pit drainage areas, and off-site points discharge for stormwater or pit dewatering to waters of the U.S.;
  - B.5.12.13.5.9.** Waters of the U.S.;
  - B.5.12.13.5.10.** Boundary of tributary areas that are subject to effluent limitations guidelines;
  - B.5.12.13.6.** Identify potential pollutants likely to be present for each area of the site where stormwater discharges occur. Pollutant sources to evaluate include, but are not limited to: mined material stockpiles, bulk material stockpiles, topsoil or overburden stockpiles (including grubbed vegetation for the site, if any); the likelihood of contact with stormwater; quantity of chemicals used, produced, or discharged; and history of significant leaks or spills of toxic or hazardous pollutants.
  - B.5.12.13.7.** To the extent that the Permittee uses any of the control measures identified in Section B.5.12.9., they shall be documented in the SWPPP. Control measures not identified in this Section shall be described in the SWPPP.
  - B.5.12.13.8.** The Permittee shall complete an inspection report (Compliance Evaluation Report) summarizing the annual and triennial Comprehensive Inspections. A summary of inspections shall be submitted in the Annual Report, and shall include inspection findings, deficiencies and correction made to each site.
  - B.5.12.13.9.** 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.
  - B.5.12.14.** Inventory Requirements:
    - B.5.12.14.1.** Complete an inventory of all active facilities/mines;
    - B.5.12.14.2.** Complete an inventory of all inactive/unstaffed facilities/mines;
    - B.5.12.14.3.** Include in the Annual Report the number of active facilities/mines; and
    - B.5.12.14.4.** Include in the Annual Report the number of inactive-unstaffed facilities/mines.
  - B.5.13.** **Stormwater Discharges from Maintenance Facilities**
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- B.5.13.1.** The Permittee shall describe its statewide maintenance facility program in the revised SWMP. The revised SWMP shall describe the measures the Permittee uses to control discharges from the Permittee Maintenance Facilities. The following measures shall apply to the Permittee maintenance facilities statewide:
- B.5.13.1.1.** The Permittee shall implement its maintenance facility program to reduce pollutants in discharges to the MEP;
- B.5.13.1.2.** The program shall include policies and procedures to prevent or reduce stormwater impacts from any maintenance facility that may discharge to waters of the U.S. or to the MS4;
- B.5.13.1.3.** The Permittee shall properly select, install, and maintain all BMPs in accordance with any relevant manufacturer specifications and good engineering practices; and
- B.5.13.1.4.** The Permittee shall implement BMPs to reduce or eliminate the discharge of pollutants from maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt and sand storage locations and snow disposal areas.
- B.5.13.2.** The Permittee shall implement the following BMPs at its maintenance facilities:
- B.5.13.2.1.** The Permittee shall prevent litter, debris, and chemicals that could be exposed to stormwater from becoming a pollutant source in stormwater discharges; and
- B.5.13.2.2.** The Permittee shall implement good housekeeping and material management BMPs for operating and maintaining all of the Permittee's maintenance facilities.
- B.5.13.2.3.** The Permittee shall describe and implement BMPs that prevent or minimize contamination of stormwater runoff from all areas used for vehicle or equipment storage. The Permittee shall implement the following BMPs, or alternatives that will provide equivalent protection:
- B.5.13.2.3.1.** Confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to designated areas;
- B.5.13.2.3.2.** Use drip pans under vehicles and equipment;
- B.5.13.2.3.3.** Store vehicles and equipment indoors, whenever practicable;
- B.5.13.2.3.4.** Install berms or dikes around the vehicle and equipment storage areas;
- B.5.13.2.3.5.** Use absorbents to clean spilled liquids;
- B.5.13.2.3.6.** Roof or cover storage areas, whenever practicable; and
- B.5.13.2.3.7.** Clean pavement surfaces to remove oil and grease. Use dry cleanup
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methods, or, if water is used, capture and properly dispose of the cleaning water.

- B.5.13.2.4.** The Permittee shall describe and implement BMPs that prevent or minimize contamination of stormwater runoff from all areas used for vehicle or equipment maintenance. The Permittee shall implement the following BMPs, or alternatives that will provide equivalent protection:
- B.5.13.2.4.1.** Perform maintenance activities indoors, whenever practicable;
  - B.5.13.2.4.2.** Use drip pans under vehicles and equipment;
  - B.5.13.2.4.3.** Keep an organized inventory of materials used in the shop;
  - B.5.13.2.4.4.** Drain all parts of fluid prior to disposal;
  - B.5.13.2.4.5.** Use dry cleanup methods. Prohibit wet clean up practices if these practices may result in the discharge of pollutants to stormwater drainage systems; and
  - B.5.13.2.4.6.** Treat, recycle, or properly dispose of collected stormwater runoff and minimize run on/runoff of stormwater to and from maintenance areas.
- B.5.13.2.5.** The Permittee shall describe and implement BMPs that prevent or minimize contamination of stormwater runoff from all areas used for material storage. The Permittee shall implement the following BMPs, or alternatives that will provide equivalent protection:
- B.5.13.2.5.1.** Maintain all material storage vessels that are kept outdoors (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of stormwater and plainly label them (e.g., used oil, spent solvents, etc.);
  - B.5.13.2.5.2.** Move storage indoors, whenever practical;
  - B.5.13.2.5.3.** Install berms/dikes around the areas;
  - B.5.13.2.5.4.** Minimize run on of stormwater to the materials storage areas;
  - B.5.13.2.5.5.** Use dry cleanup methods; and
  - B.5.13.2.5.6.** Treat, recycle, or properly dispose of collected stormwater runoff.
- B.5.13.2.6.** The Permittee shall implement practices and procedures to prevent, contain, and respond to spills and releases from maintenance facilities using the following practices:
- B.5.13.2.6.1.** To prevent spills and releases, the Permittee shall implement management practices and procedures for handling toxic and hazardous materials by the Permittee staff at the Permittee maintenance facilities;
  - B.5.13.2.6.2.** The Permittee shall implement practices and procedures for handling spills and releases of toxic materials by staff at the Permittee maintenance facilities
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to prevent or minimize discharges to the MS4 or receiving waters;

- B.5.13.2.6.3.** The Permittee shall immediately respond to spills and releases by staff at the Permittee maintenance facilities to prevent toxic materials or pollutants from entering the MS4 and receiving waters;
- B.5.13.2.6.4.** The Permittee shall track and record chemical and petroleum and other releases at the Permittee maintenance facilities, including information on the type and amount of material released, the location and extent of the release, the circumstances of the release, and the name of the parties involved; and
- B.5.13.2.6.5.** The Permittee shall maintain records of chemical and petroleum and other releases to the MS4 or receiving waters and include the records in the Annual Report.
- B.5.13.2.6.5.1.** Chemical and petroleum and other releases shall be tracked and reported in the Annual Report unless they meet all of the following criteria:
- B.5.13.2.6.5.2.** The release is known to be less than a half-gallon; and
- B.5.13.2.6.5.3.** The release has not and will not reach the waters of the U.S.; and
- B.5.13.2.6.5.4.** The release is cleaned up within 1 hour of discovery and the cleanup is consistent with the facility SWPPP.
- B.5.13.3.** The Permittee shall prepare SWPPPs for all its maintenance facilities. These SWPPPs shall have BMP programs that reduce pollutants.
- B.5.13.4.** Generic SWPPP elements can be used for activities that are performed at more than one maintenance facility, however, each site must be evaluated separately and provided with appropriate site specific BMPs.
- B.5.13.5.** The Division has the authority to require the submittal of a SWPPP at any time, to require changes to a SWPPP, and to require the implementation of the provisions of a SWPPP. SWPPPs shall include the following elements:
- B.5.13.5.1.** The Permittee shall develop and implement SWPPPs for the following Permittee-owned and/or operated facilities that do not have individual stormwater permits:
- B.5.13.5.1.1.** Vehicle maintenance facilities including equipment rehabilitation, mechanical repairs, painting, fueling, and lubrication;
- B.5.13.5.1.2.** Asphalt and concrete batch plants, that are not individually permitted;
- B.5.13.5.1.3.** Waste transfer stations;
- B.5.13.5.1.4.** Exposed stockpiles of materials, including stockpiles of road deicing salt, salt and sand, sand, roto-mill material, etc.; and
- B.5.13.5.1.5.** Sites used for snow dumps, and/or for temporary storage of sweeper tailings or other waste piles.

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- B.5.13.5.2.** The Permittee shall provide a complete list of these active facilities (including the address of the facility, type of operation, size of the facility, and receiving water drainage basin) as part of the revised SWMP. This list shall indicate which sites are considered major and which are considered minor and explain the reasons for the designations.
- B.5.13.5.3.** SWPPPs for major facilities shall contain the following:
- B.5.13.5.3.1.** Activity description;
- B.5.13.5.3.2.** Facility site map; and
- B.5.13.5.3.3.** A description of potential pollutant sources, including an evaluation of that potential.
- B.5.13.5.4.** Stormwater Management Controls:
- B.5.13.5.4.1.** The description of stormwater management controls shall address the following components, including a schedule for implementing such controls:
- B.5.13.5.4.1.1.** SWPPP administrator;
- B.5.13.5.4.1.2.** Preventive maintenance;
- B.5.13.5.4.1.3.** Good housekeeping;
- B.5.13.5.4.1.4.** Spill prevention and response procedures;
- B.5.13.5.4.1.5.** BMPs for pollutant sources;
- B.5.13.5.4.1.6.** Evaluation for non-stormwater discharges;
- B.5.13.5.4.1.7.** Employee training;
- B.5.13.5.4.1.8.** Inspection procedures; and
- B.5.13.5.4.1.9.** A summary of compliance with the SWPPPs shall be included in the Annual Report.
- B.5.13.5.4.2.** Minor facilities shall be grouped together by type, and one SWPPP shall be developed for each group. Grouped runoff control plans shall contain:
- B.5.13.5.4.3.** A map showing the location of each facility in the group on a map;
- B.5.13.5.4.4.** For each facility in the group, include the address, type of operation, size of the facility, and receiving water drainage basin;
- B.5.13.5.4.5.** A description of potential pollutant sources, including an evaluation of that potential;
- B.5.13.5.4.6.** A description of the standard operating procedures or stormwater management controls shall address the following components, if appropriate:
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- B.5.13.5.4.6.1.** Preventive maintenance measures;
  - B.5.13.5.4.6.2.** Good housekeeping;
  - B.5.13.5.4.6.3.** Spill prevention and response procedures;
  - B.5.13.5.4.6.4.** BMPs;
  - B.5.13.5.4.6.5.** Evaluation for non-stormwater discharges; and
  - B.5.13.5.4.6.6.** Inspection procedures.
- B.5.13.5.5.** Copies of the major facility SWPPPs shall be kept on the facility site and on file with the Permittee's headquarters office. These plans shall be submitted to the Division upon request.
  - B.5.13.5.6.** Copies of the minor facility group SWPPPs may be kept on file with each District Office or at the Permittee's headquarters office. These plans shall be submitted to the Division upon request;
  - B.5.13.5.7.** Both major and minor facilities shall be inspected by the Permittee at least one (1) time each year, after the SWPPP has been completed;
  - B.5.13.5.8.** The Permittee shall implement the provisions of the SWPPP required under this part as a condition of this permit. The Division reserves the right to review those plans, and to require additional measures to prevent and control pollution, as needed; and
  - B.5.13.5.9.** SWPPPs may be amended at any time and any amendments shall be described in the Annual Report.
- B.5.14. Comprehensive Maintenance Facility Inspection**
- B.5.14.1.** The Permittee shall conduct a Comprehensive Maintenance Facility Inspection at least once each year. The Permittee shall also conduct routine visual inspections to ensure that the SWPPP addresses any significant changes to the facility operations or BMP implementation procedures.
  - B.5.14.2.** The Permittee shall complete an inspection report for all comprehensive maintenance facility inspections. The report shall include:
    - B.5.14.2.1.** The inspection date;
    - B.5.14.2.2.** The name(s) and title(s) of the person(s) making the inspection. The list of qualified personnel shall either be on or attached to the report or alternatively, if the SWPPP documents the qualifications of the inspectors by name, that portion of the SWPPP may be referenced;
    - B.5.14.2.3.** Weather information and a description of any discharges occurring at the time of the inspection;
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- B.5.14.2.4.** The location(s) of discharges of sediment or other pollutants from the site, if any;
- B.5.14.2.5.** The location(s) of BMPs that need to be maintained, that failed to operate as designed, or proved inadequate for a particular location;
- B.5.14.2.6.** The location(s) where additional BMPs are needed that did not exist at the time of inspection;
- B.5.14.2.7.** The corrective action(s) required, including any changes to the SWPPP and implementation dates;
- B.5.14.2.8.** The identification of all sources of non-stormwater discharges, if any, and the associated BMPs;
- B.5.14.2.9.** Where applicable, the identification of material storage areas, and evidence of or potential for pollutant discharges from these areas;
- B.5.14.3.** Inspection reports shall identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the activities are in compliance with the SWPPP and this permit; and
- B.5.14.4.** The report shall be signed and certified in accordance with Section C.25. of this permit and copies included in the SWPPP and the Annual Report.
- B.5.15. Scope of Inspections**
- B.5.15.1.** The Permittee shall inspect all areas of the site exposed to precipitation, as well as areas where spills, releases and leaks have occurred. Inspectors shall look for evidence of, or the potential for, pollutants entering the drainage system;
- B.5.15.2.** Inspections of the maintenance yard shall include all the following areas/activities:
- B.5.15.2.1.** Storage areas for vehicles and equipment awaiting maintenance;
- B.5.15.2.2.** Fueling areas, including mobile fueling;
- B.5.15.2.3.** Indoor and outdoor vehicle/equipment maintenance areas;
- B.5.15.2.4.** Material storage areas;
- B.5.15.2.5.** Material source stockpile(s) to determine if piles are protected from run on, runoff, if materials are contributing to off-site discharges;
- B.5.15.2.6.** Vehicle/equipment cleaning areas and loading/unloading areas; and
- B.5.15.2.7.** On-site waste storage or disposal;
- B.5.15.3.** The Permittee shall inspect and document all BMPs identified in the SWPPP
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along with areas inspected and the conditions found;

- B.5.15.4.** The Permittee shall inspect discharge locations to determine whether BMPs are effective in preventing impacts to waters of the U.S., where accessible;
- B.5.15.5.** Where discharge locations are inaccessible, the Permittee shall inspect nearby downstream locations to the extent that the inspections are practicable; and
- B.5.15.6.** The Permittee shall inspect locations where vehicles enter or exit the site for evidence of off-site sediment tracking.
- B.5.15.7.** Based on the results of the inspection, the Permittee shall modify the SWPPP as necessary to include additional or modified BMPs designed to correct problems identified. The Permittee shall complete revisions to the SWPPP and modify or add BMPs as necessary within thirty (30) days following the inspection. The Permittee shall implement tracking and follow-up procedures to ensure that appropriate action is taken in response to issues noted during inspections.
- B.5.15.8.** If sediment or other materials escape the site, the Permittee shall remove the off-site accumulations of sediment or other materials at a frequency sufficient to minimize off-site impacts. The removal shall take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints. The Permittee shall use all reasonable efforts to obtain access, and in such instances, removal and stabilization shall take place within seven (7) days of obtaining access.
- B.5.15.9.** Inspections shall be performed by qualified personnel as defined in Section B.7.10. of this permit; and
- B.5.15.10.** The Permittee shall retain a record of each inspection and of any actions taken as part of the SWPPP for at least five (5) years from the expiration date of this permit;
- B.5.15.11.** For existing BMPs that need to be modified or, if additional BMPs are necessary for any reason, implementation shall be completed within thirty (30) days, and before the next storm event;
- B.5.15.12.** All BMPs including erosion and sediment control BMPs identified in the SWPPP shall be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance shall be performed within seven (7) days of discovery and before the next anticipated storm event to maintain the continued effectiveness of stormwater BMPs. If implementation before the next storm event is impracticable, the reason(s) for delay must be documented in the SWPPP and alternative BMPs must be implemented as soon as possible; and
- B.5.15.13.** The Permittee shall develop or update its list of maintenance yards subject to stormwater permitting requirements within their control. The list shall be included in the Annual Report.
- B.5.16. Public Street Maintenance Program in Urbanized Areas**
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- B.5.16.1.** The revised SWMP shall discuss how the Permittee intends to operate and maintain public streets and roads that are under the Permittee's jurisdiction, and are within urbanized areas that are covered by other individual or general MS4 permits in a manner so as to reduce the discharge of pollutants to the MEP, including those related to road repair, street sweeping, snow removal, sanding activities, and herbicide application, in accordance with their present Program. The program shall include the following information and measurable goals:
- B.5.16.1.1.** Snow and ice management practices on streets, roads, and highways in urbanized areas shall be implemented in a manner consistent with Permittee policies and guidelines. These guidelines shall include prescriptions for sand application rate, maximum salt concentrations, calibration of sand spreaders, and sweeping of sanded streets;
- B.5.16.1.2.** Salt and sand storage practices shall be implemented as necessary to minimize, to the extent practicable, migration off-site;
- B.5.16.1.3.** Leaf litter and debris on all streets in urbanized areas shall be swept a minimum of two (2) times per year, once in the spring and once in the fall;
- B.5.16.1.4.** Sweeping of sanded streets in urbanized areas shall be performed as soon as weather, logistics, and site conditions permit after snow storms, but no later than four (4) days after the last snowfall, provided that no snowstorms are forecasted to occur within those four (4) days;
- B.5.16.1.5.** Sweeper wastes shall be disposed of properly. Recycling of sweeper wastes shall be considered. The amount of sweeper waste accumulated, recycled, and/or disposed shall be documented and included in the Annual Report.
- B.5.16.1.6.** If magnesium chloride is used for snow management, application practices shall be used to minimize any negative effects to waters of the U.S. to the MEP. Results of any studies on magnesium chloride shall be considered, when relevant.
- B.5.16.1.7.** A narrative summary of the program will be included in the Annual Report.
- B.5.17. Measures to Control Discharges from Roadways**
- B.5.17.1.** The Permittee shall implement its programs of roadway and MS4 repair, maintenance and cleaning, vegetation management, and winter storm policies to reduce the release of pollutants to, and discharges of pollutants from, the MS4. The revised SWMP shall include policies and procedures to prevent or reduce stormwater impacts to waters of the U.S. or the MS4 while conducting operation and maintenance activities. The revised SWMP shall address the following programs:
- B.5.17.1.1. Highway Maintenance Activities:**
- B.5.17.1.1.1.** Develop and implement maintenance programs for the Permittee's MS4 to reduce runoff pollutant concentrations and volumes entering waters of the U.S.;
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- B.5.17.1.1.2.** Identify priority and watershed pollutant reduction opportunities (e.g., improvements to existing urban runoff control structures);
- B.5.17.1.1.3.** Establish schedules for implementing appropriate controls; and
- B.5.17.1.1.4.** Develop a system to identify, track, and prioritize timely stabilization and repairs to road segments where slopes are 3:1 or greater and actively eroding and sediment is leaving the Permittee's right-of-way to a location that could be carried into a water of the US or is discharging to a waters of the U.S. This system shall be described in the revised SWMP, and each Annual Report thereafter shall summarize erosion abatement projects conducted during the year. The Permittee shall identify road segments with slopes that are prone to erosion and discharge of sediment and stabilize these slopes to the MEP.
- B.5.17.1.2.** Snow and ice control:
- B.5.17.1.2.1.** Where abrasives and/or de-icing agents are used on highways, the following shall be recorded:
- B.5.17.1.2.1.1.** Location of the source of abrasives materials;
- B.5.17.1.2.1.2.** Types and chemistry of de-icing agents;
- B.5.17.1.2.1.3.** Deicing salt shall be analyzed for: total phosphorus, total nitrogen, iron, and percent sodium chloride;
- B.5.17.1.2.1.4.** Alternative deicers shall be analyzed for total nitrogen and total phosphorus;
- B.5.17.1.2.1.5.** Type and chemistry of abrasives with the gradation and percent organic matter. Gradation and percent organic matter shall be determined from composite samples. The composite samples shall be taken from one stockpile that represents all deliveries from the originating source. Composite samples shall be taken from every new delivery from a new originating source;
- B.5.17.1.2.1.6.** Abrasives shall be analyzed for volatile solids, iron, total nitrogen, total phosphorus, total reactive phosphorus, and total dissolved solids; and
- B.5.17.1.2.1.7.** Volume of abrasives and deicing agents used on individual highway segments shall be documented in the Annual Report.
- B.5.17.1.3.** Stormwater drainage system facilities maintenance:
- B.5.17.1.3.1.** The Permittee shall remove all debris and sediment from those inlets that pose a threat to water quality on an annual basis. All debris and sediment removed from drain inlets shall be managed in accordance with all applicable laws and regulations. The number of inlets from which sediment and debris was removed shall be documented and included in the Annual Report; and
- B.5.17.1.3.2.** Drain inlets which contain significant materials must be considered for an IDDE investigation and considered for an enhanced BMP program focused on reducing the sources of the material found in the inlet.
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**B.5.18. Storm Sewer System and Highway Maintenance**

- B.5.18.1.** The Permittee shall implement the following BMPs for operating and maintaining roadways and drainage ways to minimize discharges to and from the MS4 in all the permitted areas:
- B.5.18.1.1.** Inventory Post-Construction Stormwater Pollution Control BMPs:
- B.5.18.1.1.1.** The Permittee shall develop and maintain an inventory of its post-construction stormwater pollution control BMPs;
- B.5.18.1.1.2.** The post-construction stormwater pollution control BMPs inventory shall include type and location; and
- B.5.18.1.1.3.** The Permittee shall include the inventory of stormwater retention/detention basins, constructed wetlands for water quality purposes, media filtration systems, oil/water separators, and other major post-construction stormwater pollution control BMPs as part of the revised SWMP.
- B.5.18.1.2.** Inspect Storm Sewer System:
- B.5.18.1.2.1.** The revised SWMP shall outline a program, including measurable goals, to inspect and record conditions of the MS4 including roadways used for stormwater conveyance, catch basins, storm drain inlets, open channels, washes, culverts, and retention/detention basins to identify potential sources of pollutants and determine maintenance needs; and
- B.5.18.1.2.2.** The Permittee shall maintain records of inspections and conditions found and shall present the number of inspections in the Annual Report.
- B.5.18.1.3.** Develop Maintenance Schedules and Priorities:
- B.5.18.1.3.1.** The Permittee shall identify routine maintenance schedules and maintenance priorities for its MS4, including roadways to minimize pollutant discharges from the MS4; and
- B.5.18.1.3.2.** The Permittee shall evaluate priorities annually and update the maintenance schedule as necessary based on the evaluations.
- B.5.18.1.4.** Perform Repair, Maintenance, and Cleaning:
- B.5.18.1.4.1.** The Permittee shall repair, maintain, and clean its roadways used for stormwater conveyance and its MS4 to minimize the discharge of pollutants to the MEP, including floatable debris, from the MS4;
- B.5.18.1.4.2.** When implemented, oil/water separators shall be inspected and maintained on a set schedule, at a minimum annually, to ensure optimal effectiveness of the device; and
- B.5.18.1.4.3.** During repair, maintenance, or cleaning activities, the Permittee shall ensure that all stormdrain inlets are assessed for evidence of illicit discharges or illegal dumping, such as significant loads of a specific pollutant(s) or material(s). Upon discovery, the Permittee shall initiate an investigation to
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target likely sources and implement a BMP program to reduce the sources of the pollutant or material to the MEP.

- B.5.18.1.5.** Implement BMPs for Repair, Maintenance, and Cleaning:
- B.5.18.1.5.1.** The Permittee shall implement appropriate BMPs to reduce the potential for releases of pollutants to the MS4 or to waters of the U.S. when performing repair, maintenance, or cleaning of its MS4, including roadways;
- B.5.18.1.5.2.** The Permittee shall implement BMPs to minimize the discharge of pollutants from unpaved roads, shoulders, and parking lots, such as permanent stabilization/erosion control BMPs and paving unpaved roads, and parking lots; and
- B.5.18.1.5.3.** The Permittee shall properly dispose of waste removed from its MS4 and the Permittee's facilities, including dredge spoil, accumulated sediments, and floatable or other debris. The amount removed and disposed of shall be documented and included in the Annual Report.
- B.5.18.1.6.** Roadside Management Program:
- B.5.18.1.6.1.** The Permittee shall implement the BMPs described in its BMP guidance documents.
- B.5.19.** **Herbicide, Pesticide, and Fertilizer Program**
- B.5.19.1.** The Permittee shall develop a program to reduce the discharge of pollutants related to the application of herbicides, pesticides, and fertilizers to the MEP. This program shall include:
- B.5.19.1.1.** Implement Pesticide and Fertilizer Application Procedures:
- B.5.19.1.1.1.** The Permittee shall implement practices and procedures for the Permittee staff and commercial applicators to only use Federal Insecticide, Fungicide, and Rodenticide Act-approved pesticides/herbicides at the Permittee facilities and roadside right-of-ways. The Permittee shall design these practices to avoid chemical application, when feasible, and to minimize the amount of chemicals applied;
- B.5.19.1.1.2.** As part of the revised SWMP, the Permittee shall develop BMPs to address the timing of applications in relation to expected precipitation events, proximity to water bodies, and other practices to minimize the runoff of pollutants. Applications of herbicides shall be performed during dry-weather periods to the extent possible, using methods to limit overspray;
- B.5.19.1.1.3.** If the Permittee must apply pesticides in any area that is within, or directly adjacent to a waters of the U.S., only pesticides approved for aquatic use shall be used;
- B.5.19.1.1.4.** The Permittee shall review application practices annually and update procedures as needed to minimize runoff of pollutants;
- B.5.19.1.1.5.** The Permittee shall require certification/licensing of staff and commercial
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applicators that apply restricted use pesticides at the Permittee's facilities, public areas, and right-of-ways; and

- B.5.19.1.1.6.** The Permittee shall submit a narrative summary of the program in the Annual Report.
- B.5.19.1.2.** Vegetation Control Program:
- B.5.19.1.2.1.** The Permittee shall develop a Vegetative Control Program to reflect the following elements:
- B.5.19.1.2.1.1.** The use of appropriate native and adapted vegetation throughout all rights-of-way for the purpose of preventing erosion and removing pollutants in stormwater runoff;
- B.5.19.1.2.1.2.** Application of herbicides in a manner that minimizes or eliminates the discharge of herbicides to receiving waters. Factors to be considered include timing in relation to expected precipitation events, proximity to water bodies, and the effects of using combinations of chemicals;
- B.5.19.1.2.1.3.** If application of nutrients is required, the application shall be at rates necessary to establish and maintain vegetation without causing significant nutrient impact to the receiving water; and
- B.5.19.1.2.1.4.** In places where the Permittee has already developed vegetation control management plans, the Permittee shall implement these plans and integrate them into their overall statewide plan. In instances where elements of these plans are to be changed or dropped, the Permittee shall discuss any changes in the Annual Report.
- B.5.20.** **Sharing Responsibility:** The Permittee may either share responsibility or assign responsibility with one or more regulated MS4, and may implement BMPs individually or as a group. The SWMP shall include a description of the BMP and how responsibility is being shared or assigned.
- B.5.21.** **Annual Review and Updating the SWMP**
- B.5.21.1.** The Permittee must complete an annual review of the SWMP in conjunction with preparation of the Annual Report required under Section B.6.3. of this permit.
- B.5.21.2.** The Permittee may update the SWMP in accordance with the following procedures:
- B.5.21.2.1.** Changes adding, but not subtracting or replacing components, controls, or requirements to the SWMP may be made at any time upon written notification to the Division.
- B.5.21.2.2.** Changes replacing an ineffective, unfeasible, or inappropriate programmatic BMP specifically identified in the SWMP with an alternate BMP or a change to any protocol or procedure within the SWMP shall be submitted to the Division for approval. Submittals are tentatively approved unless comments are received from the Division within thirty (30) days. The Permittee's modification
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submittal shall include the following:

- B.5.21.2.2.1.** An analysis of why the BMP is ineffective, infeasible including cost prohibitive, or otherwise should be revised or replaced; and
- B.5.21.2.2.2.** An analysis of why the replacement BMP is expected to be more effective, feasible, or appropriate than the BMP to be replaced.
- B.5.22. Updating the Permittee's Manuals**
- B.5.22.1.** The Permittee shall annually review all of its stormwater manuals and update as needed. The Permittee shall describe all updates to these manuals in the Annual Report.
- B.6. Monitoring, Recordkeeping, and Reporting**
- B.6.1. Stormwater Monitoring**
- B.6.1.1.** The Permittee shall submit a revised draft stormwater monitoring plan to the Division for review for this permit within six (6) months of the issuance of this permit and shall submit a revised final stormwater monitoring plan for Division approval after the public notice process. In developing the plan, the Permittee shall evaluate and update as necessary how monitoring may assist in making decisions about program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. The Division shall have thirty (30) days to review and comment on the draft stormwater monitoring plan, after which the Permittee will follow the public notice steps outlined in this Section. Pending approval of the monitoring plan, the Permittee shall implement the existing monitoring plan.
- B.6.1.1.1.** The revised stormwater monitoring plan will be subject to Division review and approval and the public notice steps outlined below in this Section, after which the stormwater monitoring plan will be formally incorporated as terms and conditions of this permit.
- B.6.1.1.2.** Before the final revised plan is submitted to the Division for approval, the plan shall be made available for public comment for a minimum of thirty (30) days. The Permittee shall respond to significant public comments, and the Permittee shall hold a public meeting in accordance with NAC 445A.67558 ; and
- B.6.1.1.3.** The Permittee shall compile any comments received as part of the process in Section B.6.1.1.2., describe the actions taken in response to the public comments, and include this information in the revised stormwater monitoring plan.
- B.6.1.1.4.** The Permittee shall submit a final revised stormwater monitoring plan to the Division for approval no later than six (6) months after receiving comments from the Division on the draft revised stormwater monitoring plan.
- B.6.1.2.** When the Permittee conducts monitoring at the MS4, the Permittee is required to comply with the following:

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- B.6.1.2.1.** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. This requirement does not prevent the Permittee from analyzing or reporting samples that are representative of a limited situation (e.g. concentration at peak flow);
- B.6.1.2.2.** Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the CWA;
- B.6.1.3.** Records of monitoring information shall include:
- B.6.1.3.1.** The date, exact place, and time of sampling or measurements;
- B.6.1.3.2.** The names(s) of the individual(s) who performed the sampling or measurements;
- B.6.1.3.3.** The date(s) analyses were performed;
- B.6.1.3.4.** The names of the individuals who performed the analyses;
- B.6.1.3.5.** The analytical techniques or methods used; and
- B.6.1.3.6.** The results of such analyses.
- B.6.1.4.** Analyses shall be performed by a State of Nevada-certified laboratory. Laboratory reports shall be provided, if requested by the Division.
- B.6.1.5.** If the Permittee performs stormwater monitoring more frequently than required by the stormwater monitoring plan, the results of such monitoring shall be reported. The monitoring results and analyses shall be submitted as part of the Annual Report.
- B.6.1.6.** The Permittee shall evaluate whether existing data collection programs should be modified to improve characterization of stormwater discharges, effects of different BMPs on water quality, or ambient water quality. This information shall be submitted for review as part of the annual monitoring plan.
- B.6.1.7.** The Permittee must complete an annual review of the stormwater monitoring plan in conjunction with preparation of the Annual Report required under Section B.6.3. of this permit.
- B.6.1.7.1.** Changes shall be submitted to the Division for approval. Submittals are tentatively approved unless comments are received from the Division within thirty (30) days.
- B.6.2. Record Keeping**
- B.6.2.1.** The Permittee shall retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, a copy of this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the termination date of this permit. This period may be extended at the direction of the Division at any time.
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**B.6.2.2.** The Permittee shall submit the records to the Division upon request. The Permittee shall retain a copy of the SWMP required by this permit at a location accessible to the Division. The Permittee shall make the records, including a copy of the SWMP, available to the public, if requested to do so.

**B.6.3. Annual Reports**

**B.6.3.1.** The Permittee shall submit the Annual Report to the Division by November 1 of each year of the permit term. Each Annual Report shall cover the period beginning July 1 of the previous year through June 30 of the current year.

**B.6.3.2.** Each year, the Permittee shall review its SWMP and report to the Division on the status of the program, whether the Permittee has identified any modifications, and the plans for implementing those modifications.

**B.6.3.3.** The Annual Report shall include:

**B.6.3.3.1.** Status of the Permittee's compliance with permit conditions;

**B.6.3.3.2.** An assessment of the appropriateness of the identified BMPs, and revisions to previous assessments, if appropriate;

**B.6.3.3.3.** Progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP;

**B.6.3.3.4.** Status of the achievement of measurable goals;

**B.6.3.3.5.** Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP, a description of any identified improvements to or degradation in water quality attributable to the program, and a description of any identified effects on attainment of water quality standards attributable to the program;

**B.6.3.3.6.** A summary of the stormwater activities the Permittee plans to undertake during the next year including a tentative implementation schedule and a fiscal analysis;

**B.6.3.3.7.** Changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;

**B.6.3.3.8.** Notice that the Permittee is relying on another government entity to satisfy some of the permit obligations, as applicable;

**B.6.3.3.9.** Estimated reductions in loadings of pollutants from discharges of constituents from MS4 expected as the result of the municipal stormwater quality management program. The assessment shall also identify known impacts of stormwater controls on waters of the U.S.;

**B.6.3.3.10.** A summary of all permit required inspections performed and enforcement activity taken during the report cycle;

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- B.6.3.3.11.** A summary of public education and outreach activity performed during the report cycle;
- B.6.3.3.12.** Annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP, and the budget for the following year;
- B.6.3.3.13.** An original signed copy of all reports and plans required herein shall be submitted to the Division at the following address:
- Stormwater Branch Supervisor  
Bureau of Water Pollution Control  
Nevada Division of Environmental Protection  
901 S. Stewart St., Suite 4001  
Carson City, NV 89701**
- B.6.4.** Electronic reporting will be required by December 21, 2020 or sooner as the Division's electronic reporting system becomes available and active. Electronic reporting is required by the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule.
- B.6.5. Changes by the Division**
- B.6.5.1.** Changes to the permit requested by the Division shall be made in writing, set forth the timeframe for the Permittee to develop the changes, and offer the Permittee the opportunity to propose alternative program changes to meet the objective of the requested modification. If the Permittee does not agree to the requested changes, changes required by the Division will be made in accordance with Nevada Administrative Code (NAC) 445A.261 and NAC 445A.263.
- B.6.5.2.** The Division may require changes to the SWMP, as needed, to:
- B.6.5.2.1.** Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4; or
- B.6.5.2.2.** Include more stringent requirements necessary to comply with new federal or State statutory or regulatory requirements.
- B.6.6. Responsibility for Stormwater Management Program Implementation**
- B.6.6.1.** The Permittee shall implement the SWMP on all areas added to the Permittee's MS4 or for which the Permittee becomes responsible for implementation of stormwater quality controls no later than six (6) months from addition of the new areas and immediately for newly constructed areas.
- B.7. Section B Definitions**
- B.7.1. Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the U.S. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
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- B.7.2. Control Measure** means any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the U.S.
- B.7.3. Discharge** means any addition of a pollutant or pollutants to waters of the U.S.
- B.7.4. Illicit Connection** means any man-made conveyance connecting an illicit discharge directly to an MS4.
- B.7.5. Illicit Discharge** means any discharge to an MS4 that is not entirely composed of stormwater, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from firefighting activities.
- B.7.6. Inactive mine** means sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.
- B.7.7. MEP** is an acronym for Maximum Extent Practicable, the technology-based discharge standard for MS4 to reduce pollutants in stormwater discharges.
- B.7.8. Municipal Separate Storm Sewer** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, county, 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 a designated and approved management agency under Section 208 of the CWA that discharges to waters of the U.S.; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR§122.2.
- B.7.9. Outfalls defined:**
- B.7.9.1. Outfall** means a point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.
- B.7.9.2. Major municipal separate storm sewer outfall** (or major outfall) means a municipal separate storm sewer (MS4) outfall that discharges from a single pipe with an inside diameter of thirty-six (36) inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than fifty (50) acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall
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that discharges from a single pipe with an inside diameter of twelve (12) inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of two (2) acres or more).

- B.7.10. Qualified Person** 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 the effectiveness of the BMPs selected to control the quality of the stormwater discharges.
- B.7.11. Stormwater** means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- B.7.12. Stormwater Management Program (SWMP)** refers to a comprehensive program to manage the quality of stormwater discharged from the MS4.



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**C.1. MONITORING AND REPORTING:**

**C.1.1. Schedule:** Discharge Monitoring Reports (DMRs) shall be received by the 28th day of the month following the third month of each quarter (reporting period). Quarterly and annual reporting periods are based on the standard annual cycle, January 1 through December 31.

**C.1.1.1** If required, all Annual, Biosolids Monitoring Report (BMR), Pretreatment, Total Inorganic Nitrogen (TIN), Salinity Control, and Whole Effluent Toxicity Testing (WET) annual reports are due as defined in the Deliverable Table (DLV).

**C.1.1.2** An original signed copy of these, and all other reports required herein, shall be submitted to the State at the following address:

**Division of Environmental Protection  
Bureau of Water Pollution Control  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701**

**C.1.2. Annual Report:** The fourth quarter report shall contain plots of concentration (y-axis) versus date (x-axis) for each analyzed constituent identified in the Monitoring Table. The plots shall include data from the preceding five years, if available. Plotting is not required for any constituent that have routinely been below the detection limit or if less than three data points exist. Any data point from the current year that is greater than the limits identified in the applicable tables and conditions above must be explained by a narrative.

Once reporting through the Nevada NetDMR system has been performed for a continuous five year period annual plots are no longer required.

**C.1.3. Reporting:** Monitoring results obtained in accordance to the requirements of the permit, supporting laboratory data, and supporting documents shall be submitted through the Nevada NetDMR system.  
<https://netdmr.ndep.nv.gov/netdmr/public/home.htm>

**C.1.4. Sampling and measurements:** Samples and measurements taken when required shall be representative of the volume and nature of the monitored discharge and must comply with any Division approved sampling plan as required by the Schedule of Compliance. Analyses shall be performed by a Nevada certified laboratory. Results from this lab must accompany the DMR. If no discharge occurs during the reporting period, report "no discharge" shall be indicated on the submitted DMR.

**C.1.5. Recording the Results:** For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

**C.1.5.1.** The exact place, date, and time of sampling;

**C.1.5.2.** The dates the analyses were performed;

**C.1.5.3.** The person(s) who performed the analyses;

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- C.1.5.4.** The analytical techniques or methods used; and
- C.1.5.5.** The results of all required analyses.
- C.1.6. Additional Monitoring by Permittee:** If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, and the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.
- C.1.7. Test Procedures:** Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the CWA, under which such procedures may be required unless other procedures are approved by the Division. Other procedures used may be:
- C.1.7.1.** Selected from SW-846;
- C.1.7.2.** Selected from 40 CFR 503; or
- C.1.7.3.** An alternate test procedure approved by the Division, Environmental Laboratory Services.
- C.1.7.4.** All laboratory analyses conducted in accordance with this discharge permit must have detection at or below the permit limits.
- C.1.7.5.** All analytical results must be generated by analytical laboratories certified by the Nevada Laboratory Certification Program
- C.1.8. Reporting Limits:** Unless otherwise approved by the Division, the approved method of testing selected for analysis must have reporting limits which are:
- C.1.8.1.** Half or less of the discharge limit; or, if there is no limit,
- C.1.8.2.** Half or less of the applicable water quality criteria; or, if there is no limit or criteria,
- C.1.8.3.** The lowest reasonably attainable using an approved test method.
- C.1.8.4.** This requirement does not apply if a water quality standard is lowered after the issuance of this permit; however, the Permittee shall review methods used and by letter notify the Division if the reporting limit will exceed the new criterion, and if so the Division may reopen the permit to impose new monitoring requirements.
- C.2. Operations and Maintenance (O&M) Manual:**
- C.2.1.** An O&M Manual shall be prepared and submitted to the Division for review and approval in accordance with the Division Operations and Maintenance Manual guidance (WTS-2).
- C.2.2.** The Permittee shall inspect the site at the frequency prescribed in the O&M Manual.
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- C.2.3.** The Permittee shall maintain an operations logbook (hardcopy or electronic) on-site as referenced in the O&M Manual.
- C.2.3.1.** The logbook shall include the name of the operator, date, time, and general condition of the facility.
- C.3.** **Planned changes:** The Permittee shall give notice to the Division as soon as possible of any planned physical alterations or additions to the permitted facility and receive approval prior to commencing construction. Notice is required only when the alteration or addition to a permitted facility:
- C.3.1.** May meet one of the criteria for determining whether a facility is a new source (40 CFR 122.29 (b));
- C.3.2.** Could significantly change the nature or increase the quantity of pollutants discharged; or
- C.3.3.** Results in a significant change to the Permittee's sludge management practice or disposal sites.
- C.4.** **Anticipated non-compliance:** The Permittee shall give advance notice to the Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C.5.** **Change in Discharge:** All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the Permit. Any anticipated facility expansions or treatment modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this Permit, by notice to the permit issuing authority of such changes. Any changes to the permitted treatment facility must comply with NAC 445A. The Permit may be modified to specify and limit any pollutants not previously limited.
- C.6.** **Facilities Operation-Proper Operation and Maintenance:** The Permittee shall at all times maintain in good working order and properly operate all treatment and control facilities, collection systems, and pump stations installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures.
- C.7.** **Adverse Impact – Duty to Mitigate:** The Permittee shall take all reasonable steps to minimize the impact of releases to the environment resulting from noncompliance with any permit limitations specified in this 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. If the monitoring program (as required by this permit) identifies exceedances of ambient water quality standards at the boundary of any approved mixing zone, the Permittee
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shall notify the Division of the exceedances and describe any mitigation measures being implemented as part of the quarterly monitoring report requirements.

**C.8. Noncompliance, Unauthorized Discharge, Bypass and Upset**

- C.8.1.** Any diversion, bypass, spill, overflow or discharge of treated or untreated wastewater from a permitted facility under the control of the Permittee is prohibited except as authorized by this permit. The Division may take enforcement action for a diversion, bypass, spill, overflow, or discharge of treated or untreated wastewater except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow or discharge not authorized by this permit is probable or has occurred, the Permittee shall notify the Division.
- C.8.2. Notification:** The Permittee is responsible for carrying out notification in the event of a diversion, bypass, spill, overflow or discharge not authorized by this permit with the following schedule;
- C.8.2.1. Immediately:** Permittee shall be responsible for the timely notification of potentially impacted downstream users for the protection of human health and the environment.
- C.8.2.2. Spill Hotline:** Notifying the Division through the NDEP Spill Hotline, 1-888-331-6337, as soon as practicable after the dispatch of emergency respondents and mitigating actions and no later than twenty-four (24) hours from the time of discovery.
- C.8.2.3. 5-Day Report:** A written report shall be submitted to the Division within five (5) days of the discovery of a diversion, bypass, spill, overflow, upset, or discharge detailing the entire incident including;
- C.8.2.3.1.** Time and date of discharge;
- C.8.2.3.2.** Exact location and estimated amount of discharge;
- C.8.2.3.3.** Flow path and any bodies of water which the discharge contacts;
- C.8.2.3.4.** The specific cause of the discharge; and
- C.8.2.3.5.** The preventive and/or corrective actions taken.
- C.8.3.** The Permittee shall report all instances of noncompliance not reported under Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset) at the time monitoring reports are submitted. The reports shall contain the information listed in Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset).
- C.8.4. Bypass not exceeding limitations:** The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of the applicable Section of Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset including Prohibition of Bypass).



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- C.8.5. Anticipated bypass:** If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of bypass.
- C.8.6. Prohibition of Bypass:** Bypass is prohibited, and the Division may take enforcement action against a Permittee for bypass, unless:
- C.8.6.1.** Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- C.8.6.2.** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. 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
- C.8.6.3.** The Permittee submitted notices as required under Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset).
- C.8.7. Approved Bypass:** The Division may approve an anticipated bypass, after considering its adverse effects, if the Division determines that it will meet the three conditions listed in Section C.8.6.
- C.8.8. Effect of an upset:** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section C.8 (Noncompliance, Unauthorized Discharge, Bypassing and Upset: Conditions necessary for a demonstration of an upset) are met.
- C.8.9. Conditions necessary for a demonstration of an upset:** A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
- C.8.9.1.** An upset occurred and that the Permittee can identify the cause(s) of the upset;
- C.8.9.2.** The permitted facility was at the time being properly operated;
- C.8.9.3.** The Permittee submitted notice of the upset as required under this Section; and
- C.8.9.4.** The Permittee complied with any remedial measures required under Section C.8. (Noncompliance, Unauthorized Discharge, Bypassing and Upset).
- C.8.10. Enforcement:** In selecting the appropriate enforcement option, the Division 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.
- C.9. Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be properly disposed as described in the SWMP.
- C.10. Right of Entry and Inspection:** The Permittee shall allow the Administrator and/or
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his authorized representatives, upon the presentation of credentials, to:

- C.10.1. Enter at reasonable times upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
- C.10.2. Have access to and copy any records required to be kept under the terms and conditions of this permit at reasonable times;
- C.10.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and
- C.10.4. Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.
- C.11. **Transfer of Ownership or Control:** 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 or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Division. The Division may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Division shall approve ALL transfers of permits.
- C.12. **Availability of Reports:** Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Division. As required by the CWA, 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.
- C.13. **Furnishing False Information and Tampering with Monitoring Devices:** Any person who intentionally or with criminal negligence 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 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 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.
- C.14. **Penalty for Violation of Permit Conditions:** NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705, inclusive.
- C.15. **Permit Modification, Suspension or Revocation:** After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
  - C.15.1. Violation of any terms or conditions of this permit;



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- C.15.2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
  - C.15.3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - C.15.4. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
  - C.15.5. Material and substantial alterations or additions to the permitted facility or activity;
  - C.15.6. The Division has received new information;
  - C.15.7. The standards or regulations have changed; or
  - C.15.8. The Division has received notification that the permit will be transferred.
  - C.16. **Minor Modifications:** With the consent of the Permittee and without public notice, the Division may make minor modifications in a permit to:
    - C.16.1. Correct typographical errors;
    - C.16.2. Clarify permit language;
    - C.16.3. Require more frequent monitoring or reporting;
    - C.16.4. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the permit and does not interfere with attainment of the final compliance date;
    - C.16.5. Allow for change in ownership;
    - C.16.6. Change the construction schedule for a new discharger provided that all equipment is installed and operational prior to discharge;
    - C.16.7. Delete an outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits; or
    - C.16.8. Reallocate the IWLA as long as the  $\Sigma$ IWLA does not change.
  - C.17. **Toxic Pollutants:** Notwithstanding Section C (Permit Modification, Suspension or Revocation), if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.
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- C.18. Liability:** Nothing in this 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. However, except for any toxic effluent standards and prohibitions imposed under Section 307 of the CWA or toxic water quality standards set forth in NAC 445A.144, compliance with this permit constitutes compliance with CWA Sections 301, 302, 306, 307, 318, 403, 405(a) and (b), and with NRS 445A.300 through 445A.730, inclusive.
- C.19. Property Rights:** The issuance of this 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.
- C.20. Severability:** The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- C.21. Duty to Comply:** The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; permit termination; revocation and reissuance, or modification; or denial of a permit renewal application.
- C.22. Need to Halt or Reduce Activity Not a Defense:** It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.
- C.23. Duty to Provide Information:** The Permittee shall furnish to the Division, within a reasonable time, any relevant information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.
- C.24. Other information:** Where the Permittee becomes aware of failure to submit any relevant facts in a permit application or the submittal of incorrect information in a permit application or in any report to the Division, the Permittee shall promptly submit such facts or information.
- C.25. Reapplication:** If the Permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires on the application forms then in use. The Permittee shall submit the sludge information listed in 40 CFR 501.15(a)(2) with the renewal application. The renewal application shall be accompanied by the fee required by NAC 445A.232.
- C.26. Signatures, Certification Required on Application and Reporting Forms:** All applications, reports, or information submitted to the Division 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
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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.”

- C.26.1.** All applications, reports or other information submitted to the Division shall be signed by one of the following:
- C.26.2.** 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 from which the discharge described in the application or reporting form originates;
- C.26.3.** A general partner of the partnership;
- C.26.4.** The proprietor of the sole proprietorship; or
- C.26.5.** A principal executive officer, ranking elected official or other authorized employee of the municipal, state or other public facility.
- C.27.** **Changes to Authorization:** If an authorization under Section C.25 (Signatures, Certification Required on Application and Reporting Forms) 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 Section C.25 (Signatures, Certification Required on Application and Reporting Forms) must be submitted to the Division prior to or together with any reports, information, or applications to be signed by an authorized representative.
- C.28.** **Definitions:**

**25-year, 24-hour storm event** means a precipitation event with a probable recurrence interval of once in twenty-five years, as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional or State rainfall probability information developed from this source.

**100-year, 24-hour storm event** means a precipitation event with a probable recurrence interval of once in one hundred years, as defined by the National Weather Service in Technical Paper No. 40, "Rainfall Frequency Atlas of the United States," May, 1961, or equivalent regional or State rainfall probability information developed from this source.

**Acute Toxicity** means the concentration that is lethal to 50 percent of the test organisms within 96 hours.

**Agricultural land** means land on which a food crop, a feed crop, or a fiber crop is grown. This includes rangeland and land used as pasture.

**Agronomic rate** means the whole sludge application rate (dry weight basis) designed: To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and to minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the

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land to the groundwater.

**Biosolids** are non-hazardous sewage sludge or domestic septage.

**Bypass** means the intentional diversion of waste streams from any portion of a treatment facility.

**Chronic precipitation event** means a series of wet weather conditions that precludes reducing the volume of properly designed, constructed, operated, and maintained waste storage and/or treatment facilities and that total a volume in excess of the 25-year, 24-hour storm event.

**Composite Sample (for flow-rate measurements) sample** means the arithmetic mean of no fewer than six individual measurements taken at equal time intervals for 24 hours, or for the duration of discharge, whichever is shorter.

**Discrete sample** means any individual sample collected in less than 15 minutes.

**Feed crops** means crops produced primarily for consumption by animals.

**Food crops** means crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

**Land application** means the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

**Land application area** means land under the control of the Permittee, whether it is owned, rented, or leased, to which manure or process wastewater from the production area is or may be applied.

**Manure** means animal excrement and is defined to include bedding, compost, and raw materials or other materials commingled with animal excrement or set aside for disposal.

**Process wastewater** means water directly or indirectly used in the operation of the facility.

**Sewage sludge** means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works.

**Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not excuse noncompliance to the extent caused by operational error, improperly designed include treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**Vegetated buffer** means a permanent strip of dense perennial vegetation

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established parallel to the contours of and perpendicular to, the dominant slope for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential pollutants leaving being released.