

Stormwater General Permit NVR100000

State of Nevada

Division of Environmental Protection

General Permit

In compliance with the provisions of the Federal Clean Water Act as amended (33 U.S.C. 1251 et seq: the "Act") and Chapter 445A of the Nevada Revised Statutes (NRS), eligible dischargers who have submitted a Notice of Intent, filing fee, and have a Stormwater Pollution Prevention Plan(s) completed and maintained on the Permittee's site location in accordance with this permit, are authorized to discharge

Stormwater Associated with Construction Activity

or

Stormwater Associated with Small Construction Activity

and

Stormwater Associated with Industrial Activity from Temporary Concrete, Asphalt, and Material Plants or Operations Dedicated to the Permitted Construction Project

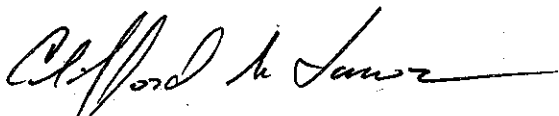
to Waters of the United States

in accordance with the conditions set forth in Parts I and II hereof.

This permit shall become effective on September 16, 2002.

This permit and the authorization to discharge shall expire at midnight September 15, 2007.

Signed this 16th day of SEPTEMBER, 2002



Clifford M. Lawson
Bureau of Water Pollution Control

PART I SPECIFIC CONDITIONS

I.A PERMIT COVERAGE

I.A.1 Objective

The objective of this permit is to control and reduce pollution of Waters of the U.S. from: Stormwater Discharges Associated with Construction Activity; Stormwater Discharges Associated with Small Construction Activity; and Stormwater Discharges Associated with Industrial Activity from temporary plants or operations set up to produce concrete, asphalt, or other materials for the permitted construction project; through the use of Best Management Practices (BMPs).

- a. *Stormwater Discharge Associated with Construction Activity*, applying to projects disturbing five or more acres, is defined at Title 40 of the Code of Federal Regulations Part 122 section 26 paragraph (b)(14)(x) [40 CFR §122.26(b)(14)(x)].
- b. *Stormwater Discharge Associated with Small Construction Activity*, applying to projects disturbing at least one acre but less than five acres, is defined at 40 CFR §122.26(b)(15).
- c. *Stormwater Discharge Associated with Industrial Activity* is defined at 40 CFR §122.26(b)(14).
- d. *Waters of the U.S.* is defined at 40 CFR §122.2. Discharges to storm drain systems that in turn discharge to Waters of the U.S. are considered to be discharges to Waters of the U.S.
- e. *Best Management Practice (BMP)* is defined at 40 CFR §122.2 and in addition the term shall include erosion and sediment controls, stormwater conveyance, stormwater diversion, and treatment structures, and any procedure or facility used to minimize the exposure of pollutants to stormwater or to remove pollutants from stormwater.

I.A.2 Eligibility, Request for Inclusion, Continuation of Coverage

a. Eligibility

- (i) Construction projects with Stormwater Discharges Associated with Construction Activity to Waters of the U. S. are eligible for this permit.
- (ii) Construction projects with Stormwater Discharges Associated with Small Construction Activity to Waters of the U. S. are eligible for this permit beginning March 10, 2003.

- (iii) Stormwater Discharges Associated with Industrial Activity (as defined in 40 CFR §122.26) to Waters of the U.S. from temporary plants or operations set up to produce concrete, asphalt, or other materials for the permitted construction project are eligible for this permit. This does not apply to commercial operations, or those that serve multiple projects.

b. Request for Inclusion

- (i) Eligible dischargers must request inclusion in this permit by submitting a Notice of Intent (Exhibit A), filing fee, no later than two (2) days prior to the start of construction.
- (ii) Eligible concrete, asphalt, and material plants or operations shall be included on the Notice of Intent submitted for the construction project. A separate Stormwater Pollution Prevention Plan shall be prepared and maintained on the Permittees project site for these discharges.
- (iii) Notice of Intent forms are available from the Division. The minimum information required on a Notice of Intent consists of:
 - (1) Owner/Operator (Applicant) Information: Name, address, city, state, zip code and phone number
 - (2) Project/Site Information: Project Name, Project Address/Location, City, State, Zip Code, Latitude, Longitude, County
 - (3) Name of Receiving Water
 - (4) Estimated Construction Start Date
 - (5) Estimated Completion Date
 - (6) Estimate of area to be disturbed (to nearest acre)
 - (7) Estimate of Likelihood of Discharge
 - (8) Address of location of SWPPP for viewing, City, State, Zip Code, Phone
 - (9) Certification statement, defined in section II.B.1.d, signed and dated by the permittee.

c. Continuation of Coverage

To be included in this permit, holders of expired general permit GNV0022241 must submit a new Notice of Intent without the filing fee within thirty days of the effective date of this permit. In addition, the previously supplied permit i.d. number (3XXXX) must be included with the submittal for identification purposes.

I.A.3 Authorization

- a. Eligible dischargers shall be included in this permit effective upon the authorization date.
- b. The authorization date shall be:

- (i) The date the Notice of Intent, and filing fee are received and approved by the Division, or
 - (ii) The effective date of this permit for all holders of expired general permit GNV0022241 that have submitted a new Notice of Intent for this permit.
- c. An authorization letter will be sent to the general permit holder stating the authorization date. Special conditions may be included.
- d. During the period beginning on the authorization date and lasting until permit coverage is terminated, the Permittee is authorized to discharge:
- (i) Stormwater Associated with Construction Activity, or
 - (ii) Stormwater Associated with Small Construction Activity, and
 - (iii) Stormwater Associated with Industrial Activity from temporary concrete, asphalt, and material plants or operations dedicated to the permitted construction project,

to Waters of the U. S. in accordance with the Stormwater Pollution Prevention Plan and the conditions of this permit.

I.A.4 Miscellaneous Non-stormwater Discharges

Permittees authorized under this permit are also authorized for miscellaneous non-stormwater discharges if those discharges are not significant contributors of pollutants. Such discharges may include: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; water used to control dust; potable water sources including waterline flushings; routine external building wash down which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated ground water or spring water; and foundation or footing drains where flows are not contaminated with process materials such as solvents. BMPS shall be implemented if needed to minimize impacts of these discharges. Non-stormwater discharges that are significant contributors of pollutants shall be eliminated or authorized under a separate permit. Although fire-fighting drainage may contain significant pollutant concentrations, the frequency of occurrence is low and the discharge is hereby authorized out of necessity.

I.A.5 Requirement for Individual Permit

The Division may require the holder of a general permit to apply for and obtain an individual permit in accordance with NAC 445A.269.

I.A.6 Notice of Termination

A Notice of Termination must be submitted upon completion of the project. To terminate permit coverage, a Notice of Termination (Exhibit B), as approved by the

Division, shall be submitted when final stabilization has been achieved or when the project has been transferred to another operator.

a. The minimum information required on a Notice of Termination consists of:

- (1) Stormwater general permit number
- (2) Facility operator information: name, address, city, state, zip code, phone
- (3) Facility/site location information: name, address, city, state, zip code, phone
- (4) Certification statement signed and dated by the permittee. The certification statement is: (For construction projects with more than one Permittee and/or operator, the Permittee need only make this certification for those portions of the construction site where the Permittee was authorized under this permit and not for areas where the Permittee was not an operator):

"I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that was authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act."

Final Stabilization means that either:

1. All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed. In such parts of the country, background native vegetation will cover less than 100% of the ground. Establishing at least 70% of the natural cover of the native vegetation meets the vegetative cover criteria for final stabilization (e.g., if the native vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization; on a beach with no natural vegetation, no stabilization is required); or

2. For individual lots in residential construction by either:
 - a. The homebuilder completing final stabilization as specified above, or
 - b. The homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization; or
3. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "water of the United States," and area which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) or (2) above.

I.A.7 Address for Submittal

All Notices of Intent, filing fees and any other information required by this permit or the Division shall be submitted to the Division at the following address:

Stormwater Coordinator
Bureau of Water Pollution Control
Nevada Division of Environmental Protection
333 West Nye Lane
Carson City NV 89706-0851

I.B. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

I.B.1 Objective

Prior to submitting the Notice of Intent and filing fee the SWPPP shall be completed and available for inspection at the project site for each construction project and material plant or operation covered by this permit. The purpose of the plan is to guide the identification of stormwater pollution sources, the reduction of their impacts, and otherwise lead to compliance with the conditions of this permit. The SWPPP shall be prepared in accordance with good engineering practice and shall consist of project information, BMPs, inspection and maintenance, non-stormwater discharges, and a description of permanent stormwater controls that will be built as part of the project. Each of the plan elements must be revised as necessary to maintain accuracy if there are changes in design or construction of the project or if the SWPPP is found to be insufficient. The Division may require modifications to a SWPPP within a specified time frame. The permittee shall make SWPPPs available upon request to the State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site. The copy of the SWPPP that is

required to be kept on-site or locally available must be made available by the Division for review at the time of an on-site inspection. The SWPPP shall include the following minimum elements.

a. Project Description

- (1) Permittee: Company or agency, street address, city, state, zip code, and phone number
- (2) Contact information: Name, street address, city, state, zip code, and phone number
- (3) Person(s) responsible for implementation of plan
- (4) Project Name
- (5) Project Location: Address, City, and County
- (6) A description of the nature of the construction activity;
- (7) A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation);
- (8) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including offsite borrow and fill areas;
- (9) An estimate of the runoff coefficient of the site for both the preconstruction and post-construction conditions and data describing the soil or the quality of any discharge from the site;
- (10) A general location map (e.g., a portion of a city or county map) and a site map indicating the following:
 - (i) Drainage patterns and approximate slopes anticipated after major grading
 - (ii) Activities; areas of soil disturbance;
 - (iii) Areas which will not be disturbed;
 - (iv) Locations of major structural and nonstructural controls identified in the SWPPP;
 - (v) Locations where stabilization practices are expected to occur;
 - (vi) Locations of off-site material, waste,
 - (vii) Borrow or equipment storage areas;
 - (viii) Surface waters (including wetlands); and
 - (ix) Locations where storm water discharges to a surface water;
- (11) Location and description of any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants, which is covered by this permit;
- (12) The name of the receiving water(s) and the aerial extent and description of wetland or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the

- project;
- (13) A copy of the permit requirements (attaching a copy of this permit is acceptable);

b. Controls

Each SWPPP shall include a description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges to the maximum extent practicable (MEP). The SWPPP must clearly describe for each major activity identified in Part I.B.1.a. (7): (a) Appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and (b) Which Permittee is responsible for implementation (e.g., perimeter controls for one portion of the site will be installed by Contractor A after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site; and perimeter controls will be actively maintained by Contractor B until final stabilization of those portions of the site up-gradient of the perimeter control; and temporary perimeter controls will be removed by the owner after final stabilization). The description and implementation of control measures shall address the following minimum components:

(1) Erosion and Sediment Controls.

(i) Short and Long Term Goals and Criteria:

- (a) The construction-phase erosion and sediment controls should be designed to retain sediment on site to the maximum extent practicable.
- (b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturers specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the Permittee must replace or modify the control for site situations.
- (c) If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).
- (d) Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.
- (e) Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, picked up daily).
- (f) Offsite material storage areas (also including overburden and

stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWPPP.

(2) Stabilization Practices:

The SWPPP must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.

The following records shall be maintained and attached to the SWPPP: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; and, the dates when stabilization measures are initiated.

Except as provided in Parts I.B.1.b. (2)(i), (ii), and (iii) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

- (i) Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease(s) is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.
- (ii) Where construction activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of site.
- (iii) In arid areas (areas with an average annual rainfall of 0 to 10 inches), semiarid areas (areas with an average annual rainfall of 10 to 20 inches), and areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.

(3) Structural Practices:

The SWPPP must include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check

dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to section 404 of the CWA.

- (i) For common drainage locations that serve an area with ten (10) or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the Permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the Permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations which serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions.
- (ii) For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained is provided.

c. Stormwater Management.

A description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed must be included in the SWPPP. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may also require a separate permit under section 404 of the CWA. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. However, post construction stormwater BMPs that discharge pollutants from point sources once construction is completed may, in themselves, need authorization under a separate NPDES permit.

- (1) Such practices may include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
- (2) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

d. Other Controls.

- (1) No solid materials, including building materials, shall be discharged to waters of the United States, except as authorized by a permit issued under section 404 of the CWA.
- (2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized.
- (3) The SWPPP shall be consistent with applicable State, and/or local waste disposal, sanitary sewer or septic system regulations to the extent these are located within the permitted area.
- (4) The SWPPP shall include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP shall also include a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- (5) The SWPPP shall include a description of pollutant sources from areas

other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

e. Approved State or Local Plans.

- (1) Permittees which discharge storm water associated with construction activities must ensure their storm water pollution prevention plan is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by State or local officials.
- (2) Storm water pollution prevention plans must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by State or local officials for which the Permittee receives written notice.

f. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. If site inspections required by Part I.B.1.g identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

g. Inspections

Qualified personnel (provided by the Permittee or cooperatively by multiple Permittees) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven (7) calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

- (1) Permittees are eligible for a waiver of weekly inspection requirements until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:
 - (i) The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month);
 - (ii) Land disturbance activities have been suspended; and

- (iii) The beginning and ending dates of the waiver period are documented in the SWPPP.
- (2) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Sediment and erosion control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
- (3) Based on the results of the inspection, the SWPPP shall be modified as necessary (e.g., show additional controls on map required by Part I.B.1.a; revise description of controls required by Part I.B.1.b) to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP shall be completed within 7 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed within 7 days following receipt of the inspection results or prior to the next anticipated storm event, whichever is sooner.
- (4) A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP shall be made and retained as part of the SWPPP for at least three years from the date that the site is finally stabilized. Major observations should include: the location(s) of discharges of sediment or other pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Actions taken in accordance with Part I.B.1.g. (3) of this permit shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part VI.G of this permit.

h. Non-Storm Water Discharges

Except for flows from fire fighting activities, sources of non-storm water listed in Part I.A.4 of this permit that are combined with storm water discharges associated with construction activity must be identified in the SWPPP. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

PART II STANDARD CONDITIONS

II.A OPERATING REQUIREMENTS

II.A.1 Proper Operation and Maintenance

The Permittee shall implement all BMPs used to comply with this permit and maintain them in good working order.

II.A.2 Removed Substances

Solids and other pollutants removed in the course of treatment or control of stormwater shall be disposed of in accordance with applicable laws, regulations, codes, and ordinances.

II.A.3 Water Quality Standards

There shall be no discharge of substances that cause or contribute to a violation of the water quality standards of the State of Nevada.

II.A.4 Sampling and Analysis

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

II.A.5 Test Procedures

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

II.A.6 Recording the Results

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

- a. The exact place, date, and time of sampling
- b. The dates the analyses were performed
- c. The person(s) who performed the analyses
- d. The analytical techniques or methods used, and

- e. The results of all required analyses.

II.A.7 Adverse Impact

The Permittee shall take all reasonable steps to minimize any adverse impacts to receiving waters from any unauthorized discharge including monitoring as necessary to determine the nature and impact of the unauthorized discharge.

II.B ADMINISTRATIVE REQUIREMENTS

II.B.1 Signature Requirements

a. Notices of Intent

All notices of intent shall be signed as follows:

(i) For a corporation

By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- (1) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
- (2) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) For a partnership or sole proprietorship

By a general partner or the proprietor, respectively; or

(iii) For a municipality, state, federal, or other public agency

By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

- (1) The chief executive officer of the agency, or
- (2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. Duly Authorized Representative

All Stormwater Pollution Prevention Plans and any other information required by this permit or requested by the Administrator shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (i) The authorization is made in writing by a person described in paragraph (a) of this section
- (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the construction project or for environmental matters for the company, and
- (iii) The authorization is submitted to the Division.

c. Changes to Authorization

If an authorization under paragraph (b) of this section is no longer accurate because the individual or position has changed, a new written authorization must be submitted to the Division prior to or together with any information signed by the new representative.

d. Certification

Any person signing a document under paragraphs (a) or (b) of this section shall make the following certification.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. I also confirm that a storm water pollution prevention plan (SWPPP) has been completed, will be maintained at the project site from the start of construction activities, and that the SWPPP will be compliant with any applicable local sediment and erosion control plans. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the 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 fines for knowing violations."

II.B.2 Records Retention

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

II.B.3 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. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

II.B.4 Continuation of Coverage

In accordance with NAC 445A.241, this permit shall remain in effect until reissued, and existing permittees shall be included in the reissued permit if a new Notice of Intent is submitted prior to the expiration date of this permit. A filing fee is not required for this submittal.

II.B.5 Transfer of Ownership or Control

If control or ownership of the construction project changes, 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. To transfer permit coverage, the new owner or controller must submit a written request to the Division. All transfer of permits shall be approved by the Division.

II.B.6 Annual Fee

The permittee shall remit an annual fee in accordance with NAC 445A.268 on or before July 1 every year except the year the filing fee is submitted.

II.B.7 Right of Entry

The permittee shall allow representatives of the Division upon the presentation of credentials:

- a. To enter upon the construction site or the permittees premises where any records are kept under the terms and conditions of this permit; and
- b. At reasonable times, to have access to and copy any records kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method used pursuant to this permit; and to perform any necessary sampling to determine compliance with this permit or to sample any discharge.

II.B.8 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.

II.B.9 Furnishing False Information and Tampering with Monitoring Devices

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any 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.

II.B.10 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:

- a. Violation of any terms or conditions of this permit

- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts, or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

II.B.11 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.

II.B.12 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.

II.B.13 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.