



FACTSHEET
(pursuant to NAC 445A.236)

Permittee Name: LAS VEGAS VALLEY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMITTEES

600 GRAND CENTRAL PARKWAY SUITE 300
LAS VEGAS, NV 89166

Permit Number: NV0021911

Permit Type: MUNICIPAL SEPARATE STORM SEWER SYSTEMS

Designation: MAJOR NPDES

New/Existing: EXISTING

Location: LAS VEGAS VALLEY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), CLARK
LAS VEGAS VALLEY MS4 PERMITTEES IN CLARK COUNTY, LAS VEGAS, NV 89166
LATITUDE: 36.171860, LONGITUDE: -115.160614
TOWNSHIP: T20S, RANGE: R61E, SECTION: S33

Outfall / Well Num	Outfall / Well Name	Location Type	Well Log Num	Latitude	Longitude	Receiving Water
MS4	LAS VEGAS VALLEY MS4	Sum		36.165502	-115.155258	WATERS OF THE UNITED STATES

Permit History/Description of Proposed Action

Pursuant to section 402 of the Code of Federal Regulations, stormwater discharge permits are required for discharges to waters of the United States from municipal separate storm sewer systems (MS4) serving a population of 100,000 people or more. The City of Henderson, City of Las Vegas, City of North Las Vegas, Clark County, and the Clark County Regional Flood Control District (Permittees) are authorized to discharge stormwater, and some non-stormwater discharges as defined in the permit, from their municipal separate storm sewer systems (MS4), located in the Las Vegas Valley (as shown in Table 1) to waters of the United States. The Nevada Division of Environmental Protection (Division) has accepted the area of coverage (Exhibit 1 in the MS4 permit), which is the urban development boundary (UDB) of the Las Vegas Valley Master Plan. This permit does not apply to Nellis Air Force Base, NDOT MS4 jurisdiction within Las Vegas Valley, or to any areas outside Las Vegas Valley, including Boulder City, Laughlin, Mesquite, Ivanpah Valley, Nellis Air Force Base, or portions of North Las Vegas and any other incorporated or unincorporated areas located outside the Las Vegas Valley. This permit does not cover construction disturbances of one acre or greater or industrial activities which require a separate permit under the federal regulations. These discharges are authorized under Permit NVR100000 and Permit NVR050000, respectively.

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

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

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

On March 10, 2003, Phase II of the Stormwater program took effect. The Stormwater Phase II Rule extends coverage of the NPDES stormwater program to certain “small” MS4s but takes a slightly different approach on how the stormwater management program is developed and implemented. A small MS4 is any MS4 not already covered by the Phase I program as a medium or large MS4. A small MS4 can be designated by the permitting authority as a regulated small MS4 in one of three ways: Automatic Nationwide Designation; Potential Designation by the NPDES Permitting Authority – Required evaluation; or Potential Designation by the NPDES Permitting Authority – Physically Interconnected. Under the final rule, the NPDES permitting authority is required to designate any small MS4 located outside of an Urbanized Area that contributes substantially to the pollutant loadings of a physically interconnected MS4 regulated by the NPDES stormwater program.

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

The “Interpretative Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems” issued by USEPA on May 17, 1996, outlines the requirements for permittees seeking a second MS4 NPDES Stormwater Permit. The requirements are: (1) name and address of the applicant; (2) name and title of primary administrative and technical contacts; and (3) proposed changes or improvements to the stormwater management program and monitoring activities for the upcoming five-year term of the permit. In addition, EPA recommends that the applicant provide identification of any previously unidentified water bodies and a summary of any known water quality impacts.

Discharge Characteristics

The permit authorizes the discharge of stormwater to waters of the U.S. The following non-stormwater discharges are also authorized by this permit:

- Water line flushing during testing or fire hydrant testing not requiring a separate permit;
- Diverted stream flows;
- Springs or rising groundwaters;
- Uncontaminated groundwater;
- Potable water sources;
- Foundation and/or footing drains;
- Air conditioning condensate;
- Irrigation water from lawns and landscaping;
- Water from crawl space pumps;
- Flows from natural riparian habitats and wetlands;

- De-chlorinated swimming pool water;
- Individual residential car washing;
- Street wash water;
- Discharges or flows from firefighting activities, including training activities;
- Dewatering discharges not requiring a separate permit;
- Discharges from sources required to be covered under a separate National Pollutant Discharge Elimination System (NPDES) permit that pass through the Permittees' MS4; and
- Other discharges determined not to be a substantial contributor of pollutants to waters of the United States by the Division.

Receiving Water

The receiving waters are various waters of the United States in the Las Vegas Valley.

Proposed Effluent Limitations

The Permittees are required to revise and update, as needed, their Stormwater Management Program (SWMP) to address the following areas as they relate to the Permittees' MS4:

- The Permittees' legal authority to manage its MS4;
- Stormwater education;
- Public involvement and participation;
- MS4 mapping;
- Discharges to impaired waters;
- Construction site BMPs;
- New development and redevelopment planning;
- Illicit discharge detection and elimination;
- Industrial facility monitoring and control;
- Maintenance facilities; and
- Herbicide, pesticide, and fertilizer application.

Summary of Changes From Previous Permit

Structure of the Permit:

The overall formatting for the permit has changed for readability for the Permittee's understanding and compliance with the permit's requirements.

Discharges to Water Quality Impaired Waters:

The Permittees are required to report on Impaired Waters-Nevada 303 (d) List of Impaired Waters and Waste Load Allocations (WLA) in their Annual Report.

Stormwater Management Program (SWMP):

The Permittees are required to put the SWMP through a public notice process before it is accepted by the Division.

Measurable Goals:

The Permittees are required to develop narrative and/or numerical measurable goals for tracking the development or implementation of each program element listed above. The measurable goals are submitted to the Division within the SWMP.

Stormwater Monitoring:

Additionally, the Permittee is required to submit a stormwater monitoring plan annually. The stormwater monitoring plan is designed to identify pollution problem areas, determine which problem areas are the most significant, and evaluate the effectiveness of pollutant reduction measures.

Electronic reporting will be required by December 21, 2025 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.

Monitoring and Reporting:

The entire section is new. Some exceptions apply as noted in SA – Special Approvals/Conditions Table in the permit.

Technology Based Effluent Limitations

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

Rationale for Permit Requirements: The conditions set in permit language are the minimum requirements to maintain and implement an effective stormwater program within the confines of EPA-published rules (40CFR Part 122) for use in stormwater permits.

Water Quality Based Effluent Limitations

The Permittees are required to report on Impaired Waters-Nevada 303 (d) List of Impaired Waters and Waste Load Allocations (WLA) in their Annual Report.

Rationale for Permit Requirements

The Division has established the requirements of this Permit to ensure that waters of the United States are not degraded as a result of the Permittees' discharges, and so that the permit complies with State and Federal laws and regulations.

Special Conditions

This permit shall be issued under the requirements of these special conditions:

SA – Special Approvals / Conditions Table

Item #	Description
1	The annual reporting period shall be for the fiscal year (FY), July 1 to June 30. Annual Reports shall be due November 1 following each FY reporting period.
2	The Permittees shall submit a final revised Stormwater Management Plan (SWMP) to the Division no later than six (6) months after the Permittees receive comments from the Division.
3	If any report, plan, or other submittal required by this permit cannot be submitted on or before the due date, the Permittees shall notify the Division within a reasonable time under the circumstances, which shall be no less than 72 hours of the Permittees' knowledge of the delay. The Permittees 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 Permittees in writing of its decision regarding the extension request.
4	The Permittees will be notified of the Division's comments in writing and either the Permittees or the Division may request a meeting to discuss said comments. For any report, plan, or other submittal required by this permit, the Permittees shall address the Division comments.
5	All notifications and written documents required by this permit shall be submitted to the Division, Bureau of Water Pollution Control, Stormwater Branch Supervisor.
6	The following sections do not apply to this Permit: C.1.1, C.1.2, C.1.3, C.1.4, C.1.6, C.2, C.3, C.5, C.6, C.7-third sentence, C.8, C.9, C.16.6, C.25-second sentence, C.28 except for terms used in this Permit.

Item #	Description
7	In addition to Section A.2.: If it is determined that the Permittees' discharge(s) cause or contribute to an instream exceedance of water quality standards, the Division may require corrective action.
8	In addition to Section C.21 Duty to Comply: Each Permittee is responsible for its own compliance with this permit, but not for any noncompliance of another Permittee. No Permittee shall be held liable for the violation of this permit by another Permittee.
9	In addition to Section C.25 Reapplication: If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect.

Flow

The flow consists of stormwater and some permit-authorized non-stormwater discharges. The flow rates associated with this permit will vary by activity and by precipitation event characteristics.

Discharges From Future Outfalls/ Planned Facility Changes

N/A

Corrective Action Sites

Because this permit covers discharges from a large, dispersed area, discharges that could be impacted by corrective actions sites, or vice versa, shall be evaluated on a case-by-case basis.

Wellhead Protection Program

Because this permit covers discharges from a large, dispersed area, discharges near or within wellhead protection areas and drinking water protection areas shall be evaluated on a case-by-case basis.

Schedule of Compliance:

SOC – Schedule of Compliance Table

Item #	Description	Due Date
1	Submit a revised draft of the Stormwater Management Plan per Section B.5.1. for Division review no later than one (1) year from the issue date of this permit.	2/5/2025

Deliverable Schedule:

DLV– Deliverable Schedule for Reports, Plans, and Other Submittals

Item #	Description	Interval	First Scheduled Due Date
1	Annual Report	Annually	11/1/2024
2	Annual fiscal analysis to include allocated resources, expenditures, and staff resources.	Annually	11/1/2024
3	Stormwater Monitoring Plan per Section B.6.1.	Annually	8/5/2025

Procedures for Public Comment:

The Notice of the Division's intent to issue a permit authorizing the facility to discharge to groundwater of the State of Nevada subject to the conditions contained within the permit, is being mailed to interested persons on our mailing list and will be posted on our website at <https://ndep.nv.gov/posts>. Anyone wishing to comment on the proposed permit can do so in writing until 5:00 P.M. **1/12/2024**, a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected interstate agency, the Regional Administrator of EPA Region IX or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted. Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determined to be appropriate. All public hearings must be conducted to accordance with NAC 445A.238.

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

Proposed Determination:

The Division has made the tentative determination to issue/re-issue the proposed 5-year permit.

Prepared by: **Kathryn Foxworthy**

Date: **2/2/2024**

Title: **Staff II Associate Engineer**