



Permitting for Environmental Results (PER)

NPDES Profile: Nevada and Indian Country

PROGRAM RESPONSIBILITY

State of Nevada: NPDES authority for base program, federal facilities, general permitting

EPA Region 9: NPDES authority for pretreatment, biosolids

EPA Region 9: NPDES authority for all facilities in Indian Country

Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information, please contact John Tinger, EPA Region 9, at (415) 972-3518 or Jon Palm, Nevada Division of Environmental Protection, at (775) 687-9433.

Section I. Program Administration

1. Resources and Overall Program Management

The State of Nevada:

The NPDES program was authorized on September 19, 1975. Authorization for the regulation of federal facilities occurred on August 31, 1978, and authorization for general permits on July 27, 1992. The program is administered through the Bureau of Water Pollution Control (BWPC), which is part of the Department of Conservation and Natural Resources, Division of Environmental Protection (NDEP). BWPC drafts permits, and manages and inspects all NPDES permittees for surface and stormwater discharges. There are 10 major facilities with NPDES permits issued in the State and 79 minor facilities with individual State-issued NPDES permits.

The State has adopted a fee program to fund NPDES-related activities. The program includes an application fee of \$1,000 to \$10,000 and an annual fee of up to \$44,100 based on the volume of discharge.

Table 1: NPDES Universe in Nevada

	Major Facilities	Minor Facilities with Individual Permits	Minor Facilities with General Permits	SIUs (including CIUs)	CAFOs
Number of Sources	10 ^a 2 Phase I MS4s	79 ^a	6 small MS4s 1,500 construction 64 mining 387 industrial ^b	98 (EPA-administered program)	1 existing
Percentage of National Universe	<1%	<1%		<1%	<1%

Note: MS4s = municipal separate storm sewer systems; SIUs = significant industrial users; CIUs = categorical industrial users; CAFOs = concentrated animal feeding operations.

^aPermit Compliance System (PCS), 7/29/04. (Note that the National Data Sources column on the Management Report dated 7/9/04, measure #2, indicates that there are 65 minor facilities in Nevada. EPA Region 9 and the State recently reconciled conflicting lists of minor permittees. PCS has been updated and as of 7/29/04 lists 79 minor permits.)

^bNote that the Management Report, measure #3, includes only minor facilities covered by non-stormwater general permits. These facilities are all covered by stormwater general permits.

Nevada has 5 full-time equivalent (FTE) staff members in permits, 4 FTE in compliance and enforcement, and 5.5 FTE in technical services (engineering and inspections). All permit writer positions are currently filled. Permit writers and compliance and enforcement personnel attend an introductory NPDES Permit Writers' Training Course sponsored by EPA, typically within the first 6 months of employment. Frequently, permit writers request repeat training to investigate additional NPDES tools and permitting mechanisms, and these requests are granted as time and funding allow. Personnel who manage water quality criteria development attend the Water Quality Standards Academy at a rate of at least one person per year, as available and as funding allows.

EPA Region 9:

There are no Tribal facilities or federal facilities that discharge to surface waters. There are no federal permits in Nevada. One Region 9 staff person is responsible for EPA oversight of Nevada's permitting program, and one Region 9 staff person is assigned for EPA oversight of Nevada's compliance program. Regional resources are adequate for oversight of the program.

Region 9 staff receive training through standard EPA training opportunities: the NPDES Permit Writers' Training Course, the Water Quality Standards Academy, HQ training, and the like. The Region also has internal training on a variety of issues, including new science, teamwork, management skills, and working with Tribes. Staff participate in training and workshops on topics specific to the Pacific Southwest.

2. State Program Assistance

EPA Region 9:

EPA Region 9 administers the biosolids and pretreatment programs in Nevada. The State has not assumed these programs because of a lack of resources. The State operates an effective biosolids

program under State law, which includes permitting for both biosolids and septage haulers and routine inspections. All biosolids permits are reviewed by EPA, and a final copy of the issued permit is sent to EPA.

3. EPA Activities in Indian Country

Notwithstanding the lack of EPA-issued NPDES permits on Tribal lands, coordination continues with the 25 federally recognized Tribes in many other aspects of the Clean Water Act (CWA) programs.

4. Legal Authorities

EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.

5. Public Participation

An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.

The State of Nevada:

The NDEP public participation process, as specified in State regulations and statutes, is designed to encourage meaningful public contribution to NPDES decision-making activities. NDEP implements the public participation process as required by Nevada Revised Statute (NRS) 233B (Nevada Administrative Procedure Act General Provisions); NRS 445A.590 (Permits), NRS 445A.595 (Permits), and Nevada Administrative Code (NAC) 445A.234. As required by statute, proposed fact sheets and permits are placed on public notice. Fact sheets are crafted in accordance with NAC 445A.236.

The term "public" is not defined by State statute or regulation, but is broadly construed based on NRS 445A.390, which defines "person," a term equivalently used in the statute, "to include the United States, to the extent authorized by federal law, the state or any agency or institution thereof, any municipality or other political subdivision of this state or any interstate body." EPA Region 9 is not aware of any barriers to the State's receiving meaningful public participation on draft permits.

The minimum requirements for public notice and public availability are established in the statute. Although there are no formal procedures for outreach, NDEP holds public hearings when requested by the public and, for permits, when there is significant public interest. Draft permits are published in a local newspaper, made available on NDEP's Web site, and sent directly to a list of stakeholders. NDEP maintains and uses a mailing list of interested parties who have requested individual notices of proposed determinations or administrative actions. Those parties receiving direct mailings include municipal, State, and federal agencies; public interest groups; concerned citizens; and any other interested party. Drafts of major NPDES permits are provided to EPA for comment prior to public notice.

Draft permits are made available for public comment for a period of 30 days. During the public comment period, any person may provide comment and also request a public hearing, although the latter seldom occurs. Responses to public comments are retained in individual permit files for the public record. NDEP evaluates whether a public hearing will be held on the basis of a review of the issues raised and the amount of public interest. Public hearings are given a 30-day public notice in a local or widely read regional publication and are generally held in the vicinity of the permittees' area of impact. These hearings are recorded, but staff are not bound to respond to the public testimony, although they may provide clarification of the issues. In the last quarter of 2003, two hearings were held regarding biosolids applications. Public hearings may also be held when there is anticipated public engagement. A hearing based upon this concept was held for the City of Las Vegas, City of Henderson, and Clark County Wastewater Reclamation District's discharge permits.

The public may request a public hearing to appeal a permit. The hearing is a formal process heard by a panel of the State Environmental Commission. The commission issues a decision based on the administrative record and on testimony provided at the hearing. The permit is either upheld or remanded to the BWPC for modification.

Draft permits and fact sheets are made available on NDEP's Web site. Permits and fact sheets for major facilities issued after November 1, 2002, may be accessed via EPA's Envirofacts Web site at http://oaspub.epa.gov/enviro/ef_home2.water.

The State maintains an electronic data system that tracks notices of intent (NOI) for each of the general permits, including NOI status (approved, current, resubmittal required), which is made publicly available on NDEP's Web site.

Compliance information is not made available through the NDEP's Web site. However, compliance and enforcement status of major facilities with NPDES permits can be accessed through EPA's Enforcement and Compliance History Online (ECHO) Web site at <http://www.epa.gov/echo>.

6. Permit Issuance Management Strategy

The State of Nevada:

All 10 of the State's major permits are current. As of July 29, 2004, 80% of minor permits were current, while 8 minor permits had been expired for over 2 years.¹ No permits have been expired for more than 10 years. The State's prioritization for permit reissuance is simply based on expiration date, given the relatively small universe and manageable backlog of expired permits. EPA and the State have a goal to maintain 100% of permits current. The State provides the Region with quarterly updates on permit issuance, and the Region and NDEP hold quarterly meetings to discuss issuance rates and the upcoming permit cycle.

¹ This differs from the 76.9% current shown in the National Data Sources column of the Management Report, measure #20, because of the minor permittees reconciliation that occurred after June 30, 2004. See also Management Report, measure #2, and Table 1 on page 2.

Table 2: Percentage of Facilities Covered by Current Permits in Nevada
(State-issued Permits)

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	30%	74%	70%	76%	80%	83%	100 %	84%
Minor Facilities Covered by Individual Permits	68%	69%	62%	73%	60.3%	79%	83%	81%
Minor Facilities Covered by Individual or General Permits	N/A	N/A	N/A	N/A	60.3%	85%	83%	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

EPA Region 9:

There are no federally issued NPDES permits in Nevada.

7. Data Management

The State of Nevada:

In addition to the Permit Compliance System (PCS), Nevada uses a system written in FoxPro, the Water Pollution Control System, to track permits. This system includes information on stormwater, concentrated animal feeding operations (CAFOs), pretreatment, and biosolids. Nevada plans to use ICIS-NPDES (modernized PCS) when the new system is available. Because Nevada has not been a direct user of PCS, there has been no sharing of data and NDEP will have to duplicate its data entry into PCS because of the unique data elements required.

The Nevada tracking systems used have not included all Water Enforcement National Database (WENDB) data elements. Now that Nevada is becoming a direct user of PCS, the state is entering WENDB data. Previously, EPA Region 9 had been entering the required WENDB data elements into PCS.

The Region has entered PCS locational data for Nevada when available. The State is now developing a geographic information system (GIS), which should provide the capability for accurate and complete locational data. Nevada will use standard PCS Quick Look retrievals, watch lists, quarterly noncompliance reports, and the PCS data entry edit reports to ensure accurate, complete, and timely data entry.

Latitude and longitude data are obtained from permit applications. The State does not verify the data. The State has not historically provided permit applications to the Region; therefore, the latitude and longitude data have not been routinely entered into PCS. When the State assumes responsibility for PCS entry, it plans to enter these data into PCS.

EPA Region 9:

The Region has historically entered data into PCS for the State of Nevada. NDEP began to assume management of PCS for all individually permitted facilities (major and minor permits) in fiscal year 2004. Training on PCS data management was given to NDEP staff in January 2004. For the time being, the Region will continue to be responsible for PCS data entry for general permits. As indicated earlier, the Region is working with NDEP to correct any deficiencies in PCS before the State assumes data management responsibility. Nevada has maintained local data tracking systems historically, but NDEP will now become a direct user of PCS.

Section II. Program Implementation

1. Permit Quality

The State of Nevada:

NDEP uses a permit processing form to track the permit issuance process. NDEP has developed a supplemental NPDES permit application form (in addition to the EPA-published NPDES permit application forms) requesting additional information for permit development.

The State relies on the knowledge of the permit writer and internal and external review to ensure that appropriate technology and water quality standards are incorporated into permits. The permit-processing form tracks permit issuance and documents appropriate reviews and concurrences. This form does not pertain to the contents of the permit, and there is no standardized procedure for permit review.

Several permits have incorporated wasteload allocations (WLAs) where Total Maximum Daily Loads (TMDLs) have been developed. These permits have also included a pollutant trading mechanism for the discharge of nutrients among several publicly owned treatment works (POTWs). NDEP has also developed a watershed-based permit to address stormwater discharges from Phase II municipal separate storm sewer system (MS4s).

The State has narrative criteria for toxicity. The toxicity criteria are generally met through parameter-specific limitations. Also, the State routinely incorporates monitoring requirements for whole effluent toxicity (WET) into permits in order to determine whether the discharge has reasonable potential to exceed the water quality standards. Although the State does not have a formal procedure for determining reasonable potential for WET, NDEP has included effluent limitations for WET when the discharge could contain toxic parameters. The acute toxicity limit is established in the following instances:

- When the survival of test organisms in the undiluted effluent (100%) sample is less than 90% in 6 out of 11 consecutive samples; or
- When the survival rate of test organisms in the undiluted effluent (100%) sample is less than 70% in any 2 of 11 consecutive samples.

When a toxicity limit is exceeded, the permittee is required to conduct an evaluation of the cause of toxicity. The State uses EPA criteria for the implementation of WET testing methods under the State's NPDES WET program.

The Legislative Council Bureau and the State Budget Office conduct an audit, including file reviews, fiscal accounts, and program functions, of the Nevada Administrative Code, including CWA functions.

EPA Region 9:

EPA reviewed NPDES permits for one municipal facility and two industrial facilities as part of the national permit quality review conducted in 2000-2001. In general, the permits contained required elements. The fact sheets, however, did not contain data on discharge quality or receiving water quality,

or information on the facilities' compliance history. For one of the municipal permit packages, the permit fact sheet did not contain information for evaluating the adequacy of water quality-based effluent limitations (WQBELs). For industrial permits, the fact sheets did not include sufficient detail to evaluate either the application of best professional judgment in setting effluent limitations or the need for WQBELs. This was consistent with the findings of the Region's 1998 program review, which caused the Region to review and comment on every permit issued by the state for a period of about 2 years.

For the past few years EPA Region 9 has not reviewed an extensive number of Nevada permits. The Region is increasing its review of Nevada permits and reviewed approximately six in the past year. In the review of these permits, no omissions were found, and technology-based standards and water quality-based standards were applied correctly. As indicated previously, fact sheets could be improved with additional documentation and rationale for permit conditions. The Region uses the national permit review checklists to review permits, although it does not do a complete checklist for every permit reviewed. The Region is working to provide more timely and appropriate permit reviews. In reviewing NDEP permits, the Region has provided both official written comments and prepublication comments and has held discussions with NDEP staff. Where the Region has provided comments, NDEP has provided timely responses and has incorporated comments where applicable. The Region continues to review permits and to encourage the adequate documentation of permit conditions in the fact sheets by providing both formal and informal comments.

Permit issuance is tracked through PCS and through the quarterly progress reports that NDEP provides to the Region. NDEP and the Region hold formal midyear and final reviews to discuss any issues related to permit quality or other issues. Nevada has achieved a low backlog rate, with 100% permit issuance for major facilities.

2. Pretreatment

The State of Nevada:

The State of Nevada does not have direct implementation responsibilities for the pretreatment program.

EPA Region 9:

Nevada is not authorized to implement the pretreatment program; therefore, the Region is responsible for implementing the pretreatment program. The Region has approved five POTW pretreatment programs.² The Region has identified 98 significant industrial users (SIUs), all of which have control mechanisms. The Region has conducted some searches for SIUs at POTWs without approved pretreatment programs and has not found any.

² The National Data Sources column on the Management Report, measure #8, shows six pretreatment programs because, officially, Reno and Sparks are two separate programs. However, for all reporting and inspections, the Region considers them one program because they share one pretreatment plant.

3. Concentrated Animal Feeding Operations

The State of Nevada:

NDEP has one CAFO covered under an individual NPDES permit, which was issued before the CAFO effluent guidelines were promulgated. It is estimated that 29 facilities will need to be permitted in response to new federal requirements. NDEP and the Department of Agriculture are performing an inventory of CAFOs to determine the actual number of CAFOs in Nevada.

The State Environmental Commission adopted the revised regulations on August 19, 2004.³ NDEP has adopted Natural Resources Conservation Service standards as technical standards for nutrient management, manure storage, and the like. NDEP plans to issue individual permits for CAFOs, although revisions to Nevada regulations and EPA approval of the CAFO permit boilerplate must occur first. NDEP has conducted meetings with stakeholders to inform producers about new regulatory requirements.

EPA Region 9:

The Region conducts monthly conference calls with NDEP to discuss implementation and progress on CAFOs. NDEP has submitted an implementation plan to the Region, and the Region will continue to work with NDEP to meet deadlines. NDEP is scheduled to start issuing individual NPDES CAFO permits under the new regulations in late 2004. (This is from the recently approved State Implementation Plan.)

4. Stormwater

The State of Nevada:

All stormwater general permits are current. The construction general permit was issued in 2002, the industrial multisector general permit in 2003, and the small MS4 general permit in 2002. In addition, NDEP has a separate general permit for the mining industrial sector, issued in 2000, that contains stormwater requirements.

The State has two Phase I MS4 permits covering eight municipalities. These permits are current. The State will also issue an additional Phase I permit to the Nevada Department of Transportation, which is covered under one of the existing permits.

The State maintains an electronic data system that tracks NOIs for each of the general permits, including NOI status (approved, current, or resubmittal required). This database is publicly available on NDEP's Web site.

EPA Region 9:

On Tribal lands, there are no Phase I or Phase II MS4 dischargers in Nevada required to obtain coverage under an EPA Region 9 permit. Construction sites and industrial facilities on Tribal lands are covered under Region 9's general permits and tracked in EPA's NOI system.

³ The National Data Sources column on the Management Report, measure #15, shows CAFO legal authority expected in July 2004. This is based on an estimate made in March 2004.

5. Combined Sewer Overflows/Sanitary Sewer Overflows

The State of Nevada:

There are no combined sewers in Nevada.

NDEP works with the State and County Health Departments to address serious sanitary sewer overflow (SSO) events. The Health Department has a mechanism for alerting the public if the drinking water is suspected to be impacted by wastewater.

NDEP's SSO reporting policy requires dischargers to notify the public of spills and to secure spill sites to prevent public contact with sewage. NDEP typically notifies State or County Health Department officials when they become aware of an SSO. NDEP's spill reporting policy requires that all spills to waters of the United States be reported to NDEP. The spill reporting policy is referenced in NPDES permits for POTWs, thus making the spill reporting requirements an NPDES obligation. Spill reports are placed in the individual facility files, and spills are noted as a violation in NDEP's general violations tracking system.

6. Biosolids

The State of Nevada:

Nationwide, only six States have an EPA-approved biosolids program. Nevada has not applied for formal authorization to administer the biosolids program, although NDEP is administering the program on an informal basis. The federal biosolids rule is self-implementing and must be complied with regardless of a permit. Approximately 20% of Nevada's biosolids are applied on agriculture lands, and 80% are disposed of in landfills.

Under an informal agreement with the Region, the State operates a biosolids program under State law, which includes permitting for both biosolids and septage haulers and routine inspections. NDEP includes biosolids language in NPDES permits issued to wastewater treatment plants and issues sludge-only permits to land appliers and sludge-only treatment facilities.

NDEP requires compliance reports from entities that prepare and apply sewage sludge. NDEP tracks compliance by reviewing monitoring reports and conducting inspections of sludge facilities and application sites.

EPA Region 9:

The Region reviews all biosolids permits, and receives a final copy of the issued permit.

The Region tracks compliance of out-of-State wastewater treatment plants that send biosolids to Nevada.

Section III. NPDES Compliance Monitoring and Enforcement Response

In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.

1. Enforcement Program

The State of Nevada:

NDEP initiates enforcement actions (findings of violation and administrative orders) to address NPDES violations in accordance with the criteria for appropriate and timely action outlined in NDEP's *Enforcement Manual*, dated August 5, 1997. The manual contains guidance for setting priorities, developing standard letters and orders, and calculating penalties. These are adequate to support enforcement. NDEP has an effective, automated enforcement case tracking system, and civil penalties are collected. The enforcement files are current, orderly, and generally complete, and are consistent with the federal Environmental Management System (EMS).

The State ensures that significant violations are addressed in a timely and appropriate manner through the use of NDEP's *Enforcement Manual*, which is consistent with the federal EMS. NDEP identifies corrective actions through inspections and resulting enforcement actions. The *Enforcement Manual* addresses many of the processes mentioned.

The Region believes the State has appropriately identified wet-weather actions as priorities, performing significant compliance assistance outreach and conducting inspections. Nevada has taken enforcement actions on SSO incidents and recently participated in a joint inspection of collection systems.

No judicial actions have been taken within the past 3 years. The process for taking judicial actions is described in the *Enforcement Manual*. NDEP issues civil penalties in accordance with its *Enforcement Manual* and national EPA policy requirements. However, NDEP's economic benefit calculation may lead to civil penalties that tend to be on the lower end of the spectrum.

EPA Region 9:

Some penalties are assessed and collected against non-permitted facilities (typically for spills) and might not be accurately expressed in PCS. The Region is working to improve PCS documentation of these types of actions.

2. Record Keeping and Reporting

The State of Nevada:

In general, the State maintains accurate and up-to-date records. The metadata (rationale for various actions) are maintained in hard-copy files. Nevada reports to the Region quarterly on enforcement issues to update the national data system.

EPA Region 9:

The Region uses ICIS to maintain records on inspections and enforcement information. Compliance assistance is tracked on RCATS. General permits for stormwater are tracked using the national database at <http://www.epa.gov/npdes/cgp>.

3. Inspections

The State of Nevada:

NDEP conducts inspections on all major permittees at least annually, and conducts multiple inspections at some major facilities through sampling inspections each year. Minor facilities are inspected on a 5-year cycle unless immediate action is needed. Inspections are coordinated with the Region.

The State uses targeting to maximize field presence, enforcement actions, and environmental outcomes. NDEP's rationale for inspection selection focuses first on identified immediate threats to human health and the environment, second on addressing facilities reported to be in noncompliance, and finally, on meeting required targets. Reviews of discharge monitoring reports contribute to targeting inspections and to file reviews.

EPA Region 9:

The Region has conducted fewer inspections of major and minor facilities over the years, from five in 2001 and seven in 2002 to one in 2003, although the Region has conducted additional joint inspections with NDEP staff.

4. Compliance Assistance

The State of Nevada:

NDEP has a strong compliance assistance component to its program implementation and has explicitly stated that the mission of its enforcement and compliance program is to ensure compliance with water pollution laws and permits. NDEP's philosophy is that not all violations need to be addressed through formal enforcement actions and that many can be resolved through less formal actions. An example of this is found in the implementation of the construction stormwater program. The State has one of the fastest-growing home building industries in the country, and NDEP has made a concerted effort to provide compliance assistance to the construction sites. As a result, NDEP contends that it has very good compliance with its construction stormwater regulations. However, it is difficult to provide empirical data to support this assertion.

The State conducts annual inspections of all major POTWs and 20% of the minor POTWs. These inspections are coordinated with the Region.

NDEP has indicated there is a person in the Governor's office assigned to assist small businesses with environmental issues.

NDEP states that its staff members are trained in pollution prevention and that NDEP offers pollution prevention assistance with an eye toward compliance and operational efficiency. The pollution prevention efforts focus on reuse of wastewater and reuse of biosolids. The State does not track or record success in this area, but rather measures it by the working relationships developed and the overall compliance rates of facilities.

EPA Region 9:

The Region identifies facilities for enforcement and follow-up based on the results of the annual inspections and a review of annual reports.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The State of Nevada:

Nevada's surface water monitoring network started in 1967. The network has been periodically modified to reflect database reviews, recognize resource constraints, and coordinate with other monitoring programs. The selection of stations was based on land use, water quality, hydromodifications, and topography. The monitoring data is used to assess compliance with water quality standards, conduct trend analysis, validate water quality models, and establish TMDLs. It is also used to compile the list of impaired water bodies prepared under section 303(d) of the CWA, plan amendments under Section 208, and the water quality inventory prepared under CWA section 305(b).

NDEP will prepare a long-term monitoring strategy by February 2005 and will consider changes to the current monitoring program in preparing the strategy. The current statewide monitoring system, while providing data for overall trend analysis, often does not provide NDEP with detailed data needed to complete TMDLs and load allocations. Therefore, NDEP is considering a revision to the sampling strategy.

NDEP was involved in the Western Environmental Monitoring and Assessment Program pilot for perennial stream sampling based on a probabilistic survey design.

2. Environmental Outcomes

The State of Nevada:

There are 14,988 miles of perennial rivers and streams, 126,257 miles of intermittent and ephemeral streams, and 533,239 acres of lakes and reservoirs in Nevada. According to the 2002 CWA section 305(b) report, Nevada assessed 3,255 river miles, representing 2% of total stream miles and 22% of perennial stream miles.⁴ Of the assessed rivers and streams, 1,664 miles (51%) were supporting all assessed uses.

Nevada fully assessed 209,307 acres of lakes and reservoirs (39% of the State's total) and reported that 154,708 acres (74%) were fully supporting all assessed uses. Nevada is reporting that water quality has generally been improving because of the removal of point sources.

⁴ Because of the dry conditions and large number of ephemeral waters in Nevada, it is appropriate to express the percentage of stream miles monitored as a percentage of both the total and the perennial stream miles. See Management Report measures #47 and #48.

3. Water Quality Standards

The State of Nevada:

NDEP has adopted *E. coli* standards for the protection of both full and partial body-contact designated uses. Numeric nutrient standards have been adopted for a number of surface waters, and NDEP also has narrative nutrient criteria. The triennial review schedule has generally been met, and it is not coordinated with NPDES permitting.

NPDES permits contain effluent limitations incorporating TMDLs where applicable. NDEP has incorporated a WLA trading system for two separate listed water bodies; the system allows trading among POTWs, as well as with nonpoint sources.

EPA Region 9:

EPA reviews and approves each water quality standards (WQS) action taken by NDEP under CWA section 303(c). The process involves working with NDEP while the State is amending its WQS and thoroughly reviewing the triennial submissions prior to approval. Through this process EPA ensures that the WQS conform to federal requirements and that implementation procedures are developed, where necessary, thus ensuring that the standards can be implemented in permits. Moreover, the fact that the WQS and permit programs are in the same office ensures close coordination between standards development and permitting needs.

4. Total Maximum Daily Loads

The State of Nevada:

Nevada has 26 approved TMDLs.⁵ Fifteen TMDLs for the East Fork Owyhee River and Mill Creek have been drafted and made available for public comment. These 15 TMDLs will be completed in FY2004 on schedule. In FY2005 NDEP should complete an additional 26 TMDLs for the Carson River and Walker Lake. Most Nevada TMDLs are primarily nonpoint source TMDLs. All priority 1 TMDLs listed in the 2002 CWA section 303(d) list either have been completed and approved or are under development. When the Carson River and Walker Lake TMDLs are completed, all priority 1 (and many priority 2) TMDLs will be complete except the Lake Tahoe TMDL. NDEP is working with California to develop the Tahoe TMDL with a 2006 target date for the technical TMDL.

5. Safe Drinking Water Act

Drinking water intake structures are protected through designated beneficial uses and drinking water quality standards.

⁵ This number differs from the 12 TMDLs shown in the Management Report, measure #54, because it includes TMDLs completed after September 30, 2003, and therefore outside the scope of the Management Report measure, which is through FY2003.

Section V. Other Program Highlights

Nevada has two projects in which pollutant trading is written into a series of permits:

- Clark County, the City of Henderson, and the City of Las Vegas wastewater dischargers (three POTWs) participate in a trading program for the benefit of the Las Vegas Wash. Trading agreements are incorporated into each individual permit, and permittees must collaboratively request modifications to the relative mass discharges as discharging conditions change during the permit term.
- Truckee Meadows Wastewater Reclamation Facility, the City of Sparks, and the Vista Canyon Group participate in a similar WLA trading program for the protection of the Truckee River. Modifications to relative WLAs must be collaboratively agreed upon and proposed to NDEP for modifications of permit terms, to be executed as a minor modification in accordance with the conditions of each permit.



State of Nevada

Department of Conservation and Natural Resources

Organizational Structure

Divisions & Programs

Director's Office

Conservation Districts

Environmental Protection

Division of Forestry

State Parks

Water Resources

State Lands

Natural Heritage

Boards & Commissions

Advisory Board on
Natural Resources

Board For
Financing Water
Projects

Land Use
Planning
Advisory Council

Environmental
Commission

Board To Review
Petroleum
Claims

Nevada Tahoe
Regional Planning
Agency

Conservation
Commission

Well Drillers
Advisory Board

Wild Horse
Commission

NPDES Management Report, Fall 2004

Nevada

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	10	0		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	65	0	79	
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	0	0		
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	114	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	45	0		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	11	0		
	8	# pretreatment programs (1,482 total)	II.2		n/a	n/a	6	5	
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	n/a	98		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	0	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	29	--		
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	22.8%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	7/04	n/a	8/04	
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	0	n/a		
	17	DMR data entry rate	I.7		95%	99%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	0	--		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	100.0%	n/a		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	76.9%	n/a	80.0%	
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	0	0		
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	n/a	83.3%		
	24	% SIUs w/control mechanisms	II.2		99.2%	n/a	100.0%		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	n/a	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	3%	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	0	0		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	0		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft)) (35 States)	II.4	100% states 2008	n/a	Y	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft)) (49 States)	II.4	100% states 2008	n/a	Y	Y		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	100%	0%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	30%	100%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	50%	--		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	0%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	100%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	0	0		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	0	0		

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTs as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

Additional Data: These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

State Activities: Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

EPA Activities: Information in these columns reflects activities conducted by the EPA Region within the State.

NPDES Management Report, Fall 2004

Nevada

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data		
					State Activities	EPA Activities	State Activities	EPA Activities	
Water Quality Progress									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	141,245	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	533,239	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	90	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	n/a	n/a		
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--		
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a		
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submissions	n/a	n/a	0		
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--		
	47	% river/stream miles assessed for recreation	IV.2		13.8%	2.2%	n/a	22.0%	
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	2.2%	n/a	22.0%	
	49	% lake acres assessed for recreation	IV.2		49.4%	56.2%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	56.2%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	0	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	n/a	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	Y	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	12	--		
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	1	0		
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	--	--		
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	0.3%	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	0.0%	n/a		
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--		

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTs as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

Additional Data: These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

State Activities: Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

EPA Activities: Information in these columns reflects activities conducted by the EPA Region within the State.