

- 5.3.3.8 Notice that NDOT is relying on another government entity to satisfy some of the permit obligations, as applicable; and
- 5.3.3.9 Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal stormwater quality management program. The assessment shall also identify known impacts of stormwater controls on ground water.
- 5.3.4 A summary of inspections performed and enforcement activity taken during the report cycle.
- 5.3.5 A summary of public education and outreach activity performed during the report cycle.
- 5.3.6 Annual expenditures for the reporting period, with a breakdown for the major elements of the Stormwater Management Program, and the budget for the year following each annual report.
- 5.3.7 An original signed copy of all reports and plans required herein shall be submitted to the NDEP 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

6 Standard Permit Conditions

6.1 Duty to Comply

- 6.1.1 NDOT must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; permit termination; revocation and re-issuance; modification; or for denial of a permit renewal application.

6.2 Continuation of the Expired Permit

- 6.2.1 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. NDOT will automatically remain covered by the continued permit until the earlier of:
 - 6.2.1.1 Re-issuance or replacement of this permit; or
 - 6.2.1.2 Issuance of another individual permit for NDOT discharges.

6.3 Need to Halt or Reduce Activity Not a Defense

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

6.4 Duty to Mitigate

6.4.1 NDOT must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.5 Duty to Provide Information

6.5.1 NDOT must furnish to NDEP any information that is requested by NDEP and needed to determine compliance with this permit or other information.

6.6 Other Information

6.6.1 If NDOT becomes aware that NDOT has failed to submit any relevant facts in its application or submitted incorrect information in the application or in any other report to NDEP, NDOT must promptly submit such facts or information.

6.7 Signatory Requirements

6.7.1 All applications, reports, certifications, or information submitted to NDEP, or that this permit requires be maintained by NDOT shall be signed and certified as follows:

6.7.1.1 *Applications.* All applications shall be signed by either a principal executive officer, ranking elected official, or by a duly authorized representative of NDOT.

6.7.1.2 *Reports and other information.* All reports required by the permit and other information requested by NDEP or authorized representative of NDEP shall be signed by a person described above from NDOT or by a duly authorized representative of that person. A person is a duly authorized representative only if:

6.7.1.2.1 *Signed authorization.* A person described above and submitted to NDEP makes the authorization in writing.

6.7.1.2.2 *Authorization with specified responsibility.* The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matter for the regulated entity.

6.7.2 *Changes to authorization.* If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of (6.7.1.2.2) above must be submitted to NDEP prior to or together with any reports, information, or applications to be signed by an authorized representative.

6.8 Property Rights

6.8.1 The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations

6.9 Proper Operation and Maintenance

6.9.1 NDOT must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by NDOT to achieve compliance with the conditions of this permit.

6.10 Inspection and Entry

6.10.1 NDOT shall allow NDEP or an authorized representative (including an authorized contractor acting as a representative of the Administrator) upon the presentation of credentials and other documents as may be required by law, to do any of the following:

6.10.1.1 Enter NDOT's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

6.10.1.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

6.10.1.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and

6.10.1.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

6.11 Permit Actions

6.11.1 This permit may be modified, revoked and reissued, or terminated for cause. NDOT's filing of a request for a permit modification, revocation and re-

issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6.12 Permit Transfers

6.12.1 This permit is not transferable to any person. NDEP may require modification or revocation and re-issuance of the permit to incorporate such other requirements as may be necessary under the CWA.

6.13 Anticipated Noncompliance

6.13.1 NDOT must give advance notice to NDEP of any planned changes in the permitted MS4 or activity which may result in noncompliance with this permit.

6.14 State Environmental Laws

6.14.1 Nothing in this permit shall be construed to preclude the institution of any legal action or relieve NDOT from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the CWA.

6.14.2 No condition of this permit releases NDOT from any responsibility or requirements under other environmental statutes or regulations.

6.15 Severability

6.15.1 The provisions of this permit are severable, and if any provision of this permit or the application of any provision 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.

6.16 Procedures for Modification or Revocation

6.16.1 Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

6.17 Availability of Reports

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

6.18 Furnishing False Information and Tampering with Monitoring Devices

6.18.1 Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document submitted 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, pursuant to NRS 445A.300 to 445A.730, inclusive.

6.19 Penalty for Violation of Permit Conditions

6.19.1 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.710.

6.20 Permit Modification, Suspension or Revocation

6.20.1 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:

6.20.1.1 Violation of any terms or conditions of this permit;

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

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

6.20.1.4 To impose specific requirements for BMPs or annual reporting requirements in accordance with 40 CFR § 122.62 or §122.63.

6.20.2 NDOT may request that NDEP reopen and modify this permit.