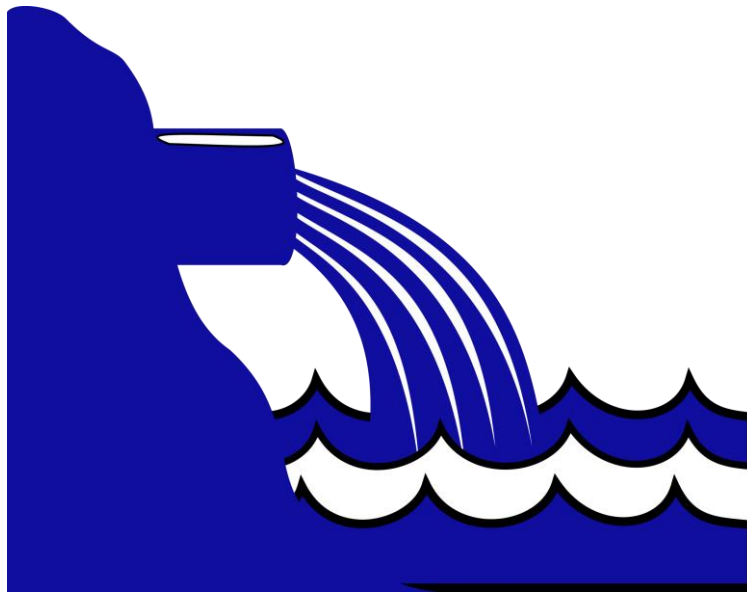


City of Elko

STORMWATER COMPLIANCE

Illicit Discharge, Detection, and Elimination Program
(IDDE)



Prepared by:

City of Elko

Environmental Department



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1.0 Introduction

In December 2002 the City of Elko was issued a General Permit to Discharge from its Municipal Separate Storm Sewer Systems (MS4) into the Humboldt River. Issuance of the permit was dependent on several obligations on the part of the City of Elko. First, the City was obligated to develop and enforce an ordinance to address illegal connections and discharges to the City's storm water infrastructure. City Staff developed Ordinance 670 which was passed by the City Council on March 13, 2007. Ordinance 863 updated City Code on July 13, 2021. The ordinance is entitled "Illegal Discharge and Connection to Storm Water," and can be found within the City of Elko's Health and Sanitation ordinances: Title 9, Chapter 6, §1-19. A copy of the ordinance is located in Appendix A of this document. It can also be found on the City's web site; elkocity.com.

Another obligation was to develop a program designed to detect and eliminate illicit connections to the City of Elko's storm water infrastructure. In response, the City developed an Illicit Discharge, Detection, and Elimination (IDDE) Program. The objective of this program is to provide the City with a formalized process for evaluating all of the City's storm water outfalls during wet and dry weather periods and to determine if a discharge of pollutants to the City's storm water conveyance system has occurred. Emphasis will be placed on dry weather monitoring. The focus of this program is to detect illegal discharges that are frequent or continual in nature. Any discharges that occur during the dry season are likely to be the result of known or unknown sewer or wastewater lateral connections to the storm water infrastructure, or illegal discharges directly to the storm water conveyance system.

2.0 Storm Water Outfalls

2.1 Outfall Description

Most of Elko's outfalls are conduits entirely underground that daylight near or directly into the Humboldt River. In a few cases, water reaching certain outfalls flows through a combination of constructed underground conduits and open channels (natural or constructed). The City of Elko has developed a storm drain map on the GIS System showing all known outfalls and associated storm water conduits.

This GIS System is updated as new infrastructure is added or as unknown historic infrastructure is mapped.

The City of Elko had approximately 40 storm water outfalls. During the MS4 NDEP/EPA Audit of 2020, the outfalls were re-evaluated and re-classified into primary and secondary outfalls. This reduced the number of true (primary) outfalls to 25. Please see APPENDIX D for the corresponding information from the Audit.

3.0 Outfall Monitoring

3.1 Wet Weather Monitoring

Wet weather monitoring will take place during the 1st and 4th calendar quarters. During these months flow can usually be expected from rain or snowmelt. During the months of January, February, and March (1st Quarter), and October, November, and December (4th Quarter) outfalls will be monitored 2-3 times. Whenever significant flow is present, samples will be collected and field pre-analyzed for the following five 'indicator' parameters: **temperature, pH, total ammonia (as N mg/L), dissolved oxygen, and total dissolved solids (TDS)**. Whenever a field sample exceeds the limits listed for any one of the five parameters (see Tables 4.1 and 4.2), additional grab samples will be collected and submitted to a state certified laboratory for analysis of all the parameters listed in Table 4.1. The results of the field samples will be compared with water standards established by the State of Nevada for the Palisade Segment of the Humboldt River (NAC 445A.1438).

Monitoring data will be documented for each outfall on recommended "Outfall Reconnaissance Inventory / Sample Collection Field Sheets", "Field Notes", and "Field Sample Parameters" sheet. Sample data will be retained in Excel Spreadsheets. Examples are included in Appendix B and C.

3.2 Dry Weather Monitoring

Dry weather monitoring will take place during the 2nd and 3rd calendar quarters. During these months flow is typically not present. During the months of April, May, June (2nd Quarter), and July, August, and September (3rd Quarter) outfalls will be monitored at least once monthly. Whenever significant flow is present, samples will be collected and field pre-analyzed for the following five parameters: **temperature, pH, total ammonia (as N mg/L), dissolved oxygen, and total dissolved solids (TDS)**. Whenever a field sample exceeds the limits listed for any one of the five parameters (see Tables 4.1 and 4.2), additional grab samples will be collected and submitted to a state certified laboratory for analysis of all the parameters listed in Tables 4.1. The results of the field samples will be compared with water standards established by the State of Nevada for the Palisade Segment of the Humboldt River (NAC 445A.1438).

4.0 Water Quality Standards

4.1 Humboldt River Standards

The following Table 1 shows the water quality standards established for the Palisade Segment of the Humboldt River (NAC 445A.1438): The limits of this table apply to the body of water known as the Humboldt River from Osino to the Palisade Gage. This segment of the Humboldt River is located in Elko and Eureka Counties.

STANDARDS OF WATER QUALITY
Humboldt River at Palisade

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses ^a										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Beneficial Uses			X	X	X	X	X	X	X	X			
Aquatic Life Species of Concern			Warm-water fishery.										
Temperature - °C ΔT ^b - °C	ΔT = 0	ΔT ≤ 2			*								
pH - SU	7.0 - A-Avg. 8.5 S.V. 7.0 - 8.6	S.V. 6.5 - 9.0 ΔpH ± 0.5			*								
Dissolved Oxygen - mg/L		S.V. ≥ 5.0			*								
Total Phosphorus (as P) - mg/L		Apr-Nov Seasonal Avg. ≤ 0.1			*	*							
Total Nitrogen (as N) - mg/L	≤ A-Avg. 1.4 S.V. Apr-Nov ≤ 2.4				*	*							
Nitrate (as N) - mg/L		S.V. ≤ 10						*					
Nitrite (as N) - mg/L		S.V. ≤ 1.0						*					
Total Ammonia (as N) - mg/L		c			*								

PARAMETER	REQUIREMENTS TO MAINTAIN EXISTING HIGHER QUALITY	WATER QUALITY CRITERIA TO PROTECT BENEFICIAL USES	Beneficial Uses ^a										
			Livestock	Irrigation	Aquatic	Contact	Noncontact	Municipal	Industrial	Wildlife	Aesthetic	Enhance	Marsh
Total Suspended Solids - mg/L		Annual Median ≤ 80 ^d			*								
Turbidity - NTU		S.V. ≤ 50			*								
Color - PCU	^e	S.V. ≤ 75						*					
Total Dissolved Solids - mg/L	≤ A-Avg. 350 S.V. ≤ 400	A-Avg. ≤ 500						*					
Chloride - mg/L	≤ A-Avg. 21 S.V. ≤ 30	S.V. ≤ 250						*					
Sulfate - mg/L		S.V. ≤ 250						*					
Sodium - SAR		A-Avg. ≤ 8		*									
E. coli - cfu/100 mL ^f		G.M. ≤ 126 S.V. ≤ 410				*							
Fecal Coliform - No./100 mL	≤ A.G.M. 20 S.V. ≤ 150	S.V. ≤ 1,000		*									
Toxic Materials		^g											

* = The most restrictive beneficial use.

X = Beneficial use.

^a Refer to [NAC 445A.122](#) and [445A.1432](#) for beneficial use terminology.

^b Maximum allowable increase in temperature above water temperature at the boundary of an approved mixing zone.

^c The water quality criteria for ammonia are specified in [NAC 445A.118](#).

^d The maximum allowable point source discharge is S.V. ≤ 80 mg/L of total suspended solids.

^e Increase in color must not be more than 10 PCU above natural conditions.

^f The geometric mean must not be exceeded in any 30-day period. The single value must not be exceeded in more than 10 percent of the samples collected within any 30-day period.

^g The water quality criteria for toxic materials are specified in [NAC 445A.1236](#).

(Added to NAC by Environmental Comm'n by R160-06, eff. 8-26-2008; A by R131-12, 12-20-2012; R102-16 & R109-16, 12-19-2017)

4.2 Water quality criteria for total ammonia

NAC 445A.118 Water quality criteria for total ammonia. ([NRS 445A.425](#), [445A.520](#))

1. The acute criteria of water quality with regard to the concentration of total ammonia are subject to the following:

(a) The 1-hour average concentration of total ammonia, in milligrams of nitrogen per liter, for the protection of freshwater aquatic life is shown in Table 1.

(c) For warm-water fisheries, the concentration of total ammonia, in milligrams of nitrogen per liter, must not exceed the applicable acute criterion listed under "Warm-Water Fisheries" set forth in Table 1, more than once every 3 years on average.

TABLE 1: ACUTE WATER QUALITY CRITERIA FOR TOTAL AMMONIA FOR FRESHWATER AQUATIC LIFE (mg nitrogen/L)		
pH	Cold-Water Fisheries ¹	Warm-Water Fisheries ²
6.5	32.6	48.8
6.6	31.3	46.8
6.7	29.8	44.6
6.8	28.1	42.0
6.9	26.2	39.1
7.0	24.1	36.1
7.1	22.0	32.8
7.2	19.7	29.5
7.3	17.5	26.2
7.4	15.4	23.0
7.5	13.3	19.9
7.6	11.4	17.0
7.7	9.65	14.4
7.8	8.11	12.1
7.9	6.77	10.1
8.0	5.62	8.40
8.1	4.64	6.95
8.2	3.83	5.72
8.3	3.15	4.71
8.4	2.59	3.88
8.5	2.14	3.20
8.6	1.77	2.65
8.7	1.47	2.20
8.8	1.23	1.84
8.9	1.04	1.56
9.0	0.885	1.32

5.0 Reporting

5.1 Results Exceeding Standards

The following steps will be taken when sample results exceed water quality standards:

1. Whenever a field sample exceeds the limits listed for any one of the five 'indicator' parameters (see Tables 4.1 and 4.2), additional grab samples will be collected and submitted to a state certified laboratory for analysis of all the parameters listed in Tables 4.1.
2. When outfalls show results exceeding the limits described in the Tables of Section 4.1 and 4.2, grab samples will be re-sampled when flow exists and sent to a state certified laboratory for analysis as soon as is practical.
3. If a second sampling event produces results that exceed the water quality standards an attempt will be made to locate the source. With help of the outfall map (Appendix D) additional sample points upstream from the original outfall will be determined. Preferably these additional sample points should be evenly distributed, e.g. in thirds, across the entire length of the contributing infrastructure. If flow exists, follow-up samples will be collected and sent to a state certified laboratory for analysis. In an attempt to delineate a contributing area, the new test results will be compared to prior analytical data. Once a contributing area has been identified, a survey of potential contribution points of that area will be conducted. Identified potential contributors will be contacted to verify compliance with Title 9, Chapter 6 of Elko City Code. The protocol outlined in Section 9-6-9 MONITORING OF DISCHARGES will be followed. Depending on the monitoring results, enforcement action in accordance with 9-6-13 may be required.

5.2 Annual Reporting

All sampling results will be compiled in tabular format and submitted in an annual report to the Nevada Division of Environmental Protection (NDEP).

6.0 Enforcement

6.1 Enforcement Response Plan

Introduction

When a violation of Elko City Code Title 9, Chapter 6 (Illegal Discharge and Connection to Stormwater), Chapter 7 (Construction Site Runoff) or Chapter 8 (Postconstruction Runoff Control and Water Quality Management) is considered significant, then the violation will likely result in an Enforcement Action (please refer to the attached Enforcement Flow Charts). This will be the principal course of action if the violation is determined to be an immediate danger to human health or the environment, or a significant threat to the City's infrastructure.

This Enforcement Response Plan is developed as a guidance document to help City Staff determine whether a case warrants enforcement and, if so, the types of enforcement measures that should be considered. Using this Enforcement Response Plan as a guide, City Staff should be able to process an enforcement case from the initial issuance through closure. City staff must discuss any enforcement action with their supervisor prior to implementation.

The enforcement process follows a sequence of steps. The key to any successful enforcement action is proper documentation of the alleged violation(s), clear and achievable order items, and an accurate summary of the person's explanation of the causes and related factors of the alleged violation. This document provides a step-by-step process to guide City staff as they implement and complete most types of enforcement actions. However, it is not a substitute for the City Code itself and City Staff should always consult the applicable Code Sections prior to making enforcement decisions.

I. Step One: Verbal Warning

If the violation is not determined to be a danger to human health or the environment, or a significant threat to the City's infrastructure then a Verbal Warning will be given. The Verbal Warning will explain the violation and propose mitigation measures needed to remedy the violation. The Verbal Warning will also include a date and time when City Staff will return to assess the mitigation measures. If the violation is determined to be a danger to human health, the environment or a significant threat to the City's infrastructure, City Staff will proceed to Step IV. All actions by City Staff are documented in the City's official records.

II. Step Two: Written Warning

If the violation described in the Verbal Warning is not mitigated by the deadline or if multiple Verbal Warnings for the same violation have been given, then a Written Warning will be issued. The Written Warning will be sent by certified mail and will include an explanation of the violation or continued violation. The Written Warning will also include a date and time when City staff will

return to assess the mitigation measures. All actions by City staff must be documented in the City's official records.

III. Step Three: Notice of Violation (NOV)

If a violation identified in a Written Warning is not mitigated by the deadline or if multiple Written Warnings for the same violation have been given, then an NOV will be issued. The NOV will contain a mandatory deadline for mitigation of the violation. An NOV is issued on a form that City Staff can fill out and send (by certified mail) to the violator. A demand for payment of a \$500 administrative fine accompanies the NOV.

IV. Step Four: Stop Work Order

A Stop Work Order will be issued if a violation is determined to be a danger to human health or the environment, or if it presents a significant threat to the City's infrastructure. A Stop Work Order will also be issued when a NOV has not been mitigated or if work has commenced without proper permitting from the City. The Stop Work Order carries an automatic \$500 administrative fine payable to the City of Elko. A Stop Work Order can be hand-delivered to the violator or an agent of the violator.

V. Step Five: Citation or Notice of Civil Infraction

Issuance of a Citation or Notice of Civil Infraction is discretionary and will be done only with the approval of City Management. Please see the attached form for further guidance.

VI. Step Six: Criminal penalties

In the event City Staff determines that criminal sanctions may be warranted, City Staff will refer the matter to the City Attorney for possible criminal prosecution.

Documentation

All documentation pertaining to violations and enforcement actions, including emails, letters, notices, and photos, must be saved under the corresponding "case" in the IWorQ Code Enforcement module. Each violation and enforcement measure is saved as a separate "activity" under the "case."

Appeals

Any person to whom an NOV, Stop Work Order, Citation or Notice of Civil Infraction is issued may appeal the decision. Please see Appeals Process flow charts or Elko City Code 9-6-14, 9-7-10 or 9-8-8 for further guidance.

Please see APPENDIX E for flow chart and forms.

APPENDIX A: Elko City Code

Elko City Code

CHAPTER 6

ILLEGAL DISCHARGE AND CONNECTION TO STORMWATER

SECTION:

9-6-1: Purpose

9-6-2: Definitions

9-6-3: Applicability

9-6-4: Responsibility For Administration

9-6-5: Ultimate Responsibility

9-6-6: Discharge Prohibitions

9-6-7: Suspension Of MS4 Access

9-6-8: Commercial Or Industrial Activity, Including Construction Activity

9-6-9: Monitoring Of Discharges

9-6-10: Requirement To Prevent, Control, And Reduce Stormwater Pollutants By The Use Of Best Management Practices Or Proper Waste Management

9-6-11: Watercourse Protection

9-6-12: Notification Of Spills

9-6-13: Enforcement

9-6-14: Appeal Of Notice Of Violation And/Or Stop Work Order

9-6-15: Injunctive Relief

9-6-16: Violations Deemed A Public Nuisance

9-6-17: Criminal Penalties

9-6-18: Remedies Not Exclusive

9-6-19: Stormwater Management Utility Fees

9-6-1: PURPOSE:

The purpose of this Chapter is to provide for the health, safety and general welfare of the residents of the City through regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4), waters of the United States, and watercourses. This Chapter establishes methods for controlling the introduction of pollutants into the MS4 to comply with the National Pollutant Discharge Elimination System (NPDES) permit process and to:

- A. Regulate the contribution of pollutants to the MS4 resulting from discharges,
- B. Prohibit illegal connections and discharges to the MS4, and
- C. Provide for the inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter.(Ord. 863, 7-13-2021)

9-6-2: DEFINITIONS:

As used in this Chapter, unless the context otherwise requires, the words and terms defined in this section shall have the following meanings:

BEST MANAGEMENT PRACTICES (BMPs):	Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to the MS4, a watercourse, or waters of the United States, to include stormwater, receiving water, or stormwater conveyance systems. BMPs include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. BMPs may be structural or nonstructural.
CITY:	The City of Elko, Nevada to include its departments, agencies, officials, and employees.
CLEAN WATER ACT:	The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97- 117, 33 U.S.C. 1251 et seq.
COMMERCIAL ACTIVITY:	A task, conduct, enterprise, or undertaking of any kind with the goal of earning an economic profit.
CONSTRUCTION ACTIVITY:	An activity subject to an NPDES construction stormwater general permit issued by the State of Nevada. The term "construction activity" includes NPDES construction activities on a land disturbance of one (1) acre or more. The term "construction activity" also includes a land disturbance of less than one (1) acre if part of a larger common plan of development or sale that disturbs, or is proposed to disturb, one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.
CONTAMINANT:	Any physical, chemical, biological, or radiological substance or matter which is added to water.
DIFFUSE SOURCE:	Any source of water pollution which is diffused to the extent that it is not readily discernible and cannot be confined to a discrete conveyance. This term is intended to be equivalent to the term "nonpoint source" as used in federal statutes and regulations.
DISCHARGE:	Any addition of a contaminant, pollutant, or pollutants to the MS4, waters of the United States, or a watercourse, including a "discharge of pollutant" as defined in 40 CFR § 122.2.
DISCHARGER:	A person who permits or causes a discharge into the MS4 or a watercourse.
ENFORCEMENT AGENCY:	The City department or agency designated to enforce this Chapter, to include its director, employees, and designees.
ENFORCEMENT OFFICIAL:	The City Environmental Coordinator, City Code Enforcement Officer, or any other City employee designated to serve as an Enforcement Official by the City Council to enforce the provisions of this Chapter.
FACILITY, OPERATION OR ACTIVITY:	Any source of a discharge, including land or appurtenances thereto, that is subject to regulation under an NPDES permit. The foregoing includes an action performed by or associated with a person or organization, such as a business organization, in the production of goods or delivery of services.
GENERATOR:	Any person, by site location, whose act, or process produces "solid waste" as defined in NRS 444.490, "hazardous material" as defined in NRS 459.7024, extremely hazardous material" as defined in NRS 459.7022, or "hazardous waste" as defined in NRS 459.432.
HAZARDOUS MATERIALS:	Any material, substance or waste that is or has the characteristic of being hazardous, toxic, ignitable, reactive or corrosive, including, without limitations, petroleum, PCBs, asbestos, materials known to cause cancer or reproductive problems and those materials, substances and/or waste, including infectious waste, medical waste, and potentially infectious waste, which are or later become regulated by any local governmental authority, the state of Nevada, or the United States government, including, but not limited to, substances defined as "hazardous substances", "hazardous materials", "toxic substances", or "hazardous wastes" in the comprehensive environmental response, compensation and liability act of 1980, as amended, 43 USC section 9601 et seq.; the hazardous materials transportation act, 40 USC section 1801 et

	seq.; the resource conservation and recovery act, 43 USC section 6901 et seq.; all corresponding and related state of Nevada and local statutes, ordinances and regulations, including, without limitation, any dealing with underground storage tanks; and in any other environmental law, regulation or ordinance now existing or hereinafter enacted.
ILLEGAL CONNECTIONS:	Either of the following: A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm water conveyance system including, but not limited to, any conveyances which allow non-storm water discharge including, but not limited to, sewage and process wastewater to enter the storm water conveyance system and any connections to the storm water conveyance system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or B. Any drain or conveyance connected from a commercial or industrial land use to the storm water conveyance system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
ILLEGAL DISCHARGE:	Any direct or indirect non-storm water discharge to the MS4, a watercourse, or waters of the United States, except as exempted in section 9-6-6(A) of this chapter.
INDUSTRIAL ACTIVITY:	An activity subject to an NPDES industrial permit as set forth in 40 CFR section 122.26(b)(14).
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):	A collection of structures (retention basins, ditches, underground pipes, etc.) owned and operated by the City and not connected to the sanitary sewer system that is designed to gather stormwater and discharge it, without treatment, into local streams and rivers.
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT:	A permit allowing the City to legally discharge stormwater into local streams and rivers through the municipal separate storm sewer system.
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT:	A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area wide basis.
NON-STORM WATER DISCHARGE:	Any discharge that is not composed entirely of storm water.
PERSON:	Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or the owner's agent.
PERSONAL SERVICE:	Hand delivery by and to an adult.
POLLUTANT, POLLUTION, OR POLLUTE:	Anything which causes or contributes to pollution, either directly or indirectly. Pollutants may include, but are not limited to: sediment, petroleum products, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; site development of any kind; and noxious or offensive matter of any kind.
PREMISES:	Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
RESPONDENT:	A person to whom a Notice of Violation, Stop Work Order, citation, or notice of civil infraction has been issued pursuant to this Chapter or a person who is formally accused by the City of violating this Chapter. The term "respondent" shall include any person defending a Notice of Violation, Stop Work Order, citation, notice of civil infraction, or complaint issued on the basis of a violation of this Chapter or who is otherwise subject to any punitive measure pursuant to this Chapter.

STOP WORK ORDER:	An order issued by the Enforcement Official which requires that all sources and/or causes of a non-stormwater discharge or polluted stormwater, to include activities not permitted under an approved Stormwater Pollution Prevention Plan on a site, be stopped.
STORM WATER:	Any surface flow runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
STORMWATER CONSTRUCTION GENERAL PERMIT:	A permit issued by the Nevada Division of Environmental Protection for stormwater discharges associated with construction activity.
STORM WATER CONVEYANCE SYSTEM:	Publicly owned facilities by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made drainage channels, reservoirs, and any other drainage structures.
STORM WATER POLLUTION PREVENTION PLAN (SWPPP):	A document, approved by federal, state, or local agencies in accordance with federal, state, or local law, which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable and posted on-site.
WASTEWATER:	Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
WATERCOURSE:	Any drainage or structure through which water may pass or drain and any body of water, including, but not limited to, lakes, ponds, rivers, streams, and bodies of water which have been delineated by federal, state, or local agencies in accordance with federal, state, or local laws.

In the event a term is used in this Chapter is not defined in this Chapter, but is defined in another Chapter in this Title 9, the definition contained in the other Chapter shall apply. (Ord. 863, 7-13-2021)

9-6-3: APPLICABILITY:

This Chapter regulates all water generated on any developed and undeveloped lands that enters the MS4, a watercourse, or waters of the United States, unless properly exempted by an authorized enforcement agency. The provisions of this Chapter 6, to include enforcement provisions, shall be in addition to and not in lieu of the provisions of Chapters 7 and 8 of this Title 9. (Ord. 863, 7-13-2021)

9-6-4: RESPONSIBILITY FOR ADMINISTRATION:

The City shall administer, implement, and enforce the provisions of this Chapter to include delegating enforcement authority in a manner consistent herewith. (Ord. 863, 7-13-2021)

9-6-5: ULTIMATE RESPONSIBILITY:

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore compliance with this Chapter does not ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. The prevention of contamination, pollution, or unauthorized discharges of pollutants is the responsibility of each person subject to the applicable provisions of Title 9 of the City Code, federal and state law, and the holder of an NPDES permit or other permit pertaining to discharges. The acts and omissions of employees and agents in the course and scope of their employment or official duties shall be deemed the acts and omissions of their employers and principals, except as otherwise provided by law. (Ord. 863, 7-13-2021)

9-6-6: DISCHARGE PROHIBITIONS:

A. Prohibition of Illegal Discharges: No person shall discharge or cause to be discharged into the MS4, a watercourse, or waters of the United States any materials, including, but not limited to, pollutants and hazardous material or waters containing any pollutants, as described herein, that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the MS4, a watercourse, or waters of the United States is prohibited except that the following discharges are exempt from discharge prohibitions established by this Chapter:

1. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, natural springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated and in compliance with all federal and state requirements), or firefighting activities.

2. Discharges specified in writing by the enforcement agency as being necessary to protect public health and safety.

3. Dye testing so long as notification is provided to the enforcement agency prior to the time of the test.

4. Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under authority of the federal or state environmental protection agency with jurisdiction, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided written approval has been granted for any discharge to the MS4.

B. Prohibition Against Illegal Connections:

1. The construction, use, maintenance or continued existence of illegal connections to the MS4 is prohibited.

2. The foregoing prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under the City Code, law, or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. (Ord. 863, 7-13-2021)

9-6-7: SUSPENSION OF MS4 ACCESS:

A. Suspension Due to Illegal Discharges in Emergency Situations: The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or impending discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4, a watercourse, or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

B. Suspension Due to The Detection of Illegal Discharge: Any person discharging to the MS4 in violation of this Chapter may have their MS4 access terminated if such termination would abate or reduce an illegal discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may appeal the decision following the process set forth in Section 9-6-14 below.

C. A person commits an offense by reinstating MS4 access to the premises after access was terminated pursuant to this section, without the prior approval of the enforcement agency. Violations are subject to enforcement pursuant to Section 9-6-13 below. (Ord. 863, 7-13-2021)

9-6-8: COMMERCIAL OR INDUSTRIAL ACTIVITY, INCLUDING CONSTRUCTION ACTIVITY:

Any person who discharges non-stormwater into the MS4, a watercourse, or waters of the United States shall comply with the applicable provisions of this Chapter. Any person who is subject to an NPDES storm water discharge permit issued by any local, state, or federal entity shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the City prior to allowing a discharge of any kind into the MS4. (Ord. 863, 7-13-2021)

9-6-9: MONITORING OF DISCHARGES:

A. Applicability:

1. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities:

1. The owner or operator of any facility shall permit the City to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter to include disengaging security devices and notifying onsite personnel, such as security guards.

2. A facility owner or operator shall provide the City reasonable access to all parts of the premises for the purposes of inspection, sampling, examination and copying records that must be maintained pursuant to a permit to discharge storm water, and the performance of any additional duties pertaining to discharges as defined by local, state, and federal law.

3. The City is authorized to install on any permitted facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's storm water discharge.

4. The City is authorized to require the discharger to install monitoring equipment as necessary to measure stormwater flow and quality. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

5. Any impediment to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or verbal request of the City and shall not be replaced until authorized by the City. The costs to remove such impediment to safe and easy access shall be borne by the owner or operator.

6. An unreasonable delay in providing the City access to a permitted facility to investigate a potential violation of a storm water discharge permit shall be a violation of this Chapter. The owner or operator of a facility required to maintain an NPDES permit to discharge storm water associated with industrial activity violates this Chapter by failing or refusing to provide the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.

7. If the City is refused access to any part of a facility and if the City determines it must inspect and/or sample a discharge to verify compliance with this Chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may apply for an administrative search warrant from any court of competent jurisdiction. (Ord. 863, 7-13-2021)

9-6-10: REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES OR PROPER WASTE MANAGEMENT:

All generators shall manage the discharge of waste in accordance with all federal, state, and local laws. Generators shall also identify all waste to ensure compliance with applicable laws and shall use BMPs for any activity, operation, or facility which may result in a discharge, or cause or contribute to pollution or contamination the MS4 or a watercourse, except as otherwise provided under federal, state, and local waste disposal laws. Operators shall utilize appropriate BMPs for all activities regulated by this Chapter. A person who holds a valid permit authorizing the discharge of stormwater associated with an industrial activity or construction activity shall comply with the terms and conditions thereof. BMPs for all activities regulated by this Chapter shall be included in a Storm Water Pollution Prevention Plan (SWPPP) to the extent necessary to comply with the requirements of an NPDES permit.

In the event the City determines that a person has not properly implemented a SWPPP or that the SWPPP requires modification to prevent the discharge or possible discharge of pollutants into the MS4 or a watercourse, the City may, in its sole discretion, instruct the person to correct the specified deficiencies within ten (10) calendar days. (Ord. 863, 7-13-2021)

9-6-11: WATERCOURSE PROTECTION:

Any person who owns, occupies, or possesses property (to include a lessee) through which a watercourse passes, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other materials or object that may pollute, contaminate, or significantly restrict the flow of water through the watercourse. In addition, the owner, occupant, or person in possession shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. 863, 7-13-2021)

9-6-12: NOTIFICATION OF SPILLS:

If any person responsible for a facility or operation, or emergency response for a facility or operation has information pertaining to any known or suspected release of materials which cause or may result in illegal discharges, that person shall promptly take all reasonably necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous material, the person shall notify the appropriate City department or official either in person, by telephone, or by electronic mail no later than the next

business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the in-person or telephonic notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. The foregoing notification requirements are in addition to and not in lieu of any applicable notification requirements under federal and state law. The failure to provide notice as required in this section shall constitute a violation of this Chapter. (Ord. 863, 7-13-2021)

9-6-13: ENFORCEMENT:

A. Notice of Violation: In the event the City determines that a person has violated a prohibition or failed to meet a requirement of this Chapter 6, the City may compel compliance by serving a written Notice of Violation or Stop Work Order upon the discharger or the discharger's agent or representative by personal service. A Notice of Violation issued under this section may require, without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illegal connections or discharges;
3. That discharges, practices, or operations causing nonpoint source pollution immediately cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
5. The payment of a fine established by this Chapter or by resolution of the City Council to cover administrative and remediation costs; and/or
6. Implementation of source control or treatment BMPs.

B. Stop Work Order: In the event an unlawful or unpermitted discharge threatens the MS4, waters of the United States or a watercourse, or endangers the health or safety of any person, the City shall issue a Stop Work Order to the discharger, which shall be served by personal service upon the discharger or the discharger's agent or representative. If the discharger fails to obey the Stop Work Order immediately, the City shall take such action as may be necessary to insure compliance with this Chapter 6, including, but not limited to, submitting a request for the arrest of the discharger by a peace officer and/or an order for the immediate cessation of the discharger's ability to discharge, to include the immediate stoppage of all work at a construction site or other development. A Stop Work Order issued pursuant to this section shall remain in effect until the City determines that the respondent has completed all abatement, remediation, restoration activities and/or other requirements therein specified.

C. Deadline: If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline by which such remediation or restoration must be completed. Should the respondent fail to perform the remediation or restoration therein specified by the deadline, the work may be done by the City or a designated governmental agency or contractor and the expense thereof shall be charged to the respondent.

D. Citations: The Environmental Enforcement Official or her or his designee shall have the authority to prepare, sign and serve written citations on persons accused of violating a provision of this Chapter where there is a criminal sanction. All citations so issued and served shall comply with the requirements of NRS 171.1773 and NRS 171.1775(5).

E. Civil liability instead of criminal sanction: Any person who violates this Chapter may be subject to civil liability to the City in an amount not to exceed \$500 instead of a criminal sanction.

F. Civil liability; notice of civil infraction: The Environmental Enforcement Official or her or his designee may issue a notice of civil infraction to any person who violates this Chapter. The notice of violation must be issued on a form containing the following information:

1. The location where the violation occurred;
2. The date and time of the violation;
3. The signature of the Environmental Enforcement Official or other authorized person who issues the notice of civil infraction;
4. The section of this code that allegedly is being violated;

5. Information about the manner and time within which the notice of civil infraction must be answered;
6. The amount of the civil fine; and
7. Any other information relevant to the violation and applicable provisions of this Chapter.

G. Civil liability; duties of respondent:

1. A person who responds to a notice of civil infraction must either:
 - a. Admit the commission of the infraction and pay the appropriate civil fine; or
 - b. Deny liability for the infraction.
2. A person may admit commission of the infraction by paying to the municipal court the civil fine shown on the notice of civil infraction.
3. A person who denies liability for the infraction must appear in person before the municipal court.

H. Commencement of civil action; procedure: Judicial enforcement of a notice of civil infraction must be by way of a civil suit in the municipal court if a person denies liability. A civil action may be commenced by the filing of a complaint in the name of the City and the issuance of a summons with respect thereto, and service of such complaint and summons on the defendant must be made by certified mail, return receipt requested, addressed to the defendant at his/her last known address or in any other matter which is authorized by law. The proceedings in municipal court for actions commenced pursuant to this Chapter shall be governed by Rules 1 and 3 through 87 of the Justice Court Rules of Civil Procedure.

I. Civil Fines: A respondent who commits a civil infraction under this Chapter shall be subject to a civil fine in the amount of \$500.00 per infraction. (Ord. 863, 7-13-2021)

9-6-14: APPEAL OF NOTICE OF VIOLATION AND/OR STOP WORK ORDER:

A. A Notice of Violation or Stop Work Order issued pursuant to this Chapter 6 shall include a written notice setting forth the respondent's appeal rights pursuant to this Section 9-6-14.

B. A respondent served with a Notice of Violation or Stop Work Order may, within fourteen (14) calendar days of service thereof, appeal the determination of the Enforcement Official to the City Manager by filing a "Notice of Appeal to the City Manager" with the City Clerk containing a statement of the basis for the appeal. The City Manager or the City Manager's designee shall schedule and conduct a hearing on the Notice of Violation or Stop Work Order within fourteen (14) calendar days thereafter, upon no less than seven (7) calendar days' advance notice to the respondent, unless otherwise agreed by the respondent and the City. At the hearing before the City Manager or the City Manager's designee, the respondent and the City shall each be given an opportunity to present arguments and evidence, to include witness testimony. The rules of evidence shall not apply. The City Manager or the City Manager's designee may terminate the hearing at a time determined in advance by the City Manager or the City Manager's designee, provided a reasonable time shall be given to permit the respondent and the City to present their respective arguments and evidence. The City Manager or City Manager's designee may terminate a hearing at any time upon a determination that the additional evidence and argument to be proffered by the respondent and the City will be duplicative or not relevant to the issues to be resolved. The City Manager or the City Manager's designee shall issue and serve a written decision upon the respondent with five (5) business days of the hearing.

C. A respondent may, within fourteen (14) calendar days of service thereof, appeal the decision of the City Manager or the City Manager's designee to the City Council by filing a "Notice of Appeal to the City Council" with the City Clerk containing a statement of the basis for the appeal. The City Council shall, within forty-five (45) calendar days thereafter, conduct a hearing on the decision of the City Manager or City Manager's designee. At the hearing before the City Council, the respondent and the City shall each be given an opportunity to present arguments and evidence, to include witness testimony. The rules of evidence shall not apply. The City Council may terminate the proceeding at a time determined in advance by the City Manager or the City Manager's designee, provided a reasonable time shall be given to permit the respondent and the City to present their respective arguments and evidence. The City Council may terminate a hearing at any time upon a determination that the additional evidence and argument to be proffered by the respondent and the City will be duplicative or not relevant to the issues to be resolved. The City Council shall render a decision at the hearing, to include a continuation thereof in the event the hearing is tabled.

D. Service upon the respondent for purposes of this Section 9-6-14 shall mean service by certified mail, return receipt requested.

E. A respondent to whom a Notice of Violation or Stop Work Order has been issued must comply with the requirements stated therein pending an appeal or appeals pursuant to this Section 9-6-14.

F. The failure of a respondent to appeal a decision within the times required in this Section 9-6-14 shall result in the waiver of those appeal rights.

G. The decision of the City Council at an appeal hearing pursuant to this Section 9-6-14 shall be final for purposes of judicial review. Any action for judicial review shall be commenced by filing a petition with the District Court for the Fourth Judicial District, in and for the County of Elko, State of Nevada, no more than thirty (30) calendar days from the date of the decision of the City Council at an appeal hearing pursuant to this Section 9-6-14. (Ord. 863, 7-13- 2021)

9-6-15: INJUNCTIVE RELIEF:

If a person has violated or continues to violate the provisions of this Chapter, the City may petition for a preliminary or permanent injunction restraining the person from activities which could create further violations or compelling the person to perform abatement or remediation of the violation. (Ord. 863, 7-13-2021)

9-6-16: VIOLATIONS DEEMED A PUBLIC NUISANCE:

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is hereby determined to be a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be abated pursuant to the provisions of Nevada Revised Statutes Chapter 268 or restored at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. The provisions of this Section 9-6-16 and the City Nuisance Code are in addition to and not in lieu of the other enforcement provisions set forth in this Chapter. (Ord. 863, 7-13-2021)

9-6-17: CRIMINAL PENALTIES:

Any person who has violated or continues to violate the requirements of this Chapter, to include any requirement set forth in a Notice of Violation or Stop Work Order issued under this Chapter, shall be subject to a criminal penalty of one thousand dollars (\$1,000.00). Each day a person violates this Chapter or remains in violation of this Chapter shall be a separate violation. In addition, any person who has violated or continues to violate this Chapter may be subject to criminal prosecution under federal or state laws.

The City may recover all attorney fees, court costs and other expenses incurred in the enforcement of this Chapter, including sampling and monitoring expenses. (Ord. 863, 7-13-2021)

9-6-18: REMEDIES NOT EXCLUSIVE:

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. (Ord. 863, 7-13-2021)

9-6-19: STORMWATER MANAGEMENT UTILITY FEES:

To offset the cost of operating the City MS4, there is hereby established a Stormwater Management Utility Fee. The Stormwater Management Utility Fee shall be charged to each person who is provided water service by the City, shall be in addition to all other charges assessed under Title 9, Chapter 1 (Elko Water Code), and may be billed monthly. The Stormwater Management Utility Fee shall be calculated on the basis of the sewer fixture unit (SFU) count of the water's premises, as follows:

Residential:	
50 SFU (minimum)	\$1.00
Commercial or Industrial:	
1 to 50 SFU (minimum)	1.00
51 to 500 SFU	0.02 per SFU
501 to 3,000 SFU	0.01 per SFU
3,001 or more	0.005 per SFU

(Ord. 863, 7-13-2021)

APPENDIX B: Field Sheet

IDDE FIELD RECON CHECKLIST

Month / Year



Updated: 19 May 2013

Date:

Photo Outfall Time Temp MX Needed Field Sheet	Outfalls accessible from SOUTH SIDE of RIVER																
	East of 12th Street (driving)					Along West Balfour Rd (driving)					Along HARP Trail (walking)						
	30	39	43	44	1	40	8	9	10	11	2	31	3	4	5	6	7

Photo Outfall Time Temp MX Needed Field Sheet	Outfalls accessible from NORTH SIDE of RIVER / RR TRACKS (walking)															
	25	24	23	22	21	38	20	19	37	18	17	16				

Secondary Outfalls

Photo Outfall Time Temp MX Needed Field Sheet	Outfalls on WEST END of TOWN (driving)			
	Errecart/Main	Airport		
36	14	13	32	

Photo Outfall Time Temp MX Needed Field Sheet	Outfalls on EAST END of TOWN									
	Manzanita (driving)					Idaho Street (driving)				
41	29b	28	29a	27	42	26	34	33	35	

Field Sample Parameters



Date

Location

Temperature C

pH

6.5-9.0

Dissolved Oxygen

>5

Ammonia

See Table Below

Total Dissolved Solids mg/L (TDSS)

Avg ≤500

TABLE 1: ACUTE
WATER QUALITY
FOR FRESHWATER
(mg nitrogen/L)

pH

Warm-Water

6.5

48.8

6.6

46.8

6.7

44.6

6.8

42

6.9

39.1

7

36.1

7.1

32.8

7.2

29.5

7.3

26.2

7.4

23

7.5

19.9

7.6

17

7.7

14.4

7.8

12.1

7.9

10.1

8

8.4

8.1

6.95

8.2

5.72

8.3

4.71

8.4

3.88

8.5

3.2

8.6

2.65

8.7

2.2

8.8

1.84

8.9

1.56

9

1.32

***APPENDIX C: Outfall Reconnaissance Inventory/ Sample Collection Field Sheet
(JBR)***

(See following two pages)

Outfall Reconnaissance Inventory/ Sample Collection Field Sheet

SECTION 1: BACKGROUND DATA

Sub-watershed:		Outfall ID:	
Today's date:		Time (Military):	
Investigators:		Form completed by:	
Temperature (°F):	Rainfall (in.):	Last 24 hours:	Last 48 hours:
Latitude:	Longitude:	GPS Unit:	GPS LMK #:
Camera:		Photo #s:	
Land Use in Drainage Area (Check all that apply):		<input type="checkbox"/> Open Space <input type="checkbox"/> Institutional Other: _____ Known Industries: _____	
<input type="checkbox"/> Industrial <input type="checkbox"/> Urban Residential <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Commercial			
Notes (e.g., origin of outfall, if known):			

SECTION 2: OUTFALL DESCRIPTION

LOCATION	MATERIAL	SHAPE	DIMENSIONS (IN.)	SUBMERGED
<input type="checkbox"/> Closed Pipe	<input type="checkbox"/> RCP <input type="checkbox"/> CMP <input type="checkbox"/> PVC <input type="checkbox"/> HDPE <input type="checkbox"/> Steel <input type="checkbox"/> Other: _____	<input type="checkbox"/> Circular <input type="checkbox"/> Single <input type="checkbox"/> Elliptical <input type="checkbox"/> Double <input type="checkbox"/> Box <input type="checkbox"/> Triple <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____	Diameter / Dimensions: _____	In Water: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully With Sediment: <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Fully
<input type="checkbox"/> Open drainage	<input type="checkbox"/> Concrete <input type="checkbox"/> Earthen <input type="checkbox"/> rip-rap <input type="checkbox"/> Other: _____	<input type="checkbox"/> Trapezoid <input type="checkbox"/> Parabolic <input type="checkbox"/> Other: _____	Depth: _____ Top Width: _____ Bottom Width: _____	
<input type="checkbox"/> In-Stream	(applicable when collecting samples)			
Flow Present?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If No, Skip to Section 5</i>			
Flow Description (If present)	<input type="checkbox"/> Trickle <input type="checkbox"/> Moderate <input type="checkbox"/> Substantial			

SECTION 3: QUANTITATIVE CHARACTERIZATION

FIELD DATA FOR FLOWING OUTFALLS				
PARAMETER		RESULT	UNIT	EQUIPMENT
<input type="checkbox"/> Flow #1	Volume		Liter	Bottle
	Time to fill		Sec	
<input type="checkbox"/> Flow #2	Flow depth		In	Tape measure
	Flow width	____' ____"	Ft, In	Tape measure
	Measured length	____' ____"	Ft, In	Tape measure
	Time of travel		S	Stop watch
Temperature			°F	Thermometer
pH			pH Units	Test strip/Probe
Ammonia			mg/L	Test strip

OUTFALL RECONNAISSANCE INVENTORY FIELD SHEET

SECTION 4: PHYSICAL INDICATORS FOR FLOWING OUTFALLS ONLY

Are Any Physical Indicators Present in the flow? ☐ Yes ☐ No (If No, Skip to Section 5)

INDICATOR	CHECK if Present	DESCRIPTION	RELATIVE SEVERITY INDEX (1-3)		
ODOR	<input type="checkbox"/>	<input type="checkbox"/> Sewage <input type="checkbox"/> Rancid/sour <input type="checkbox"/> Petroleum/gas <input type="checkbox"/> Sulfide <input type="checkbox"/> Other:	<input type="checkbox"/> 1 – Faint	<input type="checkbox"/> 2 – Easily detected	<input type="checkbox"/> 3 – Noticeable from a distance
Color	<input type="checkbox"/>	<input type="checkbox"/> Clear <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Yellow <input type="checkbox"/> Green <input type="checkbox"/> Orange <input type="checkbox"/> Red <input type="checkbox"/> Other:	<input type="checkbox"/> 1 – Faint colors in sample bottle	<input type="checkbox"/> 2 – Clearly visible in sample bottle	<input type="checkbox"/> 3 – Clearly visible in outfall flow
Turbidity	<input type="checkbox"/>	See severity	<input type="checkbox"/> 1 – Slight cloudiness	<input type="checkbox"/> 2 – Cloudy	<input type="checkbox"/> 3 – Opaque
Floatables -Does Not Include Trash!!	<input type="checkbox"/>	<input type="checkbox"/> Sewage (Toilet Paper, etc.) <input type="checkbox"/> Suds <input type="checkbox"/> Petroleum (oil sheen) <input type="checkbox"/> Other:	<input type="checkbox"/> 1 – Few/slight; origin not obvious	<input type="checkbox"/> 2 – Some; indications of origin (e.g., possible suds or oil sheen)	<input type="checkbox"/> 3 – Some; origin clear (e.g., obvious oil sheen, suds, or floating sanitary materials)

Section 5: Physical Indicators for Both Flowing and Non-Flowing Outfalls

Are physical indicators that are not related to flow present? ☐ Yes ☐ No (If No, Skip to Section 6)

INDICATOR	CHECK IF PRESENT	DESCRIPTION	COMMENTS
OUTFALL DAMAGE	<input type="checkbox"/>	<input type="checkbox"/> Spalling, Cracking or Chipping <input type="checkbox"/> Peeling Paint <input type="checkbox"/> Corrosion	
DEPOSITS/STAINS	<input type="checkbox"/>	<input type="checkbox"/> Oily <input type="checkbox"/> Flow Line <input type="checkbox"/> Paint <input type="checkbox"/> Other:	
Abnormal Vegetation	<input type="checkbox"/>	<input type="checkbox"/> Excessive <input type="checkbox"/> Inhibited	
Poor pool quality	<input type="checkbox"/>	<input type="checkbox"/> Odors <input type="checkbox"/> Colors <input type="checkbox"/> Floatables <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input type="checkbox"/> Excessive Algae <input type="checkbox"/> Other:	
Pipe benthic growth	<input type="checkbox"/>	<input type="checkbox"/> Brown <input type="checkbox"/> Orange <input type="checkbox"/> Green <input type="checkbox"/> Other:	

Section 6: Overall Outfall Characterization

☐ Unlikely ☐ Potential (presence of two or more indicators) ☐ Suspect (one or more indicators with a severity of 3) ☐ Obvious

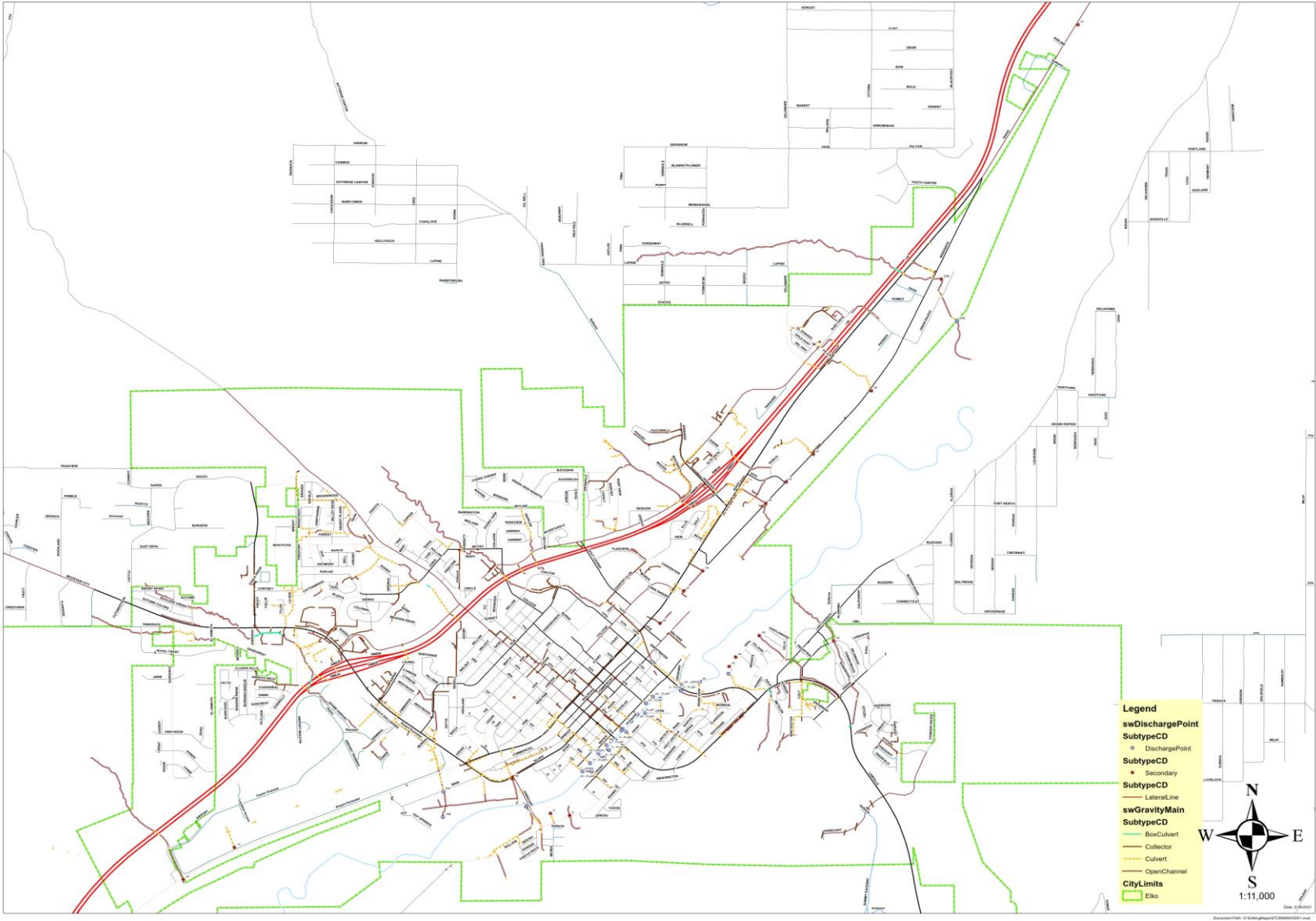
Section 7: Data Collection

1. Sample for the lab?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. If yes, collected from:	<input type="checkbox"/> Flow <input type="checkbox"/> Pool
3. Intermittent flow trap set?	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, type: <input type="checkbox"/> OBM <input type="checkbox"/> Caulk dam

Section 8: Any Non-Illicit Discharge Concerns (e.g., trash or needed infrastructure repairs)?

APPENDIX D: Outfall Maps

CITY OF ELKO STORMWATER OUTFALLS DOWNTOWN



CITY OF ELKO STORMWATER OUTFALLS DOWNTOWN



RE: Outfalls

Kristie Black <kblack@ndep.nv.gov>

Thu 5/13/2021 10:54 AM

To: Adeline Thibault <athibault@elkocitynv.gov>; Peter Lassaline <plassaline@ndep.nv.gov>
Cc: andrew.dixon <andrew.dixon@ndep.nv.gov>; Michele L. Rambo <mrambo@elkocitynv.gov>

Hi Addie,

We reviewed the information that you have sent to us. We agree with the removal of the red and yellow outfalls that you have indicated on your spreadsheet, and we agree that all of the green outfalls should remain. Please let me know if you have any questions or concerns.

Due to the COVID-19 pandemic NDEP offices are currently closed to the public but open for business on-line and via telephone. See more at <https://ndep.nv.gov/about/ndep-covid-19>.

kblack@ndep.nv.gov

Thanks,

Kristie Black

Environmental Scientist II

Stormwater Branch, Bureau of Water Pollution Control

Nevada Division of Environmental Protection

Department of Conservation and Natural Resources

901 S. Stewart Street, Suite 4001

Carson City, NV 89701

kblack@ndep.nv.gov

(JO) 775-687-9429



DEPARTMENT OF
ENVIRONMENTAL
PROTECTION



DEPARTMENT OF
CONSERVATION &
NATURAL RESOURCES
Connect with us:

From: Adeline Thibault <athibault@elkocitynv.gov>

Sent: Thursday, May 13, 2021 9:50 AM

To: Peter Lassaline <plassaline@ndep.nv.gov>; Kristie Black <kblack@ndep.nv.gov>

Subject: Re: Outfalls

Oh, thank goodness. I'm not going crazy! Haha!

I'm here to help or answer questions you may have! 😊

Thanks!

Addie

Adeline Thibault

City of Elko Environmental Coordinator

775-777-7213



From: Peter Lassaline <plassaline@ndep.nv.gov>

Sent: Thursday, May 13, 2021 9:47 AM

To: Adeline Thibault <athibault@elkocitynv.gov>; kblack <kblack@ndep.nv.gov>

Subject: RE: Outfalls

Hi Addie, you did send the link. Also, good timing, we're just about to have a meeting to discuss these outfalls.

Peter Lassaline

Staff Engineer II

Stormwater Branch, Bureau of Water Pollution Control

Nevada Division of Environmental Protection

Department of Conservation and Natural Resources

901 S. Stewart Street, Suite 4001

Carson City, NV 89701

plassaline@ndep.nv.gov

(C) 775-434-3938 (D) 775-687-0560



IDDE Outfall Listing

Monday, April 26, 2021

True Outfall	IDDE Number	Locations	Distance from River	Chances of Making it to L/M/H	Railroad Crossing Y/N	Comments
Y	1	E of Riverview Condos - Metzler Wash	Direct Path	High	N/A	I have seen water make it to the river here.
Y	2	N of Riverside Apt / Harp River Walk	Direct Path	High	N/A	I have seen water make it to the river here.
Y	3	9 th St Pedestrian Bridge over River	Direct Path	High	N/A	I have seen water make it to the river here.
Y	4	Projected C/L to S 8 th St	Direct Path	High	N/A	I have seen water make it to the river here.
Y	5	Projected line along E p/l of Global Mining Products	Direct Path	High	N/A	I have seen water make it to the river here.
Y	6	~175' E of Dennis Crooks Mem. tree on Harp River Walk	Direct Path	High	N/A	I have seen water make it to the river here.
Y	7	Off W end of HARP Trail	Direct Path	High	N/A	I have seen water make it to the river here.
N	8	Short Channel at Bullion Rd	900 feet as the crow flies	Low	N/A	Outfalls into an open channel about 900 feet from the river. There is no direct path for water and I have never seen it but in the first 50 feet of the outfall; not near the river. This is a small outfall and drains mainly undeveloped areas.
Y/N	9	Deep double pipe drain off Front St Ext	400 feet as the crow flies	Low	N/A	Outfalls into a bowl, of highly vegetated and undisturbed ground. I have never seen this one run, infiltrates immediately. Small outfall too but it is closer to the river.
Y	10	Just E of Errecart Bridge near IDDE 11	40 feet	High	N/A	Outfall into a rip rap channel approx. 40 feet to the river.
Y	11	Just E of Errecart Bridge near IDDE 10	50 feet	High	N/A	Outfall into a rip rap channel approx. 50 feet to the river.
	12	Removed when Sports Complex built 2019				Combine water into outfall 10 when sports complex was built
N	13	Double-barrel CMPs near W end of Runway 5/23	2052 feet as the crow flies but no direct path	Low	N	The water here floods the land between W Idaho Street and the airport runway. There is no culvert under W Idaho Street. Nearest Culverts under the road are IDDE 14 and IDDE 32.
Y	14	Behind Homeless Camp	654 feet direct path	Medium	Y	Even though there is a lot of open channel to get to river, there is a direct path.
	15	Drains to Cooling Pond E of Errecart Bridge.				Removed with Chris Gravensteins ok.
Y	16	Exactly opposite the offset in Sound-Barrier Fence	Direct Path	High	N/A	I have seen water make it to the river here.
Y	17	~382-ft W of IDDE #17 & ~134-ft W of 'oiler' track sect.	Direct Path	High	N/A	I have seen water make it to the river here.
Y	18	Break in the Sound Wall	Direct Path	High	N/A	I have seen water make it to the river here.
Y	19	Just west of 5th Street Bridge	Direct Path	High	N/A	I have seen water make it to the river here.
Y	20	Very close to #38	Direct Path	High	N/A	I have seen water make it to the river here.
Y	21	Large Tree in channel	Direct Path	High	N/A	I have seen water make it to the river here.
Y	22	Drains Water St adjacent to FISH & trailer court	Direct Path	High	N/A	I have seen water make it to the river here.
Y	23	Across from Tree hanging over Sound Wall	Direct Path	High	N/A	I have seen water make it to the river here.
Y	24	Drains Public Works Yard	Direct Path	High	N/A	I have seen water make it to the river here.
Y	25	At confluence of 8-Mile Creek & River	Direct Path	High	N/A	Absolutely! This outfall is probably the most active. It drains all the way up North 5th Street and 8-Mile Creek.



IDDE Outfall Listing

Monday, April 26, 2021

True Outfall	IDDE Number	Locations	Distance from River	Chances of Making it to L/M/H	Railroad Crossing Y/N	Comments
N	26	Large channel E of Mill, crosses Manzanita Ln to RR	over 3,000 feet	Low	Yes	I have never seen water run under Manzanita, much less make it to anywhere near the river. This would drain into the gravel pit ponds, not the river if it did ever get that far. It usually infiltrates in the long open channel from Idaho Street to Manzanita.
N	27	Behind (S) Iron Horse RV Park	3,000 feet as the crow flies	Low	No	Behind Iron Horse, there is a detention basin to catch this water. I have never seen it overflow this, but if it did there are culverts under Manzanita. There are no railway culverts near and there are gravel pits between it and the river.
N	28	Adjacent to BLM Smoke Jumpers Yard	2300 feet as the crow flies	Low	No	The rail port starts around here, so there are more sets of tracks to get through. It would most likely end up in a pond as well. (The disturbed ground in the GIS photo is full of water today.)
Y	29-a	Kitteridge Creek downstream, W & S of U.P. Tank Farm	2600 feet Direct Path	Medium	Yes	This is the second biggest outfall volume in Elko. It is Kitteridge Creek/wash. It is looked at in two places; one before the rail port and one after. The definition of outfall is just one location. The location closest to the waters of US. So the true outfall is 29a.
N	29-b	Kitteridge Creek upstream, E of U.P. Tank Farm	1000 feet Direct Path	Medium	Yes	This is the second biggest outfall volume in Elko. It is Kitteridge Creek/wash. It is looked at in two places; one before the rail port and one after. The definition of outfall is just one location. The location closest to the waters of US. So the true outfall is 29a.
Y/N	30	Few feet W of intersection of Cherrywood & Wildwood Ways	2400 feet direct path and open channels	Medium	N/A	This outfall has all open channels. I have never seen it running at 30, even in a rain storm. Though there is a channel for natural drainage nearly all the way down to the river.
Y	31	Between IDDE #1 & IDDE #2, N side of Harp River Walk	Direct Path	High	N/A	I have seen water make it to the river here.
N	32	Channel outside City Limits @ W end of Rwy 5/23	1733 feet direct; 4500 feet open channels	Low	N	The water here floods the land between W Idaho Street and the railway. There are two culverts under the railway. East and one West the chances of water making it to one of these culverts then on to the river is very low. The land on the other side is used for agriculture and it is very flat through here.
N	33	Loc. on lot line btw Dutton State Farm Ins & gas station	3500 feet as the crow flies	Low	No	This outfall drains a small amount of Idaho Street. There is no direct access under the railway near here and it is a good distance from the river.
N	34	Drains NDOT Corp Yard, Behind Boot Barn	2500 feet as the crow flies	Low	No	This small amount of Idaho Street including the NDOT yard. This outfall receives quite a bit of debris from NDOT yard and needs to be cleaned out more often than most. I have never seen water past the immediate channel that is dug out. There are two sets of rail tracks and a gravel pit before the river.



IDDE Outfall Listing

Monday, April 26, 2021

True Outfall	IDDE Number	Locations	Distance from River	Chances of Making it to L/M/H	Railroad Crossing Y/N	Comments
N	35	Southwest corner of T-Rix property	2500 feet as the crow flies	Low	No	This is a very small outfall. It drains a small amount of Idaho Street, but mainly the City uses it to purge the well that is in the City Park. I have never even seen water to the end of the open channel. Plus there is no direct access under the railway near here.
Y/N	36	Drains Main St Industrial area	929 feet direct	Low	Y	This outlets into a wetland. The city maintains a channel for the water because the vegetation grows so vigorously. It is an open channel and only through about 25% of the property. The rest usually infiltrates. I have never seen any water at the river even in storm events.
Y	37	Between IDDE 19 and 18. on	Direct Path	High	N/A	I have seen water make it to the river here.
Y	38	Near IDDE 20 and drains direct to above Court House	Direct Path	High	N/A	Outfall lower than the river. Usually has water up into the pipe here.
N	39	End of Wash to the West of houses on Stoneridge	710 feet as the crow flies	Low	N/A	I have never seen water make it all the way to this outfall. This is miles of open channel. If it did make it here, it would drain into the retention ponds, not the river.
Y	40	Between #1 and #2 on the East side of 12th Street	Direct Path	High	N/A	I have seen water make it to the river here.
N	41	Most distant outfall on Manzanita Ln; doesn't drain thru RR	1700 feet as the crow flies	Low	No	This outfall is technically outside City Limits, though runs through City property (well house) for just about 135 feet. This small outfall mostly drains from I-80. It does make it under one set of rail tracks but then does not make it through the rest of the rail port.
N	42	In between #26 and #27 at the end of 30th Street on Manzanita	Over 6,000 feet as the crow flies	Low	No	This is a very small outfall that drains part of 30th street and manzanita. There is no direct path under railways and would get the gravel ponds before the river.
N	43	Drains Great Basin Estates	810 feet as the crow flies	Low	N/A	With the development of Great Basin Estates, retention basins were built into this plan. Even though this outfall is relatively close to the river, the water exiting this outfall drains toward the retention basins. Even in the 2017 flood, these basins did not breach.
N	44	Drains Opal Drive Into Great Basin Estates	445 feet as the crow flies	Low	N/A	With the development of Great Basin Estates, retention basins were built into this plan. Even though this outfall is relatively close to the river, the water exiting this outfall drains toward the retention basins. Even in the 2017 flood, these basins did not breach.

Outfall #1





Outfall #3



Outfall #4



Outfall #5



Outfall #6



Outfall #7



Outfall #8



Outfall #8



Outfall #9



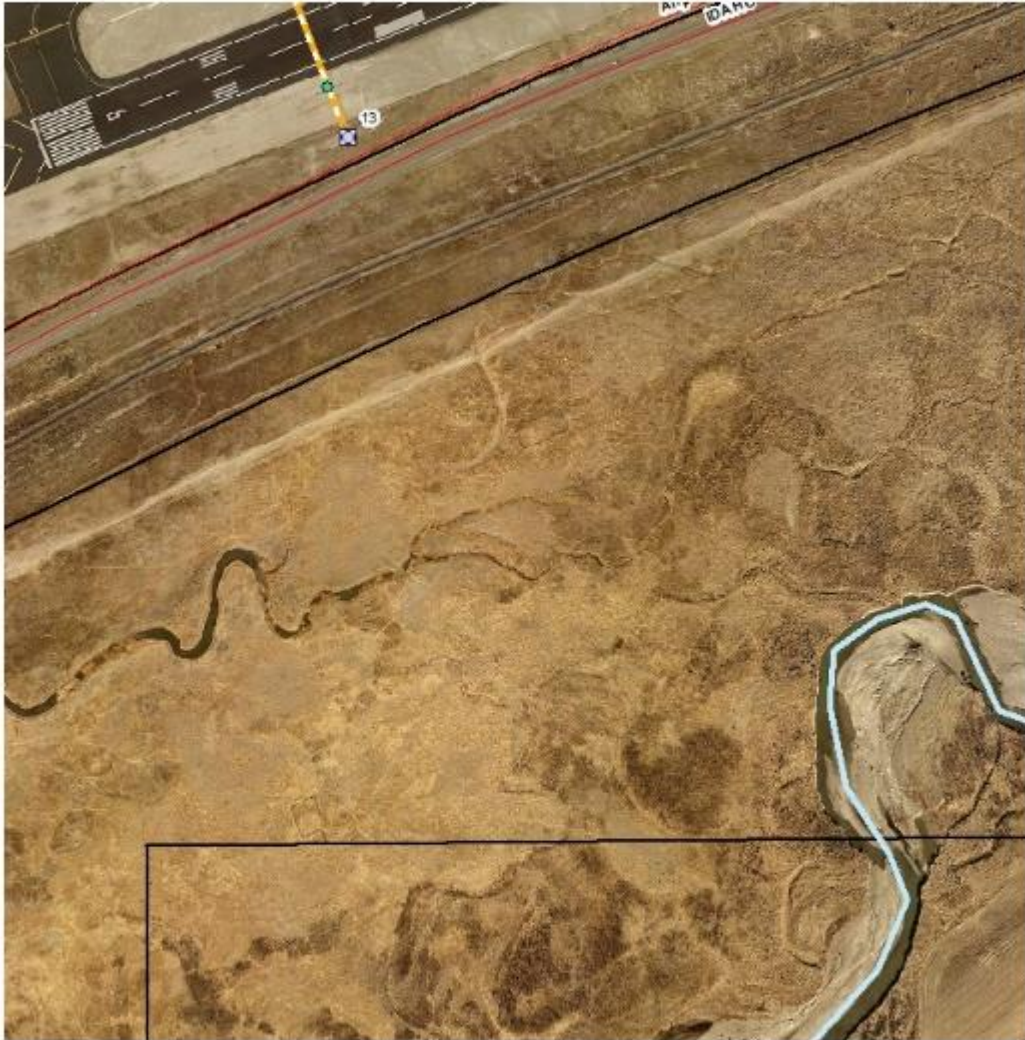
Outfall #10



Outfall #11



Outfall #13



Outfall #13



Outfall #14



Outfall #16



Outfall #17



Outfall #18



Outfall #19



Outfall #20



Outfall #21



Outfall #22



Outfall #23



Outfall #24





Outfall #25





Outfall #26

Outfall #26



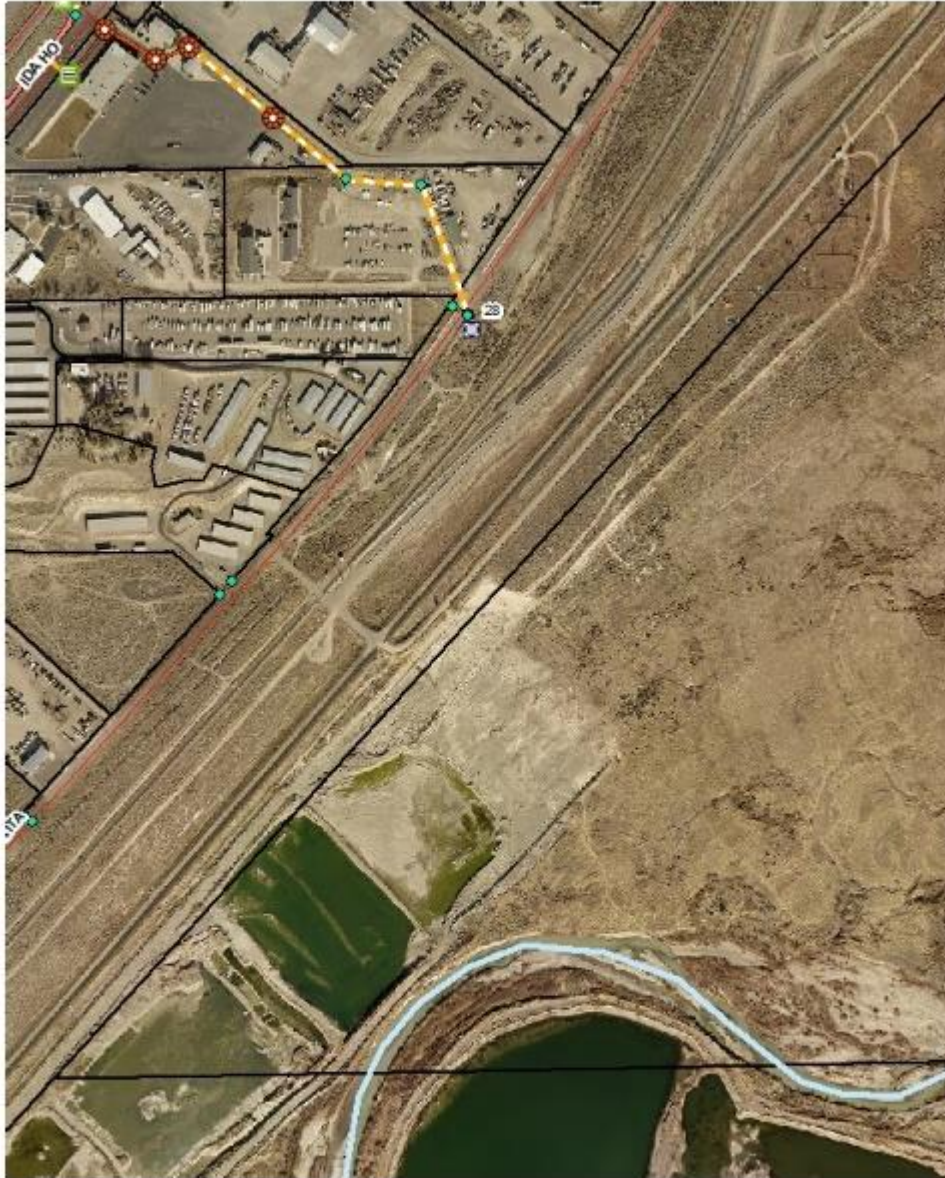
Outfall #27



Outfall #27



Outfall #28



Outfall #28



Outfall #29a



Outfall #29a



Outfall #29b



Outfall #29b



Outfall #30



Outfall #30



Outfall #31



Outfall #32



Outfall #32



Outfall #33



Outfall #33



Outfall #34



Outfall #35



Outfall #36



Outfall #36



Outfall #37



Outfall #38



Outfall #39





Outfall #40



Outfall #41



Outfall #41



Outfall #42



Outfall #42



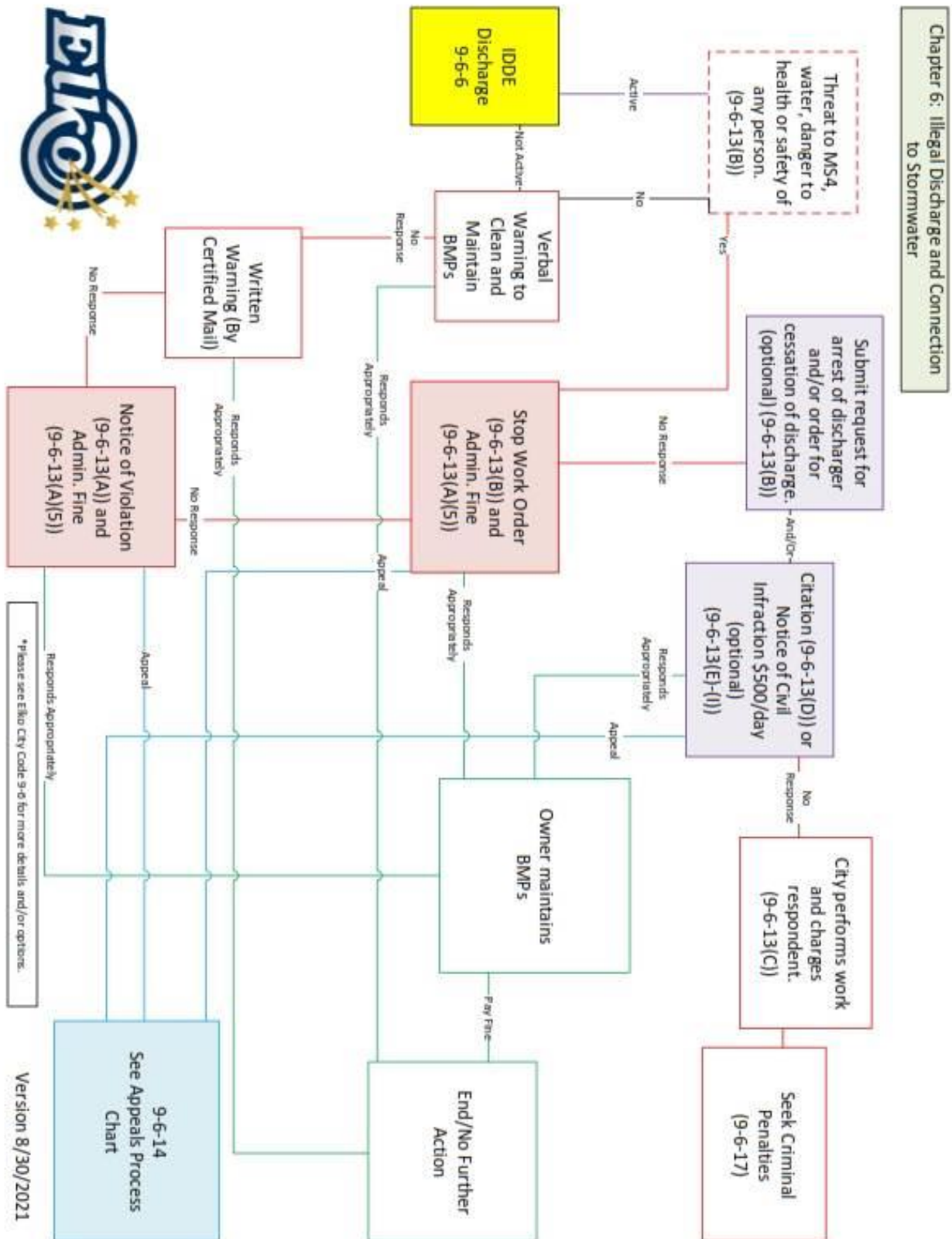
Outfall #43

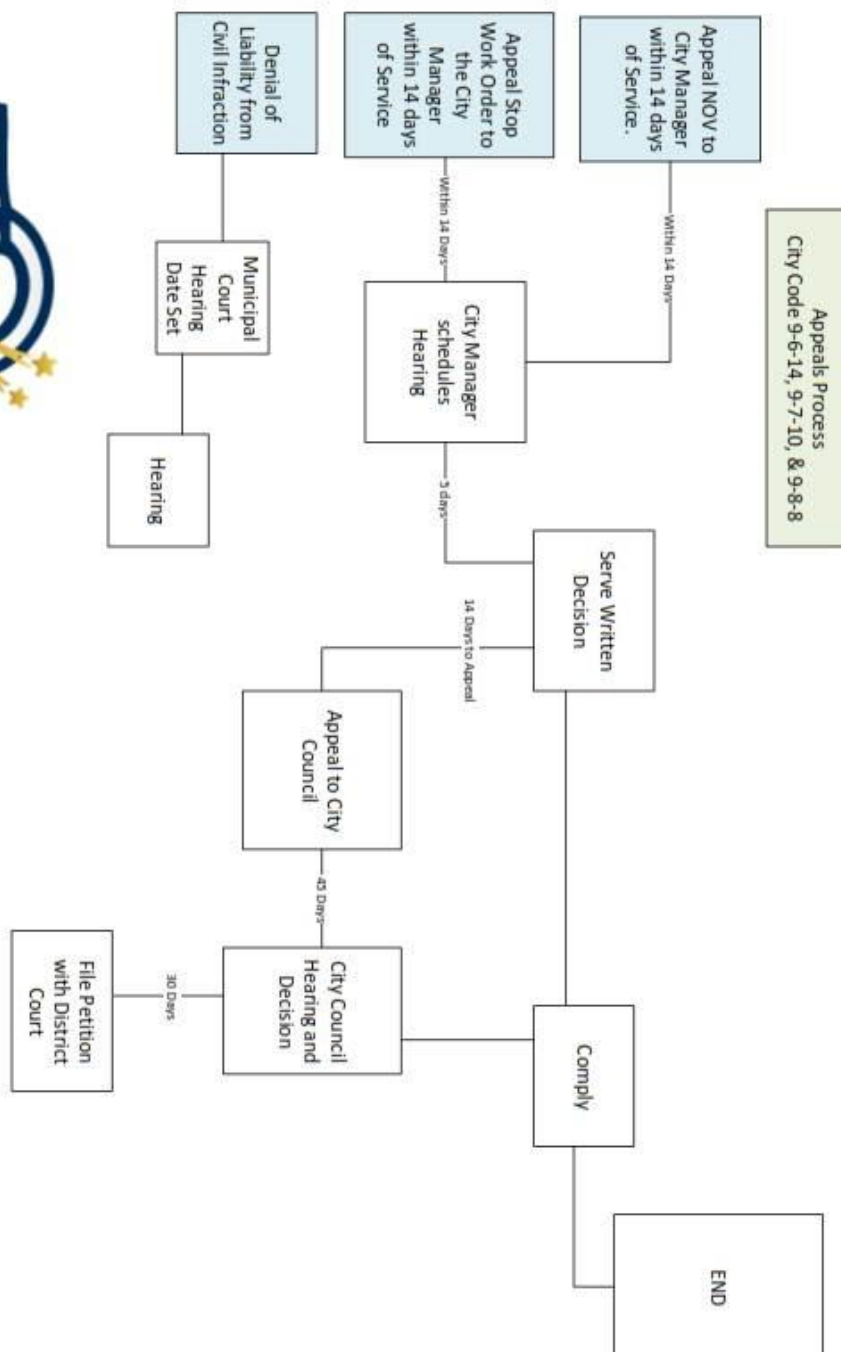


Outfall #44



APPENDIX E: Enforcement





Version 8/30/2021

NOTICE OF VIOLATION



NOTICE OF VIOLATION

City of Elko Municipal Code Violation:

Chapter 6 - Illegal Discharge and Connection to Stormwater

Address or Location: _____

Code Violation:

☐ 9-6-6: IDDE Discharge Prohibitions

☐ Other: _____

Action(s) Required:

- ☐ 1. The performance of monitoring, analyses, and reporting;
- ☐ 2. The elimination of illegal connections or discharges;
- ☐ 3. That discharges, practices, or operations causing nonpoint source pollution immediately cease and desist;
- ☐ 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- ☐ 5. The payment of a fine (**\$500**) established by this Chapter or by resolution of the City Council to cover administrative and remediation costs (Remit payment within 14 days of the service of this Notice to the Elko City Clerk's Office.);
- ☐ 6. Implementation of source control or treatment BMPs.

Correction MUST be completed by:

_____/_____/_____

Issuing City Official (Sign and Print Name)

Date Issued: _____ Time Issued: _____

Notice of Violation must be served to the BMP owner or BMP Owner's Agent or representative by certified mail, return-receipt request. This Notice may be appealed. See City Code Section 9-6-14 for details.

For Questions regarding this Notice please contact the Community Development Department at 775-777-7210.

Revision 8/30/2021

City of Elko Notice of Violation Additional Information

If you appeal this Notice of Violation (See 9-6-14 of City Code for full information):

1. You must file written appeal with the City manager within 14 calendar days of service of this notice.
2. A hearing will be scheduled by the City Manager or his designee within 14 days of the Notice of Appeal.
3. At the hearing you may be represented and you will be provided an opportunity to present evidence on your behalf.
4. The City Manager or his designee will render a written decision within 5 business days of the hearing.
5. Failure to appeal to the City Manager is deemed an admission of the violation.
6. You may appeal the decision of the City Manager to the City Council within 14 calendar days of service. Failure to appeal the decision to the City Council will result in a waiver to further contest the decision of the City Manager.
7. A decision of the City Council is subject to an action for judicial review as provided in the City Code.
8. Throughout the process, the City may pursue all remedies permitted by Elko City Code Title 9, Chapter 6.

Revision 8/30/2021

STOP WORK NOTICE



STOP WORK

BY ORDER OF CITY OFFICIAL

**ALL WORK ON THIS JOB SHALL BE
SUSPENDED UNTIL FURTHER NOTICE!**

YOU HAVE BEEN FINED \$500.

**WARNING! Any person, firm or organization who continues work in
violation of this order may be arrested by a peace officer.**

Stop Work Order No.	Date	Time
Location		Posted By
Reason to STOP WORK		

REMOVAL OF THIS NOTICE IS PROHIBITED

**Remit payment within *14 days* of the service of this Notice
to the City of Elko Clerk's Office.**

For Questions regarding this Notice please contact the Community Development Department at 775-777-7210.
This Notice may be appealed. See City Code Section 9.6.14 or 9.7.10 for details.

Revision 8/30/2021

NOTICE OF CIVIL INFRACTION



NOTICE OF CIVIL INFRACTION

In the Municipal Court of the City of Elko, State of Nevada

Civil fine: \$500

Name: _____ Case Number: _____

Address: _____

Violation:

☐ 9-6-6: IDDE Discharge Prohibitions

☐ 9-7-6: Stormwater Construction General Permit; Construction Site Discharge Regulations and Requirements

☐ 9-7-7: Requirement to Prevent, Control and Reduce Storm Water Pollutants by the use of Best Management Practices

☐ 9-8-5: New Development and Significant Redevelopment (NDSR) Application, Post Construction Stormwater Quality Management Plan (PSQMP) Review and O&M Contract

☐ Other: _____

Location of Violation: _____ Date & Time of Violation: _____

Issuing City Official (Sign and Print Name) Service Date of Notice: _____

Method of Service: ____ Personal ____ Certified Mail ____ Posted Property

THIS IS NOT A WARNING

You have been cited and fined for violating the Elko City Code.

You must do one of the following actions within 14 calendar days of the date of service of this Notice.

PAY THE CIVIL FINE

Mail the Answer below to the address at the bottom of the page along with a check or money order made payable to the Municipal Court of the City of Elko, State of Nevada. No further action is needed.

REQUEST A HEARING

If you dispute this Notice of Civil Infraction mark the appropriate selection and mail the Answer below to the address at the bottom of the page.

For Questions regarding this Notice please contact the Community Development Department at 775-777-7210.

Revision 8/30/2021

**ANSWER TO NOTICE OF CIVIL INFRACTION
In the Municipal Court of the City of Elko, State of Nevada**

Please complete this form and return this portion to the address below.

Name: _____ Date of Violation: _____

Address: _____ Violation issued by: _____

_____ I admit this violation. Payment of the civil penalty is enclosed.

_____ I deny liability for the infractions. (A person who denies liability for the infraction must appear in person before the Municipal Court.)

Date: _____ Signature: _____

Mail/Deliver Answer to:

**City of Elko Municipal Court
571 Idaho Street
Elko, NV 89801
775-738-8403**

Revision 8/30/2021

NOTICE OF CIVIL INFRACTION ADDITIONAL INFORMATION

IF YOU CONTEST THE OFFENSE:

- You will be notified of the date and time of your hearing.
- Your hearing will be held in Elko County Court House.
- You should bring all evidence (e.g. photographs, documents, etc.) and witnesses to the hearing.
- You will have the opportunity to present your position, to offer evidence in support of your position, to refute evidence presented by the City, and to cross examine witnesses.
- Failure to appear at the hearing may be considered an admission of the civil offense.
- All available collection remedies and costs of collection will be pursued in the event the civil fine and delinquent charges are not timely paid;
- The City of Elko may pursue further rights and remedies in the event of non-compliance including but not limited to criminal prosecution.

Revision 8/30/2021

APPENDIX F: MS4 PERMIT

- VI.B.2.a The steps taken by the Permittee to involve the public in the development and submittal of the Permittees NOI and SWMP;
- VI.B.2.b The plan the Permittee will use to actively involve the public in the development and implementation of the program;
- VI.B.2.c The target audiences for the Permittee's public involvement program, including a description of the types of ethnic and economic groups engaged. The Permittee is encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others;
- VI.B.2.d The types of public involvement activities included in the Permittee's program. These public involvement activities may include:
- VI.B.2.d.i Citizen representatives on a stormwater management panel;
- VI.B.2.d.ii Public hearings;
- VI.B.2.d.iii Working with citizen volunteers willing to educate others about the program; and
- VI.B.2.d.iv Volunteer monitoring for stream or lake clean-up activities.
- VI.B.2.e The person(s) responsible for the overall management and implementation of the Permittee's stormwater public involvement/participation program and, if different, the person(s) responsible for each of the BMPs identified for this program.
- VI.B.2.f Metrics the Permittee will use to evaluate the success of this MCM, including how the Permittee selected the measurable goals for each of the BMPs.

VI.C. Illicit Discharge Detection and Elimination

VI.C.1. Permit requirement. The Permittee shall:

- VI.C.1.a Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 40 CFR§122.26(b)(2)) into the Permittee's MS4;
- VI.C.1.b Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the U.S. that receive discharges from those outfalls;
- VI.C.1.c To the extent allowable under State, or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-stormwater

discharges into the Permittee's MS4 and implement appropriate enforcement procedures and actions;

- VLC.1.d Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumping, into the Permittee's MS4;
 - VLC.1.e Inform public employees, businesses, and the general public about the hazards associated with illegal discharges and improper disposal of waste;
 - VLC.1.f Address the discharges listed in Part LE or flows (i.e., illicit discharges) only if the Permittee identifies them as significant contributors of pollutants to the Permittee's MS4; and
 - VLC.1.g The Permittee may also develop a list of other similar occasional incidental non-stormwater discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-stormwater discharges must not be reasonably expected to be significant sources of pollutants to the MS4 either because of the nature of the discharges or conditions the Permittee has established for allowing these discharges to the Permittee's MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). The Permittee shall document in the SWMP any local controls or conditions placed on the discharges. The Permittee shall include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.
- VLC.2. **Decision process.** The Permittee shall document the decision process for the development of a stormwater illicit discharge detection and elimination ("IDDE") program. The Permittee's rationale statement must address the overall IDDE program and the individual BMPs, measurable goals, and person(s) responsible for administering the program. The rationale statement shall include the following information, at a minimum:
- VLC.2.a The plan the Permittee will use to develop a storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information the Permittee will use for the maps, and how the Permittee plans to verify the outfall locations with field surveys. If the Permittee has already completed the map, describe how the map was developed. Also, discuss how the Permittee will update the map and the frequency of the updates;
 - VLC.2.b The mechanism (ordinance or other regulatory mechanism) the Permittee will use to effectively prohibit illicit discharges into the MS4 and why the mechanism was chosen. If the Permittee needs to develop this mechanism, describe the plan and the schedule to do so. If the Permittee's

ordinance or regulatory mechanism has already been developed, include a copy of the relevant sections with the SWMP;

VLC.2.c The Permittee's plan to ensure that by using appropriate enforcement procedures and actions the illicit discharge ordinance (or other regulatory mechanism) is implemented;

VLC.2.d The Permittee's plan to detect and address illicit discharges to the system, including discharges from illegal dumping and spills. The Permittee's plan shall include dry weather field screening for non-stormwater flows and field tests of selected chemical parameters as indicators of discharge sources. The Permittee's plan shall also address on-site sewage disposal systems that overflow ("Sanitary Sewer Overflows") into the storm drainage system. The Permittee's description must address the following, at a minimum:

VLC.2.d.i Procedures for locating priority areas which include areas with a higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches;

VLC.2.d.ii Procedures for tracing the source of an illicit discharge, including the specific techniques that will be used to detect the location of the source;

VLC.2.d.iii Procedures for removing the source of the illicit discharge;

VLC.2.d.iv Procedures for program evaluation and assessment;

VLC.2.d.v The plan the Permittee will use to inform public employees, businesses, and the general public of the hazards associated with illegal discharges and improper disposal of waste. Discuss how this plan will coordinate with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs;

VLC.2.d.vi The person(s) responsible for overall management and implementation of the stormwater IDDE program and, if different, is the person(s) responsible for each of the BMPs identified for this program; and

VLC.2.d.vii Discuss how the Permittee will evaluate the success of this MCM, including how the Permittee selected the measurable goals for each of the BMPs.