UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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MAR 30 2007

Kevin Eubanks, P.E.
Assistant General Manager
Clark County Regional Flood Control District
600 S. Grand Central Parkway, Suite 300
Las Vegas, NV 89106-4511

Subject: Las Vegas Valley Storm Water Management Program, NPDES Permit No. NV0021911, Program Audit

Dear Mr. Eubanks:

Following our program audit of September 19-23, 2005, we sent you and the other copermittees the audit report on April 20, 2006 which identified several program deficiencies. The co-permittees responded to these conclusions in a letter dated August 22, 2006. In September 2006, the co-permittees submitted the 2005-2006 Annual Report under the permit, which included some revisions to the Storm Water Management Plan (SWMP) in response to findings in the audit report.

Since that time, EPA and NDEP have continued to evaluate the Las Vegas Valley program's compliance with the NPDES permit. We agree there have been, and continue to be, significant deficiencies with the permittees' storm water management program. EPA understands that the co-permittees and NDEP have met to discuss these problem areas and commence development of a plan to promptly correct the deficiencies in an expeditious manner. We believe that corrections to the program should be made prior to the next NPDES permit taking effect.

Without repeating the audit report's findings, we believe that the most significant deficiencies concern the Las Vegas Valley program's failures to reduce pollutants to the maximum extent practicable ("MEP") with regard to the following program elements:

1. Construction site storm water runoff management;
2. Post-construction storm water runoff management from areas of new development and significant redevelopment;
3. Storm water runoff management from areas of industrial activity; and
4. Storm water runoff management related to operation and maintenance of treatment systems and controls. This issue was not identified in the audit report. A review of the co-permittees' 2005-2006 Annual Report indicated accumulations of sediment reducing the potential effectiveness of detention basins. Two County detention basins have accumulated sediments of 81,000 and 56,000 cu. yds, respectively, yet County removed only 313 cu. yds in 05/06 reporting period.

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As the co-permittees and NDEP work to remedy these deficiencies, I would like to share EPA's expectations as to substance and timing of necessary corrective actions. Enclosed is a brief discussion of the program and implementation changes we consider essential to the co-permittees' compliance with storm water program requirements.

EPA requests copies of all submittals developed by the co-permittees to assure us you are making the needed corrections in a timely manner. Please direct any questions to Mr. Jeremy Johnstone at 415-972-3499 or via email at johnstone.jeremy@epa.gov. Thank you for your continuing cooperation in this matter.

Sincerely,

Alexis Strauss 30 March 2007

Alexis Strauss, Director
Water Division

Enclosure

cc (w/enclosure):
T. Reilly, Clark County
R. Fultz, City of Las Vegas
J. Doody, City of North Las Vegas
C. Chandler, City of Henderson
T. Porta, NDEP

Enclosure
Las Vegas Valley MS4
EPA's Recommendations for Correcting Select Identified Deficiencies

1. Construction site storm water runoff management

The co-permittees should revise their construction site runoff management program to at least comply with the requirements of the Phase 2 rule[1], which requires that programs include, at a minimum:

- An ordinance;
- Requirements to implement erosion and sediment control BMPs;
- Requirements to control other waste at the construction site;
- Procedures for reviewing construction site plans;
- Procedures to receive and consider information submitted by the public; and
- Procedures and authority for inspections and enforcement of storm water requirements at construction sites.

Guidance for complying with these requirements may be found on EPA's website at: http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=4

We believe that these revisions should be completed, by the time of permit reapplication (Dec. 2007) so that these minimum requirements are being complied with by the time the next NPDES permit goes into effect.

2. Post-construction site runoff management from areas of new development and significant redevelopment

The existing large flood control detention basins provide little, if any, water quality benefit, as evidenced by the detention basin pollutant removal monitoring that was reported in the most recent annual report. They may be utilized as part of an effective post-construction control system (in conjunction with other measures, as discussed below) if they are:

- converted/retrofitted to address water quality. Retrofits should include inlet and outflow structures designed to control floatables, sediment, and toxic fractions associated with sediment particles; and
- maintained to address water quality, and prevent resuspension of sediment.

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[1] The Phase 2 rule established minimum program elements that meet the required MEP standard for Phase 2 MS4s. As such, the Phase 2 requirements provide useful guidance to all MS4s regarding the content and expectations of programs that meet this required standard.

In addition to detention basin retrofit the co-permittees should revise their program to, at a minimum, comply with the requirements as stated in the Phase 2 rule. In summary, these minimum requirements include:

- Strategies to implement a combination of structural and non-structural BMPs;
- An ordinance to address post-construction runoff; and
- A program to ensure adequate long-term operation and maintenance of BMPs.

As stated above, source controls (non-structural measures) must be incorporated into the program in addition to detention basin retrofits. Such controls should provide for or address:

- runoff from commercial and residential areas;
- planning procedures;
- design standards, BMP fact sheets or guidance manuals that include site design source control, and storm water treatment BMPs;
- tracking & maintenance for structural BMPs;
- training and education; and
- estimates of expected reductions in loads.

Guidance for complying with these requirements may be found on EPA's website at: http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=min_measure&min_measure_id=5

Additionally, we encourage the Las Vegas Valley co-permittees to include Low Impact Development (LID) principles in the revised program. Information on LID principles may be found at http://www.epa.gov/owow/nps/lid/lid.pdf.

These program revisions should be completed as expeditiously as possible. We recognize that some work will certainly be required to continue beyond the12/07 permit reapplication date. Any such tasks should clearly be identified along with progress milestones and due dates.

3. Storm water runoff management from areas of industrial activity

The co-permittees should complete their search for industrial facilities that are or may be contributing a substantial loading to the MS4 by 30 June 2007, in accordance with the commitment made in the Sept. 2006 SWMP revisions. The co-permittees should revise their industrial facility monitoring and control program to include any newly identified facilities, and commence monitoring activities at these industrial facilities by the time of permit reapplication (Dec. 2007).

4. Storm water runoff management related to operation and maintenance of treatment systems and controls

The co-permittees should remove accumulated sediments in regional detention basins (e.g. 82,000 cu. yds. at the Red Rock DB and 51,000 cu. yds. at the Blue Diamond DB) before the summer monsoon season and should, by the time of permit reapplication (Dec. 2007), develop and implement a specific schedule and protocol for inspecting and cleaning these basins.