

STATE OF NEBRASKA



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Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES)

General NPDES Permit Number NER300000 Authorizing Storm Water Discharges to waters of the State from Small Municipal Separate Storm Sewer Systems Located in the State of Nebraska

In compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Sections. 1251 et. seq. as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Sections 81-1501 et. seq. as amended to date), and the Rules and Regulations promulgated pursuant to these Acts, the Director of the Nebraska Department of Environmental Quality is hereby issuing this general permit authorizing the discharge of pollutants to waters of the State. This general permit establishes prohibitions, limitations and other conditions pertaining to these discharges. This general permit does not relieve permittees of other duties and responsibilities under the Nebraska Environmental Protection Act, as amended, or established by regulations promulgated pursuant thereto.

NPDES Permit No.: **NER300000**
Permittee: **Small Municipal Separate Storm Sewer Systems (SMS4) as defined in NDEQ Title 119, Chapter 10 002.10 within the State of Nebraska**
Facility Locations: **Entire State of Nebraska**
Effective Date: **July 1, 2005**
Expiration Date: **June 30, 2010**

Pursuant to the Delegation Memorandum dated January 12, 1999 and signed by the Director, the undersigned hereby executes this document on the behalf of the Director.

Signed this 20th day of June, 2005

Patrick W. Rice

Patrick W. Rice, P.E.
Assistant Director

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Part I. Applicability

A. General Permit Program Area

This permit has application to the small municipal separate storm sewer system (SMS4) discharges to waters within the State of Nebraska.

B. Eligibility

1. This permit authorizes discharges of storm water from small municipal separate storm sewer systems (SMS4s), as defined in NDEQ Title 119, Chapter 10 002,10. You are authorized to discharge under the terms and conditions of this general permit if you:
 - a. Operate a Small Municipal Separate Storm Sewer System within the permit area described in the General Permit Program Area;
 - b. Are not a "large" or "medium" Municipal Separate Storm Sewer System as defined in NDEQ Title 119, Chapter 1 065; and
 - c. Submits a Notice of Intent (NOI) in accordance with **Part II**; and
 - d. Are located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or are designated for permitting authority pursuant to NDEQ Title 119, Chapter 10 002.
2. This permit authorizes point-source discharges of municipal storm water and other authorized flows from the Small Municipal Separate Storm Sewer Systems. The discharges provided coverage under this permit are limited to the following:
 - a. Municipal storm water that originates from within the General Permit Program Area;
 - b. Storm water from areas outside the General Permit Program Area that flows into and through the Small Municipal Separate Storm Sewer Systems;
 - c. *Storm water discharges associated with industrial activity* as defined in NDEQ Title 119, Chapter 1 117 and 118 that are authorized under a separate NPDES permit or that are in-compliance with the No Exposure Certification requirements;
3. Non-Storm water discharges that are either:
 - a. Authorized under a separate NPDES permit;
 - b. Being addressed in accordance with the Illicit Discharge Identification procedures set forth in the municipal entity's Storm Water Management Plan; or
 - c. *Other Allowable Non-Storm Water Discharges (See Part IV B. 3. a. 6).*

C. Limitations on Coverage

This permit does not authorize:

1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
 - a. In compliance with a separate NPDES permit (e.g. non-contact cooling water discharges);
 - b. Storm water discharges currently covered under another permit; or
 - c. Determined not to be a substantial contributor of pollutants to waters of the State of Nebraska.
2. Storm water discharges associated with industrial activity as defined in NDEQ Title 119, Chapter 1 117.
3. Storm water discharges associated with construction activity as defined in NDEQ Title 119, Chapter 1 118.
4. Storm water discharges that may impact endangered or threatened species or their habitat.
5. Discharges that do not comply with the state's anti-degradation policy for water quality standards. State anti-degradation policies can be obtained from the NDEQ web site.

Part II. Notice of Intent Requirements

A. Obtaining Authorization

1. To be authorized to discharge storm water from SMS4s, you must submit a Notice of Intent (NOI) and a description of your storm water management program in accordance with the deadlines presented in this permit.

2. Unless notified by NDEQ to the contrary, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from SMS4s under the terms and conditions of this permit thirty days after the date that the NOI is postmarked. The Agency may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information (See Part IX. Q).
3. Where the operator changes, or where a new operator is added after submittal of an NOI a new Signatory Authorization Form must be submitted (See Part IX. H) prior to the change or addition.

B. Designation after Permit Issuance

If the NDEQ requires you to apply after the permit issuance date, you must seek coverage under this permit. To seek coverage you must submit an NOI and a description of your storm water management program to the NDEQ. Coverage is required within 180 days after receipt of the notice.

C. Contents of the Notice of Intent

The Notice(s) of Intent must be signed in accordance with the signatory requirements (See Part IX. K). The following information must be included:

1. Information on the Permittee;
2. The name of your municipal entity/ state agency/federal agency, mailing address, and telephone number;
3. An indication of whether you are a Federal, State, or other public entity;
4. Information on the Municipal Separate Storm Sewer System:
5. The Urbanized Area or Core Municipality (if you are not located in an Urbanized Area) where your system is located; the name of your organization, county where your SMS4 is located, and the latitude and longitude of an approximate center of your Small Municipal Separate Storm Sewer Systems (SMS4);
6. The name of the major receiving water(s) and an indication of whether any of your receiving waters are on the latest CWA §303(d) list of impaired waters. If you have discharges to 303(d) waters, a certification that your Storm Water Management Program complies with the requirements of Part III.
7. Information on your chosen best management practices (BMPs) and the measurable goals for each of the storm water minimum control measures (See Part IV. B). Your time frame for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating your Storm Water Management Program.
8. If you are relying on another governmental entity regulated under the storm water regulations NDEQ Title 119, Chapter 10 002.11C to satisfy one or more of your permit obligations, the entity identity and the element(s) they will be implementing shall be identified (See Part V).
9. Certification of whether you have met eligibility criteria for protection of threatened or endangered species, critical habitat, and historic properties.

D. Where to Submit

1. Authorization to discharge under this general permit may be applied for by submitting a Notice of Intent (NOI) using SMS4-NOI, or an equivalent format approved by the Department. Your NOI must be signed in accordance with the signatory requirements (See Part IX. K). The SMS4-NOI can be obtained by contacting the Nebraska.
2. At the following address or at the following web address:
 - a. Mailing Address and Telephone Number:

Wastewater Section
Nebraska Department of Environmental Quality
P.O. Box 98922
1200 N Street, The Atrium, Suite 400
Lincoln, Nebraska 68509-8922
Telephone (402) 471-4220
 - b. Web address

[http://www.deq.state.ne.us/Water Division/National Pollutant Discharge Elimination System \(NPDES\)/NPDES Program/Publication, Forms and Application.](http://www.deq.state.ne.us/Water%20Division/National%20Pollutant%20Discharge%20Elimination%20System%20(NPDES)/NPDES%20Program/Publication,%20Forms%20and%20Application)

3. Co-Permittees Under a Single NOI

You may partner with another NPDES Program SMS4 to develop and implement your storm water management program. You may also jointly submit an NOI with one or more SMS4s. Each SMS4 must fill out the SMS4 NOI (Attachment #1) – Notice of Intent for a SMS4. The description of your storm water management program must clearly describe which permittees are responsible for implementing each of the control measures.

Part III. Special Conditions

A. Discharges to Water Quality Impaired Waters

The following changes may be required, if the SMS4 discharges into impaired receiving waters or protect endangered or threatened species or their habitat:

1. Storm Water Monitoring Plan changes;
2. Monitoring requirements changes; and
3. Reporting Requirements.

B. Total Maximum Daily Load (TMDL) Allocations

If a TMDL has been approved for the SMS4 receiving waters, change of the Storm Water Monitoring Plan. Additional monitoring requirements and reporting requirements may be required. These requirements will be established pursuant to of the Federal Clean Water Act.

To comply with any future TMDL requirement, you must:

1. Document all control measures currently being implemented or are being planned to be implemented.
2. Include a schedule of implementation for all planned controls.
3. Document the calculations or other evidence that shows that the WLA will be met.
4. Describe a monitoring program to determine whether the storm water controls are adequate to meet the WLA.
5. If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions.
6. Document until two continuous monitoring cycles show that the WLAs are being met or that WQ standards are being met.

Part IV. Storm Water Management Plan (SWMP)

A. Requirements

1. The permittee is required to submit a Notice of Intent (NOI) and a storm water management program description. The storm water management program description shall include the following information:
 - a. How you plan to develop, implement, and enforce a storm water management program;
 - b. How is the plan designed to reduce the pollutant discharge from your SMS4 to the maximum extent practicable (MEP);
 - c. How the management plan is to protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act:
 - 1) The storm water management program should include management practices; control techniques and system design, and engineering methods;
 - 2) The permitting authority may determine other appropriate provisions for the control of such pollutants;
 - 3) The storm water management plan must include information for each of the six minimum control measures described in this permit (See Part IV. B.).
2. The best management practices (BMPs) that you or another entity will implement for each of the storm water minimum control measures.
3. The measurable goals for each of the BMPs including, as appropriate; the months and years in which you will undertake required actions; this includes interim milestones and the frequency of the action.
4. The person or persons responsible for implementing or coordinating the BMPs for your storm water management program.

5. In addition to the previously listed requirements:
 - a. Provide a rationale for the selection of each storm water management program BMPs and its measurable goals;
 - b. The information required for such a rationale is given for each minimum measure (See Part VII. B).
 - c. You must develop and fully implement your program by 2010.

B. Minimum Control Measures

The six minimum control measures that must be included in your storm water management program are:

1. Public Education and Outreach on Storm Water Impacts

a. *Permit requirement.*

You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

b. *Decision process.*

You must document your decision process for the development of a storm water public education and outreach program. Your rationale statement must address your overall public education program, the individual BMPs, measurable goals and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) How you plan to inform individuals and households about the steps they can take to reduce storm water pollution.
- 2) How you plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream restoration activities).
- 3) Who are the target audiences for your education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were they selected.
- 4) What are the target pollutant sources your public education program is designed to address?
- 5) What is your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people do you expect to reach by your outreach strategy over the permit term.
- 6) Who is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.
- 7) How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

2. Public Involvement/Participation

a. *Permit requirement.*

You must at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.

b. *Decision process.*

You must document your decision process for the development of a storm water public involvement/participation program. Your rationale statement must address your overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for your program. The rational statement must include the following information, at a minimum:

- 1) How you have involved the public in the development and submittal of your NOI and storm water management program.

- 2) What is your plan to actively involve the public in the development and implementation of your program?
- 3) Who are the target audiences for your public involvement program, including a description of the types of ethnic and economic groups engaged? You are 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.
- 4) What are the types of public involvement activities included in your program? Where appropriate, consider the following types of public involvement activities:
 - (a) Citizen representatives on a storm water management panel;
 - (b) Public hearings;
 - (c) Working with citizen volunteers willing to educate others about the program;
 - (d) Volunteer monitoring or stream/beach clean-up activities;
 - (e) Who is responsible for the overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.
 - (f) How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

3. Illicit Discharge Detection and Elimination

a. Permit requirements:

- 1) Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in NDEQ Title 119, Chapter 10 002.02D2) into your Small Municipal Separate Storm Sewer Systems (SMS4);
- 2) 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 state that receive discharges from those outfalls;
- 3) To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- 4) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system;
- 5) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- 6) Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your Small Municipal Separate Storm Sewer Systems (SMS4):
 - (a) Water line flushing
 - (b) Landscape irrigation
 - (c) Diverted stream flows
 - (d) Rising ground waters
 - (e) Uncontaminated ground water infiltration (as defined at 40 CFR §35.2005[20])
 - (f) Uncontaminated pumped ground water
 - (g) Discharges from potable water sources
 - (h) Foundation drains
 - (i) Air conditioning condensation
 - (j) Irrigation water
 - (k) Springs
 - (l) Water from crawl space pumps

- (m) Footing drains
 - (n) Lawn watering
 - (o) Individual residential car washing
 - (p) Flows from riparian habitats and wetlands
 - (q) Dechlorinated swimming pool discharges
 - (r) Street wash water
 - (s) Discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the state.
- 7) You may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions you have established for allowing these discharges to your Small Municipal Separate Storm Sewer System (SMS4) (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive water bodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. You must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your SMS4.
- b. *Decision process.*
- You must document your decision process for the development of a storm water illicit discharge detection and elimination program. Your rationale statement must address your overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:
- 1) How you will 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 you used for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, describe how your map will be regularly updated.
 - 2) The mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the Small Municipal Separate Storm Sewer System (SMS4) and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.
 - 3) Your plan to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented.
 - 4) Your plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. Your plan must include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. Your plan must also address on-site sewage disposal systems that flow into your storm drainage system. Your description must address the following, at a minimum:
 - (a) Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.
 - (b) Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.
 - (c) Procedures for removing the source of the illicit discharge;
 - (d) Procedures for program evaluation and assessment.

- 5) How you plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum measure programs.
- 6) Who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.
- 7) How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

4. Construction Site Storm Water Runoff Control

a. *Permit requirement.*

You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your Small Municipal Separate Storm Sewer System (SMS4) from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with NDEQ Title 119, Chapter 10 004.02D4 you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites. Your program must include the development and implementation of, at a minimum:

- 1) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
- 2) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- 3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- 4) Procedures for site plan review which incorporate consideration of potential water quality impacts;
- 5) Procedures for receipt and consideration of information submitted by the public; and
- 6) Procedures for site inspection and enforcement of control measures.

b. *Decision process.*

You must document your decision process for the development of a construction site storm water control program. Your rationale statement must address your overall construction site storm water control program and the individual BMPs, continued measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) The mechanism (**ordinance or other regulatory mechanism**) you will use to require erosion and sediment controls at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your storm water management program description.
- 2) Your plan to ensure compliance with your erosion and sediment control regulatory mechanism, including the **sanctions and enforcement mechanisms** you will use to ensure compliance. Describe your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties (such a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.
- 3) Your requirements for **construction site operators to implement appropriate erosion and sediment control BMPs** and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.

- 4) Your procedures for site plan review, including the review of pre-construction site plans, which incorporate consider of potential water quality impacts. Describe your procedures and the rationale for how you will identify certain sites for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of site that will have pre-construction site plans reviewed.
 - 5) Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program.
 - 6) Your procedures for site inspection and enforcement of control measures, including how you will prioritize sites for inspection.
 - 7) Who is responsible for overall management and implementation of your construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program.
 - 8) Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.
- 5. Post-Construction Storm Water Management in New Development and Redevelopment**
- a. *Permit requirement.* You must:
 - 1) Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your Small Municipal Separate Storm Sewer System (SMS4). Your program must ensure that controls are in place that would prevent or minimize water quality impacts;
 - 2) Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community; and
 - 3) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and
 - 4) Ensure adequate long-term operation and maintenance of BMPs.
 - b. *Decision process:*

You must document your decision process for the development of a construction site storm water control program. Your rationale statement must address the overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:

 - 1) The mechanism (ordinance or other regulatory codes) you will use to require erosion and sediment controls at construction sites and why you chose that mechanism. If you need to develop this mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your storm water management program description.
 - 2) Your plan to ensure compliance with your erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms you will use to ensure compliance. Describe your procedures for when you will use certain sanctions. Possible sanctions include non-monetary penalties (such as stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.
 - 3) Your requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.
 - 4) Your procedures for site plan review, including the review of pre-construction site plans, which incorporate consider of potential water quality impacts. Describe your procedures and the rationale for how you will identify certain sites for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of site that will have pre-construction site plans reviewed.
 - 5) Your procedures for receipt and consideration of information submitted by the public. Consider

coordinating this requirement with your public education program.

- 6) Your procedures for site inspection and enforcement of control measures, including how you will prioritize sites for inspection.
- 7) Who is responsible for overall management and implementation of your construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program.
- 8) Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

a. *Permit requirement.* You must:

- 1) Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
- 2) Using training materials that are available from EPA, your State or other organizations, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

b. *Decision process.*

You must document your decision process for the development of a pollution prevention/good housekeeping program for municipal operations. Your rationale statement must address your overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement must include the following information, at a minimum:

- 1) Your operation and maintenance program to prevent or reduce pollutant runoff from your municipal operations. Your program must specifically list the municipal operations that are impacted by this operation and maintenance program. You must also include a list of industrial facilities you own or operate that are subject to NDEQ's General Permit for Industrial Storm Water Discharges or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to your Small Municipal Separate Storm Sewer System (SMS4). Include the copy of the Industrial NOI form for each facility.
- 2) Any government employee training program you will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials you plan to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.
- 3) Your program description must specifically address the following areas:
 - (a) Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your Small Municipal Separate Storm Sewer System.
 - (b) Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas you operate.
 - (c) Procedures for the proper disposal of waste removed from your Small Municipal Separate Storm Sewer System and your municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.
 - (d) Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

- 4) Who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.
- 5) How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

Part V. Sharing Responsibility

A. Implementation of the minimum measures

Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. You may rely on another entity only if:

1. The other entity, in fact, implements the control measure;
2. The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.

B. The Other Entity Responsibility

The other entity agrees to implement the control measure on your behalf. Written acceptance of this obligation is expected. This obligation must be maintained as part of the description of your storm water management program. If the other entity agrees to report on the minimum measures, you must supply the other entity with the reporting requirements contained in **Part IV. A** of this permit. If the other entity fails to implement the control measure on your behalf, then you remain liable for any discharges due to that failure to implement.

Part VI. Reporting Requirements

A. Annual Report

The permittee shall prepare a calendar year, annual report to be submitted to the Department no later than April 1st of each year. The report shall cover the following elements.

1. A SWMP implementation report containing:
 - a. The information requested in the six minimum controls and the implementation schedules;
 - b. The locations of the representative storm water discharge monitoring outfalls (residential, commercial, and industrial); and
 - c. A summary of all SWMP revisions that have occurred and any proposed revisions that may be under consideration.
2. Wet weather monitoring information including:
 - a. Rainfall event, flow, and pollutant concentration summary information;
 - b. Calculated estimates of the pollutant masses discharged on both an event and an annual basis;
 - c. The Event Mean Concentrations (EMC's) from the Small Municipal Separate Storm Sewer Area;
 - d. Identification of any water quality improvements or degradation recognized; and
 - e. A summary of any conclusions concerning SWMP revisions or BMP practices that were drawn from all the monitoring data collected. To comply with Part IV of this permit, these conclusions shall be included in the annual report as an attachment to SMS4 - DMR.
3. A statement of the previous fiscal year's expenditures for implementation of the SWMP and the budget for the current fiscal year.
4. An update on the incorporated limits of the municipal entity or the Small Municipal Separate Storm Sewer System area if different than the incorporated limits.
5. In the annual report a summary analysis of the BMP assessment monitoring findings.

B. Semi-Annual Progress Reports

1. The permittee shall submit semi-annual reports on SWMP implementation progress, until implementation of required SWMP elements has been initiated. These reports shall cover the January thru June time period and shall be submitted on or before October 1st of each year. If the implementation schedules established pursuant to this permit are being met, the report needs to simply certify that. If the implementation schedule has not been met (or may not be met in the future), the permittee shall submit an explanation of why and propose an alternative implementation deadline. The Department shall consider the permittee's report in making compliance and schedule extension determinations (Also see *SWMP Amendment Proposals and Approvals*).
2. Semi-annual reports may be in a letter or report format. In most instances, it is anticipated that they will be brief in nature. The Department may request additional information if needed to finalize compliance and schedule extension determinations.
3. Note: The BMP Assessment Monitoring Plan is also due one year after the issuance of authorization.

C. Amendment of Reporting Requirements

The reporting requirements set forth above may be amended in accordance with procedures set forth in Part VII.

D. Immediate Reporting Requirements

The permittee shall immediately report to the Department by telephone upon becoming aware of any of the following:

1. Evidence that a discharge or sludge may be causing distress to fish, aquatic life, plant life, wildlife or livestock; and/or
2. Any new knowledge of spills, leaks or contamination that could impact authorized discharges to surface or ground waters.

E. Record Keeping and Additional Reporting Requirements

The *Standard Conditions* part contains additional reporting and record keeping requirements. See the following subparts of *Standard Conditions: Monitoring and Records, and Reporting Requirements*.

Part VII. Amendment Procedures and Requirements

A. Amendment Procedures

1. Either the Department or the municipal entity may propose amendments to the SWMP, monitoring requirements and reporting requirements. Amendments may be proposed either formally or informally. Proposed amendments shall not be implemented without agreement from both the City and the Department.
2. Any such amendments must comply with the applicable Federal requirements set forth in NDEQ Title 119, Chapter 10 002.12K2.
3. Amendments that are mutually agreeable shall be implemented in accordance with written Department approval.
4. To further pursue proposed amendments that are not mutually agreeable, a written amendment request shall be forwarded to the other party. A reasonable time of at least 30 days shall be provided for the other party to review the proposals, and prepare comments, alternatives, and/or objections. A written response shall be provided within 90 days. If a final opinion is not possible during that time frame, preliminary comments will be provided.
5. After a period of at least 90 days from receipt of a written amendment request, either party may request or initiate a permit modification to resolve any SWMP amendment proposals that cannot be resolved by the procedure set forth above.

B. Endangered and Threatened Species

Changes to the SWMP, monitoring requirements and reporting requirements may be required to protect endangered or threatened species or their habitat.

C. Total Maximum Daily Loads (TMDLs)

Changes to the SWMP, monitoring requirements and reporting requirements may be required to comply with any future TMDL requirements that may be established pursuant to the requirements of the Federal Clean Water Act.

Part VIII. Wet Weather Monitoring Requirements

A. Baseline Monitoring

The permittee shall conduct baseline wet weather monitoring during the second year and fourth year after the issuance of authorization. The Department must approve alternative monitoring procedures.

1. Annual Monitoring Schedule

Monitoring shall be conducted three times in each year in accordance with following schedule:

- Early Spring Flush: February through April;
- Late Spring & Summer: May through July; and
- Fall: September through November

2. Sampling Locations

The permittee shall select three representative, storm water monitoring locations. One monitoring location should represent storm water discharge from a residential area. A second monitoring location should represent storm water discharge from a commercial area. The third monitoring location should represent storm water discharge from an industrial area.

3. Monitoring Requirements

- a. Storm water shall be sampled in accordance with the requirements in NDEQ Title 119, Chapter 10 004.02C1. The Department shall approve alternative methods.
- b. Storm event information shall be recorded including storm duration, precipitation amount, number of days since previous storm event, and for snow melt events include the number of days since previous significant melting event.
- c. The following parameters shall be monitored using grab samples and shall be collected during the initial flush of the discharge.
- d. The following parameters shall be monitored:

- 1) Grab samples shall be collected during the initial flush of the discharge. The samples shall be analyzed for the following parameters:

pH	Fecal Coliform ✓
Total Petroleum Hydrocarbons ^(a)	Fecal Streptococcus
Physical Characteristics Examination (See Attachment #3)	

- 2) Composite samples ^(b) shall be collected during the initial flush of the discharge. The samples shall be analyzed for the following parameters:

Biochemical Oxygen Demand - 5-Day (BOD ₅) ✓	Chemical Oxygen Demand (COD) ✓
Total Nitrogen (TN) ✓	Nitrate Plus Nitrite Nitrogen ✓
Total Ammonia plus Organic Nitrogen ✓	
Dissolved Phosphorus ✓	Total Phosphorus ✓
Total Dissolved Solids (TDS) ✓	Total Suspended Solids (TSS) ✓

Footnotes:

- (a) Total petroleum hydrocarbons shall be analyzed using the OA-2 test method (University Hygienic Laboratory, Iowa City, IA, Method OA-2), unless the Department specifies an alternative method.
- (b) Composite samples may be flow or time composited, and shall be composed of at least three aliquots taken in each hour of discharge for the entire discharge or for the first three hours of discharge (i.e., aliquots shall be collected during the first 3 hours of discharge), with each aliquot separated by at least 15 minutes.

4. Best Management Practices (BMP) Assessment Monitoring

The municipal entity shall implement a wet weather-monitoring program for the Small Municipal Separate Storm Sewer Systems (SMS4) to assess the effectiveness of BMP control measures implemented under the SWMP. BMP assessment monitoring shall take place during the second year and fourth year after the issuance of authorization. The monitoring shall be conducted to evaluate the effectiveness of BMPs and to facilitate future SWMP planning. This shall include monitoring to assess BMP effectiveness with respect to impairment identified by the NDEQ pursuant to §303(d) of the Federal Clean Water Act. When available the City/County may use monitoring data from other reliable sources (e.g. NDEQ, Nebraska Game and Parks, Natural Resource Districts, University of Nebraska).

The BMP Assessment Monitoring Plan shall be submitted for Department review and comment by October 1st of the second year after the issuance of authorization. BMP assessment monitoring may include end-of-pipe and/or in-stream water quality monitoring. The use of field test methods and other methods that do not conform to NDEQ Title 119, Chapter 14 may be used with Department approval for a portion of the monitoring plan. The monitoring effort needs to be approximately the same or greater than that required for Baseline Monitoring.

5. Coordination of Information

The permittee and NDEQ shall share and coordinate monitoring data. Data collected by other governmental entities can be used by the Partnership to help assess the effectiveness of BMPs. The data may be used to meet the monitoring requirements of this permit.

The permittee shall submit a report on the monitoring program to NDEQ, as a part of the annual report that includes:

- a. Summary of any cooperative efforts regarding monitoring within the watershed
- b. Tabulated data generated from the monitoring program
- c. Summary of the monitoring program work to date including any problems with the protocol or selected sampling locations, and recommendations for any changes to the monitoring program.

6. Amendment of Monitoring Requirements

These monitoring requirements may be amended in accordance with procedures set forth in **Part VII**.

Part IX. Standard Conditions

These general conditions are applicable to all NPDES and NPP permits. These conditions shall not preempt any more stringent requirements found elsewhere in this permit

A. General Conditions

1. Information Available

All permit applications, fact sheets, permits, discharge data, monitoring reports, and any public comments concerning such shall be available to the public for inspection and copying, unless such information about methods or processes is entitled to protection as trade secrets of the owner or operator under Neb. Rev. Stat. §81-1527, (Cum. Supp. 1992) and NDEQ Title 115, Chapter 4.

2. Duty to Comply

All authorized discharges shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

The permittee shall comply with all conditions of this permit. Failure to comply with these conditions may be grounds for administrative action or enforcement proceedings including injunctive relief and civil or criminal penalties.

The filing of a request by the permittee for a permit modification, revocation and re-issuance, termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize, prevent or correct any adverse impact to the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as required by the NDEQ to determine the nature and impact of the noncompliant discharge.

4. Permit Actions

This permit may be modified, suspended, revoked or reissued, in part or in whole, in accordance with the regulations set forth in NDEQ Titles 119, Chapter 24. In addition, this permit may be modified, revoked and reissued to incorporate standards or limitations issued pursuant to Sections 301(b)(b)(c), 301(b)(b)(d), 304(b)(b), 307(a)(b), or 405(d) of the Clean Water Act and Public Law 100-4 (i.e., industrial categorical standards and municipal sludge regulations).

5. Toxic Pollutants

The permittee shall not discharge pollutants to waters of the state that cause a violation of the standards established in NDEQ Titles 117, 118 or 119. All discharges to surface waters of the state shall be free of toxic (acute or chronic) substances which alone or in combination with other substances, create conditions unsuitable for aquatic life outside the appropriate mixing zone.

6. Oil and Hazardous Substances/Spill Notification

Nothing in this permit shall preclude the initiation of any legal action or relieve the permittee from any responsibilities, liabilities or penalties under Section 311 of the Clean Water Act. The permittee shall conform to the provisions set forth in NDEQ Title 126, *Rules and Regulations Pertaining to the Management of Wastes*. If the permittee knows, or has reason to believe, that oil or hazardous substances were released at the facility and could enter waters of the state or any of the outfall discharges authorized in this permit, the permittee shall immediately notify the Department of a release of oil or hazardous substances. During Department office hours (i.e., 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays), notification shall be made to the Nebraska Department of Environmental Quality at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free). When NDEQ cannot be contacted, the permittee shall report to the Nebraska State Patrol for referral to the NDEQ Emergency Response Team at telephone number (402) 471-4545. It shall be the permittee's responsibility to maintain current telephone numbers necessary to carry out the notification requirements set forth in this paragraph.

7. Property Rights

The issuance of this permit does not convey any property rights of any sort or any exclusive privileges nor does it authorize any damage to private property or any invasion of personal rights or any infringement of federal, state or local laws or regulations.

8. Severability

If any provision of this permit is held invalid, the remainder of this permit shall not be affected.

9. Other Rules and Regulations Liability

The issuance of this permit in no way relieves the obligation of the permittee to comply with other rules and regulations of the Department.

10. Inspection and Entry

The permittee shall allow the Director or his authorized representative, upon the presentation of his identification and at a reasonable time:

- a. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or records are required to be kept under the terms and conditions of the permit,
- b. To have access to and copy any records required to be kept under the terms and conditions of the permit,
- c. To inspect any facilities, equipment (including monitoring and control), practices or operations regulated or required in the permit, and
- d. To sample or monitor any substances or parameters at any location.

11. Penalties

Violations of the terms and conditions of this permit may result in the initiation of criminal and/or civil actions. Civil penalties can result in fines of up to \$10,000.00 per day (Neb. Rev. Stat. §81-1508, as amended to date). Criminal penalties for willful or negligent violations of this permit may result in penalties of \$10,000.00 per day or by imprisonment. Violations may also result in federal prosecution.

B. Management Requirements

1. Duty to Provide Information

The permittee shall furnish to the Department within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit; or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records retained as a requirement of this permit.

2. Duty to Reapply

The permittee shall apply for a re-issuance of this permit, if an activity regulated by this permit is to be continued after the expiration date of this permit. The application shall be submitted at least 180 days before the expiration of this permit on an application form supplied by the Department, as set forth in NDEQ Titles 119, Chapter 5 002.

3. Signatory Requirements

All reports and applications required by this permit or submitted to maintain compliance with this permit, shall be signed and certified as set forth in this section.

a. Permit applications shall be signed by a cognizant official who meets the following criteria:

- 1) For a corporation: by a principal executive officer of at least the level of vice-president,
- 2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively, or
- 3) For a municipality, state, federal or other public facility: by either a principal executive officer or highest ranking elected official.

b. Discharge monitoring reports and other information shall be signed by the cognizant official or by an authorized representative.

c. The cognizant official designates an authorized representative. The authorized representative is responsible for the overall operation of the facility (i.e., the WWTF Operator, the City Manager, the Public Utilities Superintendent or similar person).

d. Any change in the signatories shall be submitted to the Department, in writing, within 30 days after the change.

e. Certification. All applications, reports and information submitted as a requirement of this permit, shall contain the following certification statement:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

C. Monitoring and Records

1. Representative Sampling

Samples and measurements taken as required within this permit shall be representative of the discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. Monitoring points shall not be changed without notification to the Department and with the written approval of the Director.

a. Composite sampling shall be conducted in one of the following manners:

- 1) Continuous discharge - a minimum of one discrete aliquot collected every three hours,
- 2) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or
- 3) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.

- b. Composite samples shall be collected in one of the following manners:
 - 1) The volume of each aliquot must be proportional to either the waste stream flow at the time of sampling or the total waste stream flow since collection of the previous aliquot,
 - 2) A number of equal volume aliquots taken at varying time intervals in proportion to flow,
 - 3) A sample continuously collected in proportion to flow, and
 - 4) Where flow proportional sampling is infeasible or nonrepresentative of the pollutant loadings, the Department may approve the use of time composite samples.
 - c. Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.
 - d. All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21, 006 unless:
 - 1) In the case of sludge samples, alternative techniques are specified in the 40 CFR, Part 503, or
 - 2) Other procedures are specified in this permit.
- 2. Flow Measurements**
- Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be used to insure the accuracy and reliability of measurements. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements. The accepted capability shall be consistent with the type of that device. Devices selected shall be capable of measuring flows with a maximum deviation of +/- 10%. The amount of deviation shall be from the true discharge rates throughout the range of expected discharge volumes. Guidance can be obtained from the following references for the selection, installation, calibration and operation of acceptable flow measurement devices:
- a. "Water Management Manual," U. S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 2001, 327 pp. Available from the National Technical Information Services (NTIS)
 - b. "NPDES Compliance Inspection Manual," U. S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Publication EPA 300-B-94-014 September 1994. This document is available from the National Technical Information Services (NTIS).
- 3. Test Procedures**
- Test procedures used for monitoring required by this permit shall conform to the methods adopted in NDEQ Title 119, Chapter 27 002 unless:
- a. In the case of sludge samples, alternative techniques are specified in the 40 CFR, Part 503, or
 - b. Other procedures are specified in this permit.
- 4. Averaging of Measurements**
- Averages shall be calculated as an arithmetic mean except:
- a. Bacterial counts which shall be calculated as a geometric mean, or
 - b. Where otherwise specified by the Department.
- 2. Retention of Records**
- The permittee shall retain records of all monitoring activities for a period of at least three years (except five years for biosolids data) as set forth in NDEQ Titles 119, Chapter 14 001.02. The types of records that must be retained include, but are not limited to:
- a. Calibration and maintenance records,
 - b. Original strip chart recordings,
 - c. Copies of all reports required by this permit,
 - d. Monitoring records and information, and
 - e. Electronically readable data.
- The permittee shall retain records of monitoring required by this permit that are related to biosolids use and disposal for a period of five years or longer, as required in NDEQ Titles 119, Chapter 14.
- 3. Record Contents**
- As set forth in NDEQ Title 119, Chapter 14 records of sampling or monitoring information shall include:

- a. The date(s), exact place, time and methods of sampling or measurements,
- b. The name(s) of the individual(s) who performed the sampling or measurements,
- c. The date(s) the analyses were performed,
- d. The individual(s) who performed the analyses,
- e. The analytical techniques or methods used,
- f. The results of such analyses, and
- g. Laboratory data, bench sheets and other required information.

D. Reporting Requirements

1. Immediate Notification

All permittees shall report immediately to the NDEQ:

- a. Discharges of oil or hazardous substances which threaten waters of the state or public health and welfare, and
- b. Discharges causing in-stream toxicity (i.e., a fish kill) or an immediate threat to human health.

Initial notification may be verbal. A written noncompliance notification shall be submitted as set forth in Section D. 3 of this Appendix.

2. Test Procedures

Test procedures used for monitoring required by this permit, shall conform to the methods adopted in NDEQ Title 119, Chapter 27 unless:

- a. In the case of biosolids samples, alternative techniques are specified in the NDEQ Title 119, Chapter 14; or
- b. Other procedures are specified in this permit.

3. 24-Hour Reporting

As set forth in NDEQ Title 119, Chapter 14 the permittee shall report to the NDEQ, within 24 hours of becoming aware of:

- a. Any noncompliance which may endanger the environment or human health or welfare,
- b. Any unanticipated bypass,
- c. All upsets,
- d. Any noncompliance of an effluent limitation in this permit.

Initial notification may be verbal. A written noncompliance notification shall be submitted as set forth in Section D. 3 of this permit.

As set forth in NDEQ Title 119, Chapter 26, if sampling performed by an industrial user (NPP permittee) indicates a permit effluent violation, the permittee shall notify the Department and the city within 24 hours of becoming aware of the violation. The permittee shall resample and have it analyzed. The results of the resampling analysis shall be submitted to the Department and the city within 30 days after becoming aware of the violation.

4. Written Noncompliance Notification

a. The permittee shall submit a written noncompliance report to the NDEQ:

- 1) Within five days of becoming aware of any noncompliance with the NPDES toxic pollutant effluent limitations or requirements set forth in this permit.
- 2) Within seven days of becoming aware of any other noncompliance with the NPDES requirements and/or effluent limitations set forth in this permit.

b. The written notification shall be submitted on a noncompliance form supplied by the Department and shall include:

- 1) A description of the discharge and cause of noncompliance,
- 2) The period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue, and

3) The steps taken to reduce, eliminate, and prevent the reoccurrence of the noncompliance. The submittal of a written noncompliance report does not relieve the permittee of any liability from enforcement proceedings that may result from the violation of permit or regulatory requirements.

5. Transfers

The permittee shall notify the Department at least 30 days prior to the proposed transfer of ownership of this permit or the permitted facility to another party. The Department may modify or revoke and reissue this permit as set forth in NDEQ Title 119, Chapter 24.

E. Requiring an Individual Permit or an Alternative General Permit

1. *Request by permitting authority.*

The permitting authority may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the permitting authority to take action under this paragraph. Where the permitting authority requires you to apply for an individual NPDES permit, the permitting authority will notify you in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for you to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications must be submitted to the appropriate Regional Office. The permitting authority may grant additional time to submit the application upon request of the applicant. If you fail to submit in a timely manner an individual NPDES permit application as required by the permitting authority under this paragraph, then the applicability of this permit to you is automatically terminated at the end of the day specified by the permitting authority for application submittal.

2. *Request by permittee*

Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of NDEQ Title 119, Chapter 10 002.11 with reasons supporting the request, to the permitting authority at the address for the appropriate Regional Office. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by you are adequate to support the request.

3. *General permit termination*

When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

F. Other Rules and Regulations Liability

The issuance of this permit in no way relieves the obligation of the permittee to comply with other rules and regulations of the Department.

Part X. Definitions

Administrator - The Administrator of the USEPA.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bypass - See *Bypass* subpart within *Standard Conditions*.

Clean Water Act refers to the Federal Clean Water Act (33 U.S.C. 1251 *et seq.*).

Department - Nebraska Department of Environmental Quality.

Director - The Director of the Nebraska Department of Environmental Quality.

Event Mean Concentrations (EMCs) - The Event Mean Concentrations (EMCs) are defined as the average concentrations of the sampling data collected from MS4 storm water discharges events for given reporting period.

Industrial User means any source of pollutants to a POTW that originate from any non-domestic sources.

Maximum Extent Practicable (MEP) means the necessary intergovernmental coordination to reduce the discharge of pollutants using management practices, control techniques, system design, engineering methods, and other appropriate provisions.

Municipality means a city, town, village, county, district, association, or other public body created by pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

Municipal separate storm sewer system (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW)

National Pollutant Discharge Elimination System refers to the discharge permit program set up pursuant to Section 402 of the Federal Clean Water Act.

Nebraska Environmental Protection Act refers to Nebraska Revised Statutes §§ 81-1501 etc. al.

Operator means the operator of any municipality small municipal separate storm sewer system that is regulated by 40 CFR, Part 122.32.

Publicly Owned Treatment Works means a treatment works as defined in NDEQ Title 119, Chapter 1 096. that is owned by a state or municipality. This definition includes any devices, and systems used the storage, treatment, recycling and reclamation municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances if they convey wastewater to a facility providing treatment. Municipal Separate Storm Sewer Systems (MS4s) are not included in this definition.

Significant Industrial User means:

1. All industrial users subject to Categorical Pretreatment Standards;
2. Any industrial user that (unless exempted under the provisions NDEQ Title 119, Chapter 1.105:
 - a. Discharges an average of 25,000 gallons per day or more of process water; or
 - b. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any National Pretreatment Standard or requirement.

Storm water means storm water runoff, snowmelt runoff, and surface runoff and drainage.

TMDL is the total maximum daily pollutant load a given stream segment can assimilate without causing a water quality criteria exceedence.

To the Extent Practicable means that such practices or measures can be accomplished without undue hardship on the permittee with respect to the cost or time allowances.

Toxic Pollutant - Those pollutants or combination of pollutants, including disease causing agents, after discharge and upon exposure, ingestion, inhalation or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains will, on the basis of information available to the administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunction (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

Wasteload Allocation (WLA) is calculated as the maximum pollutant concentrations (acute and chronic) that can be assimilated by the receiving water without a water criteria exceedence (Loss of a beneficial use).

Water Quality Standards refers to "Water Quality Criteria". Water Quality Criteria means the elements of the standards that are expressed as concentrations, levels, or narrative statements and represent the quality of water that is necessary to protect a beneficial use.

Part XI. Abbreviations

Best Management Practices - BMP (See *Definitions*)

CFR - Code of Federal Regulations

CWA - Federal Clean Water Act (33 U.S.C. 1251 *et seq.*)

IU - Industrial user (See *Definitions*)

MEP - Maximum Extent Practicable

MS4 - Municipal separate storm sewer system (See *Definitions*)

NDEQ - Nebraska Department of Environmental Quality

NDEQ Title 115 - *Rules of Practice and Procedure*

NDEQ Title 117 - *Nebraska Surface Water Quality Standards*

NDEQ Title 118 - *Ground Water Quality Standards and Use Classification*

NDEQ Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System*

NDEQ Title 123 - *Rules and Regulations for Design, Operation and Maintenance of Wastewater Treatment Works*

NDEQ Title 126 - *Rules and Regulations Pertaining to the Management of Wastes*

NDEQ Title 132 - *Rules and Regulations Pertaining to Solid Waste Management*

NEPA - Nebraska Environmental Protection Act (See *Definitions*)

NPDES - National Pollutant Discharge Elimination System

POTW - Publicly Owned Treatment Works (See *Definitions*)

SIU - Significant industrial user (See *Definitions*)

WLA - Wasteload Allocation

WQ - Water Quality Standard(s) or Water Quality Criteria