

APPENDIX I
STORMWATER PERMITS FOR BOTH WWTF'S

Administrative Extension
NPDES General Permit
for Industrial Storm Water Discharges
NER000000

Pursuant to Chapter 59 of Nebraska Department of Environmental Quality Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System*, the terms and conditions of the NPDES General Permit for Industrial Storm Water Discharges (NER000000) is extended pending further review prior to re-issuance.

Pursuant to the Delegation Memorandum dated July 26, 1999 and signed by the Director, the undersigned hereby executes this document on the behalf of the Director.

Signed this 28th day of August, 2002

COPY - Original Signed August 28, 2002

Jay Ringenberg
Deputy Director

Nebraska Department of Environmental Quality

NPDES Municipal and Industrial Section

Water Quality Division

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NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
AUTHORIZATION TO DISCHARGE UNDER THE STATE OF NEBRASKA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

NPDES Permit Number NER000000

Revised Minor Modification 4/3/02

A general NPDES permit for
industrial storm water discharges
to waters of the State of Nebraska

In compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Secs. 1251 et. seq. as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Secs. 81-1501 et. seq. as amended to date), and the Rules and Regulations promulgated pursuant to these Acts, 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.

This permit shall become effective on September 18, 1997.

This permit shall expire at the end of the 5 year period ending September 17, 2002.

Pursuant to the Delegation Memorandum dated January 30, 1995 and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

Signed this ____ day of _____, _____

COPY - Original Signed September 13, 1997

Patrick W. Rice, Assistant Director

A two page "Summary Guidance" sheet explaining the permit can be found at the end of this packet.

3/16/00

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| Relocation Notice (AQC/NPDES Form RN) and Instructions | |
| Physical Examination Report Form (NPDES Form PE) | |
| NPDES Form NE-3510-11 (Replaces <i>Exemption Notice for Category xi Facilities</i> (NPDES Form ISW-EX)) 04/03/02 | |

B. APPLICABILITY

1. Discharges Authorized by this Permit

- a. Contingent upon the Notification and Discharge Authorization procedures set forth in Section C, this permit authorizes "storm water discharges associated with industrial activity" as defined in NDEQ Title 119 - Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System, Chapter 1.062, except discharges from construction sites as explained in Section B.3.d. The definition for "storm water discharges associated with industrial activity" is contained in Appendix B of this permit. The terms "industrial storm water" and "industrial storm water discharges" are used synonymously in this permit to refer to "storm water discharges associated with industrial activity", except discharges from construction sites.
- b. This permit may also be used to authorize the discharge of storm water from facilities other than those with "storm water discharges associated with industrial activity," if the Department determines that coverage under this permit is appropriate to control the discharge of pollutants (e.g., a permit required pursuant to NDEQ Title 119 Chapter 2 001.06A). In these instances, written discharge authorization is required (See Sections C.4.a and C.4.i).
- c. This permit is applicable to discharges from both stationary and portable facilities. Additional notification and discharge authorization procedures apply to portable facilities as set forth in Section C.7 and C.8 of this permit.

2. Area of Application

This permit has application throughout the State of Nebraska.

Special authorization procedures apply to facilities seeking to discharge to certain State Resource Waters or waters protected as public drinking water supplies in the White River basin. These waters are identified in Appendix C and the discharge authorization procedures are described in Section C.4 of the permit.

3. Limitations on Coverage

This permit does not authorize the following types of storm water discharges associated with industrial activity:

- a. those regulated by an existing NPDES permits;
- b. those for which storm water effluent guideline limitations apply;
- c. those the Director has determined to have reasonable potential to violate a surface or ground water quality standard;

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- d. those associated with construction activities as defined in Title 119 - Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System, Chapter 1.06. (Construction sites of 5 acres or more are required to apply for storm water permits. This general permit does not apply to construction sites. The Department should be contacted for permit options for these sources. See Section C.1 for telephone number and mailing address.);
- e. those adversely effecting an endangered or threatened species as defined in Nebraska Game and Parks Commission Title 163, Chapter 6 004 , or their critical habitats;
- f. those composed of or containing leachate from a landfill as defined in NDEQ Title 132 - Integrated Solid Waste Management Regulations, Chapter 1 045; or
- g. those which the Director, after review of the Notice of Intent or other information, determines would be more effectively regulated with a facility specific, a basin specific, or an industry group permit.

4. Facilities Authorized Under the Previous General Permit

Facilities authorized to discharge under the previously issued NPDES General Permit (i.e., NPDES Permit Number NER000000; Expiration Date September 17, 1997) shall have authorization to discharge under this permit subject to the terms and conditions set forth below in Sections B.4.a and B.4.b.

- a. Facilities authorized to discharge under the previous permit shall be considered in compliance with this permit through December 31, 1997, provided the permittee complies with all of the terms and conditions of the previous general permit.
- b. Facilities authorized to discharge under the previous permit that wish to extend coverage beyond December 31, 1997, shall submit the ISW-NOI form (See Sections C.1 through C.4 below) on or before November 30, 1997.

C. NOTIFICATION AND DISCHARGE AUTHORIZATION PROCEDURES

1. Submission of Initial Notification.

Eligible facilities, as defined in Section B above, may apply for authorization to discharge under this general permit using the Notice of Intent (NOI) procedures set forth below. The NOI shall be submitted in writing on NPDES form ISW-NOI or equivalent approved form. The NOI form can be obtained by contacting the Nebraska Department of Environmental Quality. The address and telephone number current at the time of permit issuance are provided below.

Updated March 16, 2000

NPDES Municipal and Industrial 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

2. Contents of the Notice of Intent.

Appendix D contains the description of the information required to be submitted in the NOI. The ISW-NOI form, an attachment to this permit, meets the requirements set forth in Appendix D.

3. Additional Notification Requirements that Apply to Some Facilities

- a. The Department may request additional information from the source to facilitate the review of the NOI, or to finalize a determination related to the granting of an authorization to discharge or requesting an application for a facility specific, a basin specific, or an industry group permit.
- b. Facilities that discharge storm water through a large or medium municipal separate storm sewer system, shall concurrently submit a copy of NPDES form ISW-NOI (or other appropriate notification form) to the operator of that system. A large or medium municipal separate storm sewer system is defined as a system located in an incorporated city with a population of 100,000 or more. This includes the cities of Lincoln and Omaha.
- c. Other government agencies (e.g., the US Army Corps of Engineers, local City/County Government, or the local Natural Resource District) may have additional notification requirements. Submittal of the NPDES form ISW-NOI does not relieve the applicant of responsibility to comply with the requirements of other government agencies.

4. Authorization to Discharge

- a. Except as provided in Sections C.4.b through C.4.j, C.5 or C.8, a facility is granted authorization to discharge 30 days after the Department receives a complete NOI.
- b. The Department may act to grant an applicant authorization to discharge at any time following the receipt of a completed NOI by providing a written notification to the permittee (e.g., prior to end of the 30 day review period specified in Section C.4.a).
- c. The Department may require additional information to be submitted as a part of the NOI process. Authorization to discharge can not be granted until after the additional information is received, or until the issue prompting the request is resolved. The 30 day period specified in Section C.4.a, restarts each time additional information is received by the Department.
- d. The Department may extend the 30 day authorization period set forth in Section C.4.a to provide a longer review period, or require a written discharge authorization to be obtained. The Department shall provide the applicant with written notice and explanation of any such action within 30 days after the application is received.
- e. Written discharge authorization from the Department is required for discharges to the State Resource Waters and Public Drinking Water Supplies identified in Appendix C. Permittees with portable facilities should refer to Sections C.7 and C.8 for relocation notification and authorization procedures that apply for temporary discharges to these stream segments and water bodies.

- f. Written authorization to discharge is required whenever an application contains a request for a compliance extension for completion of the SWPPP pursuant to Section D.7.c of this permit.
- g. The Department may deny authorization to discharge under the terms and conditions of this permit by providing the applicant with a written notice of the denial and an explanation of the basis for the determination.
- h. The Department may require the submittal of an application for a facility specific permit or an NOI for an alternative general permit. The Department shall provide an explanation of the basis for any such request.
- i. If authorization to discharge under the conditions of this permit is sought pursuant to Section B.1.b of this permit , written discharge authorization is required.
- j. All permittees must meet the requirements set forth in Section B of this permit. Failure to do so shall negate any authorization to discharge granted pursuant to this subsection.

5. Revocation of Discharge Authorization

The Director may revoke a permittee's authorization to discharge under the terms and conditions of this permit for any of the following:

- a. the discharge has a reasonable potential to violate a surface or ground water quality standard;
- b. the discharge is adversely affecting an endangered or threatened species as defined in Nebraska Game and Parks Commission Title 163, Chapter 6 004 , or their critical habitats; and
- c. a permittee fails to submit an alternative permit application requested pursuant to Section C.6.

6. Requiring an Alternative Permit and Application

- a. The Director may require any person authorized to discharge under the terms and conditions of this permit to apply for and obtain either a facility specific NPDES permit or an alternative NPDES general permit. A written notice that an alternative permit application is required shall be provided by the Department. This notice shall include:
 - i. a brief explanation of the basis for the determination;
 - ii. an application or NOI form for the alternative permit; and
 - iii. a deadline for submitting the application for the alternative permit.

The Director may grant additional time for the submittal of an alternative application following the initial notice described above.

- b. Conditions that may constitute a basis for requesting an alternative application include, but are not limited to:
 - i. the discharge is a significant contributor of pollution;
 - ii. the facility is not in compliance with the terms and conditions of the permit;
 - iii. additional pollution control or prevention technology have become available;
 - iv. the promulgation of new effluent limitations that apply to the source;
 - v. the approval of a water quality management plan containing requirements applicable to the source;
 - vi. the identification of conditions or pollutant sources not previously recognized; and
 - vii. the issuance of an alternative general permit that applies to the discharge.
- c. Authorization to discharge under the terms and conditions of this permit shall be terminated upon the issuance of the alternative permit or the granting of discharge authorization under another alternative general permit.

7. Notification Requirements for the Relocation of Portable Facilities

- a. The permittee shall provide the Department with notification of the relocation of any facility at least 20 days in advance of each relocation (A 10 day advance notice may be used by facilities not subject to relocation notice procedures established pursuant to NDEQ Title 129 - Nebraska Air Quality Regulations). Notification shall be provided using the "Relocation Notice Form" (See Permit Attachments) or equivalent. The following information shall be provided:
 - i. the NPDES permit number (i.e., NER000000) and the NPDES reference number (e.g., NER000001), if it is available;
 - ii. the name of the facility;
 - iii. the legal description of the proposed relocation site;
 - iv. the name of the receiving stream;
 - v. the identification of any storm water discharges to State Resource Waters or public drinking water supply identified in Appendix C (See Section C.8.a below); and
 - vi. the anticipated dates of operations at the new location.
- b. When a facility is relocated so that storm water will be discharged through a large or medium municipal separate storm sewer system, the permittee shall concurrently provide written notification of the relocation to the operator of the municipal separate storm sewer system through which they will discharge. A large or medium municipal separate storm sewer system is defined as a system located in an incorporated city with a population of 100,000 or more. This includes the cities of Lincoln and Omaha.
- c. The Department may request additional information as necessary to evaluate a relocation request (See section C.8).

8. Site Specific Discharge Authorizations, Denials and Revocations for Portable Facilities

- a. Portable sources shall obtain written authorization from the Department on a site specific basis prior to discharging industrial storm water to any of the State Resource Waters or public drinking water supplies identified in Appendix C. Discharges to other waters of the State do not require written discharge authorization, but site specific denials or revocations of discharge authorizations can be made by the Department (See Section C.8.b below).
- b. The Department may deny or revoke authorization to discharge for portable facilities at specific locations due to potential impacts on: water quality, State Resource Waters, listed endangered or threatened species, habitat critical to an endangered or threatened species, or human health or safety. The Department shall provide the permittee with a written notice of the denial or revocation, and an explanation of the reason for the denial. Temporary denials may be required to provide time to review additional information submitted pursuant to Section C.7.c.

9. Notification of Operational Changes Relative to Facility Portability

The permittee shall notify the Department in writing if a facility is “converted” from a stationary to a portable facility, or vice-versa.

10. Notification of Termination

The permittee shall notify the Department in writing if termination of authorization to discharge under this permit is sought or required. In instances where facility modifications result in the cessation of storm water discharges associated with industrial activity, the termination notice shall be submitted within 30 days after the modifications are completed.

D. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

1. General

- a. The permittee shall develop, maintain and implement a SWPPP for their facility that:
 - i. minimizes the discharge of pollutants in storm water runoff;
 - ii. ensures storm water discharges do not result in, or significantly contribute to, violations of NDEQ Title 117 - Nebraska Surface Water Quality Standards or NDEQ Title 118 - Ground Water Quality Standards and Use Classifications; and
 - iii. maintains compliance with the other requirements of this permit (e.g., Sections F.1 and F.2).
- b. The SWPPP shall be implemented within the time frames established in Section D.7. The permittee shall maintain the SWPPP as a document at the permitted facility, and shall ensure that the staff responsible for carrying out duties pursuant to the SWPPP are properly trained and kept informed with respect to their duties.

- c. The permittee shall make the SWPPP available for review by the Director or an authorized representative during any on-site inspection. The permittee shall provide copies of the SWPPP document to the Department within seven days after receiving a request.
- d. The Director may require a permittee to revise their facility's SWPPP:
 - i. if it does not meet the requirements of Section D.1.a;
 - ii. if containment practices are inadequate;
 - iii. if more effective pollution control or prevention procedures are available and practical; or
 - iv. to meet basin specific water quality goals.

2. Content of Storm Water Pollution Prevention Plan

Except as set forth in Section D.6 below, the following items shall be incorporated into the SWPPP.

a. Facility Map(s)

The permittee shall identify facility structures, pollutant sources, outfalls, monitoring points, run off drainage areas and ground cover characteristics on one or more site maps or drawings.

b. Identity of Potential Pollutants, Outfalls and Monitoring Stations

The SWPPP shall identify all outfalls, monitoring stations, and the pollutants that may be potentially discharged from each outfall.

- i. In developing the list of potential pollutants discharged from the facility, permittees shall consider the inclusion of all of the following:
 - (a) All pollutants for which an effluent guideline exists to which the facility is subject;
 - (b) All pollutants regulated or monitored under an existing NPDES permit to which the facility is subject;
 - (c) Any substance for which a release of 500 lb./year or more is indicated on the most recent USEPA Form R report {i.e., Toxic Chemical Release Inventory Form required pursuant to Section 313 of the Federal Emergency Planning and Community Right-to Know Act (Title III of the Superfund Amendments and Reauthorization Act of 1986), Public Law 99-499}; and
 - (d) Any other pollutant the permittee has reason to believe could be discharged in storm water in quantities creating potential water quality impacts.

- ii. Provided justification exists, not all of the potential pollutants identified by the above criteria, need to appear on the outfall specific lists. However, the SWPPP shall include documentation on why they were not included. The example below should help illustrate such a scenario.

EXAMPLE: A facility with a zinc phosphating process would be in the metal finishing category which has effluent guidelines for 7 metals (i.e., cadmium, chromium, copper, lead, nickel, silver, and zinc), cyanide and total toxic organics. Therefore, all of these would be identified in the SWPPP in accordance with Section D.2.b.i above. However, if the facility had no significant sources of the other metals or of cyanide, then only zinc would be identified for possible monitoring. If all storage, loading and processing areas that might be subject to zinc exposure were covered, it may be appropriate to exclude zinc as well. The total toxic organic (TTO) parameter for the metal finish category includes a list of 111 organic compounds. However, of these 111 compounds only benzene and toluene are used in appreciable quantities. Two other solvents, xylene and acetone are also used in significant quantities. Therefore, acetone, benzene, toluene, and xylene were included on the list of organic compounds for possible monitoring.

- iii. The sampling information provided is to be general in nature and shall include: identification of the sampling point, how samples will be taken (manual or automatic sampler), which parameters will require grab versus composite samples, how flows will be estimated, and how composite samples will be collected (flow or time composites). Section E.2 provides additional information on sampling and testing.
- iv. Portable facilities need not develop outfall specific procedures and information, but they do need to identify the potential pollutants that could be released from the facility.

c. Pollutant Control Strategy

The permittee shall identify potential pollution sources and control strategies used to minimize the discharge of pollutants. The pollutant control strategy shall consider the use of containment structures, roof coverings, preventive maintenance, good housekeeping, pollutant source minimization and spill prevention practices.

d. Spill Prevention and Response Practices

- i. The permittee shall take measures to prevent spills and to prevent any spills that might occur from impacting waters of the State. This shall include the closure or berming of storm drainage inlets in the immediate vicinity of fueling and liquid chemical transfer areas, or other protective measures, so as to prevent the ready release of spilled fuel or liquid chemicals via storm drains. The spill prevention measures taken shall be identified in the Spill Prevention and Response section of the SWPPP.
- ii. The plan shall identify facility personnel responsible for its implementation. Facility personnel responsible for implementing the plan shall be available at all times during facility operations. Spill reporting requirements are set forth in NDEQ Title 126 and in Appendix A, Section A.6 of this permit.

- iii. The spill response plan developed shall conform to the requirements of Chapter 18 of NDEQ Title 126 - Rules and Regulations Pertaining to the Management of Wastes (Contact the Department at the address or telephone number in Section C.1 for a current copy of this regulation.) and Appendix A, Section A.6 of this permit.
- iv. Spill Prevention, Control and Countermeasure (SPCC) Plans developed pursuant to 40 CFR Part 112 may be incorporated into the Spill Prevention and Response Practices section of the SWPPP by reference.

e. Employee Training

The permittee shall develop an employee education program that ensures the SWPPP will be effectively implemented. This training program shall identify the employees (or employee positions) that will be subject to the training.

3. Facility Inspections

- a. Except as set forth in Section D.6 below, the permittee shall conduct facility inspections as set forth below.
 - i. All facilities shall be inspected at least semi-annually to ensure that the SWPPP is being effectively carried out.
 - ii. At portable sources, the permittee shall conduct inspections within the first seven days after relocation and at least one additional time within the first 90 days of operation.
- b. The permittee shall maintain records of the facility inspections for a period of at least three years. At a minimum, the following information shall be included in these records:
 - i. who conducted the inspections,
 - ii. when inspections are conducted,
 - iii. the findings of the inspections,
 - iv. any corrective actions taken, and
 - v. when the corrective actions were implemented.

4. SWPPP Reviews and Updates

- a. Except as set forth in Section D.6 below, the SWPPP shall be reviewed, at least annually, to ensure it is effective in minimizing the discharge of pollutants, and, if necessary, updated.

- b. The SWPPP shall be updated and the necessary changes implemented within 30 days after any of the following, unless a Department approved extension is obtained:
 - i. any SWPPP review that indicates changes are needed;
 - ii. the recognition of any deficiencies or needed changes discovered as a result of facility inspections (See Section D.3);
or
 - iii. any changes at the facility that require the SWPPP to be modified.
- c. The permittee shall maintain records of the following information relative to all SWPPP reviews and changes for a period of at least 3 years:
 - i. who conducted the review;
 - ii. the findings of the review; and
 - iii. any changes made to the SWPPP.

5. Professional Engineer's Certification

- a. Except as set forth in Section D.6 below, facilities subject to the Superfund Amendments and Reauthorization Act, Title III Form R reporting requirements for Section 307 Water Priority Pollutants shall have their SWPPPs reviewed and certified by a professional engineer. The submittal of a Form A report (i.e., when the total reportable amount is less than 500 lb.) does not trigger this requirement. Portable facilities are also exempt from this requirement, unless the Department directs them otherwise. The Form R reporting requirements are set forth in 40 CFR Part 372. The Section 307 Water Priority Pollutants are listed in Appendix E of this permit.
- b. The certification shall include the following statements:
 - i. that the certifying engineer has examined and is familiar with the SWPPP, the facility and this permit; and
 - ii. that the SWPPP has been prepared in accordance with good engineering practices and will satisfy the requirements of NPDES permit NER000000.
- c. The certification of the plan shall be accomplished within one of the following time frames:
 - i. for existing sources which were required to submit Form R reports in the previous year, within 90 days of when authorization to discharge is granted;
 - ii. for existing sources which were not required to submit Form R reports in the year preceding the granting of authorization, within 90 days of the submittal deadline for the Form R report; and
 - iii. for new sources, at the time the facility becomes operational, unless the permittee can reasonably assume that Form R reporting will not be required.

The SWPPP shall be recertified every 5 years or as soon as practicable after significant modifications are made to the facility or the SWPPP.

6. Reduced Requirements for Enclosed Facilities

- a. Unless otherwise directed by the Department, facilities meeting the criteria set forth below are not required to comply with the SWPPP requirements set forth in Sections D.2.a, D.2.b, D.2.c, D.3, D.4.a and D.5,. These facilities are required to comply with the Spill Prevention and Response Practices set forth in Section D.2.c, the employee training requirements of Section D.2.e (i.e., Employees must be informed and trained in spill prevention and response procedures.) and the SWPPP update and record keeping requirements set forth in Sections D.4.b and D.4.c (i.e., Permittees are not required to review Spill Prevention and Response Procedures annually, but must address any deficiencies and must keep records of any changes made to the procedures.). The criteria for identifying facilities that may be subject to these reduced SWPPP requirements are as follows:
- i. facilities in which all process areas, storage areas, loading areas, and transfer processes are enclosed, and in which containment is provided for bulk storage areas; and
 - ii. facilities in which all process areas are enclosed and in which any storage, transfer or loading areas are determined by the Department not to pose a significant pollution potential.
- b. With respect to Section D.6.a.ii above, the following are generally considered to pose no significant pollution potential:
- i. the temporary storage of wooden pallets that are not contaminated with oil, solvent or chemical contamination;
 - ii. the temporary storage of cardboard and paper materials that are not contaminated with oil, solvent or chemical contamination;
 - iii. the temporary storage of empty, sealed drums provided the outside of the drums are free of contamination;
 - iv. loading operations involving containerized materials where the capacity of the containers do not exceed 500 lb. for solids and 55 gallons for liquids;
 - v. loading operations involving non-water soluble, solid products or supplies that are not dusty or granular and that do not pose an appreciable threat for release of oil, solvent or other chemical contamination (e.g., structural metal , equipment, parts);
 - vi. pneumatic and mechanical transfer operations for solid materials that are designed and operated so as to prevent fugitive dust emissions;
 - vii. liquid transfer processes that are designed and operated so as to preclude any routine leakage and so that any inadvertent leakage is contained; and
 - viii. vehicle fueling areas capable of accommodating 4 or less vehicles simultaneously where there is no storm drain in the immediate vicinity, and the location of the fueling station and the surrounding topography make it unlikely that a fuel spill would reach waters of the State in significant quantities (i.e., an exempt fueling station would be located in a flat or contained area with no immediately adjacent streams or drainageways so that any spills would be contained on the property using procedures identified in the Spill Prevention and Response Plan).

The above listing does not preclude the Department's authority with respect to Section D.2.a to make case-by-case decisions as to what processes pose or do not pose a significant pollution potential.

- c. Although this subsection relieves some permittees of certain responsibilities with respect to SWPPP requirements, these permittees are responsible for ensuring, that adequate procedures (e.g., SOPs) exist to ensure compliance with the permit, and that periodic procedure and facility reviews are conducted.

7. SWPPP Implementation Deadlines

- a. New sources shall complete and implement the SWPPP by the time facility operations commence, except as provided in Section D.7.c of this permit.
- b. Existing sources shall complete and implement the SWPPP on or before the time authorization to discharge under the terms and conditions of this permit is granted (See Section C.4), except as provided in Section D.7.c of this permit.
- c. The Department may provide the permittee up to 90 days to comply with the provisions in Section D for the development and implementation of a SWPPP. The permittee must submit a written request that explains the circumstances justifying the requests. Proposed compliance extensions are not approved until, and unless, the permittee receives a written acceptance notice from the Department.

8. Reporting Requirements

- a. If the SWPPP was not complete at the time the NOI was submitted (See Section C.2.g), the permittee shall submit to the Department a written notice certifying the completion and implementation of the SWPPP, or, if deadlines established in Section D.7 are not met, a non-compliance report (See section D.8.b below). Notices that certify compliance with completion deadlines shall be submitted within 14 days, while non-compliance reports shall comply with the deadlines established in Appendix A, Sections D.1 thru D.3.
- b. The permittee shall report instances of non-compliance using NPDES Form NCR-BMPP in accordance with Appendix A, Sections D.1 thru D.3 of this permit. NPDES Form NCR-BMPP is included as an attachment to this permit. Reportable instances of non-compliance include, but are not necessarily limited to:
 - i. failure to implement a SWPPP in compliance with the requirements of Section D.2 or the time schedules set forth in Section D.7;
 - ii. failure to carry-out any requirement of this permit (Examples could include: failure to conduct facility inspections, Section D.3; failure to review or update the SWPPP, Section D.4; failure to keep required records, Sections D.3.b, D.4.c or E.1.e; or failure to certify the SWPPP, Section D.5.); and
 - iii. the occurrence of storm water discharges in violation of Sections F.1 or F.2 of this permit.

In addition to the reporting requirements above, the permittee needs to be familiar with and comply with the reporting requirements set forth in Appendix A Section D.

E. MONITORING REQUIREMENTS AND PROCEDURES

1. Effluent Monitoring Requirements

Routine periodic monitoring of storm water is not required unless requested by the Department.

- a. Quantitative analyses for pollutants in storm water discharges may be required by the Department for any of the following reasons:
 - i. the identification of potential ground and surface water quality impacts to which the permittee may be contributing;
 - ii. the failure by the permittee to implement pollution prevention or pollution control procedures set forth in the facilities Storm Water Pollution Prevention Plan;
 - iii. the recognition of potential pollutant sources during site inspections or investigations; and/or
 - iv. to obtain information for watershed basin or industry group studies.
- b. The permittee shall report the results of all quantitative analyses of storm water discharges within 45 days of the sampling date unless otherwise directed by the Department. Analytical results shall be submitted using NPDES Form SW-SEMR which is an attachment to this permit. This reporting requirement includes monitoring that was not required by the permit and monitoring that was conducted using protocols not set forth in this permit.
- c. The Department may require permittees to conduct periodic physical examinations of storm water discharges from facility outfalls, and to provide written reports on the findings of physical examinations. In general, physical examinations involve the checking of grab samples, and/or the effluent itself, for characteristics of color, odors, turbidity, hydrocarbon sheens, and other indications of pollution. NPDES Form PE (See Attachments) may be used to record physical examination observations. The Department may require physical examinations due to site-specific, industry group, basin, or watershed concerns.
- d. The permittee shall investigate and identify the source and cause of pollution identified as a result of physical examinations or quantitative analyses. Corrective actions will be taken as necessary to maintain compliance with Sections D.1.a and D.4 of this permit.
- e. Records of all monitoring activities, including the results of physical examinations, quantitative analyses, and storm event monitoring (See Section E.3 below), shall be retained by the permittee for a period of 3 years as set forth in Appendix A, Section C.5 and C.6.

2. Sampling and Analytical Protocols

The sampling procedures set forth below shall be used for storm water monitoring required pursuant to Section E.1.a, unless the Department specifies or approves alternative procedures. The sampling protocols used shall accurately portray the mass of the pollutants discharged during the time interval monitoring is carried out.

- a. Samples shall be collected from discharges resulting from a rainfall event that is greater than 0.1 inch in magnitude and occurs at least 72 hours after any previous storm events of 0.1 inch or greater.

- b. Grab samples shall be used for monitoring: pH, temperature, cyanide, total phenols, residual chlorine, petroleum oil, oil and grease, bacterial counts, xylene and compounds in the volatile fraction of the total toxic organic parameter. Grab samples shall be collected in the first 15 minutes of a storm event discharge.
- c. Composite samples shall be used to monitor for most other parameters. Composite samples shall be taken in accordance with the requirements set forth in Appendix A Section C.1. If discrete composite sampling is used, at least 3 aliquots shall be obtained and the maximum interval between sampling events shall not exceed 15 minutes. Sampling shall begin within the first 15 minutes of discharge and shall not extend beyond 1 hour, unless there is reason to believe that pollutant discharge rates increase after that time.
- d. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time the sample is collected), grab samples may be used instead of composite samples.
- e. Sample analysis procedures shall conform to the procedures specified in Appendix A, Section C.3.

3. Storm Event Monitoring

The permittee shall collect the following information for each storm event monitored pursuant to Section E.1. of this permit, unless the Department specifies otherwise.

- a. The date, duration (in hours), start and ending times, and magnitude (in inches) of the storm event sampled.
- b. The total volume of storm water discharged. The permittee may calculate runoff volume from the magnitude of the storm, the area drained and the runoff coefficient. The calculation method used must be approved by the Department.
- c. The duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

4. Monitoring Station Requirements

- a. The permittee shall designate a monitoring point for each storm water outfall. Unless otherwise approved by the Department, the drainage area discharging through any monitoring point shall be under the control or ownership of the permitted facility.
- b. Each monitoring point shall provide a representative sample of the storm water being discharged. Flow monitoring provisions shall be provided unless the permittee can accurately estimate discharge flows as set forth in Section E.3.b above.
- c. The Department can require the source to redesignate existing sample points or designate additional sample points:
 - i. if dilution flows from non-regulated areas are present, or
 - ii. to provide more detailed information on potential pollutant sources that exist at a facility.

F. OTHER CONDITIONS AND REQUIREMENTS

1. Discharges shall be free from toxic substances, which alone or in combination with other substances, create conditions unsuitable for aquatic life.
2. Discharges shall not contain pollutants at concentrations or levels that produce objectionable films, colors, turbidity, deposits, or noxious odors in the receiving stream or waterway.
3. The use of the attached NPDES Form ISW-EX is not required. Category xi facilities wishing to notify the Department that they are exempt from the storm water definition, must use this form to do so, or they may submit another form of written notice. The ISW-EX form explains the exemption available to some category xi facilities.
4. The attachments to this permit (i.e., Forms ISW-NOI, SW-SEMR, NCR-BMPP, RN, PE, and ISW-EX) may be modified by the Department provided the modified forms satisfy the notification and reporting requirements set forth in this permit are met. If information is submitted on an outdated form, opportunity to resubmit the information shall be provided the permittee, or, at the discretion of the Department, submittals on outdated forms may be accepted.

G. REPORTING AND RECORD KEEPING REQUIREMENTS

This section summarizes reporting and record keeping requirements set forth in other sections of this permit. This section is intended as an aid to permittees in identifying and complying with these requirements, and contains references to the Sections of the permit where the requirements are set forth.

This summary list does not contain all the reporting and record keeping requirements that may be required by various Department regulations, nor does it relieve the permittee of the responsibility to comply with reporting requirements not listed below.

1. All facilities must submit an initial Notification of Intent; additional information submittal requirements may also exist for some facilities (Sections C.1 thru C.4).
2. Portable facilities must submit a notification of location changes at least 20 days in advance of relocation (Section C.7).
3. Notification is required when changes are made that effect facility portability (Section C.9).
4. Termination notification requirements are set forth in Section C.10.
5. A copy of the SWPPP must be submitted within 7 days if requested by the Department (Section D.1.c).
6. Chapter 18 of NDEQ Title 126 - Rules and Regulations Pertaining to the Management of Wastes contains spill reporting requirements. Section D.2.d.iii of this permit requires the Spill Prevention and Response Practices of the SWPPP to comply with this regulation. Appendix A , Section A.6 also contains information on spill reporting.

7. Records of permittee conducted facility inspections must be kept for at least 3 years (Section D.3.b).
8. Records of SWPPP reviews and changes must be kept for at least 3 years (Section D.4.c).
9. If the SWPPP was not complete at the time the NOI was submitted, the permittee must provide notification of it's completion and implementation (Sections D.8.a)
10. When appropriate, non-compliance reports using NPDES Form NCR-BMPP must be submitted (Section D.8.b and Appendix A, Sections D.1 thru D.3). Some non-compliance situations may require immediate and 24 hour reporting as set forth in Appendix A ,Sections D.1 and D.2.
11. The results of all quantitative analyses performed must be reported using NPDES Form SW-SEMR. This includes monitoring that is not required by the permit or that may not conform to permit required conditions (Section E.1.b).
12. Written reports on the results of any physical examinations of storm water may also be required (Section E.1.c).
13. Records of all monitoring activities and results must be kept for a period of three years (Section E.1.e and Appendix A, Sections C.5 & C.6).
14. In addition to the reporting and record keeping requirements referenced above, Appendix A also contains reporting and record keeping requirements that may apply to some storm water dischargers. References to these requirements are listed below:
 - a. Appendix A, Section B.1. - Duty to Provide Information,
 - b. Appendix A, Sections C.5 & C.6 - Retention of Records and Record Contents,
 - c. Appendix A, Section D.1 - Immediate Notification,
 - d. Appendix A, Section D.2 - 24-Hour Reporting,
 - e. Appendix A, Section D.3 - Written Non-Compliance Notification
 - f. Appendix A, Section D.4 - Quarterly Discharge Monitoring Reports
 - g. Appendix A, Section D.5 - Changes in Discharge
 - h. Appendix A, Section D.6 - Toxic Discharge Reporting Requirements,
 - i. Appendix A, Section D.7 - Changes in Sludge Quality,
 - j. Appendix A, Section D.9. - Transfers
 - k. Appendix A, Section E.2 - Upset Reporting, and
 - l. Appendix A, Section E.3 - Bypass Reporting

APPENDIX A - Standard Conditions for NPDES and NPP Permits.

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 Title 115, Chapter 9.

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 reissuance, 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 and/or 127. In addition, this permit may be modified, revoked and reissued to incorporate standards or limitations issued pursuant to Sections 301(b)(2)(c), 301(b)(2)(d), 304(b)(2), 307(a)(2), or 405(d) of the Clean Water Act, Public Law 100-4 (i.e., industrial categorical standards and municipal sludge regulations) and Title 121.

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 121. 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.

Appendix A (continued)

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 in the event of a release of a reportable quantity of oil or hazardous substances. 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 LUST/ER Section (telephone number 402/471-4230). When the LUST/ER Section cannot be contacted, the permittee shall report to the Nebraska State Patrol for referral to the NDEQ Emergency Response Team (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 above.

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 nor 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.

Appendix A (continued)

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 reissuance 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 and/or 127.

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. An authorized representative is designated by the cognizant official. The authorized representative is responsible for the overall operation of the facility (i.e., a plant manager, a well field operator or a wastewater treatment plant superintendent).

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."

Appendix A (continued)

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 121, Chapter 8, 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 are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of +/- 10% from the true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "Water Management Manual," U. S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. Available from the U. S. Government Printing Office, Washington, DC 20402. Order by Catalog Number 127.19/2:W29/2, Stock Number S/N 24003-0027.

Appendix A (continued)

- b. "Flow Measurement in Open Channels and Closed Conduits," U. S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October, 1977, 982 pp. Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS Number PB-273 535/5ST.
- c. "NPDES Compliance Sampling Manual," U. S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, May, 1988, 140 pp. Available from the General Services Administration (8FFS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225.

3. Test Procedures

Test procedures used for monitoring required by this permit, shall conform to the methods adopted in NDEQ Title 121, Chapter 8 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.

5. Retention of Records

The permittee shall retain records of all monitoring activities for a period of at least three years (five years for sludge; see below) as set forth in NDEQ Titles 119 and/or 127. 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 sludge use and disposal for a period of five years or longer, as required in 40 CFR, Part 503.

6. Record Contents

Records of sampling or monitoring information shall include:

- a. the date(s), exact place, time and methods of sampling or measurements,

Appendix A (continued)

- 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

- a. NPP permittees shall report immediately to the publicly owned treatment works (POTW), any discharge to the POTW that may result in a violation of NDEQ Title 127, Chapter 3.
- b. All permittees shall report immediately to the NDEQ:
 - (1) discharges of oil or hazardous substances which threaten waters of the State or public health and welfare, and
 - (2) 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. 24-Hour Reporting

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 as set forth in NDEQ Titles 119 and/or 127,
- c. all upsets as set forth in NDEQ Titles 119 and/or 127,
- d. any discharge to a POTW that causes a violation of the prohibited discharge standards set forth in NDEQ Title 127, Chapter 3, or
- e. 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.

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.

Appendix A (continued)

3. 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:
 - (a) NPP effluent limitations or requirements set forth in this permit, or
 - (b) 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.

4. Quarterly Discharge Monitoring Reports (DMRs)

The permittee shall report the monitoring results required by this permit on a DMR form supplied or approved by the Department. Monitoring results shall be submitted on a quarterly basis using the reporting schedule set forth below, unless otherwise specified in this permit or by the Department.

| <u>Monitoring Quarters</u> | <u>DMR Reporting Deadlines</u> |
|----------------------------|--------------------------------|
| January - March | April 28 |
| April - June | July 28 |
| July - September | October 28 |
| October - December | January 28 |

If the permittee monitors any pollutant more frequently than required by this permit, using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the DMR. The frequency of the analysis shall also be reported on the DMR.

5. Changes in Discharge

Any facility expansion, production increases or process modifications which will result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants must be reported by the permittee 180 days prior to the expansion, increases or modifications, either by amending his original application or by submitting a new application. This permit may be modified or revoked and reissued as a result of this notification to maintain compliance with applicable state or federal regulations.

Appendix A (continued)

6. Changes in Toxic Discharges from Manufacturing, Commercial, Mining and Silvicultural Facilities

Permittees discharging from manufacturing, commercial, mining and silvicultural facilities shall report to the Department:

- a. if any toxic pollutant not limited in this permit is discharged from any NPDES outfall as a result of any activity that will or has occurred and results in its routine or frequent discharge. The Department shall be informed if that discharge exceeds the following notification levels:
 - (1) 100 micrograms per liter (0.1 mg/l) for any toxic pollutant,
 - (2) 200 micrograms per liter for acrolein and acrylonitrile (0.2 mg/l),
 - (3) 500 micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol (0.5 mg/l),
 - (4) 1000 micrograms per liter for antimony (1 mg/l),
 - (5) five times the maximum concentration value reported for that pollutant in the permit application or
 - (6) an alternative level established by the Director, and
- b. if any toxic pollutant not limited in this permit is discharged from an NPDES outfall as a result of any activity that will or has occurred and results in its nonroutine discharge. The Department shall be informed if that discharge exceeds the following notification levels:
 - (1) 500 micrograms per liter (0.5 mg/l) for any toxic pollutant,
 - (2) 1000 micrograms for antimony (1 mg/l),
 - (3) ten times the maximum concentration value reported for that pollutant in the permit application, or
 - (4) an alternative level established by the Director.

7. Changes in Sludge Quality

The permittee shall provide written notice to the Department of any alteration or addition that results in a significant change in the permittee's sludge use or disposal practices. This permit may be modified or revoked and reissued as a result of this notification to maintain compliance with applicable state or federal regulations.

8. Changes of Loadings to Publicly Owned Treatment Work (POTW)

POTW's shall notify the Department of the following:

- a. any new introduction of pollutants from dischargers subject to the categorical pretreatment discharge limitations set forth in NDEQ Title 121, Chapter 2, and
- b. any substantial change in the volume or character of pollutants being introduced into the POTW.

Notification shall be made 180 days in advance whenever possible. Information on the quantity and quality of new discharges and their anticipated impact on the POTW shall be included.

Appendix A (continued)

9. 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 as set forth in NDEQ Title 119, Chapter 12 and/or NDEQ Title 127, Chapter 14. The Department may modify or revoke and reissue this permit according to the regulations set forth in NDEQ Titles 119 and/or 127.

10. Compliance Schedules

The permittee shall submit a written report of compliance or noncompliance with any compliance schedule established in this permit. The written report shall be submitted within 14 days following all deadlines established in the compliance schedule. If compliance has not been achieved, the report shall include an alternative completion date, an explanation of the cause of the noncompliance and an explanation of the steps being taken to ensure future compliance. The submission of this report does not ensure the Department's acceptance of alternative compliance dates nor does it preclude the Department from initiating enforcement proceedings based upon the reported noncompliances.

E. Operation and Maintenance

1. Proper Operation and Maintenance

The permittee shall, at all times, maintain in good working order and operate as efficiently as possible, any facilities or systems of control installed by the permittee in order to achieve compliance with the terms and conditions of this permit. This would include, but not be limited to, effective performance based on designed facility removals, effective management, adequate operator staffing and training, adequate laboratory and process controls, and adequate funding which reflects proper user fee schedules.

2. Treatment System Failure and Upset

An upset is an affirmative defense to an enforcement action brought for noncompliance with technology-based permit effluent limitations if the permittee can demonstrate, through properly signed, operating logs or other relevant evidence, that:

- a. an upset occurred and the specific cause was identified,
- b. that the facility was properly operated and maintained at such time,
- c. the Department was notified within 24 hours of the permittee becoming aware of the upset, and
- d. the permittee took action to reduce, eliminate and prevent a reoccurrence of upset, including minimizing adverse impact to waters of the State.

3. Bypassing

Any diversion from or bypass of the treatment facilities is prohibited, unless:

- a. it is unavoidable to prevent loss of life, personal injury or severe property damage,
- b. no feasible alternative exists, i.e., auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime,

Appendix A (continued)

- c. the permittee submits notice to the Department within 24 hours of becoming aware of the bypass or if the bypass is anticipated or should have been anticipated, the Department is notified at least ten days prior to the bypass, and
- d. the bypass is conducted under conditions determined to be necessary by the Director to minimize any adverse effects.

If the bypass is needed for regular preventative maintenance for which back-up equipment should be provided, the bypass will not be allowed. When a bypass occurs, the burden is on the permittee to demonstrate compliance with items "a" through "d" above.

Additionally, NPP permittees shall report any bypasses to the POTW. Unanticipated bypasses shall be reported immediately and anticipated bypasses shall be reported at least ten days in advance.

All NPDES permittees shall notify the general public that a bypass of the treatment system is occurring. The public notification shall include:

- a. location of the bypass,
- b. the date the bypass started,
- c. anticipated length of time the bypass will occur, and
- d. an estimate of the total volume of wastewater bypassed.

4. Removed Substances

Solids, sludge, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of at a site and in a manner approved by the Nebraska Department of Environmental Quality. The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR, Part 257. The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR, Part 503. If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in Title 132. Publicly owned treatment works shall dispose of sewage sludge in a manner that protects public health and the environment from any adverse effects which may occur from toxic pollutants as defined in Section 307 of the Clean Water Act. This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR, Part 503.

F. Definitions

Administrator: The Administrator of the USEPA.

Aliquot: An individual sample having a minimum volume of 100 milliliters that is collected either manually or in an automatic sampling device.

Biweekly: Once every other week.

Bimonthly: Once every other month.

Bypass: The intentional diversion of wastes from any portion of a treatment facility.

Appendix A (continued)

Daily Average: An effluent limitation that cannot be exceeded and is calculated by averaging the monitoring results for any given pollutant parameter obtained during a 24-hour day.

Department: Nebraska Department of Environmental Quality.

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

Industrial User: A source of indirect discharge (a pretreatment facility).

Monthly Average: An effluent limitation that cannot be exceeded, calculated by averaging the monitoring results for any given pollutant parameter obtained during a calendar month.

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Clean Water Act (Public Law 100-4) which is owned by the state or municipality, excluding any sewers or other conveyances not leading to a facility providing treatment.

30-Day Average: An effluent limitation that cannot be exceeded, calculated by averaging the monitoring results for any given pollutant parameter obtained during a calendar month.

Total Toxic Organics (TTO): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for toxic organic compounds that may be identified elsewhere in this permit. (If this term has application in this permit, the list of toxic organic compounds will be identified; typically in the Limitations and Monitoring Section(s) or in an additional Appendix to this permit.)

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.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities or improper operation and maintenance or lack thereof.

Volatile Organic Compounds (VOC): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for volatile, toxic organic compounds that may be identified elsewhere in this permit. (See the definition for Total Toxic Organics above. In many instances, VOCs are defined as the volatile fraction of the TTO parameter. If the term "VOC" has application in this permit, the list of toxic organic compounds will be identified; typically in the Limitations and Monitoring Section(s) or in an additional Appendix to this permit.)

Weekly Average: An effluent limitation that cannot be exceeded, calculated by averaging the monitoring results for any given pollutant parameter obtained during a fixed calendar week. The permittee may start their week on any weekday but the weekday must remain fixed unless a change is approved by the Department.

"X" Day Average: An effluent limitation defined as the maximum allowable "X" day average of consecutive monitoring results during any monitoring period where "X" is a number in the range of one to seven days.

Appendix A (continued)

G. Abbreviations

CFR: Code of Federal Regulations

kg/Day: Kilograms per Day

MGD: Million Gallons per Day

mg/L: Milligrams per Liter

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 121: Effluent Guidelines and Standards

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

NDEQ Title 127: Rules and Regulations Governing the Nebraska Pretreatment Program

NDEQ Title 132: Rules and Regulations Pertaining to Solid Waste Management

NPDES: National Pollutant Discharge Elimination System

NPP: Nebraska Pretreatment Program

POTW: Publicly Owned Treatment Works

ug/L: Micrograms per Liter

WWTF: Wastewater Treatment Facility

Appendix B - Definition for "Storm water discharge associated with industrial activity"

The following definition is set forth in Nebraska Department of Environmental Quality Title 119, Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System, Chapter 1.062, which adopts the Federal definition set forth in 40 CFR Part 122.26(b)(14).

Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR part 122. For the categories of industries identified in paragraphs (b)(14)(i) through (x) of this section, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (b)(14)(xi) of this section, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in this paragraph(b)(14)(i)-(xi) of this section) include those facilities designated under the provisions of paragraph (a)(1)(v) of this section. The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- (i)** facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N(except facilities with toxic pollutant effluent standards which are exempted under category (xi) in paragraph (b)(14) of this section);
- (ii)** Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 344, 373;
- (iii)** Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operation no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operation, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

Appendix B (continued)

- (iv)** Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA:
- (v)** Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
- (vi)** Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii)** Steam electric power generating facilities, including coal handling sites;
- (viii)** Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or which are otherwise identified under paragraphs (b)(14)(i)-(vii) or (ix)-(xi) of this section are associated with industrial activity;
- (ix)** Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. **Not** included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;
- (x)** Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;
- (xi)** Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 27, 283, 285, 30, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (ii)-(x));

Appendix B (continued)

Clarification Notes:

- 1) Facilities identified in subparagraph (x) of the definition (i.e., construction sites ≥ 5 acres) are not covered by this general permit.
- 2) The 40 CFR Subchapter N categories are listed below. Facilities subject to storm water effluent limitation guidelines, new source performance standards or toxic pollutant effluent standards under these categories are subparagraph (i) sources, except those facilities subject to toxic pollutant effluent standards that are exempted in subparagraph (xi) of the definition. However, Section B.3.b of the permit does not allow sources subject to storm water effluent limitations to be covered by the permit (See Note 3 below).

Part 405 Dairy Products Processing Point Source Category
Part 406 Grain Mills Point Source Category
Part 407 Canned & Preserved Fruits & Vegetables Processing Point Source Category
Part 408 Canned & Preserved Seafood Processing Point Source Category
Part 409 Sugar Processing Point Source Category
Part 410 Textile Mills Point Source Category
Part 411 Cement Manufacturing Point Source Category
Part 412 Feedlots Point Source Category
Part 413 Electroplating Point Source Category
Part 414 Organic Chemicals, Plastics, and Synthetic Fibers
Part 415 Inorganic Chemicals Manufacturing Point Source Category
Part 417 Soap and Detergent Manufacturing Point Source Category
Part 418 Fertilizer Manufacturing Point Source Category
Part 419 Petroleum Refining Point Source Category
Part 420 Iron & Steel Manufacturing Point Source Category
Part 421 Nonferrous Metals Manufacturing Point Source Category
Part 422 Phosphate Manufacturing Point Source Category
Part 423 Steam Electric Power Generating Point Source Category
Part 424 Ferroalloy Manufacturing Point Source Category
Part 425 Leather Tanning & Finishing Point Source Category
Part 426 Glass Manufacturing Point Source Category
Part 427 Asbestos Manufacturing Point Source Category
Part 428 Rubber Manufacturing Point Source Category
Part 429 Timber Products Processing Point Source Category
Part 430 Pulp, Paper, & Paperboard Point Source Category
Part 431 The Builder's Paper & Board Mills Point Source Category
Part 432 Meat Products Point Source Category
Part 433 Metal Finishing Point Source Category
Part 434 Coal Mining Point Source Category
Part 435 Oil & Gas Extraction Point Source Category
Part 436 Mineral Mining & Processing Point Source Category
Part 439 Pharmaceutical Manufacturing Point Source Category
Part 440 Ore Mining & Dressing Point Source Category
Part 443 Paving & Roofing Materials Point Source Category
Part 446 Paint Formulating Point Source Category
Part 447 Ink Formulating Point Source Category
Part 454 Gum & Wood Chemicals Manufacturing Point Source Category
Part 455 Pesticide Chemicals Point Source Category
Part 457 Explosives Manufacturing Point Source Category
Part 458 Carbon Black Manufacturing Point Source Category
Part 459 Photographic Point Source Category
Part 460 Hospital Point Source Category
Part 461 Battery Manufacturing Point Source Category
Part 463 Plastics Molding & Forming Point Source Category
Part 464 Metal Molding & Casting Point Source Category
Part 465 Coil Coating Point Source Category

Appendix B (continued)

2) The 40 CFR Subchapter N categories are listed below.... (continued)

- Part 466 Porcelain Enameling Point Source Category
- Part 467 Aluminum Forming Point Source Category
- Part 468 Copper Forming Point Source Category
- Part 469 Electrical & Electronic Components Point Source Category
- Part 471 Nonferrous Metals Forming & Metal Powders Point Source Category

3) The 40 CFR Subchapter N categories that contain storm water effluent limitations are listed below. Discharges subject to storm water effluent limitations are not eligible to discharge under the terms and conditions of this permit as set forth in Section B.3.b. of the permit.

- Part 411 Cement Manufacturing Point Source Category
- Part 412 Feedlots Point Source Category
- Part 418 Fertilizer Manufacturing Point Source Category
- Part 419 Petroleum Refining Point Source Category
- Part 422 Phosphate Manufacturing Point Source Category
- Part 423 Steam Electric Power Generating Point Source Category
- Part 434 Coal Mining Point Source Category
- Part 436 Mineral Mining & Processing Point Source Category
- Part 440 Ore Mining & Dressing Point Source Category
- Part 443 Paving & Roofing Materials Point Source Category

4) The following summary information on Standard Industrial Codes (SIC) may prove useful to potential applicants in assessing the applicability of this permit to their facility(s).

Subparagraph (ii) sources. All of these SIC designations refer to manufacturing facilities.

- SIC 24 Lumber & Wood Products
 - except 2434 Wood Kitchen Cabinets
- SIC 26 Paper & Allied Products
 - except 265 Paperboard Containers & Boxes
 - except 267 Converted Paper & Paperboard Products, except Containers & Boxes
- SIC 28 Chemicals & Allied Products
 - except 283 Drugs
- SIC 29 Petroleum Refining & Related Industries
- SIC 311 Leather Tanning and Finishing
- SIC 32 Stone, Clay, Glass, & Concrete Products
 - except 323 Glass Products, Made of Purchased Glass
- SIC 33 Primary Metal Industries
- SIC 3441 Manufacturing Metal Cans
- SIC 373 Ship & Boat Building and Repairing

Subparagraph (viii) sources. The "40" series SIC designations refer to facilities involved with transportation, communication, electric, gas, and sanitary services. SIC 5171 refers to wholesale trade facilities.

- SIC 40 Railroad Transportation
- SIC 41 Local & Suburban Transit & Interurban Highway Passenger Transportation
- SIC 42 Motor Freight Transportation and Warehousing
 - except 4221 Farm Product Warehousing & Storage
 - except 4222 Refrigerated Warehousing & Storage
 - except 4225 General Warehousing and Storage
- SIC 43 United States Postal Service
- SIC 44 Water Transportation
- SIC 45 Transportation by Air
- SIC 5171 Petroleum Bulk Stations & Terminals (Wholesale Trade)

Appendix B (continued)

Subparagraph (xi) sources which are not otherwise covered in Sections (ii) - (x). The "20" and "30" series SIC designations refer to manufacturing facilities. The "42" series SIC designations refer to facilities involved in motor freight transportation and warehousing.

- SIC 20 Food & Kindred Products
- SIC 21 Tobacco Products
- SIC 22 Textile Mills Products
- SIC 23 Apparel & Other Finished Products Made From Fabrics & Similar Products
- SIC 2434 Wood Kitchen Cabinets
- SIC 25 Furniture & Fixtures
- SIC 265 Paperboard Containers & Boxes
- SIC 267 Converted Paper & Paperboard Products, except Containers & Boxes
- SIC 27 Printing, Publishing, & Allied Industries
- SIC 283 Drugs
- SIC 285 Paints, Varnishes, Lacquers, Enamels, and Allied Products
- SIC 30 Rubber & Miscellaneous Plastics Products
- SIC 31 Leather & Leather Products
 - except SIC 311 Leather Tanning and Finishing
- SIC 323 Glass Products, Made of Purchased Glass
- SIC 34 Fabricated Metal Products, except Machinery & Transportation Equipment
 - except SIC 3441 Manufacturing Metal Cans
- SIC 35 Industrial & Commercial Machinery & Computer Equipment
- SIC 36 Electronic & Other Electrical Equipment & Components except Computer Equipment
- SIC 37 Transportation Equipment
 - except SIC 373 Ship & Boat Building & Repairing
- SIC 38 Measuring, Analyzing, & Controlling Instruments; Photographic, Medical & Optical Goods; Watches & Clocks
- SIC 39 Miscellaneous Manufacturing Industries
- SIC 4221 Farm Product Warehousing & Storage
- SIC 4222 Refrigerated Warehousing & Storage
- SIC 4225 General Warehousing and Storage

APPENDIX C - State Resource Waters and Public Drinking Water Supply Stream Segments

This appendix identifies stream segments and water bodies for which a written authorization is required to allow the discharge of storm water under the terms and conditions of NPDES General Permit NER000000 (See Section C.4 and C.7 of the permit). This appendix references these stream segments by County to facilitate the completion of the Notice of Intent and Relocation Notice forms. In filling out these forms, the applicant need only identify the stream segment or water body by name; the other information supplied is not needed on the forms.

Boyd County

Missouri River from the South Dakota border to the Knox County line; Class A State Resource Water; (Stream segment: NI1-10000)

Niobrara River from the Keya Paha County line to the Knox County line;
Class A State Resource Water; (Stream segments: NI2-10000 & NI3-10000)

Brown County

Calamus River from it's headwaters to the Rock County line; Class B State Resource Water; (Stream segments: LO2-11300, LO2-11400, LO2-11500 & LO2-11600)

Niobrara River from the Cherry County line to the Rock County line;
Class A State Resource Water; (Stream segments: NI3-10000 & NI3-20000)

Long Pine Creek from it's headwaters to the confluence of Bone Creek; Class B State Resource Water; (Stream segments: NI3-12300 and NI3-12400)

Cedar County

Missouri River from the Knox County line to the Dixon County line; Class A State Resource Water; Public Drinking Water; Threatened species: Lake & Pallid Sturgeon; (Stream segment: MT2-10000)

Cherry County

Niobrara River from the confluence of the Snake River to the Keya Paha/Brown County lines; Class A State Resource Water; (Stream segments: NI3-20000)

Dakota County

Missouri River from the Dixon County line to the confluence of the Big Sioux River; Class A State Resource Water; Public Drinking Water; Threatened species: Lake & Pallid Sturgeon; (Stream segment: MT2-10000)

Dawes County

Chadron Creek from it's headwaters to it's confluence with the White River; Public Drinking Water Standards; (Stream Segment: WH1-11300)

Cunningham Creek from it's headwaters to it's confluence with Indian Creek; Class A State Resource Water; (Stream segment: WH1-11710)

Dead Man's Creek from it's headwaters to the Sioux County line; Public Drinking Water Standards; (Stream Segment: WH1-30100)

Appendix C (continued)

Dawes County (continued)

Soldier Creek from the Sioux County line to its confluence with the White River; Class A State Resource Water; (Stream segment: WH1-20300)

Squaw Creek from its headwaters to the National Forest Boundary; Class A State Resource Water; (Stream segment WH1-20120)

White River from the Sioux County line to its confluence with Soldier Creek; Class B State Resource Water; Public Drinking Water; (Stream segment: WH1-30000)

White River from Soldier Creek to the South Dakota border; Public Drinking Water standards; (Stream segments: WH1-10000 and WH1-20000)

Dixon County

Missouri River from the Cedar County line to the Dakota County line; Class A State Resource Water; Threatened species: Lake & Pallid Sturgeon; (Stream segment: MT2-10000)

Garfield County

Calamus River from the Loup County line to the confluence with North Loup River; Class B State Resource Water; (Stream segment: LO2-11300)

Holt County

Elkhorn River from the confluence of the North and South Forks to Holt Creek; Class B State Resource Water; (Stream segment: EL4-40000)

Niobrara River from the Rock County line to the Knox County line; Class A State Resource Water; (Stream segment: NI2-10000)

Keith County

North Platte River from Kingsley Dam to the confluence of Whitetail Creek; Class B State Resource Water; (Stream segment: NP1-40000)

Otter Creek from its headwaters to Lake C.W. McConaughy; Class B State Resource Water; (Stream segment: NP2-10300)

Keya Paha County

Niobrara River from the Cherry County line to the Boyd County line; Class A State Resource Water; (Stream segments: NI3-10000 & NI3-20000)

Knox County

Missouri River from the confluence of the Niobrara River to the Cedar County line; Class A State Resource Water; Public Drinking Water; Threatened species: Lake & Pallid Sturgeon; (Stream segment: MT2-10000)

Missouri River from the Boyd County line to the confluence of the Niobrara River; Class A State Resource Water; (Stream segment: NI1-10000)

Appendix C (continued)

Knox County (continued)

Niobrara River from the Boyd/Holt County line to its confluence with the Missouri River; Class A State Resource Water; (Stream segment: NI2-10000)

Verdigre Creek from the confluence of the North Branch Verdigre Creek to its confluence with the Niobrara River; Class A State Resource Water; (Stream segment: NI3-10100)

Loup County

Calamus River from the Rock County line to the Garfield County line; Class B State Resource Water; (Stream Segment: LO2-11300)

Richardson County

Unnamed creek which discharges to the Missouri River in Section 5, Range 3 North, Township 17 East and flows through Indian Cave State Park (Only the upper reaches of this creek extend beyond the boundaries of Indian Cave State Park.), Class A State Resource Water; (Stream segment: NE1-10700).

Rock County

Calamus River from the Brown County line to the Loup County line; Class B State Resource Water; (Stream Segment: LO2-11300)

Long Pine Creek segments near the Brown County line; Class B State Resource Water; (Stream segments: NI3-12300 and NI3-12400)

Niobrara River from the Brown County line to the Holt County line;
Class A State Resource Water; (Stream segments: NI3-10000)

Sioux County

Dead Man's Creek from the Dawes County line to its confluence with the White River; Public Drinking Water Standards; (Stream Segment: WH1-30100)

Middle Fork Soldier Creek from its headwaters to its confluence with Soldier Creek; Class A State Resource Water; (Stream segment: WH1-20310)

Soldier Creek from its headwaters to the Dawes County line; Class A State Resource Water; (Stream segments: WH1-20300 & WH1-20400)

White River from its headwaters to the Dawes County line; Class B State Resource Water; Public Drinking Water standard; (Stream segments: WH1-30000 & WH1-40000)

APPENDIX D - Information and Signatures Required in NOIs

As a minimum, Notices of Intent (NOIs) shall contain the following information to be considered complete. NPDES Form ISW-NOI, which is an attachment to this permit, meets these requirements.

- A. The facility name and location shall be provided. The physical location shall be expressed both in descriptive terms (i.e., street address, or if not available, in relationship to recognizable landmarks), and in a legal description designated in terms of section, township, range and county. The legal description shall be provided to the nearest 1/16th of a section, where possible (e.g., NW¼, SW¼, S10, T15N, R11E, Douglas County). Portable facilities are exempt from this requirement unless they are already located in Nebraska at the time the ISW-NOI form is submitted.
- B. Portable facilities need to be identified as such on the NOI.
- C. The facility shall be identified as a new or existing source. If a new source, the date of anticipated facility start-up shall be provided. If an existing source, any previous or existing NPDES permits shall be identified, and the date of start-up shall be provided or approximated.
- D. The identification, mailing addresses, and signatory authorizations for the facility "owner or operator", the "cognizant official", and the "authorized representative" shall be provided. The qualifications and responsibilities for "owner/operators," "cognizant officials", and "authorized representatives" are set forth below.

- 1. The term "owner or operator" is defined in NDEQ Title 119 Chapter 1 044 as follows:

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under this Title.

More than one owner/operator may be responsible for a facility and they may jointly share responsibilities with respect to this permit. If this is the case, each owner/operator must specify a cognizant official which will need to sign the application (See below).

- 2. The "cognizant official" is responsible for signing all permit applications and meets the requirements set forth in NDEQ Title 119 Chapter 10.001:

"All permit applications submitted to the Department shall be signed:

001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;

001.02 In the case of a partnership, by a general partner;

001.03 In the case of a sole partnership, by a general partner; and

001.04 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official."

Appendix D (continued)

3. The "authorized representative" is the primary facility contact for correspondence and monitor reporting, and must meet the requirements set forth in NDEQ Title 119 Chapter 10.002:

"All other correspondence, reports and DMR's shall be signed by a person designated in 001.01 through 001.04 above or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 001.01 through 001.04 above; and the written authorization is submitted to the Director."

Only one authorized representative may be specified for any given facility.

- E. The following information concerning the facility:

1. a brief description of the type of activity resulting in "storm water discharges from industrial activity";
2. the 4-digit Standard Industrial Classification (SIC) codes that best represent the principle activities provided by the facility;
3. identification of the "storm water discharges from industrial activity" definition subcategory which applies to the facility (See Appendix B); and
4. an indication as to whether the facility will be subject to the reduced SWPPP requirements authorized in permit Section D.6 and a brief explanation as to why.

- F. The following information concerning the storm water outfalls shall be provided for all facilities except portable facilities:

1. the number of storm water outfalls present,
2. the identification and location of storm water outfalls,
2. a brief description of any storm water treatment systems used,
3. the receiving stream for each outfall, and
4. the identification of any storm water discharges to any large or medium municipal storm water systems (More information is provided in Section C.3.b concerning requirements for these sources.).

- G. A declaration that the Storm Water Pollution Prevention Plan (SWPPP) has been completed, or a schedule for the completion of the SWPPP shall be provided. If the schedule does not comply with the deadlines established in Sections D.7.a or D.7.b, the justification required by Section D.7.c must be included in the NOI. If the SWPPP was not complete at the time the NOI was submitted, the permittee is required to notify the department of it's completion as set forth in Section D.8.

Appendix D (continued)

H. The following certification statement shall be contained in the NOI and the NOI shall be signed by the Cognizant Official.

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.

I further certify that:

1. I, or qualified members of my staff, have reviewed and understand the terms and conditions of NPDES General Permit Number NER000000;
2. the facility identified in this NOI meets the "Applicability" requirements set forth in Section B of the permit; and
3. I understand that the submission of this NOI obligates the facility identified in this NOI to comply with the terms and conditions of the Permit NER000000, provided authorization to discharge is obtained.

Appendix E: Water Priority Pollutants

This is the list of 65 Toxic Pollutant Groups (which includes 126 specific substances) specified in § 307(a) of the Clean Water Act.

- 1) Acenophthene
- 2) Acrolein
- 3) Acrylonitrile
- 4) Aldrin/Dieldrin
- 5) Antimony and compounds
- 6) Arsenic and compounds
- 7) Asbestos
- 8) Benzene
- 9) Benzidine
- 10) Beryllium & compounds
- 11) Cadmium & compounds
- 12) Carbon tetrachloride
- 13) Chlordane (technical mixture and metabolites)
- 14) Chlorinated benzenes (other than dichlorobenzenes)
- 15) Chlorinated ethanes, including:
 - 1,2-dichloroethane
 - 1,1,1-trichloroethane
 - hexachloroethane
- 16) Chloroalkyl ethers (chloroethyl, and mixed ethers)
- 17) Chlorinated naphthalene
- 18) Chlorinated phenols (not listed elsewhere in this list), including: trichlorophenols & chlorinated cresols
- 19) Chloroform
- 20) 2-Chlorophenol
- 21) Chromium & compounds
- 22) Copper & compounds
- 23) Cyanides
- 24) DDT & metabolites
- 25) Dichlorobenzenes
 - 1,2-dichlorobenzene
 - 1,3-dichlorobenzene
 - 1,4-dichlorobenzene
- 26) Dichlorobenzidine
- 27) Dichloroethylenes
 - 1,1-dichloroethylene
 - 1,2-dichloroethylene
- 28) 2,4-Dichlorophenol
- 29) Dichloropropane & dichloropropene
- 30) 2,4-Dmethylphenol
- 31) Dinitrotoluene
- 32) Diphenylhydrazine
- 33) Endosulfan & metabolites
- 34) Endrin & metabolites
- 35) Ethylbenzene
- 36) Fluoranthene
- 37) Haloethers (not listed elsewhere in this list), including: Chlorophenylphenyl ethers
Bromophenylphenyl ethers
bis(dischloroisopropyl) ether
bis-(chloroethoxy) methane
polychlorinated diphenyl ethers
- 38) Halomethanes (not listed elsewhere in this list), including: methylene chloride
methylchloride
methylbromide
bromoform
dichlorobromomethane
- 39) Heptachlor & metabolites
- 40) Hexachlorobutadiene
- 41) Hexachlorocyclohexane (all isomers)
- 42) Hexachlorocyclopentadiene
- 43) Isophorone
- 44) Lead & compounds
- 45) Mercury & compounds
- 46) Naphthalene
- 47) Nickel & compounds
- 48) Nitrobenzene
- 49) Nitrophenols, including
 - 2,4-dinitrophenol
 - dinitrocresol
- 50) Nitrosamines
- 51) Pentachlorophenol
- 52) Phenol
- 53) Phthalate esters
- 54) Polychlorinated biphenyls (PCBs)
- 55) Polynuclear aromatic hydrocarbons, including:
 - benzanthracenes
 - benzopyrenes
 - benzofluoranthene
 - chrysenes
 - dibenzanthracenes
 - indenopyrenes
- 56) Selenium & compounds
- 57) Silver & compounds
- 58) 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
- 59) Tetrachloroethylene
- 60) Thallium & compounds
- 61) Toluene
- 62) Toxaphene
- 63) Trichloroethylene
- 64) Vinyl chloride
- 65) Zinc & compounds

Nebraska Department of Environmental Quality

NPDES Municipal and Industrial Section
Water Quality Division
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NPDES Form ISW-NOI

Notice of Intent (NOI) for Authorization to Discharge Under the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity (NPDES Permit No. NER000000).

Submission of this NOI fulfills the requirements set forth in Section C.1 and C2 of NPDES General Permit Number NER000000. By submission of this NOI, the applicant is requesting authorization to discharge under the terms and conditions of said permit, and is agreeing to meet all of the terms and conditions set forth in said permit. The applicant is responsible for ensuring they meet the "Applicability" requirements set forth in Section B of the permit. The specific procedures used for granting authorization to discharge are set forth in Section C.4 of the permit. Once authorization to discharge is granted, the permittee is required to maintain compliance with the terms and conditions of the permit.

Footnotes containing explanatory information are provided in this form to facilitate the applicant. Appendix D of the permit also contains information that may be consulted during the completion of this NOI. Any questions concerning this NOI, the permit, its applicability, its terms or conditions, or any other related subjects, should be directed to the NPDES Municipal and Industrial Section at (402) 471-4220. Written requests and application submittals should be sent to the NPDES Municipal and Industrial Section at the address set forth at the end of this form.

Attachments may be used as necessary to complete this form or to provide additional information.

1) Facility Name & Location (See Appendix D, Sections A and B)

Facility Name: _____

Facility Location: Portable facilities that are not presently located in Nebraska need not provide locational information.

Provide Street Address or brief narrative description of the facility location (not the mail address).

Legal Description ⁽¹⁾: _____ Quarter of the _____ Quarter, or _____

Section _____, Township _____ N, Range _____ (E or W), _____ County

Is this a portable facility ⁽¹⁾ subject to relocation? _____ If yes, is the facility currently located in Nebraska? _____

If yes, how long is the facility expected to remain at the present location? _____

Portable facilities are required to submit an AQP/NPDES Form RN 20 days prior to relocation (Permit Sections C.7 & C.8).

(1) Examples of portable facilities include concrete and asphalt plants that are moved from one site to another.

2) Identification of Owner/Operator, Cognizant Official and Authorized Representative

The definitions for "owner/operator" and "cognizant official" and "authorized representative" can be found on page 6 of this NOI and in Appendix D, Section D of the permit.

Owner/Operator & Cognizant Official: At least owner/operator must be specified. More than one owner/operator should be specified if more than one person, business, or agency is going to be responsible for permit compliance. If more than two owner/operators need to be specified a copy of this page and page 5 should be made and attached. A cognizant official must be specified for each owner/operator. The Cognizant Official(s) must sign this NOI (see page 5).

Name of Owner/ Operator #1: _____

Name of Cognizant Official #1: _____

Title: _____ Tel.: _____

Mail Address: _____

City: _____ State: _____ Zip Code: _____

Name of Owner/ Operator #2: _____

Name of Cognizant Official #2: _____

Title: _____ Tel.: _____

Mail Address: _____

City: _____ State: _____ Zip Code: _____

Authorized Representative: A single authorized representative needs to be specified. A cognizant official can also be the authorized representative.

Name: _____ Title: _____

Employer: _____ Tel.: _____

Mail Address: _____

City: _____ State: _____ Zip Code: _____

3) Initiation of Discharge (Check one and provide requested information)

_____ New Facility - Provide the date of anticipated start-up: _____

_____ Existing Facility - Provide the approximate date of start-up: _____

Identify any previous or existing NPDES permits: _____

4) Facility Activities:

The permit applies to "storm water discharges associated with industrial activity", except construction sites. The definition for this term is contained in Appendix B of the permit and contains 11 subcategories of facilities (i.e., paragraphs i - xi).

Which subcategory(s) apply to this facility? _____

Facilities in subcategory "xi" may be exempt from the NPDES storm water requirements as set forth in the fourth sentence of the definition for "storm water discharges associated with industrial activity". Facilities wishing to notify the Department of their exempt status may use NPDES Form ISW-EX or provide other written notification in lieu of submitting this NOI.

Briefly describe the activities carried out at the facility that necessitated the need for a storm water permit (e.g., what activities generate "storm water discharges associated with industrial activity"):

List the Primary Standard Industrial Classification (SIC) Code(s) for the facility: _____

List any other SIC codes that may apply to the facility: _____

5) Outfall Information This section is not applicable portable facilities which are not presently located in Nebraska.

How many Storm Water Outfalls are present at the facility? _____ If more than 3 outfalls, please use an attachment.

Outfall # 1: Receiving Water Body: _____

Outfall Description & Location: _____

Outfall # 2: Receiving Water Body: _____

Outfall Description & Location: _____

Outfall # 3: Receiving Water Body: _____

Outfall Description & Location: _____

Do any of the outfalls discharge to a stream segment identified in Appendix C of the permit? _____

If yes, written authorization from the Department is required pursuant to permit Section C.4.

Do any outfalls discharge to the Lincoln or Omaha storm water systems? _____

If yes, is the city being notified as required in permit Section C.3.b? _____

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8) Certification

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. (See 18 U.S.C. § 1001 and 33 U.S.C. § 1319, and Neb. Rev. Stat. §§ 81-1508 thru 81-1508.02.)

I further certify that:

- i. I, or qualified members of my staff, have reviewed and understand the terms and conditions of NPDES General Permit Number NER000000;
- ii. the facility identified in this NOI meets the "Applicability" requirements set forth in Section B of the permit; and
- iii. I understand that the submission of this NOI obligates the facility identified in this NOI to comply with the terms and conditions of the Permit NER000000, provided authorization to discharge is obtained.

| | |
|---------------------------------------|-------------|
| Signature of Cognizant Official # 1 * | Date Signed |
|---------------------------------------|-------------|

| | |
|--|---------------------------------|
| Printed Name of Cognizant Official # 1 * | Title of Cognizant Official # 1 |
|--|---------------------------------|

| | |
|--|-------------|
| Signature of Cognizant Official # 2 ** | Date Signed |
|--|-------------|

| | |
|---|---------------------------------|
| Printed Name of Cognizant Official # 2 ** | Title of Cognizant Official # 2 |
|---|---------------------------------|

* The cognizant official(s) should have been identified in section 2 of this form. The responsibilities of and requirements for are described in section 9 of this form (i.e., on the back of this page).

** Only one cognizant official need sign this form unless more than one owner or operator was identified in section 2 of this form.

Submit the completed NOI to:

Mail Address:
 NPDES Municipal and Industrial Section
 Nebraska Department of Environmental Quality
 PO Box 98922
 Lincoln, NE 68509-8922

Location Address:
 NPDES Municipal and Industrial Section
 Nebraska Department of Environmental Quality
 1200 'N' Street, The Atrium, Suite 400
 Lincoln, NE 68509

9) Definitions:

The qualifications and responsibilities for "owner/operators," "cognizant officials", and "authorized representatives" are set forth below.

1. The term "**owner or operator**" is defined in NDEQ Title 119 Chapter 1 044 as follows:

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under this Title.

2. The "**cognizant official**" is responsible for signing all permit applications and meets the requirements set forth in NDEQ Title 119 Chapter 10.001:

"All permit applications submitted to the Department shall be signed:

001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;

001.02 In the case of a partnership, by a general partner;

001.03 In the case of a sole partnership, by a general partner; and

001.04 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official."

3. The "**authorized representative**" is the primary facility contact for correspondence and monitor reporting, and must meet the requirements set forth in NDEQ Title 119 Chapter 10.002:

"All other correspondence, reports and DMR's shall be signed by a person designated in 001.01 through 001.04 above or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 001.01 through 001.04 above; and the written authorization is submitted to the Director."

Nebraska Department of Environmental Quality

Instructions for Completion of NPDES Form ISW-NOI

GENERAL - The NPDES Form ISW-NOI is used to apply for authorization to discharge under the NPDES General Permit for industrial storm water discharges. The ISW-NOI form requires applicants to certify that they are familiar with the terms and conditions of the permit, and that they agree to comply with them. Therefore, it is important that you review and understand the permit prior to submitting the ISW-NOI form. In some instances a written authorization must be issued by the Department. However, if a written authorization is not required, discharge authorization is granted 30 days after the Department receives the ISW-NOI form.

STEP 1 - Review the permit. The permit summary sheet is a good starting point, but the permit itself needs to be reviewed in its entirety. Section A (p. 2) is a table of contents for the permit. The information in Permit Sections B, C, D and F will probably prove to be the most pertinent to applicants.

Permit Section B - Make certain the permit applies to your facility. Appendix B contains the definition for “Storm Water Discharges Associated with Industrial Activity”. Understanding this definition, which is complex, is key to determining whether your facility needs an NPDES storm water permit. This section also sets forth limitations on coverage that may apply to your facility.

Permit Section C - Sections C.1 thru C.4 explain the Notice of Intent process. It is not necessary for you to review Appendix C, which is referenced in Section C.2, because the information described is contained in the ISW-NOI form. Sections C.7 thru C.9 contain requirements that apply to portable facilities; such as portable asphalt or concrete plants.

Permit Section D - This section describes the Storm Water Pollution Prevention Plan (SWPPP) that all permittees must develop and implement. It is very important that you understand these requirements and that you can comply with them. Failure to implement an effective SWPPP would be a violation of the permit.

Permit Section F - Note the two narrative limits on toxicity and aesthetics in Sections F.1 and F.2.

STEP 2 - Complete and submit the NPDES Form ISW-NOI. This form is an attachment to the permit and should be located immediately following page 42 of the permit. Attachments may be used to supplement the ISW-NOI form. Any attachments used needs to be referenced in the ISW-NOI form.

ISW- NOI Section 1 - Identify the facility by name. Provide both a descriptive location and a legal description of the facility location. Indicate whether the facility is portable or not. If it is portable facility, provide the requested information on its present location.

Some facilities capable of being relocated are operated at a permanent site and are not moved. If this is the case, please answer “NO” to the question: “Is this a portable facility subject to relocation?” If at a later time the facility is relocated, you may notify the Department pursuant to Sections C.7 and C.9 of the permit. NPDES form RN, a permit attachment, should be used to provide this notice.

ISW- NOI Section 2 - Permits may be issued to “owners” and/or “operators”. Generally, only one individual, company or agency takes responsibility for permit compliance. However, there may be instances where 2 or more individuals, companies or agencies wish to share responsibilities for permit compliance. The ISW-NOI form has space for up to 2 applicants, but only one applicant needs to be identified. Each applicant must identify a “Cognizant Official”. The responsibilities and requirements for cognizant officials are set forth on page 6 of the ISW-NOI form.

The applicant(s) identified will be responsible for permit compliance provided the appropriate cognizant official signs on page 6 of the form (i.e., if 2 applicants are identified but the cognizant official for only one applicant signs the ISW-NOI form, then only the applicant that signed the ISW-NOI form would be responsible for permit compliance).

Each facility may also designate one authorized representative to be the primary contact for the facility. Page 6 of the ISW-NOI form sets forth the responsibilities and requirements for the authorized representative.

ISW- NOI Section 3 - Provide the information requested with respect to anticipated or actual start-up dates. Also identify any other previous or existing NPDES permits the facility might have.

ISW- NOI Section 4 - Identify the which subcategory of the definition for “Storm Water Discharges Associated with Industrial Activity” which applies to your facility. Some facilities may have more than one. If so, list all of them. Then briefly describe the activity carried out at your facility that makes it subject to the storm water regulations. Also, list the primary Standard Industrial Classification (SIC) code and any other SIC codes that apply to your facility.

For example; a corn processing plant with a primary SIC code of 2046 (Wet Corn Milling) would answer Category “i” to the first question; “Corn Wet Milling” to the second question; “2046” to the third question; and possibly “2041” (Flour and Other Grain Mill Products), “2048” (Prepared Animal Feeds and Feed Ingredients) and “2085” (Ethanol Production) to the last question.

ISW- NOI Section 5 - Identify the number of storm water outfalls at your facility. Then for each outfall, list the receiving stream to which each outfall discharges and provide a brief description of the area drained and location for each outfall. For many facilities, all outfalls will have the same receiving stream, but this may not be true for some others. The attachment of a facility map to the ISW-NOI form may make the completion of this section simpler. The example below describes the information needed.

Outfall # 1 Receiving Water Body: Clear Creek

Describe Outfall Location: Southeast corner of Facility (See attached facility diagram)

Describe Drainage Area: Finished Product Storage Area, Employee Parking, and Roof Drains

Outfall # 2 Receiving Water Body: Clear Creek

Describe Outfall Location: Southwest corner of Facility (See attached facility diagram)

Describe Drainage Area: Receiving and Shipping Area, Truck Parking and Roof Drains

There are also three questions at the bottom of this section related to where your outfall(s) discharge. The first question ask whether your outfall(s) discharge to a stream segment identified in Appendix C of the permit. Appendix C lists stream segments that are listed as State Resource Waters because of their water quality, and stream segments that are protected for public drinking water supplies. Any proposed discharges to these stream segments require written authorization from the Department as described in Permit Section C.4.a and C4.e. Appendix C is arranged by County to make the stream search easier.

The second question asks whether your outfall discharges to a storm sewer in the cities of Lincoln or Omaha. Both of these cities are required to have municipal storm water permits. Part of these cities responsibilities include identifying all industrial storm water discharges to their storm water system. Section C.3.b the permit requires industrial permittees to contact the cities of Lincoln or Omaha if they discharge to their storm water system.

ISW- NOI Section 6 - This section of the ISW-NOI form relates to requirements in Sections D.6 and D.7 of the permit. Permit Section D.7 contains deadlines for the implementation of SWPPPs. Permit Section D.6 contains reduced SWPPP requirements for facilities that have little potential for storm water pollution. Familiarity with Permit Sections D.6 and D.7 is necessary for completion of this section of the ISW-NOI form.

ISW- NOI Section 7 - Identify all attachments to the ISW-NOI form (i.e., list all attachments). In this regard a facility site map or diagram is not required, but the inclusion of a map or diagram may facilitate you in the completion of the ISW-NOI form. This section may also be used to provide any additional information that you feel may be pertinent to storm water your facility. For example: “The facility site is flat and much of the storm water run-off occurs as sheet flow rather discharging through the designated outfall.”

ISW- NOI Section 8 - This certification section must be signed by the cognizant official for the “Owner(s) or Operator(s). The Cognizant Official(s) were to be identified in Section 2 of the ISW-NOI form. There should be one cognizant official for each owner/operator identified in Section 2. In most cases, only one owner/operator is specified and only one cognizant official needs to sign the ISW-NOI form.

ISW- NOI Section 9 - Contains a description of the responsibilities and requirements for “owner/operators”, cognizant officials”, and “authorized representatives”.

Nebraska Department of Environmental Quality

NPDES Municipal and Industrial Section
Water Quality Division
1200 'N' Street, Suite 400, The Atrium
PO Box 98922
Lincoln, NE 68509-8922
Tel. 402/471-4220
Fax 402/471-2909

NPDES Form SW-SEMR - Storm Event Monitoring Report

Reporting is required for all storm event monitoring activities in which quantitative analyses for storm water pollutants is conducted. Monitoring results are to be submitted to the Department within 30 days following the monitoring event, unless a Department approved extension is provided. Certain parts of this form may not apply to all monitoring events. If the information requested is not available, please write-in: "Not Available". Attachments may be used to supplement this form provided they are referenced or identified in this form.

1) Facility Identification:

NPDES Permit Identification Number: _____

Facility Name: _____

Facility Location: _____

2) Precipitation Event Information:

Duration (Hrs): _____ Magnitude (Inches): _____

Start of Precipitation Event (Date/Time) _____

End of Precipitation Event (Date/Time) _____

Time Elapsed Between Event Sampled and Previous Precipitation Event _____

3) Monitoring Information: Supply the following information for each outfall monitored.

Outfall Designation (#) _____

Monitoring Started (Date/Time) _____

Monitoring Ended (Date/Time) _____

Discharge Volume (Gallons) * _____

* The volume of storm water discharged may be measured or calculated; see permit Section E.3.b.

Provide or attach a brief explanation of the sampling procedures used (i.e., grab, time composite, or flow proportioned composite), and list the pollutants monitored at each outfall. Provide pollutant specific and outfall specific information when necessary. See permit Section E.2 for sampling procedure requirements.

4) Monitoring Results: Provide or attach all discharge monitoring event test results, and identify the laboratory(s) and test methods used. All attached pages must be identified by page numbers or other identifying designations. Examples: ABC Lab report No. 010198-0765 (3 pages); or See attached pages designated A1 thru A6.

Four horizontal lines for providing monitoring results.

5) Other Information: Provide or attach any other information pertinent to this monitoring report.

Two horizontal lines for providing other information.

6) Certification and Signature

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 gather and evaluate 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 fines and imprisonment for knowing violations. See 18 U.S.C. § 1001 and 33 U.S.C. § 1319, and Neb. Rev. Stat. §§ 81-1508 thru 81-1508.02.

Signature of Authorized Representative or Cognizant Official **, Date, Printed Name, Title

** The qualifications and responsibilities of the "cognizant official" are set forth below and in NDEQ Title 119 Chapter 10.001:

- All permit applications submitted to the Department shall be signed:
001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;
001.02 In the case of a partnership, by a general partner;
001.03 In the case of a sole partnership, by a general partner; and
001.04 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official."

** The qualifications and responsibilities for the "authorized representative" are set forth in NDEQ Title 119 Chapter 10.002:

"All other correspondence, reports and DMR's shall be signed by a person designated in 001.01 through 001.04 above or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 001.01 through 001.04 above; and the written authorization is submitted to the Director."

Submit the completed NOI to:

Mail Address: NPDES Municipal and Industrial Section, Nebraska Department of Environmental Quality, PO Box 98922, Lincoln, NE 68509-8922

Location Address: NPDES Municipal and Industrial Section, Nebraska Department of Environmental Quality, 1200 'N' Street, The Atrium, Suite 400, Lincoln, NE 68509

Nebraska Department of Environmental Quality

NPDES Municipal and Industrial Section
Water Quality Division
1200 'N' Street, Suite 400, The Atrium
PO Box 98922
Lincoln, NE 68509-8922
Tel. 402/471-4220
Fax 402/471-2909

NPDES Form NCR-BMPP - Non-Compliance Report

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This form is intended for reporting deficiencies associated with the implementation of NPDES permit required Best Management Practice Plans (BMPPs), Storm Water Pollution Prevention Plans (SWPPPs), and other pollution prevention plans. Non-compliance reporting requirements are set forth in Appendix A, Section D of NPDES permits. Attachments may be used in conjunction with this form.
=====

NPDES Permit or General Permit Identification Number : _____

Permittee: _____

Facility Name: _____

=====
1) Describe the BMPP or SWPPP deficiencies and provide information on the pollutant discharges that resulted from these deficiencies.

2) How long did the deficiency exist? Provide exact dates if possible.

3) Describe the corrective actions taken?

4) When were the corrective actions completely implemented? If not yet completed, provide a schedule for the completion of corrective actions.

Blank lines for providing corrective action details.

5) Certification

I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete, and accurate.

Signature of Authorized Representative or Cognizant Official *

Date

Printed Name

Title

* The "cognizant official" is responsible for signing all permit applications and meets the requirements set forth in NDEQ Title 119 Chapter 10.001:

"All permit applications submitted to the Department shall be signed:

001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;

001.02 In the case of a partnership, by a general partner;

001.03 In the case of a sole partnership, by a general partner; and

001.04 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official."

* The "authorized representative" is the primary facility contact for correspondence and monitor reporting, and must meet the requirements set forth in NDEQ Title 119 Chapter 10.002:

"All other correspondence, reports and DMR's shall be signed by a person designated in 001.01 through 001.04 above or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 001.01 through 001.04 above; and the written authorization is submitted to the Director."

Submit the completed form to:

Mail Address:

NPDES Municipal and Industrial Section
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, NE 68509-8922

Location Address:

NPDES Municipal and Industrial Section
Nebraska Department of Environmental Quality
1200 'N' Street, The Atrium, Suite 400
Lincoln, NE 68509



Nebraska Department of Environmental Quality

Air Quality Section & NPDES Permits Unit
Nebraska Department of Environmental Quality
1200 'N' Street, Suite 400, The Atrium
PO Box 98922
Lincoln, NE 68509-8922
Tel. 402/471-2189 or 402/471-4220
Fax 402/471-2909

AQP/NPDES Form RN - Relocation Notice

Page 1 of 2

This form is intended for use by facilities subject to Air Program and/or NPDES Storm Water reporting requirements. The second page of this form contains sections that apply specifically to either the Air or NPDES programs. Sources subject to regulation under only one program will not need to complete both sections.

Questions concerning the completion of this form should be directed to the Air Quality Section at 402/471-2189 or to the NPDES Municipal and Industrial Section at 402/471-4220.

1) Owner/Operator Identification

Name Owner/Operator: _____

Contact Person: _____ Tel.: _____

Address: _____

2) Facility Identification

Facility Name/Number: _____

SIC code _____ Facility Type (asphalt, concrete, etc.): _____

Air Program ID # 777 or 9999 - _____ NPDES ID # NER 000 _____

Air Pollution Control Equipment: _____

3) Relocation Site

Street Address or brief narrative description of the facility location (not the mail address): _____

Legal Description:

_____ Quarter of the _____ Quarter, of Section _____, Township _____ N, Range _____ (E or W),
County _____

4) Relocation Schedule - Provide the anticipated dates for the following:

Start of Site Development: _____ Start of Facility Operations: _____

End of Facility Operations: _____

5) Air Program Information: This section applies to sources subject to the Air Program regulations. Provide a description of the site location, adjacent surroundings, including proximity to occupied buildings.

6) NPDES Storm Water Information: This section applies to sources subject to NPDES Storm Water regulations and requirements. Please refer to Appendix D of the Industrial Storm Water General Permit for information concerning the identification of State Resource Waters.

Name of Water Body Receiving Storm Water flows: _____

Is the receiving stream identified in Appendix C of the NPDES permit? _____

If yes, written notification from the Department of authorization to discharge is required, and the relocation site may be denied due to concerns over water quality impacts. Additional information concerning the Storm Water Pollution Prevention Plan and the potential impact of storm water discharges on water quality may be required (See Sections C.7 and C.8 of the permit).

7) Certification and Signature

I have examined and am familiar with the information submitted on this application. To the best of my knowledge the information supplied is true and accurate.

| | |
|-------------------------------------|-------|
| _____ | _____ |
| Signature of Responsible Official * | Date |
| _____ | _____ |
| Printed Name | Title |

* See instructions for definition of responsible official.

Submit the completed form to:

Mail Address:

Air Quality Section
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, NE 68509-8922

Location Address:

Air Quality Section
Nebraska Department of Environmental Quality
1200 'N' Street, The Atrium, Suite 400
Lincoln, NE 68509

NDEQ Office Use Only:

Received by: AQ _____ or P&C _____

Date forwarded to: AQ _____ or P&C _____



Nebraska Department of Environmental Quality

Air Quality Section & NPDES Permits Unit
Nebraska Department of Environmental Quality
1200 'N' Street, Suite 400, The Atrium
PO Box 98922
Lincoln, NE 68509-8922
Tel. 402/471-2189 or 402/471-4220
Fax 402/471-2909

Instructions for AQP/NPDES Form RN – Relocation Notice

Page 1 of 2

This is a combined form that is to be used for notifying the Department of the relocation of portable air emission sources and industrial storm water dischargers. Portable facilities that have been issued Air Program Operating Permits and/or National Pollutant Discharge Elimination System (NPDES) Storm Water Permits will need to use this form.

This notification form is to be submitted 20 days prior to a proposed relocation for sources subject to Air Quality Program regulations and permits. Facilities subject to NPDES Storm Water Permit requirements, but not Air Quality Program requirements, must submit this form at least 10 days in advance of a proposed relocation. Relocation Notices are subject to review and proposed relocation sites may be rejected based upon air quality (NDEQ Title 129 Chapter 10) or water quality (NPDES Permit # NER000000, Section C.8) concerns.

Questions concerning this form should be directed either to the Air Quality Section at 402/471-2189 or the NPDES Municipal and Industrial Section at 402/471-4220.

1. **Owner/Operator** - Provide the name of the facility owner and/or operator.
2. **Contact Person, Address & Telephone** - Provide the name, address and telephone number of the person to be contacted concerning any questions the Department may have on the application or the relocation site. This contact need not be the Cognizant Official or Authorized Representative (See below).
3. **Facility Name/Number** - The descriptive designation used by the owner to identify the facility.
4. **Type** - The type of facility being relocated; for example: an asphalt plant, a concrete plant, or a rock crusher.
5. **Air Program #** - The identification number assigned the facility by the Air Program. This is a 8 or 9 digit number starting with "9999-" or "777-"; please fill in the last 5 digits.
6. **NPDES #** - This is a 9 digit alpha/numeric designator starting with "NER 00"; please fill in the last 4 digits.

If the Air Program or NPDES numbers have not been assigned or are not known, write in "NONE" or "UNKNOWN" over the blanks.

7. **Air Pollution Control Equipment** - Provide a description of the equipment used by the facility.
8. **Relocation Site** - A narrative description of the site location. For example: 3 miles west of Wahoo on Hwy 92.

9. **Legal Description of Relocation Site** - Provide the legal description in the following format to the nearest quarter section. For example: NW Quarter, Section 12, Township 10N, Range 2W, York County.
10. **Anticipated Relocation Dates** - Provide the dates requested as best known at time of submittal. If the start or finish dates change by more than two weeks, a follow-up notification should be provided.
11. **Air Program Information** - Provide a narrative description of the site and adjacent surroundings, including proximity to occupied buildings. A map of the site area may also prove useful and facilitate processing.
12. **Signature** - A “responsible official”, according to NDEQ Title 129 Chapter 1.089, means one of the following:
 - “089.01 For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit...”
 - “089.02 For a partnership or sole proprietorship: a general partner or the proprietor, respectively;”
 - “089.03 For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official.”
 - “089.04 For affected sources:
 - 089.04A The designated representative in so far as actions, standards, requirements or prohibitions under Chapter 26 ACID RAIN are concerned; and
 - 089.04B The designated representative for any other purposes under the Title V Program.”

The responsible official also meets the requirements for cognizant official and/or authorized representative in the NPDES regulations.

13. **Mailing the Notification Form** - The completed and signed form should be mailed or delivered to the addresses provided on the bottom of the application form.

Nebraska Department of Environmental Quality

NPDES Municipal and Industrial Section
Water Quality Division
1200 'N' Street, Suite 400, The Atrium
PO Box 98922
Lincoln, NE 68509-8922
Tel. 402/471-4220
Fax 402/471-2909

NPDES Form PE Physical Examination Report Form

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This form may be used to record observations of the physical characteristics of water discharges as required on some NPDES permit. The use of this form is generally not required by NPDES permits. Therefore an alternative report form containing the same information may be used.
=====

Date & Time of Observation: _____

Name of Observer: _____

| Parameter | Observations |
|-----------------------------------|--------------|
| Turbidity | |
| Color | |
| Odor | |
| Petroleum or Hydrocarbons Present | |
| Sheens or Films | |
| Foam or Foaming Below Discharge | |
| Floating Solids | |

Any other observations or additional information: _____



NPDES Compliance and Permit Units
The Atrium Building, Suite 400, 1200 N Street
PO Box 98922
Lincoln, NE 68509
Tel. 402/471-4220

NPDES Form NE-3510-11
No Exposure Certification
for Exclusion from
NPDES Industrial Storm Water Permitting

(Revised February 28, 2001)

In Nebraska, this form may only be used by facilities identified in subparagraph xi of the definition for Storm Water Discharges Associated with Industrial Activity. The purpose of this form is to notify the Department that a facility does not require an NPDES storm water discharge permit. The definition for Storm Water Discharges Associated with Industrial Activity is included as an attachment to the instructions for this form. This form needs to be submitted at least once every 5 years. However, it is recommended that reviews be conducted at least semi-annually, to ensure compliance with the no exposure condition. It is the responsibility of the owner/operator of the facility to ensure compliance with the no exposure condition, and there are significant potential penalties for failure to comply with the NPDES regulations.

A condition of no exposure exists when storm water resistant shelter prevents exposure of all industrial materials and activities to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. material handling activities included the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:
- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves.
- adequately maintained vehicles used in material handling, and
- final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).

The no exposure exclusion only applies on a facility-wide basis; not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

All the information requested on this form must be provided, and the Cognizant Official identified in Section 2 of this form must sign the form. By submission of this No Exposure Certification form, the Owner/Operator identified in Section 2 is certifying that a condition of no exposure exists at the facility or site; and is obligated to ensure the no exposure condition is maintained, or if not an NPDES storm water discharge authorization must be obtained.

1) Facility Name and Location Information

Facility Name: _____

Facility Location: Provide City Street Address or brief narrative description of the facility location (not the mail address).

Four horizontal lines for providing facility location information.

Legal Description: _____ Quarter of the _____ Quarter, or _____

Section _____, Township _____ N, Range _____ (E or W), _____ County

2) Identification of Owner/Operator and Cognizant Official

Name of Owner/Operator: _____

“Owner or operator” means the owner or operator of the facility identified in Section 1 above.

Name of Cognizant Official #1: _____

Title: _____ Tel.: _____

Mail Address: _____

City: _____ State: _____ Zip Code: _____

The "**cognizant official**" is responsible for signing all permit applications and meets the requirements set forth in NDEQ Title 119 Chapter 10.001:

"All permit applications submitted to the Department shall be signed:

001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;

001.02 In the case of a partnership, by a general partner;

001.03 In the case of a sole partnership, by a general partner; and

001.04 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official."

3) Applicability Review

Yes No

Is your facility in subcategory xi of the definition for Storm Water Discharges Associated with Industrial Activity? (Place a check in the appropriate "yes" or "no" column)

A "no" answer to the question above means the facility is not eligible for the no exposure exclusion.

4) Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Place a check in the appropriate "yes" or "no" column for each condition below)

Yes

No

A "yes" answer to any of the conditions below means the facility is not eligible for the no exposure exclusion.

| | | |
|---|--|--|
| 1) Using , storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water | | |
| 2) Materials or residuals on the ground or in storm water inlets from spills/leaks | | |
| 3) Materials or products from past industrial activity | | |
| 4) Material handling equipment (except adequately maintained vehicles) | | |
| 5) Materials or products during loading/unloading or transporting activities | | |
| 6) Materials or products stored outdoors (except final products intended for outside use (e.g., new cars) where exposure to storm water does not result in the discharge of pollutants | | |
| 7) Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, or similar containers | | |
| 8) Materials or products handled/stored on roads or railways owned or maintained by the facility | | |
| 9) Waste material (except waste in covered, non-leaking containers (e.g., dumpsters)) | | |
| 10) Application or disposal of process wastewater (unless otherwise permitted) | | |
| 11) Particulate matter or visible deposits of residues from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water outflow | | |

5) Additional Facility Information

Was this facility previously covered under an NPDES storm water permit? _____

If yes, provide NPDES facility number: _____

Note: NER000000 & NER100000 are not facility numbers. If questions, see Instructions.

SIC/Activity Codes: Primary ___ ___ ___ ___ Secondary ___ ___ ___ ___ (If questions, see instructions)

Total size of site associated with industrial activity: _____ acres

Has any previously exposed, pervious area been paved or roofed to qualify for this no exposure exclusion? _____

If yes, please indicate the approximate area that was paved or roofed.

___ Less than one acre ___ One to five acres ___ More than five acres

Completing the above question does not disqualify you for the no exposure exclusion. However, the Department may use this information in considering whether storm water discharges are likely to have an adverse impact on water quality, in which case an NPDES permit could be required.

Is storm water discharged to a storm sewer system that is required to have an NPDES permit? _____

If yes, a copy of this No Exposure Certification form needs to be provided the city or county holding that permit.

Currently only the storm sewer systems in Omaha and Lincoln are required to have NPDES permits. Beginning March 2003, this is scheduled to be expanded to urbanized areas in Douglas, Sarpy, Lancaster and Dakota Counties, as well as possibly the cities of Beatrice, Columbus, Fremont, Grand Island, Hastings, Kearney, Norfolk, North Platte, Scottsbluff, and potentially other urbanized areas as well. Questions concerning this can be directed to either the Department or the local Public Works Department.

Additional Information (Optional): _____

6) Certification and Signature

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from NPDES storm water permitting.

I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).

I understand that I am obligated to submit a no exposure certification form once every five years to the Nebraska Department of Environmental Quality and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the NPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES permit prior to any point source discharge of storm water from the facility.

Additionally, 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, ot 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.

Signature of Cognizant Official

Date

Printed Name of Cognizant Official

Title of Cognizant Official



Instructions for Form NE-3510-11
No Exposure Certification for Exclusion from NPDES Storm Water Permitting
(Revised February 28, 2001)

Who May file a No Exposure Certification

Federal (40 CFR Part 122.26) and State regulations (NDEQ Title 119) prohibit point source discharges of storm water associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. Nebraska facilities identified in subparagraph xi of the definition for *Storm Water Discharges Associated with Industrial Activity* may submit a No Exposure Certification in lieu of seeking NPDES permit coverage. The *Storm Water Discharges Associated with Industrial Activity* definition is attached to these instructions.

The Department may, at some future time, modify its regulations to broaden the potential applicability of the No Exposure Exclusion. Therefore, you may want to call to check on the current status of the regulations, particularly if more than a year has elapsed since the revision date (see above) on this document.

Obtaining and Maintaining the No Exposure Exclusion

The NPDES Form NE-3510-11 is only applicable in Nebraska. Federal NPDES Form 3510-11, which is applicable in areas where USEPA is the NPDES permitting authority, is very similar. The Nebraska Department of Environmental Quality will accept the Federal form as well.

This form needs to be submitted at least once every 5 years. However, it is recommended that reviews be conducted at least semi-annually, to ensure compliance with the no exposure condition. It is the responsibility of the owner/operator of the facility to ensure compliance with the no exposure condition, and there are significant potential penalties for failure to comply with the NPDES regulations. If the no exposure condition is not maintained, the facility will need to have coverage under an NPDES storm water permit.

Where to File the No Exposure Certification Form

Mail the completed no exposure certification form to the address shown in the letterhead of the form and these instructions.

Completing the Form

Please print or type when completing the form. Copies of this form can also be made available via email in WORD format. A separate form needs to be completed and submitted for each facility for which a no exposure condition is to be certified. Before submitting the completed form, please make sure you have addressed all applicable questions, have the appropriate signature, and have made a photocopy for your records.

Assistance in Completing the Form

Assistance in completing the form is available upon request at 402/471-2023. A TDD Operator is available at 800/833-7352.

Section Specific Instructions for Completion of the Form

Section 1. Facility Name and Location Information

Provide the name of the facility, its location (i.e., street address or description of its location, but not a PO Box #) and the legal description for the facility location.

Section 2. Identification of Owner/Operator and Cognizant Official

Provide the name of the corporation, company, governmental body, or individual that owns or operates the facility. Most industrial facilities are owned and operated by the same corporation or company, but when there are exceptions, the entity that is responsible for ensuring compliance with the NPDES regulations should be identified.

The qualifications for the Cognizant Official that is to represent the facility for the Owner/Operator are identified on the form. The name, mailing address and telephone number of the Cognizant Official need to be provided.

Section 3. Applicability Review

Use the attached definition to answer the question on whether your facility is in subparagraph xi of the definition for *Storm Water Discharges Associated with Industrial Activity*, which is attached. If there are any questions, call for assistance (See above). A "No" answer to this question means you are not eligible for the "No Exposure Exclusion" at the time this form was put in use. However, the Department may at some future time modify its regulations to broaden the potential applicability of the exclusion. Therefore, you may want to call to check on the current status of the regulations, particularly if more than a year has elapsed since the revision date on this document (See title on first page).

Section 4. Exposure Checklist

Check "Yes" or "No" as appropriate to describe the exposure conditions at your facility. If you answer "Yes" to **any** of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. If this is the case, permit coverage must be obtained, or immediate steps must be taken to achieve a No Exposure Condition.

Section 5. Additional Information Request

Provide the information requested.

In identifying NPDES Storm Water Facility numbers, do not provide an NPDES General Permit Number such as NER100000, NER000000 or NEG670000. Hundreds of facilities have obtained NPDES discharge authorizations under these general permits; these are not facility specific numbers. What is being requested is the NPDES authorization or facility number. These numbers have digits other than 0000 in the last four places. For example; NER000004, NER000011, NER000878 or NER001023 are facility specific numbers.

SIC or Standard Industrial Classification codes are based on the activities carried-out at your facility and the business you are in. If you are not familiar with SIC codes or are not sure what SIC code applies to your facility you may contact the Department's NPDES Permits Unit for assistance (See telephone numbers above).

Section 6. Certification and Signature

The Cognizant Official identified in Section 2 of the form must sign the form. The Cognizant Official must meet the qualifications set forth in Section 2 of the form. Failures in this regard may invalidate your submittal. Having an improperly signed form on file with the Department will not ensure compliance with the regulations.

**Summary Guidance
NPDES General Permit for Industrial Storm Water Discharges
NER000000
(Updated March 16, 2000)**

Section A - Summary of Permit Contents (p. 2)

This section is a table of contents and provides a overview of the permit.

Section B - Applicability (pp. 3 & 4)

This section describes the facilities from which storm water discharges may be authorized under the permit. This includes those described in the definition for "storm water discharges associated with industrial activity" which is found in NDEQ Title 119 - Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System, Chapter 1.062. This definition is complex and is included in Appendix B of the permit. Storm water discharges from other facilities may also be authorized, if the Department determines that coverage under this permit is appropriate to control the discharge of pollutants. The permit is applicable state-wide. There are some limitations on applicability.

Section C - Notification and Discharge Authorization Procedures (pp. 5 - 8)

Sections C.1 thru C.3 (pp. 4 - 5) describe procedures for submitting a Notice of Intent (NOI) which serves as the application for the permit. Appendix C describes the information required in an NOI. It is not generally necessary to review Appendix C, because all of the pertinent information is requested in the ISW-NOI form attached to the back of the permit.

Section C.4 (pp.5 - 6) describes how discharge authorizations are granted. There are circumstances under which written discharge authorization from the Department is required. If these do not apply to your site, discharge authorization is granted 30 days after the Department receives the completed ISW-NOI form.

Sections C.5 and C.6 (pp. 6 - 7) describe procedures for revoking permits or requiring application for alternative permits. Reasons for such requests are explained in these sections. In general, such actions may be taken if water quality concerns arise relative to your site.

Sections C.7, C.8 and C.9 (pp. 7 - 8) set forth notification requirements and authorization procedures that apply to portable facilities, such as portable asphalt or concrete plants.

Section C.10 (p. 8) sets forth notification requirements that apply if a facility wishes to discontinue coverage under the permit.

Section D - Storm Water Pollution Prevention Plan (SWPPP) (pp. 8-14)

This is the most important section of the permit with respect to controlling pollutant discharges from your facility. This section needs to be reviewed in detail so that you can ensure your site is in compliance with the permit.

Section D.2 describes what must be included in a SWPPP. Sections D.3, D.4 and D.8 set forth facility inspections, SWPPP reviews, and record keeping requirements. Section D.5 requires facilities that must file a SARA Form R for the release of any of the water priority pollutants to have their SWPPP certified by a professional engineer. The water quality priority pollutants are listed in Appendix E. Section D.6 has allowances for reduced SWPPP requirements for facilities that have limited potential for pollutant discharges in storm water. Section D.7 sets forth implementation deadlines for SWPPPs.

Section E - Monitoring Requirements and Procedures (pp. 15 - 16)

The monitoring of storm water from your site is not required unless the Department requests it. Therefore, a thorough knowledge of this section's contents is not necessary unless such a request is made.

Section F - Other Conditions and Requirements (p. 16)

This section contains general restrictions on the discharge of materials that are toxic to aquatic life or that degrade stream aesthetics. It also contains information concerning permit attachments (i.e., the NOI and report forms that are attachments to the permit).

Section G - Periodic Reporting and Record Keeping Requirements (pp. 17 - 18)

This section contains a summary of the reporting and record keeping requirements contained in the permit. Periodic review of this section may prove useful to avoid an unintentional lapse in meeting these requirements.

Appendix A - Standard Conditions for NPDES and NPP Permits (pp. 19 - 30)

Section G.8 (p. 18) provides a summary of the reporting record keeping requirements in this rather lengthy appendix. Pages 25 thru 27 of the appendix define terms and abbreviations used in the permit.

Appendix B - Definition for “Storm Water Discharge Associated with Industrial Activity” (pp. 31 - 35)

This appendix contains the definition cited in Section B.1.a concerning Applicability. It also contains summary information on the Standard Industrial Classification (SIC) codes used in the definition.

Appendix C - Water Bodies Where Written Discharge Authorization is Required (pp. 36 - 38)

This appendix is a reference to be used in filling out the ISW-NOI form and in determining whether your facility will need to obtain a written discharge authorization pursuant Section C.4.a and C.4.e of the permit.

Appendix D - Information and Signatures Required in NOIs (pp. 39 - 41)

This appendix describes the information that must be included in an NOI. Review of this appendix is not required because the ISW-NOI form meets these requirements. However, if you have questions concerning what is being requested on the ISW-NOI form, this appendix may prove helpful.

Appendix E - Water Priority Pollutants (p. 42)

This is the list of water priority pollutants referenced in Section D.5 concerning the need to have a professional engineer certify the SWPPP.

Attachments

The notice of intent and other report forms for the permit are included as permit attachments.