

Nebraska Department of Environmental Quality

Wastewater Section

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Fact Sheet General NPDES Authorizing Dewatering Discharges Entire State of Nebraska NPDES NEG671000 2017

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A. Applicability

This general permit authorizes ground or surface water discharges from construction excavations and dewatering wells. This is a reissue without change.

B. Authority and Purpose

1. This general permit was developed according to the Nebraska Department Environmental Quality Title 119, Chapters 5 and 25 – *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System*. This regulation was promulgated pursuant to the Nebraska Environmental Protection Act (Neb. Rev. Stat. §§ 81-1501 et seq.) and the Federal Clean Water Act (33 U.S.C. §§ 1251 et seq.). The National Pollutant Discharge Elimination System (NPDES) is authorized in Section 402 of the Federal Clean Water Act.
2. NPDES permits may contain effluent limitations and require “best management practices” (BMPs) in order to regulate the pollutant discharge. The permit limitations can be based upon water quality and/or technology-based standards. These standards are established in NDEQ Title 117 – *Nebraska Surface Water Quality Standards*, Title 118 – *Ground Water Standards and Use Classification*. There are no technological standards established in NDEQ Title 119, Chapter 27 that applies to the eligible sources for coverage under the General NPDES Permit NEG671000.

C. Description of the Discharges

The primary focus of this permit is to control the pollutant discharges from dewatering activities at construction excavation sites and dewatering wells used to depress ground water levels.

1. Many discharges originate from excavated pits and trenches where the primary pollutant is suspended solids. These sumps or trench discharges have a much higher potential for containing suspended solids.
2. Some discharges may originate from below ground utility vaults (electrical or telephone). Occasionally, these types of vaults are flooded by storm water runoff. These discharges have a high potential for containing petroleum hydrocarbons and suspended solids.
3. When wells are used to depress ground water levels or during foundation sump discharges, there is a low potential for containing suspended solids. However, some ground water dewatering discharges may be contaminated with various types of organic chemicals. The contamination sources are usually due to spills or leaks into ground or surface waters near the site.
4. Most ground water infiltration flows may be discharged. This permit is not limited to ground water discharges; it also addresses storm water discharges.
5. Many small volume foundation-dewatering discharges do not generally require an NPDES permit. The reason is that there is no significant discharge of pollutants to waters of the state. An individual NPDES permit authorization may be required for the following foundation dewatering activities:
 - a. If ground water contamination exists;
 - b. If the existing natural ground water constituents may negatively impact surface waters; or
 - c. If nearby activities create pollution potential in the ground water.

D. Area of Application

This permit is applicable throughout the State of Nebraska, excluding tribal lands. Statewide application is appropriate because the potential sources may be found throughout the state. No discharges will be allowed to tribal lands within the State of Nebraska or to State Resource Waters. This permit provides specific written evaluation procedures for discharges to the following waters of the state:

1. Stream segments that are protected as Public Drinking Water Supplies.

These requirements are set forth in the permit Part I. These provisions provide the Department an opportunity to evaluate the discharge based on receiving water criteria. These water quality evaluations can be made on any given dewatering discharge with the state.

E. Permit Term

This permit is to be issued for a five-year term. This is the maximum time period allowed pursuant to NDEQ Title 119, Chapter 16 002. Within the permit in Appendix A. Paragraph A.7 sets forth a reopener clause that allows modification, suspension, revocation, or reissuance according to NDEQ Title 119, Chapter 24.

F. Proposed Changes to the Existing Permit

On the basis of a preliminary staff review, the Nebraska Department of Environmental Quality has made a tentative determination to reissue the permit without change.

G. Permit Requirements and Conditions

The content of each section is summarized in the following paragraphs. An explanation of the basis is provided when appropriate. The draft permit consists of authorization page, four main parts, two appendices, and six attachments. The six attachments are the Notice of Intent (DW-NOI), the Threatened and Endangered Species Checklist, the Discharge Monitoring Report (DW-DMR), the noncompliance report form, a physical characteristics examination (PCE) report, and a dewatering relocation notice (DW-RLN). These attached forms are subject to modification by the Department.

1. Permit Authorization Page

This is the first permit page. It identifies the permit name, number, issuance and expiration dates, and the Federal and State laws that authorize this NPDES permit. The Director or a delegated representative shall sign this page prior to permit issuance.

2. Table of Contents

This is a summary of the Parts, Sections, Appendices, and Attachments of the draft permit. This is intended as an aid for using and reviewing the permit.

3. Part I - Eligibility

The area of the state to which the permit applies is identified (i.e. this permit has statewide application). This part describes the discharges that are eligible to apply for authorization to discharge under the terms and conditions of this permit. Several limitations on coverage are also set forth in this part of permit.

4. Part II - Authorization to Discharge

This part set forth the following procedures:

1. How to obtain authorization;
2. Contents of the Notice of Intent;
3. Additional Information Requirements;
4. Requiring an alternative permit application;
5. Revocation of the authorization to discharge;
6. Notification of changes to facility name, ownership, operations, or pertinent personnel;
7. Notification of any activities that may alter the water quality of the discharge; and
8. Notification of Relocation or Completion.

Any facility wishing authorization to discharge under the terms and conditions of this general permit must submit a Notice of Intent (DW-NOI). The permit specifies minimum and additional information requirements for potential applicants. This permit section specifically spells out what is required in a DW-NOI. It also contains information that may aid applicants in completing and submitting the DW-NOI.

When the Department has received the complete DW-NOI, the discharge authorization shall be granted after 10 days. However, there are the following exceptions:

- 1) If additional information is requested, or;
- 2) If the discharge is to public drinking water sources, then the review period is extended.

5. Part III Monitoring Requirements and Effluent Limitations

- a. Table A – Construction Excavation Site Dewatering Effluent Limitations and Monitoring Requirement establishes the following parameters, limitations and monitoring requirements:
 - 1) Monitoring shall be initiated within 8 hours after the discharge is started;
 - 2) Flow shall be monitored daily;
 - 3) The physical characteristics examination shall be conducted daily;
 - 4) Petroleum hydrocarbons shall be sampled and analyzed when a visible hydrocarbon sheen or free petroleum product is detected;
 - 5) The total suspended solids has a daily maximum limitation of 90 mg/L. The maximum limitation of 90 mg/L for total suspended solids limitation was originally a “best professional judgment” limitation. The existing permit compliance history indicates this limitation is an achievable limitation for excavation sites. The total suspended solids parameter shall be sampled and analyzed on a weekly frequency;
 - 6) The pH parameter shall be sampled and analyzed on a weekly frequency. The pH range 6.5 to 9.0 limitation was adopted from NDEQ Title 117, Chapter 4. The compliance history of the existing permit indicates this is achievable limitation;
 - 7) The Department may request a onetime sampling analysis for metals as well as organics; and
 - 8) To qualify for the monitoring frequency reduction, the permittee must employ best management practices and demonstrate compliance with the permit limitations. This must be demonstrated for a 30 days.
- b. Table B – Foundation Sump, Utility Vault, and Ground Water Level Depression Dewatering Effluent Limitations and Monitoring Requirement establishes the following parameters, limitations and monitoring requirements:
 - 1) Monitoring shall be initiated within 8 hours after the discharge is started;
 - 2) Flow shall be monitored daily;
 - 3) The physical characteristics examination shall be conducted daily;
 - 4) Petroleum hydrocarbons shall be sampled and analyzed when a visible hydrocarbon sheen or free petroleum product is detected;
 - 5) The total suspended solids has a daily maximum limitation of 30 mg/L. The maximum limitation of 30 mg/L for total suspended solids limitation was originally a “best professional judgment” limitation. The existing permit compliance history indicates this limitation is an achievable limitation for foundation sump, utility vault, and ground water level depression sites. The total suspended solids parameter shall be sampled and analyzed on a weekly frequency;
 - 6) The pH parameter shall be sampled and analyzed on a monthly frequency. The pH range 6.5 to 9.0 limitation was adopted from NDEQ Title 117, Chapter 4. The compliance history of the existing permit indicates this is achievable limitation;
 - 7) The Department may request a onetime sample analysis for metals as well as organics; and
 - 8) To qualify for the monitoring frequency reduction, the permittee must employ best management practices and demonstrate compliance with the permit limitations. This must be demonstrated for a one-week period.

- c. Site Specific Conditions establishes that a parameter may be added on a case-by-case basis based on water quality standards.
- d. One-time sampling analysis for Metals establishes that if the Department believes that metals may be present in the discharge, a one-time sample shall be analyzed to determine if additional monitoring will be required.
- e. One-time sampling analysis for Organics establishes that if the Department believes that organics may be present in the discharge, a one-time sample shall be analyzed to determine if additional monitoring will be required.
- f. Land Application/Beneficial Reuse establishes narrative requirements for permittees wishing to either reuse the water for a beneficial purpose, or for land application in situations where the permittee may have no option for a direct discharge, wishes to use the discharge water in a beneficial manner, or where water quality standards would not be met with a direct discharge. These narrative requirements were taken from Nebraska Title 119, Chapter 12.

6. Part IV. - Other Conditions and Requirements

This part of the permit contains the following provisions:

- a. A disclaimer stating that compliance with the permit does not provide a liability shield from any environmental damage that might result from discharges authorized under this permit;
- b. A narrative water quality based limitation on toxicity developed pursuant to NDEQ Title 117;
- c. A narrative water quality based limitations on films, color, turbidity, deposition, and noxious odor pursuant to NDEQ Title 117;
- d. A requirement to immediately report conditions or events that may be indicative or related to the introduction of pollution in the discharge;
- e. Reduction in monitoring frequency – These provisions allow the permittee to reduce the monitoring frequency for extended periods of dewatering. The reduction in monitoring frequency will be granted upon the receipt of the permittee's written request and compliance with permit provisions.
- f. A requirement to control erosion and channel scouring that could potentially occur as a result of the discharge;
- g. An allowance is made for modification of the DW-NOI, DW-DMR, noncompliance report, and the DW-PCE report forms. These forms are attachments to the permit. This provides the permittee with notification and reporting forms to meet the requirements of the permit. This provision allows the Department the flexibility to improve these forms
- h. Additional monitoring parameters may be added to this permit, when special site-specific conditions arise during the dewater operations. (e.g., During the dewatering process, an effluent pollutant causes a water quality impact not identified in the Notice of Intent.)
- i. On October 22, 2015, EPA published the Clean Water Act National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, which requires electronic reporting of NPDES information rather than the currently required paper based reports from the permitted facilities. Facilities must submit electronically information required in Appendix A of 40 CFR Part 127, 40 CFR 122.26(b)(15), and 40 CFR 122.26(b)(14)(x).

7. Appendix A – Standard Conditions

This appendix contains the conditions and requirements that are common to all NPDES permits issued by the Department. These conditions and requirements are based on State and Federal regulatory requirements that pertain to NPDES permits.

8. Appendix B – State Resource Waters and Public Drinking Water Supply Streams

This appendix identifies stream segments which are considered State Resource Waters or Public Drinking Supply Streams. It is intended as a reference to the applicants and permittees for use in filling out NOI and Relocation Notices. Information in this appendix is arranged by county to make it easier for permittees to use.

9. Attachments

The following forms are included as attachments to this permit:

- a. DW-NOI - Notice of Intent;
- b. DW-DMR – Discharge Monitoring Report
- c. Threatened and Endangered Species Checklist
- d. PCE - Physical Characteristics Examination Report with instructions;
- e. Noncompliance Report with instructions; and
- f. DW–RLN – Dewatering Site Relocation Notice.

These forms may be modified according to the “Other Requirements” part of this permit.

H. Supporting Documentation

1. NDEQ Title 117 - *Nebraska Surface Water Quality Standards* (Revised December 13, 2014);
2. NDEQ Title 118 - *Ground Water Quality Standards and Use Classifications* (Revised March 26, 2006);
3. NDEQ Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System* (Revised May 16, 2005);
4. USEPA *Technical Support Document for Water Quality-based Toxic Control* (EPA 505/2-90-001 PB91-127415, March, 1991);
5. NDEQ *NPDES Permitting Procedure* document;
6. 40 CFR, Part 122, 124, and 125, NPDES Regulations; and
7. Nebraska Non-game and Endangered Species Conservation Act (Neb. Rev. Stat. §§ 37-430 through 317 – 438);

I. Information Requests

Inquiries concerning the draft permit, its basis or the public comment process may be directed to:

Lisa Giesbrecht, NPDES Permits Unit Tel. 402/471-8830 or 402/471-4220 Fax: 402/471-2909

Individuals requiring special accommodations or alternate formats of materials should notify the Department by calling (402) 471-2186. TDD users should call (800) 833-7352 and ask the relay operator to call the Department at (402) 471-2186.

Copies of the application and other supporting material used in the development of the permit are available for review and copying at the Department’s office between 8:00 a.m. and 5:00 p.m. on weekdays.

Office Location:

Nebraska Department of Environmental Quality
The Atrium, Suite 400
1200 N Street
Lincoln, NE

Mailing Address:

NPDES Permits Unit
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, Nebraska 68509-8922

J. Submission of Formal Comments or Requests for Hearing

The date on which the public notice period ends is specified in the public notice. During the public notice period, the public may submit formal comments or objections, and/or petition the Department to hold a public hearing concerning the issuance of the draft permit. All such requests need to: be submitted in written form, state the nature of the issues to be raised, and present arguments and factual grounds to support them. The Department shall consider all written comments, objections and/or hearing petitions, received during public comment period, in making a final decision regarding permit issuance.

Formal comments, objections and/or hearing requests need to be submitted to:

Lisa Giesbrecht, NPDES Permits Unit

Location Address

Nebraska Department of Environmental Quality
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