



Pete Ricketts, Governor

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
General NPDES Permit Number NEG672000 2017**

**A General NPDES Permit Authorizing  
Hydrostatic Test Discharges from Pipelines and Storage Tanks**

In compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Sections. 1251 et. seq. as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Sections 81-1501 et. seq. as amended to date), and the Rules and Regulations promulgated pursuant to these Acts, the Director of the Nebraska Department of Environmental Quality is hereby issuing this general permit authorizing the discharge of pollutants to waters of the State and excluding tribal lands within the State of Nebraska. 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 general permit establishes prohibitions and other conditions pertaining to these types of discharges. This general permit is issued authorizing hydrostatic testing discharges from pipelines and tanks to waters of the state. Some hydrostatic testing discharges may be prohibited to those waters identified in Part I B and C of this permit.

This permit shall become effective on **January 1, 2017**.

This permit and the authorization to discharge shall expire at midnight, **December 31, 2021**.

Pursuant to the Delegation Memorandum dated August 22, 2016, and signed by the Director, the undersigned hereby executes this document on the behalf of the Director.

Signed this 23<sup>rd</sup> day of December, 2016



Shelley Schneider  
Water Permits Division Administrator

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### Attachments

**Appendix A - Standard Conditions**

**Appendix B - State Resource and Public Drinking Water Supply Streams**

**Attachment#1 - HST-NOI Notification of Intent**

**Attachment #2 - Threatened and Endangered Species Checklist**

**Attachment #3 - HST-DMR Discharge Monitoring Report**

**Attachment #4 - PCE – Physical Characteristics Examination Report**

**Attachment #5 - NCR - Noncompliance Report**

**Attachment #6 - HST-RLN – Dewatering Site Relocation Notice**

## **Part I. Eligibility**

### **A. Discharges Authorized by this Permit**

This permit authorizes hydrostatic testing discharges to be land applied or discharged into surface waters.

### **B. Area of Application**

This permit has application throughout the entire State of Nebraska excluding lakes and reservoirs, State Resource Waters and tribal lands within the State of Nebraska.

### **C. Limitations on Coverage**

This permit does not authorize the following:

1. Discharges regulated by an existing NPDES permit;
2. Direct discharges to lakes or impounded waters as specified in NDEQ Title 117, Chapter 6;
3. Discharges to tribal lands within the State of Nebraska;
4. Discharges to State Resource Waters (See Appendix B)
5. Public Drinking Water (See Appendix B) unless written authorization from the Department is received;
6. Discharges containing sanitary, process wastewater or livestock wastes;
7. Discharges that in the opinion of the Department, may create potential, negative water quality impacts in the receiving stream, water body, and ground water;
8. Discharges that may adversely impact critical habitat of aquatic related, threatened or endangered species as designated by Nebraska Game and Parks Commission ([www.ngpc.state.ne.us](http://www.ngpc.state.ne.us)) or the U.S. Fish and Wildlife Service ([www.fws.gov](http://www.fws.gov));
9. Discharges that cannot meet applicable state or federal Environmental Review requirements.
10. Discharges that may adversely affect properties listed or eligible for listing in the National Register of Historic Places ([www.nebraskahistory.org](http://www.nebraskahistory.org)) or affecting known or discovered archeological sites.
11. Storm water discharges associated with industrial activity as defined in Title 119, which includes storm water discharges from construction sites of 1 acre or more; and
12. Discharges resulting from the cleaning of tanks and/or pipelines.

### **D. Permit Compliance**

Any noncompliance with the requirement of this Permit constitutes a violation of 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.

## **Part II. Authorization to Discharge**

### **A. Authorization**

Eligible facilities are defined by the requirements and limitations in Part I. The eligible facilities may apply for authorization to discharge under this general permit using Notice of Intent (HST-NOI) (See Attachment #1). You must use the HST-NOI form provided in Attachment 1 (or a photocopy thereof or electronic HST-NOI form that may become available during the term of this permit provided by NDEQ).

1. You must use the HST-NOI form to notify the Department that as a Permittee, you intend to meet all conditions of this permit. A complete, accurate, and timely HST-NOI form shall automatically receive authorization ten (10) calendar days after the post-marked date. The Department shall provide a Discharge Authorization Number for the Hydrostatic Testing described on the HST-NOI.
  - a. Ongoing projects authorized under the previous version of this permit shall remain in effect no longer than 180 days after the issue date of this permit. Permittees of ongoing projects shall operate under all existing terms and conditions until the project is either terminated or receives authorization under this permit by submitting HST-NOI form.
  - b. You are not prohibited from submitting NOIs after initiating Hydrostatic Testing. An NOI submitted to the Department after initiating Hydrostatic Testing shall receive authorization consistent with this permit. Authorization of a late NOI shall not preclude the Department from taking enforcement action for discharging pollutants to Waters of the State without a permit.

- c. The Department may request additional information from an applicant for any substantive reason and postpone the assignment of discharge authorization in writing as necessary.
- d. The Department may extend the waiting period for further review or denial of coverage under this permit. If this permit is denied, the NDEQ may require application for an individual NPDES permit;
- e. Written authorization shall be required for Hydrostatic Testing when effluent discharge is within 2,500 feet of any water of the state identified in Appendix B of this permit.
- f. Submittal of the NPDES HST-NOI form does not relieve the applicant of the responsibility to comply with the requirements of other government agencies.
- g. Hydrostatic testing site discharges to a large, medium, or small separate storm sewer system (MS4) shall concurrently notify the operator of the system. A large, medium, or small separate storm sewer system (MS4) system is defined as a system located in an incorporated city or urbanized county with a population of 10,000 or more;
- h. Other government agencies (e.g. United States Corps of Engineers, local/city/county government, or local Natural Resource District) may have additional notification requirements; and
- i. The current address and telephone number at the time of permit issuance are:

**Wastewater Section**

**Nebraska Department of Environmental Quality**

**1200 N Street, The Atrium, Suite 400**

**P.O. Box 98922**

**Lincoln, Nebraska 68509-8922**

**Telephone (402) 471-4220**

or

**Web Site Address [deq.ne.gov](http://deq.ne.gov)**

2. Contents of the Notice of Intent

You must provide the following information on the HST-NOI form

Site Information

The following information shall be provided:

- 1) The name of the site;
- 2) The site location in descriptive terms (i.e., street address, or if not available, in relationship to recognizable landmarks);
- 3) A legal description designated in terms of section, township, range and county, provided to the nearest 1/16th of a section, unless the facility occupies a larger area (e.g., NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, S10, T15N, R11E, Douglas County) and/or Global Positioning System (GPS) location;
- 4) Information on the number of outfalls and the discharge volume anticipated from each outfall;
- 5) The source of water (e.g., chlorinated municipal water, surface water, and/or ground water);
- 6) The identity of any contamination and/or pollutants that may be present in hydrostatic testing discharges.

Receiving Stream/Land Application Area

- 1) The name of the stream or water body that will receive the outfall discharges or the legal description of ground down to the nearest 40 acre parcel for land application;
- 2) Identify the number of outfalls that discharge into the receiving stream;
- 3) Identify if the receiving stream(s) is listed in Appendix B, and
- 4) Provide a brief description of any controls used to dissipate energy so as to prevent channel erosion and scouring in the receiving stream or drainage way.

The "Certifying Official's" Identity, Mailing Address and Telephone Number.

The "Authorized Representative's" Identity, Mailing Address and Telephone Number.

#### Certification Statement

The following certification statement shall be contained in the Notice of Intent:

"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 NEG672000;
- 2) The facility identified in Section 1 of this HST-NOI (Notice of Intent) meets the "Eligibility" requirements and is not excluded by the "Limitation of Coverage" requirements, set forth in Section C of the permit; and
- 3) I understand that the submission of this HST-NOI (Notice of Intent) obligates the facility identified in Section 1 of this Notice of Intent to comply with the terms and conditions of the Permit NEG672000, provided authorization to discharge is obtained.

#### Signature Requirements

The certifying official shall sign and submit the initial Notice of Intent. HST-NOIs for additional sites may be submitted under the signature of the Authorized Representative. The certifying official must specifically authorize the Authorized Representative to perform this task in a previous HST-NOI or other written documentation.

#### **B. Additional Notification Requirements that Apply to Some Facilities**

1. The Department may request additional information from the applicant when it is necessary to adequately review the HST-NOI and evaluate the discharge request.
2. Facilities that discharge to a public or private storm sewer system are obligated to notify the owner or operator of the storm sewer system.

#### **C. Revocation of the Discharge Authorization**

1. The Director may revoke the discharge authorization the terms and conditions of this permit for any of the following reasons:
  - a. When it becomes necessary to protect the public health and welfare.
  - b. The discharge is adversely affecting a listed endangered or threatened species or its critical habitat;
  - c. The discharge is causing a violation of a surface or ground water quality standard; and
  - d. A permittee fails to submit an alternative permit application requested pursuant to Part II.D.
2. If authorization to discharge under the terms and conditions of this permit is denied, the applicant will be provided a written notice and an explanation of the basis for the determination.

3. The Department may require the submittal of a different Notice of Intent for an alternative general permit. The Department shall provide an explanation of the basis for any such request.
4. All permittees must meet the requirements set forth in this permit. Failure to do so shall negate any authorization to discharge.
5. The authorization to discharge under the terms and conditions of this permit is terminated upon the issuance of the alternative permit.

**D. Requiring an Alternative Permit and Application**

1. The Director may require any person authorized to discharge under the terms and conditions of this permit to apply for and obtain either a site-specific NPDES permit or an alternative NPDES general permit. The Department shall provide:
  - a. A brief explanation of the basis for the determination;
  - b. An application or Notice of Intent for an alternative permit; and
  - c. A deadline for submitting the application for the alternative permit.
2. The Director may grant additional time for the submittal of the alternative application following the initial notice. The following conditions that may constitute a basis for requesting an alternative application. They include, but are not limited to:
  - a. The discharge is a significant contributor of pollution;
  - b. The discharge is to a Public Drinking Water Source (see Appendix B);
  - c. The discharger is not in compliance with the terms and conditions of the permit;
  - d. Additional pollution control or prevention technology has become available;
  - e. The promulgation of new effluent limitations that apply to the source;
  - f. The approval of a water quality management plan containing requirements applicable to the source;
  - g. The identification of conditions or pollutant sources not previously recognized; and
  - h. The issuance of an alternative general permit that applies to the discharge.

**E. Notification of Changes: Ownership, Name, or Contacts**

The permittee is responsible for notifying the Department within 30 days of any transfer of ownership, facility name change, or changes in the Certifying Official or Authorized Representative. The former owner and the new owner must provide written notification of ownership changes.

**F. Notification of Activities that may alter the Water Quality of the Discharge**

The permittee shall notify the Department immediately of any activities or actions that may alter the water quality of hydrostatic testing discharges. For additional reporting requirements relative to spills, leaks, or effluent physical characteristics (Immediate Reporting Requirements) see Part IV.F.

**G. Notification of Project Relocation or Completion**

1. The permittee shall notify the Wastewater Section within 30 days, when a different hydrostatic testing site is established. The written notification of these site changes is completed using the HST-RLN - Relocation Notice (Attachment #6).
2. The permittee shall notify the Department prior to initiating hydrostatic testing activities if the start-up date varies by more than one week of the anticipated date submitted in the HST-NOI. The written notification shall be provided.
3. The permittee shall provide the Department with a written notification of the project termination within 30 days after discontinuing the hydrostatic activities.

**Part III. Hydrostatic Testing Effluent Limitations and Monitoring Requirements**

**A. Discharge Effluent Limitations and Monitoring Requirements for Pipelines, Tanks, or other Similar Vessels**

The hydrostatic testing discharges shall be monitored and subject to the limitations set forth in the following table. Monitoring shall be conducted at the discharge point(s). The Department may specify an alternate or more specific monitoring point(s).

Parameter	Units	Discharge Limitations		Monitoring Frequency	Sample Type
		Monthly Average <sup>(1)</sup>	Daily Maximum <sup>(2)</sup>		
Flow	MGD	Report	Report	Daily	Calculated or Measured
Total Residual Chlorine <sup>(3)</sup>	mg/L	Report	0.011	Weekly	Grab
Physical Characteristics	NA	See footnotes <sup>(4)</sup>		Daily	<i>In Situ</i> and Grab <sup>(4)</sup>
Total Petroleum Hydrocarbons <sup>(5)</sup>	mg/L	Report	10	Weekly	Grab
Total Suspended Solids	mg/L	Report	90	Weekly	Grab
Dissolved Iron	mg/L	Report	1	Weekly	Grab
Other Pollutants <sup>(6)</sup>	units	Report	Varies	Weekly	Grab
Metals	mg/L	Varies	Varies	<sup>(9)</sup>	Grab
Organics	mg/L	Varies	Varies	<sup>(9)</sup>	Grab
Parameter	Units	Discharge Limitations		Monitoring Frequency	Sample Type
		Minimum	Maximum		
pH <sup>(7)</sup>	Standard Units	6.5	9.0	Weekly	Grab <sup>(8)</sup>

**Footnotes:**

- (1) The monthly average is sum of all the sample values divided the number of samples collected during each month. The monthly average value does not apply to pH values.
- (2) Maximum means the maximum amount discharged and shall not be exceeded.
- (3) This parameter and limitation shall apply if chlorinated water is used in the pump and/or hydrostatic testing processes.
- (4) The procedures, limits, sampling, record keeping and reporting requirements for this parameter are set forth in the "Physical Characteristics Examination Procedures" (See Attachment #5) .
- (5) The OA-2 test method (University Hygienic Laboratory, Iowa City, IA) shall be used for Total Extractable Hydrocarbon analyses, unless otherwise specified in writing by the NDEQ.
- (6) Other pollutants will be determined based upon the material used in the pipeline, tank or similar vessel
- (7) pH is reported as the negative logarithm of the hydrogen ion concentration. The pH results cannot be averaged.
- (8) All pH samples shall be analyzed within 15 minutes. All pH grab sample values must be within the limits specified.
- (9) Applicable on a site by site basis



**B. Site Specific Limitations**

Site specific limitations for a parameter may be added on a case-by-case basis that are equivalent to the basic standards and methodologies for Surface water, or regulation for effluent limitations, or any other applicable regulation, and would be specified in the certification alone with the appropriate monitoring frequency.

**C. One-time sampling analysis for Metals**

The Department may request a one-time sampling and analysis for specific or all inclusive metals parameters on a site specific/ discharge specific basis. The permittee will be required to submit these results to the Department. The Department will then review the data to determine if any certification amendments are necessary based on the effluent monitoring results.

**D. One-time sampling analysis for Organics**

The Department may request a one-time sampling and analysis for specific or all inclusive organics parameters on a site specific/ discharge specific basis. The permittee will be required to submit these results to the Department. The Department will then review the data to determine if any certification amendments are necessary based on the effluent monitoring results.

**E. Land Application/Beneficial Reuse**

The hydrostatic testing discharges associated with this permit may be land applied or reused (i.e. dust control, etc.) as long as the following conditions are met:

- A. Land application shall not be conducted when the ground is frozen or saturated;
- B. Land application sites shall have a slope of 12% or less;
- C. Land application shall not occur on sites where the water table is less than 4 feet from the surface;
- D. The total hydraulic application rate shall not exceed 2 inches per acre (54,304 gallons) per week;
- E. Land application sites shall be free of perennial or intermittent streams, ponds, lakes, or wetlands;
- F. Land application will not be allowed on crops that are intended for distribution in their raw form for direct human consumption (e.g. fresh produce)
- G. Land application must cease immediately if any adverse impacts to animal or plant life is discovered or if any film, foam, color or noxious odors occur, or if erosion, channelization, ponding, or surface runoff occurs.

**Part IV. Other Conditions and Requirements**

**A. Compliance with Permit Terms and Conditions**

Compliance with the terms and conditions of this permit does not relieve the permittee from any liability that may arise as a consequence of their discharges.

**B. Discharge affecting Endangered or Threatened Species**

This permit does not replace or satisfy any review requirements for Endangered or Threatened species from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species or adversely modify a designated critical habitat. The permittee must conduct any required review and coordinate with appropriate agencies for any project with the potential of affecting threatened or endangered species, or their critical habitat.

**C. Discharge affecting Historical Places or Archeological Sites**

This permit does not replace or satisfy any review requirements for Historic Places or Archeological Sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered Archeological Sites. The permittee must be in compliance with National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Nebraska Historic Preservation Officer. You must comply with all applicable state, and local laws concerning the protection of historic properties and places. Your discharge authorization under this permit is contingent upon this compliance.



#### **D. Prohibited Toxic Discharges**

Discharges shall be free from toxic substances, which alone or in combination with other substances, create conditions unsuitable for aquatic life, except in instances where there is no net increase in the receiving water body of the quantity or concentration of the toxic substance. The exception shall only apply in instances where water is taken from and discharged to the same water body and no increases in pollutant quantities or concentrations occur.

#### **E. Prohibited Discharges that Cause Aesthetic Violations**

Discharges shall not contain pollutants at concentrations or levels that produce objectionable films, foam, colors, turbidity or deposits, or noxious odors in the receiving stream or waterway, except in instances where there is no net increase in pollutant quantities or concentrations in the receiving water body. The exception shall only apply in instances where water is taken from and discharged to the same water body and no increases in pollutant quantities or concentrations occur.

#### **F. Immediate Reporting Requirement**

The permittees shall report immediately by telephone upon becoming aware of any of the following:

1. Evidence indicating a possible violation of the effluent limitations and requirements listed in Effluent Limitations and Monitoring Requirements for Hydrostatic Discharges;
2. Evidence of oil or petroleum product contamination in the effluent (e.g., a visible oil sheen);
3. Any physical characteristic in the effluent that could indicate the presence of a pollutant or pollutants not previously identified or anticipated; and
4. The occurrence or new knowledge of, any spills, leaks or contamination in the vicinity of the project that could impact the water quality of the effluent.

The telephone numbers are listed in Part II. A. 1. i.

#### **G. Implementation of Erosion Control and Energy Dissipation Measures**

Permittees shall implement erosion control and energy dissipation measures as necessary to prevent excessive erosion and channel scouring that may result from the discharge flow.

#### **H. Relocation of Hydrostatic Test Sites**

The permittee shall notify the Wastewater Section when a different hydrostatic testing site is established. The written notification of these site changes is completed using the HST-RLN – Hydrostatic Testing Relocation Notice.

#### **I. Modification of Permit Attachments**

The Department may modify the permit attachments (i.e., HST-NOI, HST-DMR, PCE, NCR, and HST-RLN). The modified forms satisfy the notification and reporting requirements set forth in this permit. 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.

#### **J. Additional Monitoring Requirements**

In addition to monitoring requirements set forth, the Department may request more frequent monitoring.

#### **K. Electronic Reporting**

The National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule requires electronic reporting of NPDES information rather than the currently required paper based reports from the permitted facilities. To comply with the federal rule, permittees will be required to submit NOIs, RLNs, Reports, and NOTs electronically starting in 2020.

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## **Appendix A**

### **Conditions Applicable to all NPDES Permits**

The following conditions apply to all NPDES permits:

#### **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, (Reissue 1999) and NDEQ Title 115, Chapter 4.

#### **2. Duty to Comply**

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the Applicable State Statutes and Regulations and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
- b. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

#### **3. Violations of this Permit**

- a. Any person who violates this permit may be subject to penalties and sanctions as provided by the Clean Water Act.
- b. Any person who violates this permit may be subject to penalties and sanctions as provided by the Nebraska Environmental Protection Act.

#### **4. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

#### **5. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### **6. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

#### **7. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective performance based on designed facility removals, effective management, adequate operator staffing and training, adequate process controls, adequate funding that reflects proper user fee schedules, adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary

facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

## **8. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

## **9. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

## **10. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director 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 Director upon request, copies of records required to be kept by this permit.

## **11. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

## **12. Monitoring and Records**

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- c. Records of monitoring information shall include:
  - i) The date(s), exact place, time and methods of sampling or measurements;
  - ii) The individual(s) who performed the sampling or measurements;
  - iii) The date(s) analyses were performed;
  - iv) The individual(s) who performed the analyses;
  - v) The analytical techniques or methods used; and

- vi) The results of such analyses.
- d. Monitoring must be conducted according to test procedures approved under NDEQ Title 119, Chapter 27 002 unless another method is required under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 or O – Sewer Sludge Parts 501 and 503.
- e. Falsifies, Tampers, or Knowingly Renders Inaccurate
  - i) On actions brought by EPA, the Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction: be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
  - ii) On action brought by the State, The Nebraska Environmental Protection Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished pursuant to Neb. Stat. §81-1508.01.

### 13. Signatory requirements

- a. All applications, reports, or information submitted to the Director shall be signed and certified.
  - i) All permit applications shall be signed as follows:
    - (a) For a corporation
      - (i) By a responsible corporate officer: For the purpose of this section, a responsible corporate officer means:
        - (a) 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
        - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
      - (b) For a partnership or sole proprietorship
        - (i) By a general partner or the proprietor.
      - (c) For a municipality, State, Federal, or other public agency
        - (i) By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
          - (a) The chief executive officer of the agency, or
          - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. Reports and Other Information
  - i) All reports required by permits, and other information requested by the Director shall be signed by a person described in this section [paragraphs 13. a. i) (a),(b), or (c)], or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (a) The authorization is made in writing by a person described in paragraphs 13. a. i) (a),(b), or (c);
  - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position) and;
  - (c) The written authorization is submitted to the Director.
- c. Changes to Authorization
- If an authorization of paragraphs 13. a. i) (a),(b), or (c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification
- All applications, reports and information submitted as a requirement of this permit shall contain the following certification statement:
- i) 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.
- e. False Statement, Representation, or Certification
- i) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
  - ii) The Nebraska Environmental Protection Act provides criminal penalties and sanctions for false statement, representation, or certification in any application, label, manifest, record, report, plan, or other document required to be filed or maintained by the Environmental Protection Act, the Integrated Solid Waste Management Act, the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts.

## 14. Reporting Requirements

- a. Planned Changes
  - i) The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
    - (a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in NDEQ Title 119, Chapter 4 and 8.
    - (b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under NDEQ Title 119, Chapter 15.
    - (c) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions

that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. The sludge program is not delegated to the State so notification to the EPA Regional Administrator in addition to the State is required.

b. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

c. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under NDEQ Title 119, Chapter 24 in some cases, modification or revocation and reissuance is mandatory.

d. Monitoring Reports

- i) Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- ii) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director.
- iii) 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

- iv) For reporting results of monitoring of sludge use or disposal practices
- v) Additional reports may be required by the EPA Regional Administrator.
- vi) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved in NDEQ Title 119, Chapter 27 002, or another method required for an industry-specific waste stream under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 and O – Sewer Sludge Parts 501 and 503, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director or EPA Regional Administrator.
- vii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

e. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

f. Twenty-four Hour Reporting

- i) The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.



- ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
  - (a) Any unanticipated bypass which exceeds any effluent limitation in this permit.
  - (b) Any upset which exceeds any effluent limitation in this permit.
  - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.
- g. The Director may waive the written report on a case-by-case basis for reports under section 14. f. ii) (a), (b) and (c) if the oral report has been received within 24 hours.
- h. Other noncompliance
 

The permittee shall report all instances of noncompliance not reported under paragraphs d., e., and f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph f. of this section.
- i. Other information
 

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
- j. Noncompliance Report Forms
  - i) Noncompliance Report Forms are available from the Department and shall be submitted with or as the written noncompliance report.
  - ii) 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.

## 15. Bypass

- a. Definitions
  - i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
  - ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypass Not Exceeding Limitations
 

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 15.c. and d. of this section.
- c. Notice
  - i) Anticipated Bypass
 

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
  - ii) Unanticipated Bypass
 

The permittee shall submit notice of an unanticipated bypass as required in paragraph 14.f. of this section (24-hour notice).
- d. Prohibition of Bypass
 

Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii) The permittee submitted notices as required under paragraph 15.c. of this section.
- e. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 15.d.

## **16. Upset**

### **a. Definition**

Upset means 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. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

### **b. Effect of an Upset**

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 16.c. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

### **c. Conditions Necessary for a Demonstration of Upset.**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- ii) The permitted facility was at the time being properly operated;
- iii) The permittee submitted notice of the upset as required in paragraph 14.f. ii) (a), of this section (24-hour notice).
- iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

### **d. Burden of Proof**

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## **17. 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.

## **18. Severability**

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

## **19. Other Conditions that Apply to NPDES and NPP Permits**

### **a. Land Application of Wastewater Effluent**

The permittee shall be permitted to discharge treated domestic wastewater effluent by means of land application in accordance with the regulations and standards set forth in NDEQ Title 119, Chapter 12 002.

The Wastewater Section of the Department must be notified in writing if the permittee chooses to land apply effluent.

b. Toxic Pollutants

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

c. Oil and Hazardous Substances/Spill Notification

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

d. Removed Substances

- i) 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.
  - (a) The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 257.
  - (b) The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 503.
  - (c) If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in NDEQ Title 132.
- ii) 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.
- iii) This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR Part 503.

e. Representative Sampling

- i) 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.
- ii) Composite sampling shall be conducted in one of the following manners;
  - (a) Continuous discharge - a minimum of one discrete aliquot collected every three hours,
  - (b) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or

- (c) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.
  - (d) Composite samples shall be collected in one of the following manners:
    - (i) 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,
    - (ii) A number of equal volume aliquots taken at varying time intervals in proportion to flow,
    - (iii) A sample continuously collected in proportion to flow, and
  - (e) Where flow proportional sampling is infeasible or non-representative of the pollutant loadings, the Department may approve the use of time composite samples.
  - (f) Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.
- iii) All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21 006 unless:
- (a) In the case of sludge samples, alternative techniques are specified in 40 CFR Part 503, or
  - (b) Other procedures are specified in this permit.
- iv) 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 the accuracy of the measurements. The accepted capability shall be consistent with that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of +/- 10%. The amount of deviation shall be from the true discharge rates throughout the range of expected discharge volumes. Guidance can be obtained from the following references for the selection, installation, calibration and operation of acceptable flow measurement devices:
- (a) "Water Measurement Manual," U.S. Department of the Interior, Bureau of Reclamation, Third Edition, Revised Reprint, 2001.  
(Available online at <http://www.usbr.gov/tsc/techreferences/mands/wmm/index.htm>)
  - (b) "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-77, September 1981, 147 pp.  
(Available online at <http://www.epa.gov/nscep>, and enter 'NPDES Compliance Flow Measurement Manual, Publication MCD-77' in the search box)
- f. Changes of Loadings to Publicly Owned Treatment Works (POTWs)
- All POTWs must provide adequate notice to the Director of the following:
- i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to NDEQ Title 119, Chapter 26, if it were directly discharging those pollutants;
  - ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  - iii) For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

## 20. 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.

**Annually:** Once every calendar year.

**Authorized Representative:** Individual or position designated the authorization to submit reports, notifications, or other information requested by the Director on behalf of the Owner under the circumstances that the authorization is made in writing by the Owner, the authorization specifies the individual or position who is duly authorized, and the authorization is submitted to the Director.

**Bimonthly:** Once every other month.

**Biosolids:** Sewage sludge that is used or disposed through land application, surface disposal, incineration, or disposal in a municipal solid waste landfill.

**Biweekly:** Once every other week.

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

**Certifying Official:** See Section 13, Standard Conditions above.

**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 Discharge:** Wastewater that originates from an industrial process and / or is noncontact cooling water and / or is boiler blowdown.

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

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

**Operator:** A person (often the general contractor) designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the facility.

**Owner:** A person or party possessing the title of the land on which the activities will occur; or if the activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the activity.

**Outfall:** A discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged into Waters of the State.

**Passive Discharge:** A discharge from a POTW that occurs in the absence of an affirmative action and is not authorized by the NPDES permit (e.g. discharges due to a leaking valve, discharges from an overflow structure) and / or is a discharge from an overflow structure not designed as part of the POTW (e.g. discharges resulting from lagoon berm / dike breaches).

**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.

**Semiannually:** Twice every year.

**Significant Industrial User (SIU):** All industrial users subject to Categorical Pretreatment Standards or any industrial user that, unless exempted under Chapter 1, Section 105 of NDEQ Title 119, discharges an average of 25,000 gallons per day or more of process water; or contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any National Pretreatment Standard or requirement.

**Sludge:** Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.

**30-Day Average:** An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results 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) and/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) and/or in an additional Appendix to this permit.)

**Waters of the State:** All waters within the jurisdiction of this state including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

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

**"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.

## 21. Abbreviations

**CFR:** Code of Federal Regulations

**kg/Day:** Kilograms per Day

**MGD:** Million Gallons per Day

**mg/L:** Milligrams per Liter

**NOI:** Notice of Intent

**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 126:** Rules and Regulations Pertaining to the Management of Wastes

**NDEQ Title 132:** Integrated Solid Waste Management Regulations

**NPDES:** National Pollutant Discharge Elimination System

**NPP:** Nebraska Pretreatment Program

**POTW:** Publicly Owned Treatment Works

**µg/L:** Micrograms per Liter

**WWTF:** Wastewater Treatment Facility



# Nebraska Department of Environmental Quality

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## Wastewater Section

1200 'N' Street, Suite 400, The Atrium  
 PO Box 98922  
 Lincoln, NE 68509-8922  
 Tel. 402/471-4220  
 Fax 402/471-2909

### HST-NOI

#### Notice of Intent (NOI) for Requesting Hydrostatic Test Discharges Authorization Under the General NPDES Permit NEG672000 2017

Submission of this Notice of Intent fulfills the requirements set forth in Part II of NPDES General Permit Number NEG672000. By submission of this Notice of Intent 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.

Once authorization to discharge is granted violations of the terms and conditions of the permit may result in the initiation of enforcement proceedings pursuant to sections 81-1508 through 81-1508.02 of the Nebraska Environmental Protection Act (Reissue 1987 and Cum. Supp. 1994). Among the enforcement options authorized by the Act are civil penalties of up to \$10,000 per day per violation.

The permit should be consulted for additional information on the completion of this NOI. Questions concerning the NOI or the permit should be directed to the Wastewater Section at (402) 471-4220. Written requests and submittals should be sent to the Wastewater Section at the address set forth on page 4 of this NOI.

#### 1. Facility Certifying Official / Owner or Operator

If both the owner and the operator are to be jointly responsible for permit compliance, then both must be identified. If not, only the owner or the operator, whichever meets the requirements as certifying official, is responsible for permit compliance should be identified.

a. **Owner or Operator Name:** \_\_\_\_\_  
 \_\_\_\_\_

#### 2. Source Identification and Location

a. **Facility Name:** \_\_\_\_\_

b. **Facility Location:** (location description, not mail address):  
 \_\_\_\_\_  
 \_\_\_\_\_

#### c. Legal Description (Outfall Location or Land Application Site):

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

d. **Receiving Stream or Waterbody** \_\_\_\_\_  
 (closest stream or waterbody for land application sites)

- e. **Is the Receiving Stream listed in Appendix B of the permit?** Yes No  
 (If yes, written notification from the department for authorization to discharge is required. No discharges will be allowed to State Resource Waters. The discharge site may be denied due to potential for water quality impacts. Additional information concerning the dewatering and potential impact of the discharge on water quality may be required.)
- f. **Is this a direct discharge into a Waterbody listed in NDEQ Title 117, Chapter 6?** Yes No
- g. **Is the hydrostatic testing discharge to a Municipal Separate Storm Sewer System?** Yes No
- h. **Have you notified the Municipal Separate Storm Sewer System operator?** Yes No
- i. **Have you contacted the Nebraska Game and Parks Commission concerning the impact(s) to the listed endangered or threatened species or their critical habitat(s)?** Yes No
- j. **Have you contacted the Nebraska Historical Society concerning impact(s) to historic site(s)?** Yes No
- k. **Is this a new pipeline, tank or similar vessel?** Yes No  
**If no, what products have been carried or stored previously in this vessel?**

- 
- l. **Please provide a brief description of any controls used to dissipate energy so as to prevent channel erosion and scouring in the receiving stream.**
- 
- 
- 

### 3. Certifying Official and Authorized Representative

The responsibilities and requirements of the "Certifying Official" and the "Authorized Representative" are set forth on page 4 of this NOI. If both the owner and the operator are to be jointly responsible for permit compliance, then an authorized representative for both must be identified. Only one Authorized Representative can be specified. An Authorized Representative need not be identified if an Owner or Operator wishes to be the sole contact for the Department.

#### a. Certifying Official

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mail Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email(optional): \_\_\_\_\_

#### b. Authorized Representative

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mail Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email(optional): \_\_\_\_\_

**4. Discharge Information**

a. How many discharge outfalls are present? \_\_\_\_\_

**For each outfall, identify the following information:**

b. Outfall 1:

1) What is the source of the discharge? (i.e. chlorinate municipal water, surface water or ground water):

\_\_\_\_\_

2) Anticipated Start-Up Date: \_\_\_\_\_ Anticipated Completion Date: \_\_\_\_\_

3) Anticipated Discharge Flow Rate: \_\_\_\_\_ Anticipated Discharge Frequency \_\_\_\_\_

c. Outfall 2:

1) What is the source of the discharge? (i.e. chlorinate municipal water, surface water or ground water):

\_\_\_\_\_

2) Anticipated Start-Up Date: \_\_\_\_\_ Anticipated Completion Date: \_\_\_\_\_

3) Anticipated Discharge Flow Rate: \_\_\_\_\_ Anticipated Discharge Frequency \_\_\_\_\_

d. Outfall 3:

1) What is the source of the discharge? (i.e. chlorinated municipal water, surface water or ground water):

\_\_\_\_\_

2) Anticipated Start-Up Date: \_\_\_\_\_ Anticipated Completion Date: \_\_\_\_\_

3) Anticipated Discharge Flow Rate: \_\_\_\_\_ Anticipated Discharge Frequency \_\_\_\_\_

**5. Identification of Potential Pollutants in the Discharge**

Identify any pollutants that you know may be potentially present in the discharge or any materials stored in the vicinity that if spilled could contaminate the discharge. Also identify any ground water contamination plumes, previous spills or other events that you know have occurred and that may contribute pollutants to the discharge.

\_\_\_\_\_

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\_\_\_\_\_

**6. 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.

**I further certify that:**

I, or qualified members of my staff, have reviewed and understand the terms and conditions of NPDES General Permit Number NEG672000;

The facility identified in Section 1 of this NOI meets the "Eligibility" requirements and is not excluded by the "Limitation of Coverage" requirements, set forth in Part I. C. of the permit; and

I understand that the submission of this NOI obligates the facility identified in Section 1 of this NOI to comply with the terms and conditions of the Permit NEG672000, provided authorization to discharge is obtained.

Certifying Official's Signature	Date Signed
Certifying Official's Printed Name	Title

**Qualifications and Responsibilities of the "Certifying Official" and the "Authorized Representative"**

The qualifications and responsibilities of the "Certifying Official" are set forth below and in NDEQ Title 119 Chapter 13 002:

All permit applications submitted to the Department shall be signed:

002.01 – For a corporation by a responsible corporate officer;

002.02 - For a partnership or in the case of a sole proprietorship by a general partner or the proprietor; and

002.03 - For a municipal, State, Federal, or other public agency 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 13 003: All other correspondence, reports and HST-DMR's shall be signed by a person designated in 002.01 through 002.03 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 002.01 through 002.03 and the written authorization is submitted to the Director. The authorized representative may also sign HST-NOIs, if the Owner/Operator has specifically authorized them to perform this task in a previous HST-NOI or in other written documentation.

**Submit the completed NOI to:**U.S. Postal Service Address:

Wastewater Section  
Nebraska Department of Environmental Quality  
PO Box 98922  
Lincoln, NE 68509-8922  
Telephone: (402) 471-4220

Alternate Carrier Address:

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

**THREATENED & ENDANGERED SPECIES GUIDANCE CHECKLIST**  
**For NPDES Industrial Storm Water General Permit #NER910000**  
**(For New or Expanded Dischargers)**

Disclaimer: This checklist was developed for guidance purposes only in an effort to assist permit applicants to identify potential locations of threatened and endangered species that could be affected by discharge activities. Completion of this checklist is not a requirement for permit authorization and is not intended to be used as a substitute for a professional environmental review. The use of this form does not relieve the permittee from further review or enforcement action by the Nebraska Department of Environmental Quality (NDEQ) or the Nebraska Game and Parks Commission (NGPC)

1. Does the action area drain to a stream of concern?  Yes     No  
*(See attached Stream and River Reaches of Concern for Nebraska Fish Species map.)*
2. Does the action area drain to rivers, streams, ponds, lakes or wetlands within the range of American burying beetle?  Yes     No  
*(See attached American Burying Beetle Distribution map.)*
3. Does the action area drain to a Salt Creek, Little Salt Creek, Rock Creek or saline wetlands in Lancaster or Saunders County?  Yes     No
4. Does the action area drain to Lodgepole Creek from Kimball to the Wyoming State line?  Yes     No
5. Does the action area drain to wetlands or wet meadows in the range of the western prairie fringed orchid or small white lady's slipper.  Yes     No  
*(These are both species of orchids. See attached Orchid Distribution map.)*
6. Does the action area drain to a river within the range of interior least tern or piping plover?  Yes     No  
*(See attached Tern & Plover Distribution map.)*
7. Does the action area drain to a river, stream, lake, pond, or wetland within the range of massasauga?  Yes     No  
*(See attached Massasauga Distribution map.)*
8. Does the action area drain to a river within the range of river otter?  Yes     No  
*(See attached River Otter Distribution map.)*
9. Does the action drain to wetlands or to the Republican, Platte, Loup, Middle Loup, North Loup, or Niobrara Rivers within the primary whooping crane migration corridor?  Yes     No  
*(See attached Primary Migration Corridor of Whooping Crane map.)*

If you answered "no" to all questions, a review by NGPC may not be needed (*see disclaimer above*). Include this form with your permit application.

If you answered "yes" to any of these questions, consultation with the Nebraska Game and Parks Commission may be necessary. Include this form with your permit application. Permit authorizations will vary from those identified in Table 1-2 depending on the additional time required to evaluate potential impacts.

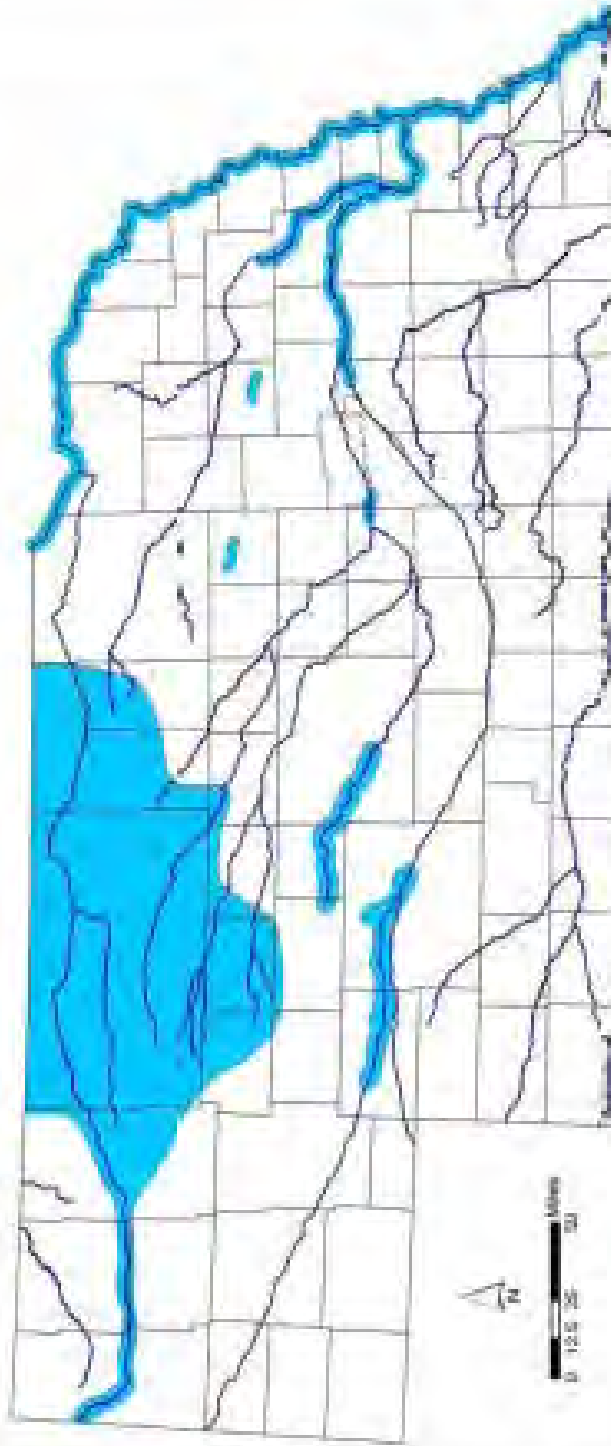
All NOI submissions received without documentation relating to threatened and endangered species will be considered incomplete.

If you have questions, please call the Environmental Analyst Supervisor at (402) 471-5438.

**Additional Resources**

- Nebraska Game and Parks Commission Nongame and Endangered Species  
[http://outdoornebraska.ne.gov/wildlife/programs/nongame/pdf/E\\_T\\_Species\\_List.pdf](http://outdoornebraska.ne.gov/wildlife/programs/nongame/pdf/E_T_Species_List.pdf)
- Range Maps for Nebraska's Threatened and Endangered Species (includes listing by county)  
<http://digitalcommons.unl.edu/nebgamewhitpap/30/>
- Endangered, threatened, proposed, and Candidate species in Nebraska Counties (USFWS)  
<http://www.fws.gov/mountain-prairie/endspp/CountyLists/Nebraska.pdf>
- Listings and occurrences for Nebraska (USFWS)  
[http://ecos.fws.gov/tess\\_public/pub/stateListingAndOccurrenceIndividual.jsp?state=NE](http://ecos.fws.gov/tess_public/pub/stateListingAndOccurrenceIndividual.jsp?state=NE)

### Stream and River Reaches of Concern for Nebraska Fish Species



**Legend**

- Major Rivers
- Counties
- Areas of Concern

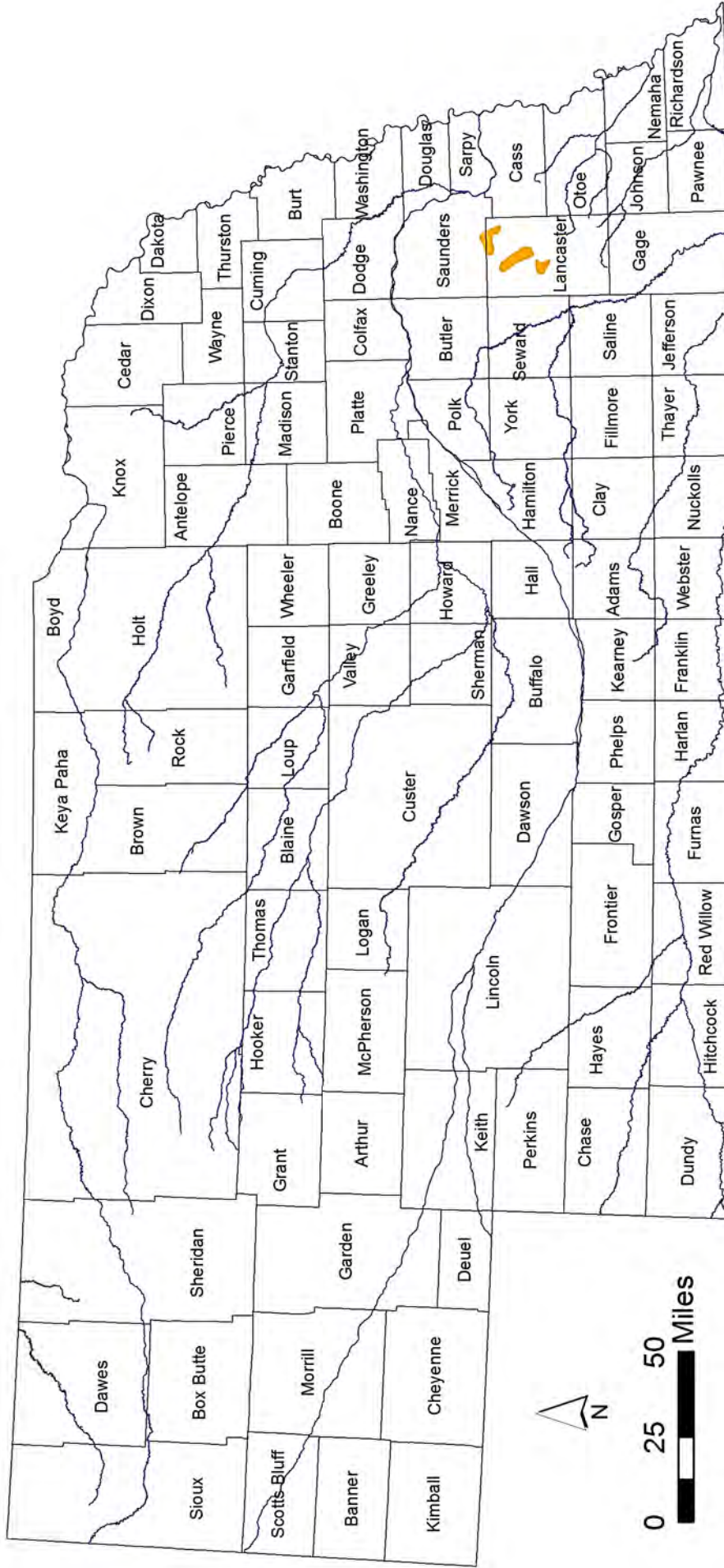
Map produced by the Nebraska Game and Parks Commission  
February 19, 2008

Streams and rivers within shaded areas are of concern for at-risk fish species.



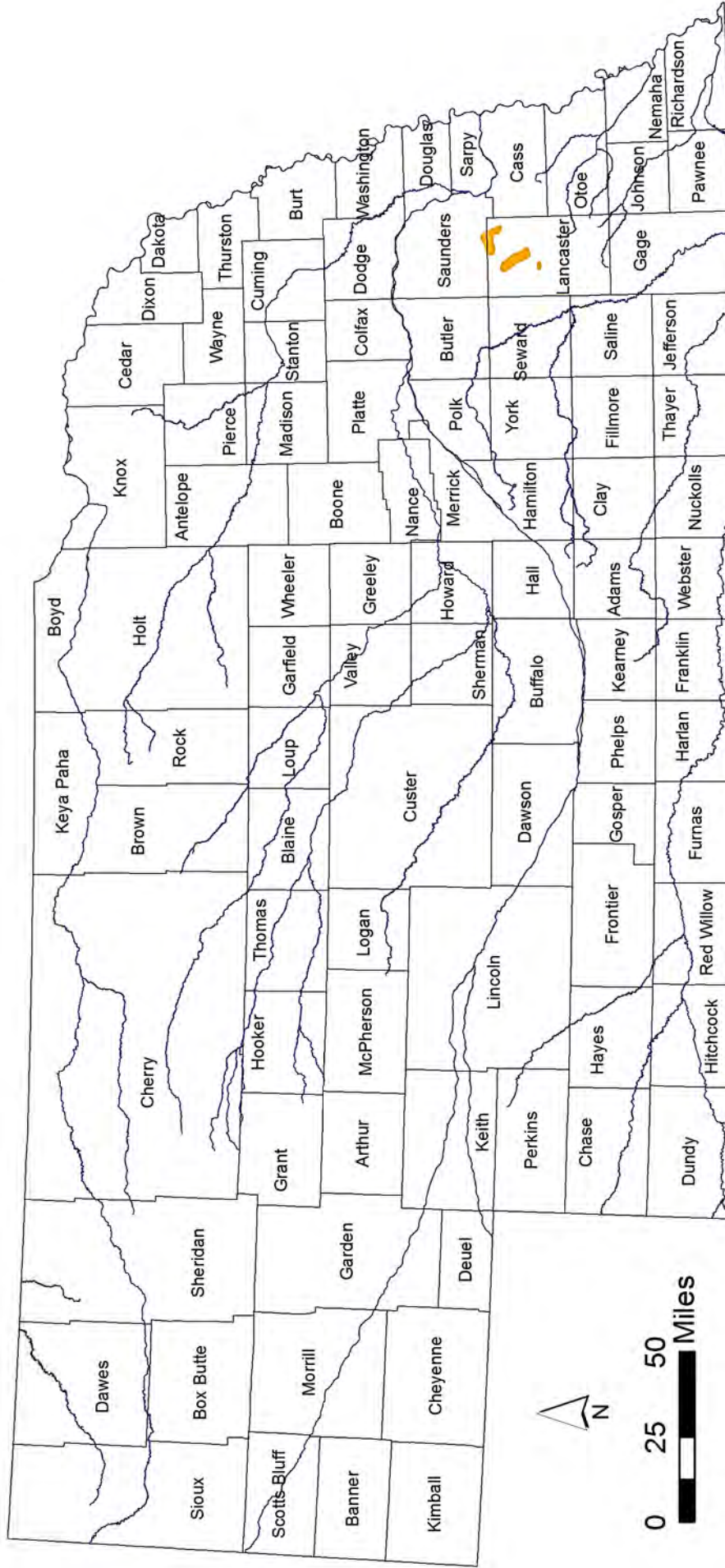


# Estimated Current Range of Saltwort (*Salicornia rubra*)



Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
February 2014

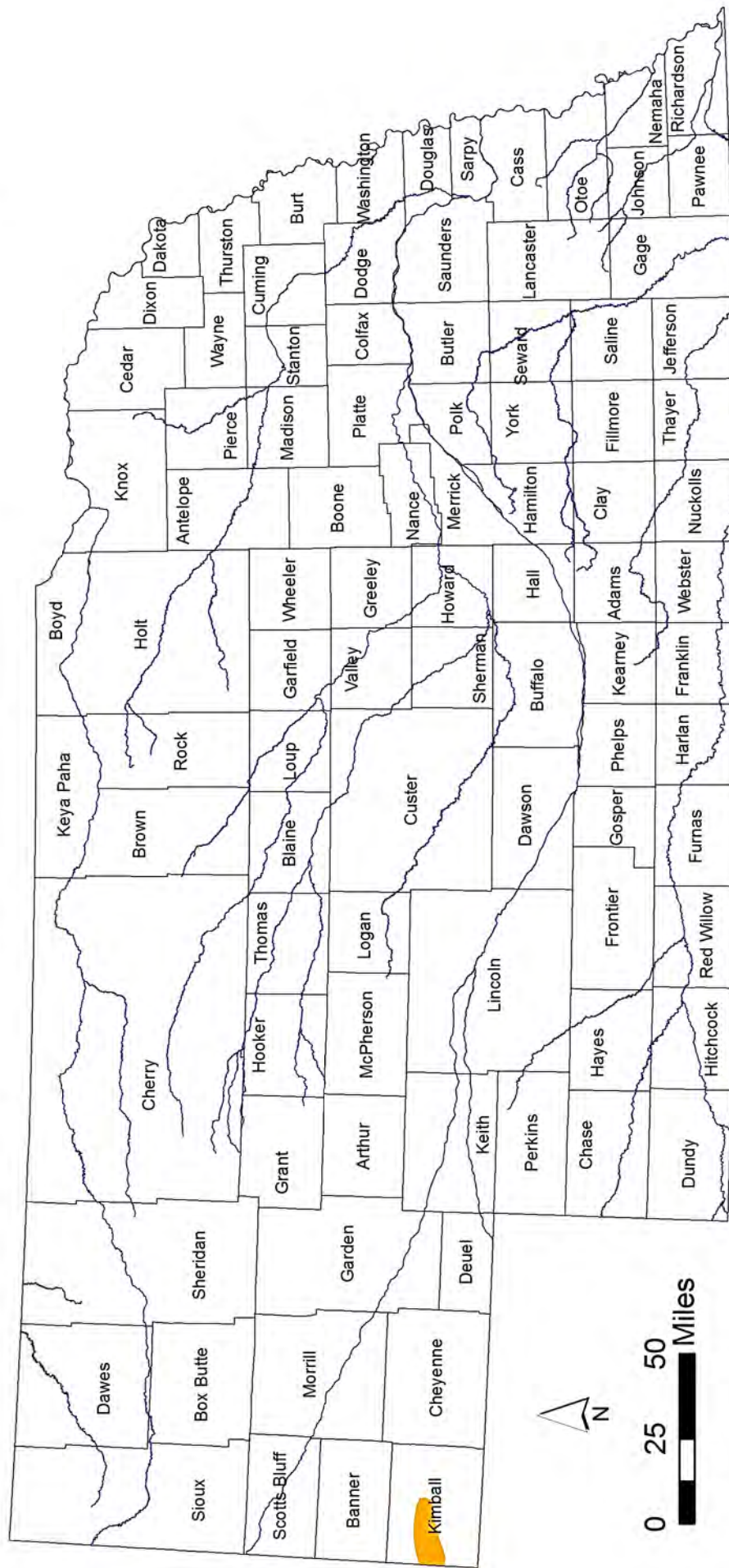
# Estimated Current Range of Salt Creek Tiger Beetle (*Cicindela nevadica lincolniana*)



Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
February 2014



# Estimated Current Range of Colorado Butterfly Plant (*Gaura neomexicana* ssp. *coloradensis*)



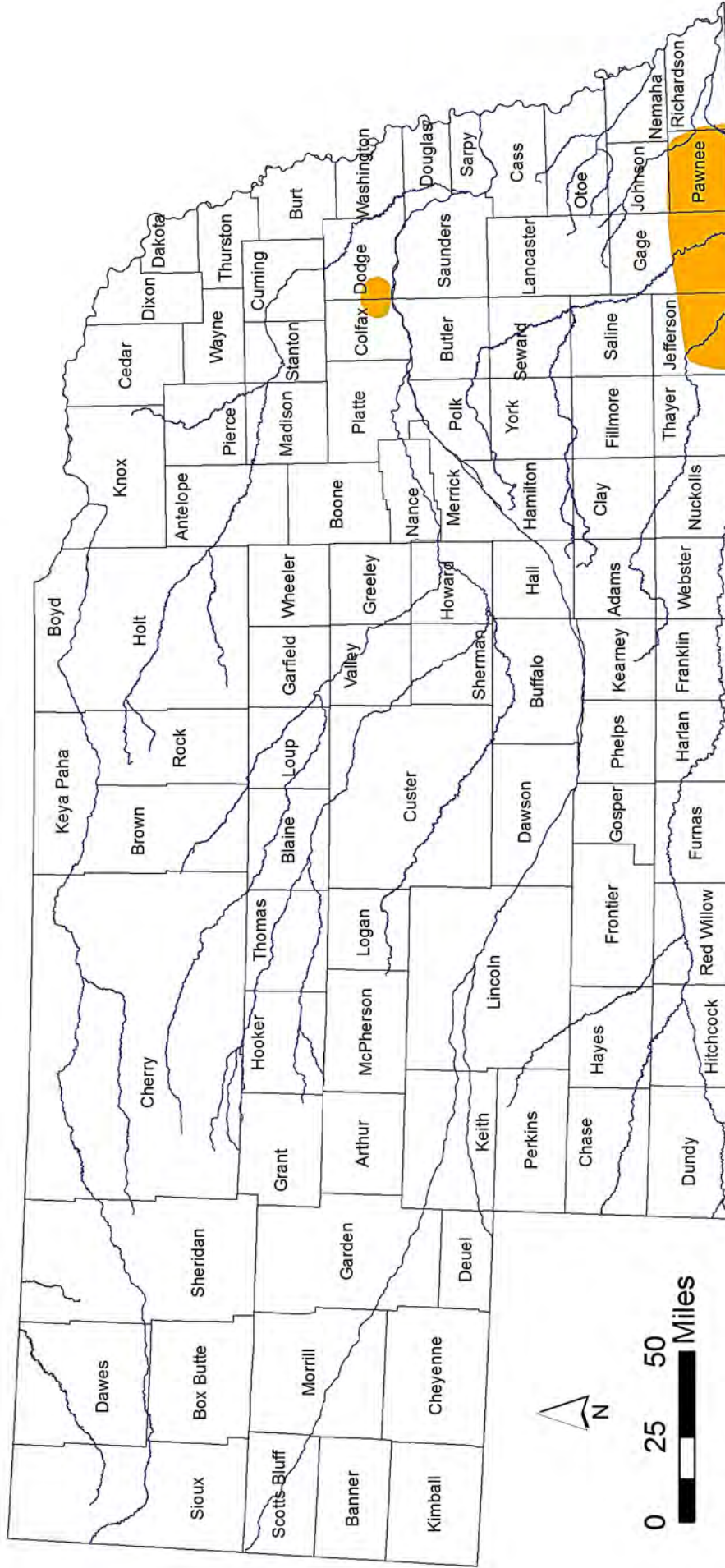
Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
May 2011







# Estimated Current Range of Massasauga (*Sistrurus catenatus*)



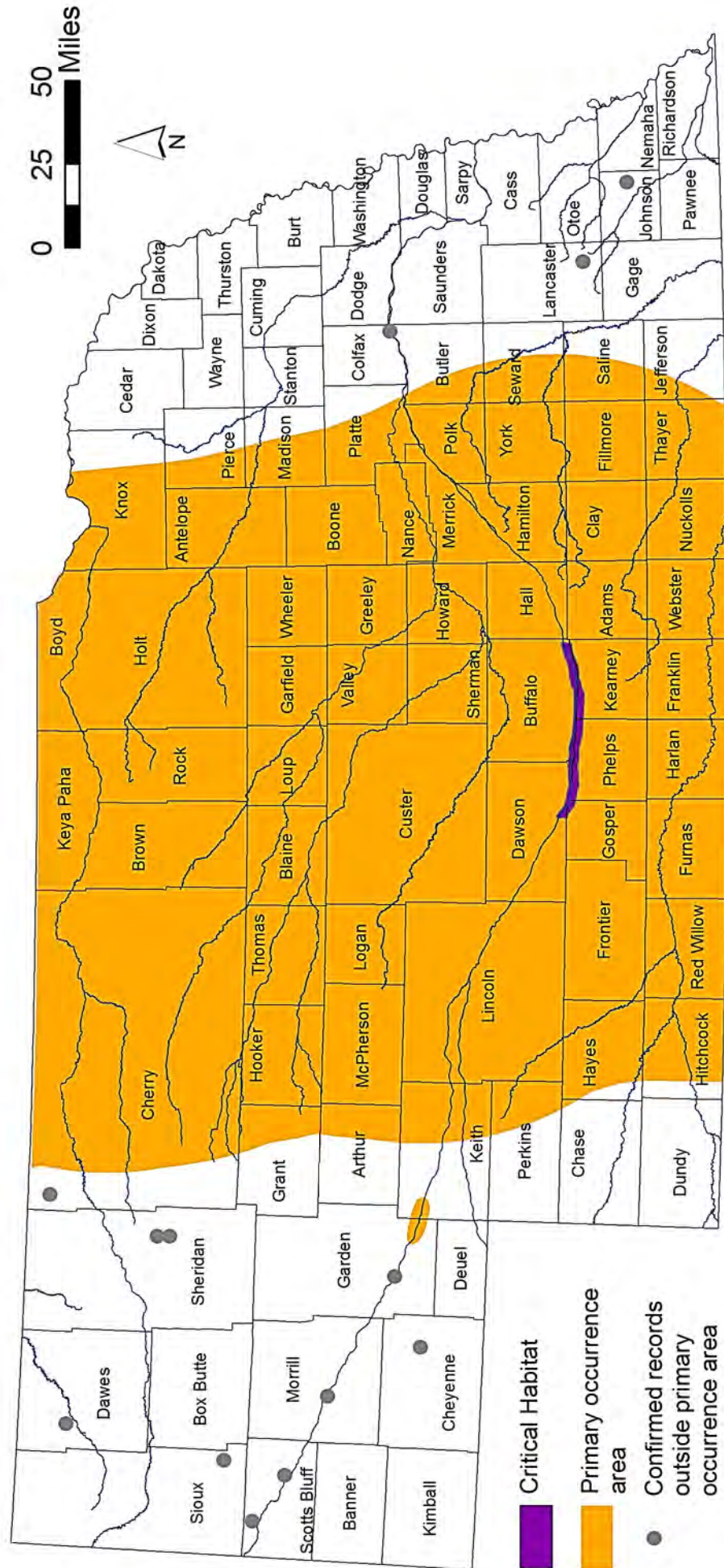
Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
May 2011










# Whooping Crane (*Grus americana*): Migration Use Area and USFWS-designated Critical Habitat



-  Critical Habitat
-  Primary occurrence area
-  Confirmed records outside primary occurrence area

The primary occurrence area is a modification of the area identified by the U.S. Fish and Wildlife Service (USFWS) as encompassing 95% of documented Whooping Crane migratory stopovers between 1975 and 2007. The modification consisted of incorporating additional locations known to have repeated use. Data source: USFWS. State-specific Nebraska flyway for Whooping Crane. Vector digital data Unpublished shapefile received October 27, 2008 from USFWS, Region 6, Grand Island, NE.

Critical Habitat areas are considered essential for the conservation of a listed species. Data source: U.S. Fish and Wildlife Service, Region 2. 2003. Whooping Crane critical habitat. Vector digital data. Downloaded October 29, 2008 from <http://crithab.fws.gov>.

Confirmed records are current through Fall 2010 (Source: USFWS, Region 6).

Map produced by the Nebraska Natural Heritage Program, Nebraska Game and Parks Commission, July 6, 2011.



**Nebraska Department of Environmental Quality****Wastewater Section**

1200 'N' Street, Suite 400, The Atrium  
 PO Box 98922  
 Lincoln, NE 68509-8922  
 Tel. 402/471-4220  
 Fax 402/471-2909

**HST-DMR**

**Hydrostatic Test Discharges Discharge Monitoring Report (DMR)  
 Authorized Under NPDES General Permit NEG672000 2017**

This HST-DMR is to be submitted monthly (i.e., within 28 days after the end of each calendar month), unless alternative submittal arrangements are approved. Any pH, Oil & Grease, or Total Suspended Solids monitoring results that are not in compliance with the permit effluent limits shall be reported to the Department within 24 hours (Telephone 402/471-4220) and a written non-compliance report must be submitted within 5 days (See Appendix A, Sections D.8 and D.9 in the permit). If the appropriate information is included on this form, it may be used as a non-compliance report form and to provide notification of project completion. Be sure to fill in all of the appropriate blanks below and sign on the back of this form.

**NPDES Tracking Number: NEG672** \_\_\_\_\_

**Project Owner or Operator:** \_\_\_\_\_

**Project Name & Location:** \_\_\_\_\_

**When was the discharge initiated? (Mo/day/yr)** \_\_\_\_\_

**Are you terminating coverage with the submission of this DMR?** \_\_\_\_\_

**If you are terminating coverage with this submission, what was the final discharge date?** \_\_\_\_\_

**Circle the Calendar Quarter to which this report applies:**

**January through March**

**April through June**

**July through September**

**October through December**

Discharge Report for the month (Specify Calendar Month) \_\_\_\_\_

Pollutant	Discharge Limitations		Discharge Concentration		Number of Samples	Sample Type
	30-Day Average	Daily Average	30-Day Average <sup>(2)</sup>	Daily Maximum		
Flow <sup>(1)</sup>	Report as MGD	Report as MGD				
Total Petroleum Hydrocarbons	Report as mg/L	10 mg/L				
Total Suspended Solids	Report as mg/L	90 mg/L				
Dissolved Iron	Report as mg/L	1 mg/L				
pH	6.5 S.U.	9.0 S.U.				

Discharge Report for the month (Specify Calendar Month) \_\_\_\_\_

Pollutant	Discharge Limitations		Discharge Concentration		Number of Samples	Sample Type
	30-Day Average	Daily Average	30-Day Average <sup>(2)</sup>	Daily Maximum		
Flow <sup>(1)</sup>	Report as MGD	Report as MGD				
Total Petroleum Hydrocarbons	Report as mg/L	10 mg/L				
Total Suspended Solids	Report as mg/L	90 mg/L				
Dissolved Iron	Report as mg/L	1 mg/L				
pH	6.5 S.U.	9.0 S.U.				

Discharge Report for the month (Specify Calendar Month) \_\_\_\_\_

Pollutant	Discharge Limitations		Discharge Concentration		Number of Samples	Sample Type
	30-Day Average	Daily Average	30-Day Average <sup>(2)</sup>	Daily Maximum		
Flow <sup>(1)</sup>	Report as MGD	Report as MGD				
Total Petroleum Hydrocarbons	Report as mg/L	10 mg/L				
Total Suspended Solids	Report as mg/L	90 mg/L				
Dissolved Iron	Report as mg/L	1 mg/L				
pH	6.5 S.U.	9.0 S.U.				

**Footnote:**

- <sup>(1)</sup> If there is no flow during calendar month, enter "0" in the Monthly Average and Daily Average boxes for flow. The other reporting boxes in that month's table may be left blank
- <sup>(2)</sup> The calculated value determined by averaging the monitoring results for any given pollutant obtained during calendar month.
- <sup>(3)</sup> The maximum value determined by monitoring results for any given pollutant obtained during a 24-hour day.

**Abbreviations:** MGD = Million gallons per day mg/L = milligrams per Liter

**Summary of Physical Characteristic Examination Findings or Other Information:**

PCE results may be summarized herein or the PCE form may be attached. Examples of "Other Information": explain non-compliances or unusual conditions, request termination of permit coverage or identify attachments including any additional monitoring results requested by the Department.

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**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.

---

**Certifying Official's Signature or Authorized Representative\*\***
**Date Signed**


---

**Print Name**
**Title****Requirements for and Responsibilities of Certifying Official and Authorized Representative**

The " Certifying Official" is responsible for signing all permit applications and must meet the requirements set forth in NDEQ Title 119 Chapter, 13 002:

All permit applications submitted to the Department shall be signed:

002.01 – For a corporation by a responsible corporate officer;

002.02 - For a partnership or a in the case of a sole proprietorship by a general partner or the proprietor; and

002.03 - For a municipal, State, Federal, or other public agency 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 13 003: All other correspondence, reports and HST-DMR's shall be signed by a person designated in 002.01 through 002.03 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 002.01 through 002.03 and the written authorization is submitted to the Director. The authorized representative may also sign HST-NOIs, if the Owner/Operator has specifically authorized them to perform this task in a previous HST-NOI or in other written documentation.

**Submit the completed HST-DMR form to one of the following addresses:****US Postal Service Address**

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

**Alternate Carrier Address**

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

# Nebraska Department of Environmental Quality

---

## Wastewater Section

1200 'N' Street, Suite 400, The Atrium  
 PO Box 98922  
 Lincoln, NE 68509-8922  
 Tel. 402/471-4220  
 Fax 402/471-2909

### Physical Characteristics Examination (PCE) Instructions Authorized by NPDES General Permit NEG672000 2017

The General Hydrostatic Testing Permit Requires that Physical Characteristic Examinations be made in addition to the monitoring required in the general permit. In some instances, discharge authorizations may be made contingent upon the conductance of these examinations (i.e., Physical Characteristic Examinations are required).

#### 1. Physical Characteristic Examination (PCE) Procedure

This procedure involves qualitative observations for characteristics of color, turbidity, odors, surface sheens, septic conditions, or any other unusual conditions (e.g., off-gassing). PCE observations are to be made both *in situ* and on grab samples. PCE results are to be recorded on the attached report form or other approved format. PCE results are to be used as indicators of potential pollution problems. If none of the previous listed characteristics are noted, a report is not required.

#### 2. Immediate Notification and Follow-Up

- a. When a discharge displays any of these characteristics: turbidity, color, off gassing, sheens, films, hydrocarbon contamination, or foaming and odors.
- b. This may indicate possible presence of excessive pollution. At these concentrations or amounts that are indicated requires that the discharge be discontinued immediately and the Department notified.
- c. The discharge shall be discontinued immediately and the NDEQ shall be contacted: If there is any evidence the discharge is causing distress to fish, aquatic organisms, plant life, wildlife and/or livestock, or creating a public health concern.
- d. Following the notification, the permittee shall take appropriate follow-up actions as specified by the Department. These actions may include, but are not necessarily limited to: a follow-up investigation, additional testing, alternative disposal options, and/or treatment. It is also possible that the discharge may be allowed without further action if it is determined that the discharge would not result in excessive pollution.
- e. Excessive pollution is defined as pollution in amounts that would result in a violation of a permit limit or of water quality criteria set forth in NDEQ Title 117 and 118. "Water shall be free from human-induced pollution which causes". These narrative and aesthetic standards for surface waters include:
  - 1) Noxious odors;
  - 2) Floating, suspended, colloidal, or settleable materials that produce objectionable films, colors, turbidity, or deposits; and
  - 3) The occurrence of undesirable or nuisance aquatic life (e.g., algal blooms).

#### 3. Periodic Reporting

In addition to the immediate notification requirements described above, a summary report of the findings of the Physical Characteristic Examination procedure results is to be submitted as an attachment to the discharge monitoring reports (HST-DMR's) that are required pursuant to Appendix A, Subsection D of the NPDES permit.

#### 4. Record Keeping

Records of the physical examination results need to be kept and need to include the following information:

- a. The date and time of the observation
- b. Name of the observer; and
- c. Summary information on the observations made.

# Nebraska Department of Environmental Quality

## Wastewater Section

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 PO Box 98922  
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 Fax 402/471-2909

### **PCE - Physical Examination Characteristic Examination Report**

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.

Project/Facility Name: \_\_\_\_\_

Date and Time of Observation: \_\_\_\_\_

Name of Observer: \_\_\_\_\_

<b>Parameter</b>	<b>Observations</b>
<b>Turbidity</b>	
<b>Color</b>	
<b>Odor</b>	
<b>Petroleum or Hydrocarbons Present</b>	
<b>Sheens or Films</b>	
<b>Foam or Foaming Below Discharge</b>	
<b>Floating Solids</b>	
<b>Off-Gassing</b>	

Record any other observations or additional information: \_\_\_\_\_

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Is there evidence or potential evidence of excessive pollution as defined in the PCE procedure?

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# Nebraska Department of Environmental Quality

## Wastewater Section

1200 'N' Street, Suite 400, The Atrium  
 PO Box 98922  
 Lincoln, NE 68509-8922  
 Tel. 402/471-4220  
 Fax 402/471-2909

### **NCR Non-Compliance Report Instructions**

The Non-Compliance Report form needs to be submitted within 5 days of becoming aware of any permit violation. In addition, an oral report of the violation needs to be made within 24 hours of becoming aware of a permit violation. Other reporting requirements may also apply; see the Reporting Requirements and Standard Conditions in your NPDES permit for more details.

Complete the heading on the report, including: permittee or facility name, NPDES permits number, outfall number, and the date(s) on which sampling was conducted.

In the left column, list the parameter(s) for which the noncompliance(s) occurred. In the columns to the right, provide the requested information on the monitoring values found, the permit limits, their units and the frequency of analysis, and the sample type (e.g., grab or 24 hour composite). Be sure to provide the flow data requested in the last row, as well.

Also provide on the form or in an attachment (e.g., a laboratory report) monitoring information on the other parameters tested at the same time or over the same time period.

Provide an explanation of what caused the non-compliance, and what actions were taken to correct and to prevent a reoccurrence of the non-compliance. If necessary, provide additional information on the nature of the violation, the exact time frame over which it occurred, and any impacts that were observed in the receiving stream.

Attachments may be used as needed.

The Certifying Official or Authorized Representative, who meet the following qualifications, must sign the form.

The "Certifying Official", who meets the requirements set forth in NDEQ Title 119, Chapter 13 002 is responsible for signing all permit applications. All permit applications submitted to the Department shall be signed:

002.01 – For a corporation by a responsible corporate officer;

002.02 - For a partnership or in a sole proprietorship by a general partner or the proprietor; and

002.03 - For a municipal, State, Federal, or other public agency 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 13 003: All other correspondence, reports and HST-DMR's shall be signed by a person designated in 002.01 through 002.03 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 002.01 through 002.03 and the written authorization is submitted to the Director. The authorized representative may also sign HST-NOIs, if the Owner/Operator has specifically authorized them to perform this task in a previous HST-NOI or in other written documentation.

#### **7) Return the completed form to one of the following addresses:**

##### **US Postal Service Address**

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

##### **Alternate Carrier Address**

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



# Nebraska Department of Environmental Quality

## Wastewater Section

1200 'N' Street, Suite 400, The Atrium  
 PO Box 98922  
 Lincoln, NE 68509-8922  
 Tel. 402/471-4220  
 Fax 402/471-2909

### NCR Non-Compliance Report

This non-compliance form needs to be submitted within 5 days of becoming aware of any permit violation. In addition, an oral report of the violation needs to be made within 24 hours of becoming aware of a permit violation. Other reporting requirements may also apply; see Appendix A, Section D of your permit for more details.

Facility Name: \_\_\_\_\_

Facility Location: \_\_\_\_\_

NPDES Tracking Number: **NEG672** \_\_\_\_\_ Outfall Number: \_\_\_\_\_

Parameter	Date(s) Monitored	Type of Limitation: Minimum, Average or Maximum	Permit Limit (Include Units e.g., mg/L or kg/day)	Test Result (Include Units e.g., mg/L or kg/day)	Flow (MGD) or Volume (gallons)





**Nebraska Department of Environmental Quality**  
**Wastewater Section**

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PO Box 98922  
Lincoln, NE 68509-8922  
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Fax 402/471-2909

**HST-RLN Dewatering Discharges Relocation Notice**  
**Authorized Under NPDES General Permit NEG6721000 2017**

This form is intended for use by facilities subject to NPDES General Permit for Hydrostatic Test Discharges. The second page of this form contains sections that apply specifically to this NPDES program.

Questions concerning the completion of this form should be directed to Wastewater Section at 402/471-4220.

**1. Certifying Official Identification**

Certifying Official: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**2. Authorization Number NEG672** \_\_\_\_\_

**3. Facility Identification**

Facility Name: \_\_\_\_\_

SIC Code: \_\_\_\_\_ Facility Type: \_\_\_\_\_

**4. Relocation Site**

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

\_\_\_\_\_  
\_\_\_\_\_

**5. Legal Description:**

\_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ N, Range \_\_\_\_\_ (E or W)

County \_\_\_\_\_

**6. Relocation Schedule** – Provide the anticipated dates for the following:

Start Date: \_\_\_\_\_

Stop Date: \_\_\_\_\_

7. Receiving Waters:

Name of receiving water: \_\_\_\_\_

Is the receiving water identified in Appendix B of the NPDES permit? \_\_\_\_\_

If yes, written notification from the Department for authorization to discharge is required. No discharges are allowed to State Resource Waters. The relocation site may be denied due to the potential of water quality impacts. Additional information concerning the hydrostatic test discharge and potential impact of the discharge on water quality may be required.

Is the discharge water being land applied? \_\_\_\_\_

Have measures been taken to prevent soil erosion from the discharge? \_\_\_\_\_

What preventative measures were used? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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.

\_\_\_\_\_  
Signature of Certifying Official or Authorized Representative

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Submit the completed form to:

US Postal Service Address

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

Alternate Carrier Address

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

# **Nebraska Department of Environmental Quality**

---

## **Wastewater Section**

1200 'N' Street, Suite 400, The Atrium  
PO Box 98922  
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### **Fact Sheet General NPDES Authorizing Hydrostatic Testing Discharges NPDES NEG672000 2017**

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## **A. Applicability**

This general permit authorizes hydrostatic discharges to land application or discharge into surface waters. This is a reissue with change.

## **B. Authority and Purpose**

1. This permit general permit was developed according to the Nebraska Department Environmental Quality Title 119 – *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 can 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* and Title 118 – *Ground Water Standards and Use Classification*. NDEQ Title 119, Chapter 27 does not establish technological standards for these eligible sources covered the General NPDES Permit NEG672000.

## **C. Description of the Discharges**

The primary focus of this permit is to control the pollutant discharges from hydrostatic testing activities. These discharges originate from the testing of existing and new tanks and pipelines for leakage. The primary pollutant is suspended solids. Water from a variety of sources (municipal, stream, or ground water) is used in hydrostatic testing and will be discharged to land application sites or to waters of state and excluding tribal lands within the State of Nebraska. Other pollutants that may be present in hydrostatic testing flows may be dissolved iron, total residual chlorine and total recoverable hydrocarbons.

## **D. Area of Application**

This permit is applicable for discharges to streams and wetlands throughout the State of Nebraska. Statewide application is appropriate because the potential sources are found throughout the state, excluding tribal lands within the State of Nebraska. This provision provides the Department an opportunity to evaluate the discharge based on receiving water criteria. These water quality evaluations can be made on any given hydrostatic discharge with the state. No discharges to lakes and reservoirs, State Resource Waters or tribal lands within the State of Nebraska are permitted. 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.

## **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. Within the permit in Appendix A, Paragraph A.7 set 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 with change. The change made from the existing permit to this permit is the dissolved iron criteria was raised from 0.3 mg/L to 1 mg/L. This was done due to an error in the previous permit when a drinking water standard was used instead of the water quality standard.

## **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, five main parts, two appendices, and six attachments. The six attachments are the HST-NOI (Notice of Intent), threatened and endangered species checklist, HST-DMR (Discharge Monitoring Report), NCR (Noncompliance Report), PCE (Physical Characteristics Examination) report, and HST-RLN (Hydrostatic Testing Relocation). 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, Federal and State laws that authorize this NPDES permit, the permit number, issuance and expiration dates. 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 this 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 Procedures**

- a. This part sets 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.
- b. Any facility wishing authorization to discharge under the terms and conditions of this general permit must submit a HST-NOI (Notice of Intent). The permit specifies minimum and additional information requirements for potential applicants. This permit section specifically spells out what is required in an HST-NOI. It also contains information that may aid applicants in completing and submitting the HST-NOI.
- c. When the Department has received the complete HST-NOI, the discharge authorization shall be granted after 10 days. However, there are the following exceptions:
  - 1) If additional information is requested, the review period is extended;
  - 2) If the discharge is to certain public drinking water sources.
- d. Department review of the completed Notice of Intent may result in:
  - 1) Additional information request and an extension of the review period;
  - 2) An individual NPDES permit application may be requested.
- e. The permittee must notify the Department of activities that may alter the water quality of discharge. This was included in the permit to help identify changes in operations that can negatively impact discharge water quality. It is important to identify the existence of current or past spills or leaks because these can impact the water quality of the discharge.

## 5. Part III Monitoring Requirements and Effluent Limitations

### a. Monitoring Frequency

- 1) Flow must be monitored daily; and
- 2) Discharge quality must be monitored weekly.

### b. Flow

The flow can either be calculated or measured. NPDES permits do not regulate discharge flows per se, but flow may be inherently related to the mass of pollutants discharged.

### c. Total Residual Chlorine

The 30-day average is a reporting requirement. The daily maximum limitation is 0.011 mg/L. These requirements are proposed to ensure protection of the water quality. These total residual chlorine limitations are based on the NDEQ Title 117, Chapter 4 - *Nebraska Surface Water Quality Standards*. These limitations apply if chlorinated water is used for hydrostatic testing.

### d. Total Petroleum Hydrocarbons

The total petroleum hydrocarbon daily maximum limitation is 10 mg/L. This limitation was adopted from NDEQ Title 117, Chapter 4. If petroleum hydrocarbons are detected during the physical examination, this limitation allows the permittee to determine if there is permit violation.

### e. Total Suspended Solids

The maximum limitation of 90 mg/L for total suspended solids limitation was originally a “best professional judgment” limitation. The compliance history from the existing permit NEG672000 indicates this limitation is an achievable limitation for hydrostatic testing sites.

### f. Dissolved Iron

The daily maximum was set at 1 mg/L. This is the water quality criteria standard found in NDEQ Title 117, Chapter 4. This was added since iron can be found in pipelines and tanks.

### g. pH Effluent Limitations and Monitoring Requirements

The pH range of 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

### h. Additional Protective Provisions

The permit contains provisions for used pipelines, tanks and other vessels. The Department will review the previous use of the vessels and determine if additional parameters need to be added for permit limitations and monitoring in the certification

### i. Land Application/Beneficial Reuse

The permit 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 III. C – Physical Characteristics Examination Procedures

All dischargers are required to perform physical examinations of the discharge(s). It requires the permittee to report any evidence of unusual characteristics or significant changes in the discharge. Significant changes include turbidity, color, odor, and the presence of any petroleum or hydrocarbon residues, any visible sheens or films, foaming, or floating solids.

## **7. 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. A requirement to control erosion and channel scouring that could potentially occur as a result of the discharge; and
- f. An allowance is made for modification of the following forms: HST-NOI, HST -DMR, NCR, PCE report, and HST-RLN. 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.

## **8. 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.

## **9. 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.

## **10. Attachments**

- a. HST-NOI - Notice of Intent;
- b. Threatened and Endangered Species Checklist
- c. HST-DMR – Discharge Monitoring Report;
- d. PCE - Physical Characteristics Examination Report;
- e. NCR - Noncompliance Report; and.
- f. HST-RLN – Hydrostatic Testing Relocation.

These forms may be modified according to the “Other Conditions and 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 27, 2006);
3. NDEQ Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System* (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:

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:

NPDES Permits Unit

Location Address

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

Mailing Address:

Nebraska Department of Environmental Quality  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922