



**Dave Heineman**  
Governor

# STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY  
**Michael J. Linder**  
Director  
Suite 400, The Atrium  
1200 'N' Street  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922  
Phone (402) 471-2186  
FAX (402) 471-2909  
website: [www.deq.state.ne.us](http://www.deq.state.ne.us)

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

This NPDES permit is issued in compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Secs. 1251 *et seq.* as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Secs. 81-1501 *et seq.* as amended to date), and the Rules and Regulations promulgated pursuant to these Acts. The municipal separate storm sewer system (MS4) identified in this permit is authorized to discharge storm water and other authorized flows, and is subject to the limitations, requirements, prohibitions and conditions set forth herein. This permit regulates and controls the release of pollutants in the discharges authorized herein. This permit does not relieve Permittees of other duties and responsibilities under the Nebraska Environmental Protection Act, as amended, or established by regulations promulgated pursuant thereto.

NPDES Permit No.: **NE0133671**  
IIS File No.: **999333**  
Permittee: **City of Lincoln, Nebraska**  
Coverage: **All discharges from the Lincoln MS4 system that discharge to waters of the State, including any MS4 discharges that may reach waters of the State through intermediate drainage ways or conduits.**  
Receiving Water: **Salt Creek and several tributaries**  
Effective Date: **January 1, 2013**  
Expiration Date: **December 31, 2017**

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

Signed this 26<sup>th</sup> day of December, 2012

Marty Link  
Acting Water Quality Division Administrator

## Table of Contents

<b>Parts and Titles</b>	<b>Page Numbers</b>
Part I. Discharges Authorized under this Permit .....	3
A. Permit Area.....	3
B. Authorized Discharges.....	3
C. Limits on Authorization.....	3
D. Compliance to the Maximum Extent Practicable.....	3
Part II. Resource Requirements.....	3
A. Legal Authority.....	3
B. Storm Water Management Program Resources.....	4
Part III. Storm Water Management Plan (SWMP).....	4
Part IV. Monitoring Requirements.....	12
A. Dry Weather Discharge Screening & Monitoring.....	12
B. Wet Weather & BMP Assessment Monitoring.....	12
C. Coordination of Information.....	12
Part V. Reporting Requirements.....	12
Part VI. Amendments, Procedures and Requirements.....	13
 Appendix A: Standard Conditions that Apply to NPDES and NPP Permits	
Appendix B: City of Lincoln - Storm Water Management Plan	
Attachment 1: Physical Characteristics Examination	
Attachment 2: NPDES/NPP Signatory Authorization Form	

## **Part I: Discharges Authorized under this Permit**

### **A. Permit Area**

This permit covers all areas within the corporate boundaries of the City of Lincoln, served by or otherwise contributing to discharges into the Municipal Separate Storm Sewer System (MS4), including all areas that are incorporated in the City during the effective term of the permit.

### **B. Authorized Discharges**

This permit authorizes point-source discharges of municipal storm water and other authorized flows from the MS4. The discharges provided coverage under this permit are limited to the following:

1. Municipal storm water that originates from within the coverage area;
2. Storm water from areas outside the coverage area that flows into and through the MS4;
3. Storm water discharges associated with industrial activity as defined in 40 CFR 122.26 (b)(14) and Title 119, Ch. 10 that are authorized under a separate NPDES permit or that are in-compliance with the No Exposure Certification requirements;
4. Non-Storm water discharges that are either:
  - a. authorized under a separate NPDES permit;
  - b. being addressed in accordance with either the Illicit Discharge Identification procedures set forth in the City's Storm water Management Plan; or
  - c. other *Allowable Non-Storm water Discharges and flows* as identified in the following list: routine water line flushing, lawn watering, landscape irrigation, irrigation water, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, springs, water from crawl space pumps, footing drains, sump pumps, uncontaminated heat pumps, individual residential vehicle washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges (0.019 ppm or less concentration of Chlorine), street wash water, discharges or flows from emergency fire fighting activities, and other similar discharges determined by the Department not to be significant pollutant sources.

### **C. Limitations on Authorization**

This permit shall not authorize the discharge of pollutants by any party that is required to obtain coverage under a separate NPDES permit in accordance with Title 119, Chapter 2 002.

### **D. Compliance to the Maximum Extent Practicable**

Pursuant to state regulation Title 119, Chapter 10 004.02D and federal regulation 40 CFR 122.26(d)(2)(iv). This permit requires implementation of control measures and other management practices to reduce pollutants in storm water discharges to the maximum extent practicable. Narrative effluent limitations (a narrative description of the program elements and measurable Best Management Practices (BMP) goals) requiring implementation of BMPs will be used to reduce pollutants and protect water quality to the maximum extent practicable. Program elements will include management practices, control techniques, and system design and engineering methods and such other provisions that are appropriate.

## **Part II: Resource Requirements**

### **A. Legal Authority**

1. The permittee must provide relevant ordinances or other regulatory mechanisms that provide it with adequate legal authority to control pollutant discharges into and from its MS4, and to meet the requirements of this permit.
2. To be considered adequate, this legal authority must, at a minimum, address the following:

- a. Authority to control the contribution of pollutants and the quality of storm water discharged from sites of industrial activity and construction activity;
- b. Authority to require installation, implementation, and maintenance of control measures;
- c. Authority to prohibit illicit discharges to the MS4;
- d. Allowable non-stormwater discharges;
- e. Authority to control the discharge of spills, dumping, or disposal of materials other than storm water to the MS4;
- f. Require compliance with conditions in ordinances, permits, contracts or orders;
- g. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with the conditions of this permit;
- h. Authority to collect information;
- i. Enforce compliance as necessary;
- j. Administrative, financial, and criminal penalties;
- k. Procedures for escalated responses to repeated violations;
- l. Interagency agreements where MS4 boundaries intersect, if required in adjacent MS4's NPDES permit.

**B. Storm Water Management Program Resources**

The Permittee shall provide adequate program resources (i.e., fiscal support, staff, equipment, support capabilities, etc.) to implement the requirements set forth in this permit.

**Part III: Storm Water Management Plan (SWMP)**

**SWMP Requirements and Schedules of Compliance**

The SWMP provides an approach over the next permit period to address Total Maximum Daily Load (TMDL) pollutants of concern and to reduce the discharge of other pollutants to the Maximum Extent Practicable (MEP). The detailed SWMP Requirements and Schedule of Compliance is included in Appendix A. The SWMP approach includes the following major program components:

**A. Public Education and Outreach**

The education and outreach program must at a minimum:

1. Define the goals and objectives of the program based on defined high priority, community-wide issues;
2. Define the target audience(s);
3. Maintain and update appropriate messages for targeted residential, construction, and commercial issues;
4. Define methods and process of distribution; and
5. Distribute appropriate educational materials and media to the target audience each year, using whichever methods and procedures determined appropriate by the permittee.

**B. Public Participation and Involvement**

The public participation and involvement program must involve the public in the planning and implementation of programs and activities related to the development and implementation of the SWMP. At a minimum, the permittee must:

1. Provide public notice of opportunities to review and comment on new rules, ordinances, regulations, and SWMP revisions drafted by the MS4;
2. Create opportunities for citizens to participate in the implementation of stormwater controls;
3. Ensure the public can readily find information about the permittee's SWMP

### C. Illicit Discharge Detection and Elimination

The permittee must provide an Illicit Discharge Detection and Elimination (IDDE) Program to detect, investigate, and eliminate non-stormwater discharges, including illegal dumping, into its system. The IDDE is discussed again in Part IV of this permit. The IDDE program must include or address the following:

1. Illicit Discharge Detection and Elimination Program
  - a. A storm sewer system map that receives continual updates. The storm sewer system map must show the following, at a minimum:
    - i. The geographic location and identification number of all known MS4 outfalls and the boundary of drainage areas contributing to those outfalls;
    - ii. The location of all state-designated waters receiving direct discharges from MS4 outfall pipes;
    - iii. Dry-weather field screening locations;
    - iv. Storm drain infrastructure and collection system;
    - v. Permanent water quality BMP locations; and
    - vi. Land use within outfall drainage area boundaries.
  - b. Outfall field screening procedures and priority locations to investigate for detecting illicit discharges;
    - i. The permittee must document a written dry weather field screening and analytical monitoring procedures which are to be used at a number of outfall locations specified in the SWMP each year to detect discharges to the MS4;
    - ii. The screening procedures must identify the minimum staff, equipment, and discharge evaluation process used by the permittee; and
    - iii. The permittee must document the basis for its selection of each priority location and maintain a current list of all priority locations identified in the system.
  - c. Procedures, staff and equipment required for investigating and tracing the source of all identified illicit discharges:
    - i. The permittee must report immediately the occurrence of any dry weather flows believed to be an immediate threat to human health or the environment to NDEQ by calling 402-471-2186 or (402) 471-4545 after business hours, weekends and holidays; and
    - ii. The permittee must document all investigations to track at a minimum the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
  - d. Procedures for removing the source of the discharge using an enforcement response plan:
    - i. Once the source of the illicit discharge has been determined, the permittee must take immediate action so the responsible party of the problem can be notified, and require the responsible party to conduct all necessary corrective actions to eliminate the non-stormwater discharge in a timely manner;
    - ii. The permittee must document all interactions with potentially responsible parties as well as follow-up investigations to confirm illicit discharges have been removed.
  - e. The following categories of non-stormwater discharges or flows (i.e., illicit discharges) shall be addressed only if they are identified as significant contributors of pollutants to your SMS4: routine water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined in 40 CFR 35.20059(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges from emergency fire fighting activities are excluded from the effective prohibition against non-stormwater and need only be addressed where they are identified as significant sources of pollutants to waters of the United States)
    - i. The permittee may also provide a list of other similar, occasional, and incidental non-stormwater discharges that will not be addressed as illicit discharges. These non-stormwater discharges must not be reasonably expected to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions you have established for allowing these discharges to your MS4.
    - ii. You must document in your SWMP any local controls or conditions placed on additional exempt non-stormwater discharges. You must include a provision prohibiting any individual non-

stormwater discharges that is determined to be contributing significant amounts of pollutants to your MS4

2. If illicit connections or illicit discharges are observed related to an adjacent MS4 operator's municipal storm sewer system then the permittee must notify the other operator within a reasonable period of time after discovery of discovery. Notification shall be made according to procedures established by the MS4.
3. If another operator notifies the permittee of an illegal connection or illicit discharge to the municipal separate storm sewer system then the permittee must follow the requirements established in this section (Part III.C).
4. Written procedures for implementing the IDDE Program, including those components described within this section (Part III.C) must be developed to ensure program continuity.
5. **Public Reporting of Non-stormwater Discharges and Spills**
  - a. The permittee must promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from MS4s through a central contact point, including phone numbers for complaints and spill reporting, and publicize to both internal permittee staff and the public;
  - b. The permittee must develop a written spill/dumping response procedure, and a flow chart or phone tree, or similar list for internal use, that shows the procedures for responding to public notices of illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incidence response, even if it is a different entity other than the permittee;
  - c. The permittee must conduct reactive inspections in response to complaints and follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party to achieve and maintain compliance.
6. **Illicit Discharge Education and Training**
  - a. The permittee must provide a training program for all municipal field staff, who, as part of their normal job responsibilities, may come into contact with or otherwise observe an illicit discharge or illicit connection to the storm sewer system. Training program documents must be available for review by the permitting authority;
  - b. The SWMP must include a schedule for training all staff on the identification of an illicit discharge or connection, and on the proper procedures for reporting and responding to the illicit discharge or connection. The permittee must document and maintain records of the training provided and the staff trained.

#### **D. Construction Site Runoff Control**

1. The permittee must provide a program which requires operators of public or private "construction activities" to select, install, implement, and maintain stormwater control measures that comply with local erosion and sediment control, pollution prevention, and other stormwater requirements, including applicable Construction Storm Water General Permit, State, and local requirements. "Construction activity" for this permit includes, at a minimum, all public and private construction sites that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan of development or sale. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all construction activity discharging to its MS4:
  - a. **Erosion and Sediment Controls.** Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants;
  - b. **Soil Stabilization.** Temporary and permanent stabilization must be completed within a period of time determined by the permittee;
  - c. **Dewatering.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls;

- d. Pollution Prevention Measures. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants from all sources found on the construction sites that pose a threat to water quality;
  - e. Prohibited Discharges. The permittee shall define all prohibited discharges that are considered a violation of local regulations; and
  - f. Surface Outlets. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.
2. The permittee must maintain an inventory of all active public and private construction sites authorized by the permittee within the MS4 boundary. The inventory must be continually updated as new projects are permitted or approved and projects are completed. The inventory must contain relevant contact and location information for each project, the date the permittee approved the local erosion and sediment control/stormwater plan, and the project tracking number. The permittee must make it available to the permitting authority upon request.
  3. The permittee must require each operator of a regulated construction activity described above to prepare and submit for review an erosion and sediment control plan prior to the disturbance of land for the permittee's review and written authorization. The permittee must implement site plan review procedures that meet the following minimum requirements:
    - a. The permittee must not approve any erosion and sediment control plan unless it contains appropriate site-specific construction site control measures that meets the minimum local requirements for stormwater protection of construction activity;
    - b. The permittee must use qualified individuals, knowledgeable in the technical review of erosion and sediment control plans to conduct such reviews; and
    - c. The permittee must document its review of erosion and sediment control plan using a checklist or similar process.
  4. Construction Site Inspection and Enforcement
    - a. The permittee must inspect public and private construction activity according to local procedures at a frequency documented in the SWMP
    - b. The permittee must provide trained and qualified inspectors for municipal inspections. The permittee must also provide written procedures outlining the local inspection and enforcement procedures. Inspections of construction sites must, at a minimum:
      - i. Check for coverage under the NDEQ NPDES general construction permit by requesting a copy of any application or Notice of Intent (NOI) or other relevant application form during initial inspections;
      - ii. Review the applicable erosion and sediment control plan and conduct a thorough site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the plan;
      - iii. Visually observe and record non-stormwater discharges, potential illicit connections, and potential discharge of pollutants in stormwater runoff
      - iv. Provide education and outreach on stormwater pollution prevention, as needed; and
      - v. Provide a written or electronic inspection report generated from findings in the field
    - a. The permittee must track the number of inspections for the inventoried construction sites throughout the reporting period. Inspection findings must be documented and maintained for review by the permitting authority.
    - b. Based on site inspection findings, the permittee must take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance in accordance with the permittee's enforcement response plan. These follow-up and enforcement actions must be tracked and maintained for review by the permitting authority
  5. The permittee must ensure that all staff whose primary job duties are related to implementing the construction stormwater program, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. Training must be provided, sponsored, or required at

a frequency established in the SWMP for Erosion and Sediment Control/Stormwater Inspectors, Plan Reviewers, and Third-Party Inspectors and Plan Reviewers.

6. Construction Site Operator Education and Public Involvement
  - a. The permittee must provide educational materials to construction site operators at a frequency outlined in the SWMP.
    - i. The permittee must either provide information on existing training opportunities or develop new training for construction operators on control measure selection, installation, implementation, and maintenance as well as overall program compliance.
    - ii. The permittee must develop or utilize existing outreach tools (i.e. brochures, posters, website, plan notes, manuals etc.) aimed at educating construction operators on appropriate selection, installation, implementation, and maintenance of stormwater controls, as well as overall program compliance.
    - iii. The permittee must make available appropriate outreach materials to all construction operators who will be disturbing land within the MS4 boundary.
    - iv. The permittee must include information on appropriate selection, installation, implementation, and maintenance of controls, as well as overall program compliance, on the permittee's existing website.
  - b. Public Involvement - The permittee must provide procedures for receipt and consideration of information submitted by the public regarding construction projects.

#### **E. Post Construction Runoff Control**

1. Post-Construction Stormwater Management Program
  - a. The permittee must provide a program to control stormwater discharges from new development and redeveloped sites that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan of development or sale that discharge into the MS4. The program must apply to private and public development sites, including roads.
  - b. The permittee may develop divergent standards for distinct categories of development (i.e., infrastructure projects, redevelopment, greenfield development, ect.), divergent standards are allowable but not required.
  - c. Written procedures for implementing this program must be incorporated into the SWMP document within the permit term.
2. Site Performance Standards
  - a. Within the permit term, the permittee must adopt local Post Construction Stormwater standards for designing, installing, implementing, and maintaining stormwater control measures which include BMPs that infiltrate, evapotranspire, harvest, and/or use stormwater discharges.
  - b. Within the permit term, the permittee must adopt local stormwater discharge design standards that consider site discharge volume, rate, duration, and frequency for new development and redevelopment sites. The local stormwater discharge design standards must describe the site design strategies, control measures, and other practices deemed necessary by the permittee to protect naturally-occurring hydrology to the Maximum Extent Practicable.
3. Post-Construction Site Plan Review
  - a. To ensure that all applicable new development and redeveloped sites conform to the performance standards required in Part III.E.2, the permittee must conduct project review, approval, and enforcement procedures that include:
    - i. Procedures for the site plan review and approval process(es) that include inter-departmental consultations, as needed, and a required re-approval process when changes to an approved plan are desired; and
    - ii. A requirement for submittal of 'as-built' certifications within 90 days of completion of a project.

- b. The permittee must conduct site plan reviews and consider how the project applicant meets the performance standards developed pursuant to Part III.E.2 and how the project will ensure long-term maintenance as required in Part III.E.4.
4. Long-Term Maintenance of Post-Construction Stormwater Control Measures
  - a. Procedures must be established to assure all structural stormwater control measures installed and implemented meet the performance standards developed pursuant to Part III.E.2 are maintained in perpetuity.
  - b. Written procedures for ensuring long-term maintenance of Post-Construction Stormwater Control measures must be incorporated into the SWMP document. The permittee must ensure the long-term maintenance of structural stormwater control measures installed according to this Part.
5. Tracking Post-Construction Stormwater Control Measures
  - a. The permittee must maintain a current inventory of all post-construction structural stormwater control measures installed and implemented pursuant to this section at new development and redeveloped sites, including both public and private sector sites located within the permit area.
  - b. Based on inspections conducted under Part III.E.6, the permittee must update the inventory as appropriate where changes occur in property ownership or the specific control measures implemented at the site. This inventory must be maintained and available for review by the permitting authority.
6. Post-Construction Stormwater Inspection and Enforcement
  - a. The permittee must conduct inspections of each project site covered under Part III.E.2 performance standards, at a frequency defined in the SWMP. A description of inspection and reporting procedures must be included in the SWMP document within the permit term.
  - b. The permittee must conduct a post-construction inspection of any project required to meet the Part III.E.2 performance standards to verify that the permittee's performance standards have been met.
  - c. Inspection Reports. The permittee must maintain inspection findings in an inspection report.
  - d. The permittee must document and maintain records of inspection findings and enforcement actions and make them available for review by the permitting authority.

## **F. Pollution Prevention and Good Housekeeping**

1. Municipal Facility and Control Inventory
  - a. The permittee must provide an inventory of municipally-owned or operated facilities and stormwater controls that is available for review by the permitting authority.
  - b. The permittee must identify on a map where the municipally-owned or operated facilities and stormwater controls are located within the MS4. The map must be maintained and updated regularly and be available for review by the permitting authority.
2. Municipally-owned or Operated Facility Assessment
  - a. The permittee must maintain current assessments of all municipally-owned or operated facilities identified in Part III.F.1. A description of the assessment process and frequency must be included in the SWMP document.
  - b. The permittee must identify "high-priority" facilities that have a high potential to generate stormwater pollutants. A description of the evaluation criteria for determining "high-priority" must be included in the SWMP.
  - c. The permittee must document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the comprehensive assessment.
3. Development of Facility-Specific Stormwater Management SOPs and Implementation of Facility Stormwater Controls
  - a. The permittee must develop and maintain Facility-specific Stormwater Management Standard Operating Procedures (SOPs) for "High Priority" Facilities to control the contribution of pollution in stormwater runoff.

- i. For each “high priority” facility or operation identified in Part III.F.2, the permittee must develop a site-specific SOP that identifies stormwater control measures, inspection frequency, visual monitoring procedures, and schedule.
    - ii. A copy of the facility-specific stormwater management SOP must be maintained and be available for review by the permitting authority. The SOP must be kept on-site at each of the municipally-owned or operated facilities’ offices for which it was completed (hard copy or electronic). The SOP must be kept current.
  - b. All “high priority” municipally-owned or operated facility SOPs must include provisions for general good housekeeping practices, storage of de-icing materials, fueling operations, vehicle maintenance, and equipment and vehicle washing.
  - c. All “high priority” municipally-owned or operated facilities must receive routine and comprehensive inspections and visual monitoring according to a schedule provided in the SWMP.
4. Storm Sewer System Maintenance Activities
  - a. MS4 catch basin maintenance
    - i. Catch basin inspection and cleaning
      1. The permittee must inspect and clean catch basins in accordance with a schedule provided in the SWMP.
      2. The permittee must maintain a log of all maintenance performed.
    - ii. The permittee must ensure to the extent practicable that each catch basin includes a legible stormwater awareness message.
    - iii. The permittee must visually monitor permittee-owned open channels and other drainage structures for debris and evidence of ongoing dumping at a frequency defined in the SWMP.
    - iv. The permittee shall include the removal of trash and debris from open channels and other drainage structures as part of maintenance planning activities and document drainage structure maintenance activity in a log that is to be made available for review by the permitting authority upon request.
    - v. The permittee must develop a procedure to dewater and dispose of materials extracted from catch basins so that water removed during the catch basin cleaning process and waste material will not reenter the MS4.
  - b. Municipal activities and operations
    - i. The permittee must develop a set of pollution prevention measures that, when applied during municipal O&M activities, will reduce the discharge of pollutants in stormwater.
    - ii. All pollution prevention measures implemented at municipal facilities must be visually inspected at a frequency listed in the SWMP to ensure they are working properly; a log of inspections must be maintained and made available for review by the permitting authority upon request.
  - c. Street Sweeping and Cleaning
    - i. The permittee must evaluate the sweeping frequency, timing, and efficiency of existing street sweeping efforts on all municipally-owned streets, roads, and public parking lots within their jurisdiction. For the purposes of this section, a literature review in conjunction with evaluation of current city practices is sufficient.
    - ii. The permittee must sweep streets, roads, and public parking lots in accordance with a frequency or strategy provided in the SWMP.
    - iii. The permittee must provide a procedure to dewater and dispose of street sweeper waste material. This procedure must ensure that water and material will not reenter the MS4.
    - iv. A description of the street sweeping program shall be included with the SWMP.
  - d. Maintenance of municipally-owned and/or maintained structural stormwater controls
    - i. The permittee must inspect and maintain if necessary, all municipally-owned or maintained structural stormwater controls in accordance with a frequency provided in the SWMP.
    - ii. The permittee must also maintain all municipally-owned or maintained green infrastructure practices through regularly scheduled maintenance activities.
5. Training and Education - The permittees must provide an employee training program for employees involved in implementing pollution prevention and good housekeeping practices in this Part. The

permittee must also identify and track all personnel requiring training and records must be maintained. The training program and target audience must be described in the SWMP.

6. Contractor Requirements and Oversight - Any contractors hired by the permittee to perform municipal maintenance activities must be contractually required and overseen by the permittee to ensure compliance with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management SOPs described above. Who is responsible for overall management and implementation of your pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.

## G. Industrial and Related Facilities

1. The permittee must provide a program which requires operators of public or private "industrial activities" to select, install, implement, and maintain stormwater control measures that comply with local industrial pollution prevention and stormwater requirements, including applicable NPDES Industrial Storm Water General Permit, State, and local requirements. "Industrial activity" for this permit includes, at a minimum, all public and private industrial activities described at 40 CFR Part 122.26(b)(14)(i)-(xi) (excluding 122.26(b)(x), Construction Activity). The permittee's industrial program must ensure the following minimum requirements are effectively implemented for all industrial activity discharging to its MS4:
  - a. Prohibited Discharges. The permittee shall define all prohibited discharges that are considered a violation of local regulations;
  - b. Identification of Potential Pollutant Sources. Identification of all significant pollutant sources associated with industrial activity at the site.
  - c. Pollution Prevention Measures. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants from all sources found on the industrial sites that pose a threat to water quality;
2. The permittee must maintain an inventory of all active public and private regulated industrial sites known to the permittee within the MS4 boundary. The inventory must be updated as new sites are located and sites are closed or modified to eliminate regulated industrial activity. The inventory must contain relevant contact and location information for each site, and dates of previous local inspections. The permittee must make it available to the permitting authority upon request.
3. The permittee must require each operator of a regulated industrial activity described above:
  - a. Comply with the No Exposure Certification for Conditional Exclusion from NPDES Industrial Storm Water Permitting; or
  - b. Prepare a Storm Water Pollution Prevention Plan and make this plan available for the permittee's review. The plan may be made available during onsite inspections or through other means.
  - c. Operators of regulated industrial activity which do not comply with provisions (a) or (b) above shall be treated as illicit discharges.
4. Industrial Site Inspection and Enforcement
  - a. The permittee must inspect public and private industrial activity according to local procedures at a frequency documented in the SWMP.
  - b. The permittee must provide trained and qualified inspectors for municipal inspections. Inspections of industrial sites must, at a minimum:
    - i. Check for coverage under the NDEQ NPDES general permit for Industrial Storm Water Discharges by requesting a copy of any Notice of Intent (NOI) or other relevant documentation or communication between the discharger and the Department;
    - ii. Review the applicable plan and conduct a thorough site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the plan;
    - iii. Visually observe non-stormwater discharges, potential illicit connections, and potential discharge of pollutants in stormwater runoff
    - iv. Provide education and outreach on stormwater pollution prevention, as needed; and

- c. The permittee must track the number of inspections for the inventoried industrial sites throughout the reporting period.
  - d. A prioritization scheme may be used to determine the inspection frequency for regulated industrial sites. Potential for pollutant discharges shall be used along with past inspection results to establish priority sites.
5. The permittee must ensure that all staff whose primary job duties are related to implementing the industrial stormwater program are trained to conduct these activities.

#### **H. Monitoring Program**

1. The permittee must conduct monitoring as described in Part IV.
2. The monitoring programs may be modified using the procedures established in Part VI.

#### **Part IV: Monitoring Requirements**

##### **A. Dry Weather Discharge Screening and Monitoring**

A dry-weather, field-screening program shall continue to detect and eliminate illicit discharges to the MS4. The field screening procedures shall be incorporated into the Illicit Discharge Detection and Elimination program described in Part III.C and shall include physical characteristic examinations. If the field screening indicates the potential presence of pollution, additional monitoring and investigation shall be conducted to determine the source(s) of the discharge.

##### **B. Wet Weather and BMP Assessment Monitoring**

The Permittee shall continue to conduct a wet weather monitoring program to assess the effectiveness of BMP control measures and to facilitate future SWMP planning. The Department may approve alternate monitoring schedules with alternative monitoring sites or schedules being provided to the NDEQ in written form. This program is described in detail in Appendix B, Item 8.01 Monitoring Program.

##### **C. Coordination of Information**

The City and NDEQ shall share and coordinate monitoring data. Data collected by other governmental entities can be used by the City to help assess the effectiveness of BMP's.

#### **Part V: Reporting Requirements**

##### **A. Annual Report**

The Permittee shall submit an annual report no later than December 1 of each year (90 days past the start of the Permittee's fiscal year). The annual report will at a minimum include:

1. The status of implementing the components of the SWMP that are established as permit conditions;
2. Proposed changes to the SWMP programs that are established as a permit condition;
3. A summary of data, including all monitoring and quantitative data, that is accumulated throughout the reporting year including wet weather monitoring information as follows:
  - a. Rainfall event, flow, and pollutant concentration summary information;
  - b. Calculated estimates of the pollutant masses discharged on both an event and an annual basis;
  - c. The Event Mean Concentrations (EMC's) from the Municipal Separate Storm Sewer Area;
  - d. Identification of any water quality improvements or degradation recognized; and
  - e. A summary of any conclusions concerning SWMP revisions or BMP practices that were drawn from the monitoring.
4. A summary of annual expenditures during the previous year; and

5. A summary describing the number and nature of enforcement actions, inspections, and public education programs.

**B. Alternative Procedures for Re-application**

1. The Permittee may use the fourth year annual report as a reapplication mechanism as an alternative to re-submitting a Notice of Intent.
2. The contents of such an alternative re-application shall include at a minimum:
  - a. The name and mailing address(es) of the permittee(s) that operate the MS4;
  - b. Names and titles of the primary administrative and technical contacts for the municipal permittee(s); and
  - c. Proposed significant changes to the SWMP in the upcoming permit term, unless already submitted to the Department.

**Part VI: Amendments Procedures and Requirements**

1. Either the Department or the municipality entity may propose amendments to the SWMP, monitoring requirements and reporting requirements. Amendments may be proposed either formally or informally. Proposed amendments shall not be implemented without agreement from both the City and the Department.
2. Any such amendments must comply with the applicable federal requirements set forth in 40 CFR Parts 122.26(d)(2), 122.42(c), and 122.42(d), and in NDEQ Title 119, Chapter 10 002.12K2.

Amendments that are mutually applicable shall be implemented in accordance with written Department approval.

## **Appendix A – Standard Conditions that Apply to NPDES and NPP Permits**

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

### **A. General Conditions**

#### **1. Information Available**

All permit applications, fact sheets, permits, discharge data, monitoring reports, and any public comments concerning such shall be available to the public for inspection and copying, unless such information about methods or processes is entitled to protection as trade secrets of the owner or operator under Neb. Rev. Stat. §81-1527, (Reissue 1999) and NDEQ Title 115, Chapter 4.

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

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the State Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

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 Clean Water Act 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. 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.

#### **4. Need to Halt or Reduce Activity is 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.

#### **5. 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.

#### **6. 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 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 the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

#### **7. 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.

#### **8. Property Rights**

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

### **9. 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.

### **10. 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.

### **11. 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.

### **12. 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.

### **13. 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.

**14. Unlawful Acts; Civil Penalty**

- a. It shall be unlawful for any person:
  - i) To refuse the right of entry and inspection to any authorized representative of the Department when the representative is acting under the provisions of a permit issued by the department;
  - ii) To violate any air, water, or land quality standards, any emission or effluent standards or limitations, any permit or license condition or limitation, any order of the director, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, the Integrated Solid Waste Management Act, or the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts;
  - iii) To make any false statement, representation, or certification in any application, label, record, report, plan, or other document required to be filed or maintained by such acts, rules, or regulations;
  - iv) To falsify, tamper with, or render inaccurate any monitoring device or method used or required for compliance with a permit or license or such acts, rules, or regulations; or
  - v) To violate any other provision of or fail to perform any other duty imposed by such acts, rules, or regulations.
- b. Each violation of this section or of Neb. Rev. Stat § 81-1506 shall subject a person to a civil penalty of no more than \$10,000 per day. In case of a continuing violation, each day shall constitute a separate offense. In assessing the amount of the fine, the court shall consider the degree and extent of the violation, the size of the operation, and any economic benefit derived from noncompliance to violate any air, water, or land quality standards, any emission or effluent standards or limitations, any permit or license condition or limitation, any order of the Director, or any monitoring, reporting, or record keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, the Integrated Solid Waste Management Act, or the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts. Violations may also result in federal prosecution.

**15. Severability**

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

**16. 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.

## B. Signatory Requirements

### 1. Applications

- a. Applications, reports, or information submitted to the Director shall be signed and certified.
- b. All permit applications shall be signed as follows:
  - i) For a corporation

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.
  - ii) For a partnership or sole proprietorship

By a general partner or the proprietor.
  - iii) For a municipality, State, Federal, or other public agency

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).
- c. All reports required by permits, and other information requested by the Director shall be signed by a person described in this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - i) The authorization is made in writing by a person described in paragraphs B.1.b.(i), b.(ii), or b.(iii);
  - ii) 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;
  - iii) The written authorization is submitted to the Director.

### 2. Changes to Authorization

If an authorization of paragraphs B.1.b.(i), b.(ii), or b.(iii) 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.

### 3. Certification

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

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

## C. Monitoring and Records

### 1. Samples

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

### 2. Records

Records of monitoring information shall include:

- a. The date(s), exact place, and time and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

### 3. Test Methods

Monitoring must be conducted according to test procedures approved in NDEQ Title 119, Chapter 27 002 unless another method is required under 40 CFR subchapter N – Effluent Guidelines and Standards Parts 425 to 471 and subchapter O – Sewer Sludge Parts 501 and 503.

### 4. Record Retention

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.

## 5. Representative Sampling

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

- a. Composite sampling shall be conducted in one of the following manners
  - i) Continuous discharge - a minimum of one discrete aliquot collected every three hours,
  - ii) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or
  - iii) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.
- b. Composite samples shall be collected in one of the following manners:
  - 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
  - iv) Where flow proportional sampling is infeasible or nonrepresentative of the pollutant loadings, the Department may approve the use of time composite samples.
- c. Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.
- d. All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21 006 unless:
  - i) In the case of sludge samples, alternative techniques are specified in the 40 CFR, Part 503, or
  - ii) Other procedures are specified in this permit.
- e. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be used to insure the accuracy and reliability of measurements. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements. The accepted capability shall be consistent with 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:

- i) *Water Management Manual*, U. S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 2001, 327 pp. Available on the Department of Interior, Bureau of Reclamation (website <http://www.usbr.gov/pmts/hydraulicslab/pubs/wmm/>).
- ii) *NPDES Compliance Inspection Manual*, U. S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Publication EPA 305-X-04-001 July 2004. This document is available on EPA website:  
<http://www.epa.gov/compliance/resources/publications/monitoring/cwa/inspections/npdesinspect/npdesmanual.html>

## D. Reporting Requirements

### 1. Planned Changes

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;
- 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 in NDEQ Title 119, Chapter 4; or
- 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.

### 2. 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.

### 3. 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 in NDEQ Title 119, Chapter 24; in some cases, modification or revocation and reissuance is mandatory.

### 4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director.
- b. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under in NDEQ Title 119, Chapter 27 002, or another method required for an industry-specific waste stream under 40 CFR subchapter N – Effluent Guidelines and Standards Parts 425 to 471 and subchapter 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.
- c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

### 5. Quarterly Discharge Monitoring Reports (DMRs)

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

Monitoring Quarters	DMR Reporting Deadlines
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

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

**6. 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.

**7. Immediate Notification**

- a. NPP permittees shall report immediately to the publicly owned treatment works (POTW), any discharge to the POTW that may result in a violation of NDEQ Title 119, Chapter 26.
- b. All permittees shall report immediately to the NDFQ:
  - i) Discharges of oil or hazardous substances which threaten waters of the state or public health and welfare, and
  - ii) Discharges causing in-stream toxicity (i.e., a fish kill) or an immediate threat to human health.

Initial notification may be verbal. A written noncompliance notification shall be submitted as set forth in Section D. 9. of this Appendix.

**8. Twenty-four Hour Reporting**

- a. 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.
- b. The following shall be included as information which must be reported within 24 hours under this paragraph.
  - i) Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - ii) Any upset which exceeds any effluent limitation in the permit.
  - iii) 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.
- c. The Director may waive the written report on a case-by-case basis for reports under Section D if the oral report has been received within 24 hours.

**9. Written Noncompliance Notification**

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

- a. Within five days of becoming aware of any noncompliance with the:
  - i) NPP effluent limitations or requirements set forth in this permit, or
  - ii) NPDES toxic pollutant effluent limitations or requirements set forth in this permit.
- b. Within seven days of becoming aware of any other noncompliance with the NPDES requirements and/or effluent limitations set forth in this permit. The written notification shall be submitted on a noncompliance form supplied by the Department and shall include:
  - i) A description of the discharge and cause of noncompliance,
  - ii) The period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue, and
  - iii) The steps taken to reduce, eliminate, and prevent the reoccurrence of the noncompliance.
- c. 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.

## 10. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph D.7. at the time discharge monitoring reports are submitted.

## 11. 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.

## E. Bypass

### 1. Definitions

- a. **Bypass** means the intentional diversion of waste streams from any portion of a treatment facility.
- b. **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.

### 2. 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 E.3. and E.4. of this section.

### 3. Notice

- a. 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.
- b. Unanticipated bypass: The permittee shall submit notice of an unanticipated bypass as required in the 24-hour notice (paragraph D. 7.).

### 4. Prohibition of Bypass

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

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. 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
- c. The permittee submitted notices as required under paragraph E.3. of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph E.4.a., b., and c. of this section.

## F. Upset

### 1. 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.

### 2. 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 F. 3 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.

### 3. 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:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in paragraph D.7.b. (24-hour notice); and
- d. Permittee complied with any remedial measures required under A.5.

### 4. Burden of Proof

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

## G. Operation and Maintenance

### 1. Proper Operation and Maintenance

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

### 2. Removed Substances

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

### 3. Changes in Discharge

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

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

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

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

### 5. Changes in Sludge Quality

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

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

All POTWs must provide adequate notice to the Director of the following:

- a. 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; and
- b. 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.

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.

## H. 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:** For a corporation, Certifying Official means a responsible corporate officer which means 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, or

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 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.

For a partnership or sole proprietorship, Certifying Official means a general partner or proprietor, respectively.

For a municipality, State, Federal, or other public agency, Certifying Official means a principal executive officer of the agency, or a senior executive officer having responsibility for the operations of a principal geographic unit of the agency.

**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.

**I. 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

## Appendix B: City of Lincoln - Storm Water Management Plan

Measurable goals listed in the Storm Water Management Plan are target goals on which progress will be reported on in the annual report.

<b>Minimum Requirement #1 - Public Education and Outreach</b>		
<p>The Permittee shall implement programs to distribute educational materials and perform public outreach to inform citizens about the impacts that polluted storm water runoff discharges have on water quality and what steps can be taken to reduce storm water pollution. The Permittee shall document its storm water public education and outreach program. At a minimum, the program will:</p>		
<b>BMP#</b>	<b>SWMP Element Description</b>	<b>Target Goals &amp; Implementation Schedule</b>
1.01	Define the goals, objectives, target audience and distribution process of materials for the public education and outreach program	<b>Year 2</b> – Provide a memorandum of the defined goals, objectives, etc of the public education and outreach program.
1.02	Provide public awareness through activities that illustrate the impacts from the public on storm water pollutant levels in local waterways.	<b>On-Going All Years</b> - Annually report on the different activities being accomplished (e.g. classes, billboards, mailings, inlet stamping, projects, etc). <b>On-Going All Years</b> - Maintain a web site and make available a list of resources, projects, education tools and water quality events.
<p>The Permittee may conduct other activities not specifically identified in this section which contribute to Public Education and Outreach.</p>		

<b>Minimum Requirement #2 - Public Participation and Involvement</b>		
<p>The Permittee shall provide opportunities for citizens to participate in the development and implementation of storm water programs and projects. The Permittee shall document its storm water public education and outreach program. At a minimum, the program will:</p>		
<b>BMP#</b>	<b>SWMP Element Description</b>	<b>Target Goals &amp; Implementation Schedule</b>
2.01	Provide for public education and outreach with the development of a website describing the Stormwater Management Plan that includes the most recent annual report.	<b>On-Going All Years</b> - Keep website updated with a summary of the most recent annual report. <b>On-Going All Years</b> – Continue to provide public notice on ordinances and revisions to the NPDES permit and Stormwater Management Plan.
2.02	Conduct a survey of public knowledge for water quality related subjects and answer questions regarding water quality, erosion control and other storm water inquiries at the annual Spring Home and Garden Show.	<b>On-Going All Years</b> - Annually staff home show booth (estimate 200 storm water surveys.)
2.03	Create opportunities for citizens to participate in the City's stormwater program.	<b>On-Going All Years</b> - Annually report on the different participation events held (e.g. Earthday, Earth Wellness, Waterfest, Open Houses related to stormwater, etc).
<p>The Permittee may conduct other activities not specifically identified in this section which contribute to Public</p>		

Participation and Involvement.

**Minimum Requirement #3 - Illicit Discharge and Elimination**

The Permittee shall implement and enforce a program, including a schedule, to detect and remove illicit discharges and improper disposal into the MS4. At a minimum, the program will include:

BMP#	SWMP Element Description	Target Goals & Implementation Schedule
3.01	Storm drain map.	<b>On-Going All Years</b> - Maintain a continually updated storm drain map per the permit requirements.
3.02	Conduct field screening activities per the permit requirements specifically geared to local TMDL pollutants of concern such as Phosphorus, E. Coli, Ammonia and Sediment. Other parameters planned to be sampled include flow, pH, chlorine, chloride, total copper, surfactants, fluoride, nitrate, COD total suspended solids and turbidity.	<b>On-Going All Years</b> - Annually conduct dry weather monitoring at approximately 50 outfall locations.
3.03	Implement procedures to investigate and enforce portions of the MS4 that based on the results of field screening or other information indicate a reasonable potential of containing illicit discharges.	<b>On-Going All Years</b> - Annually investigate and enforce as necessary illicit discharges found during field screening or other activities. <b>Year 4</b> – Develop written procedures for illicit discharge program.
3.04	Local controls for locally exempted non-stormwater discharges.	<b>On-Going All Years</b> - Provide local controls for locally exempted non-stormwater discharges, not already exempted per the permit. Per the permit no non-stormwater discharges may be exempted if it is determined they are a significant pollutant source.
3.05	Implement a process to prevent, contain and respond to spills, dumping, or disposal of materials other than storm water to the MS4.	<b>On-Going All Years</b> - Annually coordinate with the Fire Department and law enforcement to report and track the number of calls per year in regards to spill, dumping or improper disposal of material to the MS4. <b>Year 4</b> – Develop written procedure for public reporting and promote information to the public on public reporting of illicit discharges.
3.06	Implement educational and training measures for the Illicit Discharge and Elimination Program.	<b>Year 2 and 5</b> - Conduct training events for municipal field staff.

The Permittee may conduct other activities not specifically identified in this section which contribute to the Illicit Discharge Detection and Elimination program.

**Minimum Requirement #4 - Construction Site Runoff Control**

The Permittee shall maintain and enforce a program that requires implementation and maintenance of structural and non-structural best management practices to reduce pollutants in storm water runoff from construction activity to the MS4. The program shall address construction activity that results in land disturbance of greater than or equal to one acre and construction activity disturbing less than one acre which is part of a larger common plan of development or sale. At a minimum, the program will:

BMP#	SWMP Element Description	Target Goals & Implementation Schedule
------	--------------------------	--

4.01	Implement procedures for review of site plans, where such reviews will incorporate consideration of potential water quality impacts.	<b>On-Going All Years</b> - Maintain a common continually updated inventory of all private and public construction sites.
4.02	Implement a process for inspection of construction sites and enforcement of erosion and sediment control measures.	<b>On-Going All Years</b> - Annually conduct at least one inspection of all permitted sites (approximately 170 sites), also inspect all during their permit issuance and as complaints are received. Track the number of sites inspected annually in a database. Initiate enforcement proceedings as appropriate to address violations.
4.03	Implement educational and training measures for construction activities.	<b>On-Going All Years</b> - Conduct training events for developers, builders, site designers, contractors, and/or City staff.
4.04	Have a library of BMPs for construction site runoff control for use by city staff, building/development community, the public, and other interest groups.	<b>On-Going All Years</b> - Maintain information for construction site runoff control BMPs and post information on the city Erosion and Sediment Control webpage. <b>Years 2 and 5</b> - Develop and provide new outreach opportunities for construction site operators.
The Permittee may conduct other activities not specifically identified in this section which contribute to Construction Site Runoff Control.		

<b>Minimum Requirement #5 - Post Construction Runoff Control</b>		
<b>BMP#</b>	<b>SWMP Element Description</b>	<b>Target Goals &amp; Implementation Schedule</b>
The Permittee shall implement and enforce a program to maintain structural and non-structural best management practices, including source control measures, to reduce pollutants from areas of new development and redevelopment. The program shall include a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from the MS4 which receive discharges from areas of new development and redevelopment after construction is complete. At a minimum, the program will:		
5.01	Adopt a post-construction water quality ordinance which will be the basis for a program. The ordinance will address TMDLs, stream impairments and other urban pollutants, and state/federal standards and require that post-construction standards be met for new development and significant redevelopment after construction is complete.	<b>Year 1</b> - Adopt Post construction water quality ordinances that address new development and significant redevelopment and which define significant redevelopment. <b>Year 1</b> - Provide and adopt maintenance procedures in City's Drainage Criteria Manual.
5.02	Make program adjustments and update SWMP to implement the Post Construction Runoff program.	<b>During the Permit Period</b> - Initiate procedures to update the SWMP, as necessary.
5.03	Inspect all known structural controls for	<b>During the Permit Term</b> - Inspect and track all

	reducing pollutant loads, including controls such as water quality features, detention ponds and retention ponds annually until established and thereafter on a five-year rotational basis.	structural controls.
5.04	Demonstration BMPs	<b>Annually</b> – Continue to constut public water quality projects on public property with established maintenance procedures.
The Permittee may conduct other activities not specifically identified in this section which contribute to Post Construction Runoff Control.		

**Minimum Requirement #6 - Pollution Prevention and Good Housekeeping**

The Permittee shall implement a program to reduce pollutants from municipal facilities and public streets that are discharged from the MS4. At a minimum, the program will include:

BMP#	SWMP Element Description	Target Goals & Implementation Schedule
6.01	Municipal facilities map.	<b>Annually</b> – Maintain an inventory and map of all municipal facilities.
6.02	Implement practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters from the MS4.	<b>On-Going All Years</b> - Sweep 16,000 lane miles annually on arterial, business section and residential streets. <b>Year 5</b> – Evaluate street sweeping program.
6.03	Implement practices for operating and maintaining public manholes, inlets and piped storm drains and procedures for reducing the impact on receiving waters from the MS4.	<b>On-Going All Years</b> - Annually inspect and clean 12,000 manholes and inlets. Annually inspect and clean 250,000 linear feet of piped storm drains. Periodically inspect open channels. Keep a log of work done.
6.04	Promote public awareness by stenciling storm drain inlets	<b>On-Going All Years</b> - Annually stamp a stormwater message on 100 new inlets
6.05	Implement education and training activities for municipal staff.	<b>On-Going All Years</b> - Conduct training events for municipal staff.
6.06	Conduct inspections of municipal facilities and review annual municipal facility reports on storm water runoff including maintenance, landfill, wastewater and other similar types of municipal facilities.	<b>On-Going All Years</b> - Conduct inspections and review reports for municipal facilities regarding storm water runoff annually. <b>Year 5</b> – Develop description of high priority and development of inspection check list. Also provide SOP for high priority facilities.
6.07	Maintain a consistent process for conducting inspections on municipal facilities to reduce pollutant discharges to the MS4 associated with discharges from municipal facilities.	<b>Year 1</b> - Review and assist facilities in making changes to Run Off Control Plans as needed for municipal facilities covered by the MS4 General Permit in association with NDEQ requirements for industrial permitted dischargers.

The Permittee may conduct other activities not specifically identified in this section which contribute to Pollution Prevention and Good Housekeeping.

**Minimum Requirement #7 - Industrial and Related Facilities**

The Permittee shall conduct a program to monitor and control pollutants in storm water discharges to the MS4 from hazardous waste treatment, disposal and recovery facilities, and industrial facilities subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Also industrial facilities that the Permittee determines may potentially contribute a pollutant load to the MS4. At a minimum, the program will include:

BMP#	SWMP Element Description	Target Goals & Implementation Schedule
7.01	Assess the current listing of industries and maintain a systematic process to update the current listing of "known industrial facilities" in the MS4 that are required to obtain an industrial NPDES permit for storm water discharge.	<b>On-Going All Years</b> - Maintain the process for updating industrial facilities and any additional new facilities on the list of known industrial facilities.
7.02	Maintain and refine a process for review of SWPPPs and storm water discharges from known industrial facilities subject to state and federal storm water discharge regulations or those that are determined by the Permittee to have a potential for contributing a substantial pollutant loading to the MS4.	<b>On-Going All Years</b> - Annually inspect all known industrial facilities subject to state and federal storm water discharge regulations or develop a prioritization scheme to address facilities of greatest pollution potential for targeted inspections if inspection of all known facilities is not possible based on increases to the number of known facilities.

**Minimum Requirement #8 - Monitoring Program**

The Permittee shall have a program to estimate pollutant loads from discharges of the MS4. At a minimum, the program will include:

BMP#	SWMP Element Description	Target Goals & Implementation Schedule
------	--------------------------	--

<p>8.01</p>	<p>The development and implementation of a monitoring program which will focus on the Antelope Creek watershed and the known pollutants associated with Antelope Creek (e.g. e-coli, total suspended sediments, nutrients, selenium). Monitoring will be within the creek at various storm drain outlets as well as existing BMPs.</p> <p>Monitoring Plan:</p> <ul style="list-style-type: none"> <li>a. Monitoring of the Antelope Creek watershed is expected to provide more thorough and robust data than has been gathered in the past. This will provide for a more complete picture of the source of pollutants (typically non-point sources or from the urban drainage system) as well as the efficiency of various Best Management Practices in the watershed.</li> <li>b. It is planned to use the results obtained from the monitoring of this watershed and extend them to the rest of the city as appropriate.</li> <li>c. Consideration will be given to the following objectives:             <ul style="list-style-type: none"> <li>i. Characterizing discharges from the storm drainage system</li> <li>ii. Characterizing non point discharges</li> <li>iii. Assessing the effectiveness of best management practices</li> <li>iv. Identifying future water quality improvements</li> </ul> </li> <li>d. A record of the following information:             <ul style="list-style-type: none"> <li>i. Narrative and quantitative data, as appropriate, for each sample collected</li> <li>ii. A narrative description of the data and duration of the storm</li> </ul> </li> </ul>	<p><b>Years 1 through 4</b> - Implement annual monitoring plan</p>
<p><b>Minimum Requirement #8 - Monitoring Program Continued</b></p>		
<p><b>BMP#</b></p>	<p><b>SWMP Element Description</b></p>	<p><b>Target Goals &amp; Implementation Schedule</b></p>

<p>8.01 Cont.</p>	<p>events sampled</p> <ul style="list-style-type: none"> <li>iii. Rainfall estimates of the storm events which generated the sampled discharge</li> <li>iv. The duration between the storm event sampled and the end of the previous measurable (greater than 9.1 inch rainfall) storm data</li> <li>v. Pollutant data, including at a minimum the following critical quantitative data, which includes some of the major TMDL pollutants of concern:                             <ul style="list-style-type: none"> <li>1. e-coli</li> <li>2. total suspended solids</li> <li>3. nutrients</li> <li>4. selenium</li> </ul> </li> </ul>	
-----------------------	---	--

The Permittee may conduct other activities not specifically identified in this section which contribute to the Monitoring Program.



# Nebraska Department of Environmental Quality

## Wastewater Section

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

## Physical Characteristics Examination (PCE) Instructions

### 1. Physical Characteristic Examination 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). Physical Characteristic Examinations observations are to be made both *in situ* and on grab samples. The results of these qualitative examinations are used as indicators of potential pollution problems.

### 2. Immediate Notification and Follow-Up

The Department shall be immediately notified if there is evidence that the discharge may be causing distress to fish, aquatic organisms, plant life, wildlife, or livestock; contains evidence of fuel, solvent or other substances that indicate the existence of significant spills or illicit discharges; or other indications of overt pollution not anticipated in the MS4 discharge. Following notification, an investigation into the cause of the observation may need to be under-taken to identify the cause of the suspect condition, and if needed to identify the corrective actions that should be taken. Consultation with the Department concerning follow-up activities may be needed.

### 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 in the *Annual Report* (See above).

### 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.

PCE Report that is attached may be used to record the results of Physical Characteristic Examinations. Such records may also be kept in a logbook or other similar record.

(These instructions need NOT be submitted with PCE Form)



# Nebraska Department of Environmental Quality

**Wastewater Section**

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

**PCE – Record of Physical Characteristics 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.

Site Description: \_\_\_\_\_

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

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

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

Any other observations or additional information: \_\_\_\_\_

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