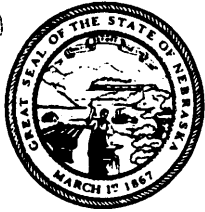


# STATE OF NEBRASKA



Mike Johanns  
Governor

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## AUTHORIZATION TO DISCHARGE UNDER THE STATE OF NEBRASKA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

### NPDES PERMIT NUMBER NER200000

A general NPDES permit for  
Small Municipal Storm Sewer discharges to waters of the state  
Located in Douglas, Sarpy, and Washington Counties of Nebraska

This NPDES permit is issued in compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Sections. 1251 *et. seq.* as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Section. 81-1501 *et. seq.* as amended to date), and the Rules and Regulations promulgated pursuant to these Acts. The small municipal separate storm sewer systems (MS4) identified in this permit are 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.

This permit shall become effective on August 1, 2004

This permit and authorization to discharge shall expire at midnight July 31, 2009

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 30<sup>th</sup> day of July, 2004

Handwritten signature of Patrick W. Rice in cursive script.

Patrick W. Rice,  
Assistant Director

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## Section A. Coverage Under this Permit

### 1. General Permit Program Area

The General Permit Program Area is defined as Douglas, Sarpy, and Washington Counties of the State of Nebraska. This permit authorizes storm water discharges from Small Municipal Separate Storm Sewer System (SMS4) within the following municipalities:

- a. The Papillion Creek Watershed Partnership municipalities served by small MS4 storm sewer systems discharging into the Papillion Creek watershed;
- b. Washington County municipalities served by small MS4 storm sewer systems discharging into the Papillion Creek watershed;
- c. Douglas County municipalities served by small MS4 storm sewer systems discharging into the Elkhorn River watershed; and;
- d. Sarpy County municipalities served by small MS4 storm sewer systems discharging into the Platte River watershed.

### 2. Eligibility

- a. This permit authorizes discharges of storm water from small municipal separate storm sewer systems (MS4s), as defined in 40 CFR §122.26(b)(16). The municipality is authorized to discharge under the terms and conditions of this general permit if it:
  - (1) Operates a small MS4 within the permit area described in **Section A. 1**;
  - (2) Is not a "large" or "medium" MS4 as defined in 40 CFR §122.26(b)(4) or (7);
  - (3) Is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census; or Is designated by Department pursuant to 40 CFR §122.32; or
  - (4) Is a Papillion Creek Watershed Partnership member that has submitted an individual permit application and a description of their storm water management program by March 10, 2003.
- b. 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 General Permit Program Area; and
  - (2) Storm water discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14) that are authorized under a separate NPDES permit or that are in-compliance with the No Exposure Certification requirements;
- c. Non-Storm water discharges allowed from the MS4 include only those that are either:
  - (1) Authorized under a separate NPDES permit;
  - (2) Being addressed in accordance with the Illicit Discharge Identification procedures set forth in the municipal entity's Storm Water Management Plan; or
  - (3) *Other Allowable Non-Storm Water Discharges* as identified in **Section A. 3**.

### 3. 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:

## Section A. Coverage Under this Permit - continued

### 3. Authorized Discharges - continued

- a. MS4 Discharges that are mixed with storm water discharges from the following sources:
  - (1) Storm water discharges currently covered under another permit;
  - (2) Storm water discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi);
  - (3) Storm water discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15).
- b. Other Allowable Non-Storm Water Discharges as identified in the following list:
  - (1) In compliance with a separate NPDES permit (e.g. non-contact cooling water discharges);
  - (2) Determined not to be a substantial contributor of pollutants to waters of the State of Nebraska;
  - (3) Uncontaminated pumped ground water;
  - (4) Discharges from potable water sources;
  - (5) Foundation drains;
  - (6) Air conditioning condensation;
  - (7) Irrigation water;
  - (8) Springs;
  - (9) Water from crawl space pumps;
  - (10) Footing drains;
  - (11) Lawn watering;
  - (12) Individual residential car washing;
  - (13) Flows from riparian habitats and wetlands;
  - (14) Dechlorinated swimming pool discharges;
  - (15) Street wash water; and
  - (16) Discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the states.

## Section B. Notice of Intent Requirements

### 1. Obtaining Authorization

For a municipality to be authorized to discharge storm water from a SMS4 you must:

- a. Be a Papillion Creek Watershed Partnership municipality that submitted an application, and a description of your storm water management plans with the six minimum controls measures. The NDEQ shall have received those applications; and storm water management plans with six minimum controls measures prior to March 10, 2003.

## Section B. Notice of Intent Requirements - continued

### 1. Obtaining Authorization - continued

- b. Be an eligible municipality and apply for discharge authorization under this general permit. Submitting a Notice of Intent (NOI) is the mechanism for making application for coverage under this permit. The applicant must submit a NOI using NPDES form SMS4-NOI (**Attachment #1**), or an equivalent format approved by the Department. Your NOI must be signed in accordance with the signatory requirements of **Section H. 11** of this permit.
  - (1) The NOI must be submitted according to deadlines presented in **Section B. 3** of this permit;
  - (2) A review of the application or NOI and storm water management program will be completed;
  - (3) The discharge authorization is granted 30 days after the Department completes review of the application or NOI; and
  - (4) The applicant will be notified in writing, unless one of the **Section B. 4** provisions applies.

### 2. Contents of the Notice of Intent

#### a. Applicant Information

- (1) The name of the Municipality, name of the Cognizant Official, title, mailing address, and telephone number;
- (2) The name of the Authorized Representative, title, mailing address, and telephone number;
- (3) Information on the Municipal Separate Storm Sewer System;
- (4) The municipality (if you are not located in an Urbanized Area) where your system is located; the name of your organization, county where your MS4 is located, and the latitude and longitude of an approximate center of your MS4;
- (5) The name of the major receiving water(s) and an indication of whether any of your receiving waters are on the latest CWA §303(d) list of impaired waters. If you have discharges to 303(d) waters, a certification that your Storm Water Management Program complies with the requirements of **Section B. 2. (8)**;
- (6) If you are relying on another governmental municipality regulated under the storm water regulations (40 CFR 122.26 & 122.32) to satisfy one or more of your permit obligations (**Section C. 3.**), the identity of that municipality and the element(s) they will be implementing;
- (7) Information on your chosen best management practices (BMPs) and the measurable goals for each of the storm water minimum control measures in **Appendix A to H** of this permit, your timeframe for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating your Storm Water Management Program; and
- (8) Certification of whether you have met eligibility criteria for protection of threatened or endangered species, critical habitat, and historic properties.

## Section B. Notice of Intent Requirements – continued

### b. Where to Obtain and Submit an NOI

- (1) The SMS4-NOI form and the NPDES General SMS4 Permit NER200000 can be obtained by contacting the Nebraska Department of Environmental Quality. The Department's current address, telephone number, email address at the time of the permit issuance are:

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

Email address: [www.deq.state.ne.us / Publication Forms/NPDES Programs/Water Quality](http://www.deq.state.ne.us/PublicationForms/NPDESPrograms/WaterQuality)

- (2) The Notice(s) of Intent must be signed in accordance to **Section H. 11**

### c. Additional Notification Requirements that Apply to Some Facilities

Municipalities may also jointly submit an NOI with one or more MS4s. Each Municipality must fill out the NOI form in **Attachment #1** for its MS4. A municipality may partner with other MS4s to develop and implement your storm water management program. The description of a municipality's storm water management program must clearly describe which applicant is responsible for implementing each of the control measures.

## 3. Notification Deadlines

- a. If the municipality is automatically designated under 40 CFR §122.32(a)(1), the municipality must have submitted an application and a description of the storm water management program by March 10, 2003.
- b. After this permit has been issued, the Department may require additional municipalities to apply. Then the municipality is required to submit an NOI with a description of the storm water management program. The completed NOI and storm water management program shall be submitted to the Department within 180 days of the notice to apply.

## 4. Denial of Authorization to Discharge

- a. If the Department requires additional information to be submitted as part of the NOI process. Authorization to discharge cannot be granted until the additional information is received or the issue is resolved. The 30-day period restarts each time the Department receives additional information.
- b. The Department may deny coverage under this permit, if the discharges do not comply with the state's anti-degradation policy for water quality standards. State anti-degradation policies can be obtained from the Nebraska Department of Environmental Quality or the Department Internet site: [www.deq.state.ne.us / Regulations/NPDES Title 117/Chapter 3](http://www.deq.state.ne.us/Regulations/NPDES%20Title%20117/Chapter%203)
- c. When the Department denies coverage under this permit. The Department shall provide the applicant with written notice of the denial and an explanation of basis for the determination.

## 5. Notification of Changes

- a. The permittee is responsible for notifying the Department within 30-days of any changes in the cognizant official or authorized representative.

## **Section B. Notice of Intent Requirements – continued**

### **5. Notification of Changes -continued**

- b. When there is an operator change, or when a new operator is added after submittal of an NOI, a new Signatory Authorization Form must be submitted in accordance with **Section H. 8** prior to the change or addition.

## **Section C. Resource Requirements**

### **1. Legal Authority**

The Permittee shall ensure legal authority exists to control discharges to and from the MS4 consistent with 40 CFR Part 122.26 (d)(2)(i). This authority shall include the following:

- a. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity from sites of industrial activity;
- b. Prohibit illicit discharges to the MS4;
- c. Control the discharge of spills and the dumping or disposal of material other than storm water into the MS4;
- d. Require compliance with conditions in ordinances, permits, contracts and orders; and
- e. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance with the conditions in this permit.

### **2. 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.

### **3. Sharing Responsibility**

- a. Implementation of one or more of the minimum measures may be shared with another municipality, or the municipality may fully take over the measure. A municipality may rely on another municipality only if:
  - (1) The other municipality, in fact, implements the control measure;
  - (2) The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.
- b. The other municipality agrees to implement the control measure on your behalf. Written acceptance of this obligation is expected. This obligation must be maintained as part of the description of municipality storm water management program. If the other municipality agrees to report on the minimum measure, you must supply the other municipality with the reporting requirements contained in **Section F.** of this permit. If the other municipality fails to implement the control measure on your behalf, then you remain liable for any discharges due to that failure to implement.

## Section D. Storm Water Management Program (SWMP)

The permittee shall implement the Storm Water Management Program (SWMP) incorporated into Appendix A of this permit. These requirements are set forth in 40 CFR Part 122.26 (d)(2)(iv). The permittee shall achieve substantial compliance with the six minimum requirements set forth in 40 CFR Part 122.34 (b). The SWMP shall incorporate implementation schedules to comply with Federal requirements set forth in 40 CFR Part 122.42(d). Compliance with the permit conditions shall be as expeditiously as practicable. In no event it shall be later than three years after the date of issuance of the permit. There are allowances in Section G for amendment of the SWMP, including amendment of the implementation schedules within it.

## Section E. Monitoring, Recordkeeping, and Reporting Requirements

### 1. Baseline Monitoring Requirements:

The permittee shall conduct baseline wet weather monitoring during calendar years **2005 and 2007** in accordance with the conditions set forth in this subsection, unless the Department approves alternative monitoring procedures.

#### a. Annual Monitoring Schedule

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

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

#### b. Monitoring Requirements

- (1) *Representative monitoring.* Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity;
- (2) *Test Procedures.* Monitoring results must be conducted according to test procedures approved under 40 CFR part 136; and
- (3) Storm event information to be recorded shall include:
  - (a) Storm duration - a narrative description shall be provided of the date and duration of the storm event(s) sampled;
  - (b) Precipitation amount - rainfall estimates of the storm event that generated the sampled discharge;
  - (c) Number of days since previous storm event - the duration between the storm events sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
  - (d) Snow melt events - the number of days since previous significant melting event.
- (4) The following parameters shall be monitored:
  - (a) Grab samples shall be collected during the initial flush of the discharge. Samples shall be analyzed for the following eight parameters:

pH	Temperature
Total Cyanide	Total Phenols
Total Petroleum Hydrocarbons <sup>(1)</sup>	Fecal Coliform
Physical Characteristics Examination (Attachments # 2 &3) <i>Escherichia coli</i>	

**Section E. Monitoring, Recordkeeping, and Reporting Requirements - continued**

**b. Monitoring Requirements - continued**

(4) The following parameters shall be monitored:

(b) Composite samples<sup>(2)</sup> shall be analyzed for the following nine parameters:

- |   |                               |
|---|-------------------------------|
| Total Suspended Solids (TSS)                          | Total Kjeldahl Nitrogen (TKN) |
| Total Dissolved Solids (TDS)                          | Nitrate Plus Nitrite Nitrogen |
| Chemical Oxygen Demand (COD)                          | Dissolved Phosphorus          |
| Biochemical Oxygen Demand – 5-Day (BOD <sub>5</sub> ) | Total Phosphorus              |
| Total Petroleum Hydrocarbons <sup>(1)</sup>           |                               |

**Footnotes:**

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

**c. Monitoring Locations**

<b>Wet Weather Baseline Monitoring Locations</b>			
<b>Monitoring Point Designation</b>	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>
<b>Name Designation</b>	<b>Pacific Meadows</b>	<b>Westwood Heights</b>	<b>86<sup>th</sup> and I Streets</b>
<b>Location Description</b>	160 <sup>th</sup> and Howard Streets	129 <sup>th</sup> Street and W. Center Road	86 <sup>th</sup> and I Streets
<b>Receiving Stream</b>	West Papillion Creek	Hell Creek	Big Papillion Creek
<b>Predominant Land-Use Type</b>	Residential	Commercial	Industrial

**2. Amendment of Monitoring Requirements**

These monitoring requirements may be amended in accordance with procedures set forth in Section G. 1.

**3. Record keeping**

Records of monitoring information shall include:

- The date, exact place, and time of sampling or measurements;
- The names(s) of the individual(s) who performed the sampling or measurements;
- The date(s) analyses were performed;
- The names of the individuals who performed the analyses;
- The analytical techniques or methods used;
- The results of such analyses; and

## **Section E. Monitoring, Recordkeeping, and Reporting Requirements - continued**

### **3. Record keeping - continued**

- g. Discharge Monitoring Report. Monitoring results must be reported on a Discharge Monitoring Report (DMR).
- h. The municipality must retain records the following monitoring information:
  - (1) Calibration and maintenance records;
  - (2) Original strip chart recordings for continuous monitoring instrumentation;
  - (3) Copies of all reports required by this permit;
  - (4) Copies of Discharge Monitoring Reports (DMRs);
  - (5) Copy of the NPDES permit; and
  - (6) Records of all data used to complete the application (NOI) for this permit.
- i. Records should be retained for this permit term or a period of at least three years, whichever is longer: The sample, measurement, report or application dates are used to determine which records should be retained. This retention period may be extended by request of the NDEQ at any time.

### **4. Record Availability**

- a. The municipality must submit its records to the Department upon request;
- b. The municipality must retain a description of the Storm Water Management Program at a location available to Director or his representative;
- c. The municipality must make records, notice of intent (NOI), and the storm water management program description available to the public, provided the request is in writing.

### **5. Annual Report**

- a. The municipality must submit annual report to the Director by April 1<sup>st</sup> of each year of the permit term. The report must include:
  - (1) The status of municipality's compliance with its permit conditions;
  - (2) An assessment of the appropriateness of the identified best management practices;
  - (3) Progress towards achieving the statutory goal of reducing the discharge of pollutants to the Maximum Extent Practicable (MEP);
  - (4) The measurable goals for each of the minimum control measures;
  - (5) Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
  - (6) A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule); and
  - (7) Proposed changes to your storm water management program, including changes to any BMPs or any identified measurable goals that apply to the program elements; and Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).
- b. A SWMP implementation report containing:
  - (1) The information requested in Appendix A through H.
  - (2) A summary of all SWMP revisions that have occurred and any proposed revisions that may be under consideration.

## Section E. Monitoring, Recordkeeping, and Reporting Requirements - continued

### 5. Annual Report - continued

- c. Wet weather monitoring information including:
  - (1) Rainfall event, flow, and pollutant concentration summary information;
  - (2) Calculated estimates of the pollutant masses discharged on both an event and an annual basis;
  - (3) The Event Mean Concentrations (EMC's) from the Municipal Separate Storm Sewer Area;
  - (4) Identification of any water quality improvements or degradation recognized; and
  - (5) A summary of any conclusions concerning SWMP revisions or BMP practices that were drawn from all the monitoring data collected to comply with **Section E. 2.** of this permit shall be included in the annual report as an attachment to NPDES Form SMS4-DMR, which is an attachment to this permit; or an approved alternative form or format.
- d. A statement of the previous fiscal year's expenditures for implementation of the SWMP and the budget for the current fiscal year.
- e. An update on the incorporated limits of the municipality or the MS4 area if different than the incorporated limits.
- d. The annual report for **2005** shall contain a summary analysis of the BMP assessment monitoring findings.

### 6. Semi-Annual Progress Reports

- a. The permittee shall submit semi-annual reports on SWMP implementation progress, until implementation of required SWMP elements has been initiated. These reports shall cover the January thru June time period and shall be submitted on or before October 1<sup>st</sup> of each year. If the implementation schedules established pursuant to this permit are being met, the report need simply certify that. If the implementation schedule has not been met (or may not be met in the future), the permittee shall submit an explanation of why and propose an alternative implementation deadline. The Department shall consider the permittee's report in making compliance and schedule extension determinations (Also see *SWMP Amendment Proposals and Approvals*).
- b. Semi-annual reports may be in a letter or report format. In most instances, it is anticipated that they will brief in nature. The Department may request additional information if needed to finalize compliance and schedule extension determinations.
- c. Note: The BMP Assessment Monitoring Plan is also due on **2004**.

### 7. Immediate Reporting Requirements

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

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

### 8. Amendment of Reporting Requirements

The reporting requirements set forth above may be amended in accordance with procedures set forth in **Section G. 1.**

## **Section F. Reviewing and Updating the Storm Water Management Plan**

### **1. Best Management Practices (BMP) Assessment Monitoring**

- a. The municipality shall implement a wet weather-monitoring program for the MS4 to assess the effectiveness of BMP control measures implemented under the SWMP. BMP assessment monitoring shall take place during calendar years **2005 and 2007**. The monitoring shall be conducted to evaluate the effectiveness of BMPs and to facilitate future SWMP planning.
- b. The BMP effectiveness shall be assessed with respect to impairment identified by the NDEQ. The impairment was identified pursuant to §303(d) of the Federal Clean Water Act. When available the municipality may use monitoring data from other reliable sources (e.g. NDEQ, Nebraska Game and Parks, Natural Resource Districts, University of Nebraska).
- c. The BMP Assessment Monitoring Plan shall be submitted for Department review and comment **October 1st, 2004**. BMP assessment monitoring may include end-of-pipe and/or in-stream water quality monitoring. The use of field test methods and other methods that do not conform to NDEQ Title 121 Chapter 8 may be used with Department approval for a portion of the monitoring plan. The monitoring effort needs to be approximately the same or greater than that required for Baseline Monitoring. However, it is not necessary to monitor the discharge from all BMPs. Rather a subset of representative BMP types need to be monitored and/or in-stream water quality monitoring that provides an assessment of BMP performance needs to be performed.

### **2. Coordination of Information**

- a. The Papillion Creek Watershed Partnership members and NDEQ shall share and coordinate monitoring data. Data collected by other governmental municipalities can be used by the Partnership to help assess the effectiveness of BMPs. The data may be used to meet the monitoring requirements of this permit.
- b. The Papillion Creek Watershed Partnership members shall submit a report on the monitoring program to NDEQ, as a part of the annual report that includes:
  - Summary of any cooperative efforts regarding monitoring within the watershed;
  - Tabulated data generated from the monitoring program
  - Summary of the monitoring program work to date including any problems with the protocol or selected sampling locations, and recommendations for any changes to the monitoring program.

## **Section G. Amendment Procedures and Requirements**

### **1. Amendment Procedures**

- a. Either the Department or the municipality 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.
- b. Any such amendments must comply with the applicable Federal requirements set forth in 40 CFR Parts 122. 122.26(d)(2), 122.42(c), and 122.42(d).
- c. Amendments that are mutually agreeable shall be implemented in accordance with written Department approval.

## **Section G. Amendment Procedures and Requirements - continued**

### **1. Amendment Procedures - continued**

- d. Proposed amendments that are not mutually agreeable, a written amendment request shall be forwarded to the other party. A reasonable time of at least 30 days shall be provided for the other party to review the proposals, and prepare comments, alternatives, and/or objections. If a final opinion is not possible during that time frame, preliminary comments will be provided.
- e. After a period of at least 90 days from receipt of a written amendment request, either party may request or initiate a permit modification to resolve any SWMP amendment proposals that cannot be resolved by the previously outlined procedures.

### **2. Endangered and Threatened Species**

If endangered or threatened species are present in a waterbody, protection of these species or their habitat is required. If a municipality's MS4 authorized discharge flows into that waterbody, the SWMP, monitoring, and reporting requirements may require changes.

### **3. Total Maximum Daily Loads (TMDLs)**

If a waterbody TMDL is approved and a municipality's MS4 authorized discharge flows into it, changes may be required. These changes may be required to comply with any future TMDL requirements. These changes may be established pursuant to the requirements of the Federal Clean Water Act.

## **Section H. Standard Conditions**

The standard conditions set forth below were developed in accordance with the requirements of NDEQ Titles 119, 121, 123, and Federal Regulations 40 CFR Parts 122.41 & 122.42. This part contains some references to Federal regulations for which the Nebraska Department of Environmental Quality does not have delegated authority (e.g., the Federal sludge regulations set forth in 40 CFR Part 503); and although these regulations may be referenced herein, they are not subject to regulation by the NDEQ, but they are subject to Federal regulation. Similarly, references to enforcement and penalty provisions of the Clean Water Act do not apply to State enforcement proceedings. State enforcement and penalty provisions are set forth in the Nebraska Environmental Protection Act.

### **1. Duty to Comply**

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

- a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act (CWA) for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

## **Section H. Standard Conditions - continued**

### **1. Duty to Comply - continued**

- b. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.
- f. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- e. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.
- f. The Nebraska Environmental Protection Act (Neb. Rev. Stat. 81-1501 et al) also establishes penalties for civil and criminal violations of NPDES permits.

### **2. 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. A Notice of Intent or application requesting re-issuance need to be submitted at least 180 days prior to permit issuance.

### **3. Need to Halt or Reduce Activity Not a Defense**

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

## Section H. Standard Conditions- continued

### 4. 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 that has a reasonable likelihood of adversely affecting human health or the environment.

### 5. 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 backup or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

### 6. 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.

### 7. Property Rights

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

### 8. 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 or his authorized representative upon request, copies of the required records to be kept by this permit.

### 9. 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, at a reasonable time 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, any records that must be kept under the conditions of this permit;
- c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor any substances or parameters at any location, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, the Nebraska Environmental Protection Act or NDEQ Title 119.

## Section H. Standard Conditions- continued

### 10. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Specific monitoring requirements may be specified elsewhere in this permit.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or other recordings of continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- c. Records of monitoring information required by this permit that are related to the permittee's sewage sludge use & disposal activities, shall be retained for a period of at least five years. This provision is established pursuant to NDEQ Title 119 Chapter 43.003. NDEQ Title 119 may establish record keeping requirements for sludge that exceed those required under Federal regulation 40 CFR Part 503. Records pertaining to the removal of grit, debris and other similar materials from Municipal Separate Storm Sewer Systems (MS4's) are subject to the 3-year retention requirement.
- d. Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) analyses were performed;
  - (4) The individual(s) who performed the analyses;
  - (5) The analytical techniques or methods used;
  - (6) The results of such analyses; and
  - (7) Laboratory data, bench sheets and other required information.
- e. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- f. Measurement averages shall be calculated as the arithmetic mean except:
  1. For bacterial counts, which shall be calculated as a geometric mean, or
  2. Where otherwise specified by the Department.
- g. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Nebraska Environmental Protection Act also establishes penalties for violations of this nature.

## Section H. Standard Conditions- continued

### 11. Signatory Requirements

- a. All permit applications submitted to the Department shall be signed by a Cognizant Official that meets one of the following criteria:
  - (1) In the case of corporation, by a principal executive officer of at least the level of vice-president;
  - (2) In the case of a partnership, by a general partner;
  - (3) In the case of a sole partnership, by a general partner; and
  - (4) In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official.
- b. All other correspondence, reports and Discharge Monitoring Reports submitted pursuant to the requirements of this permit shall be signed either by:
  - (1) The Cognizant Official; or
  - (2) An Authorized Representative that is responsible for the overall operation of the facility from which the discharge originates, and that is designated by the Cognizant Official in a written authorization submitted to the Director.
- c. All applications, correspondence, reports and Discharge Monitoring Reports submitted pursuant to the requirements 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.
- d. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. The Nebraska Environmental Protection Act also establishes penalties for violations of this nature.

### 12. Reporting Requirements

#### a. Planned Changes

1. The permittee shall provide notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required 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 Federal regulation 40 CFR Part 122.29 (b);
  - (b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged; 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.

## Section H. Standard Conditions- continued

### 12. Reporting Requirements - continued

2. If permit modification, or revocation and reissuance, is required, the permit determination may need to be finalized before the alterations or additions can be implemented. If a denial determination is made, it is possible that the alterations or additions may not be allowed. For these reasons, it is recommended that notice be provided at least 180 days prior to the planned alterations or additions, if possible.

#### b. Anticipated Noncompliance

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

#### c. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act, Federal regulation 40 CFR Part 122.61, and/or NDEQ Title 119 Chapter 12.

#### d. Monitoring Reports

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

- (1) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices.
- (2) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or, in the case of sludge use or disposal, approved under 40 CFR part 136 unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director.

#### e. Monitoring Beyond Permit Requirements

- (1) If the permittee monitors any pollutant more frequently than required by the permit, the results shall be included in the calculation and reporting of the data submitted on the DMR or sludge reporting form specified by the Director.
- (2) If the permittee monitors any pollutant more frequently than required by the permit, for process control purposes only and is not a violation of the permit effluent limitations, these results need not be submitted but must be made available to the Department upon request.

#### f. Averaging of Measurements

Averages shall be calculated as an arithmetic mean except:

- (1) Bacterial counts, which shall be calculated as a geometric mean; and
- (2) Where otherwise specified by the Director.

#### g. Compliance Schedules

- (1) 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.
- (2) If compliance has not been achieved, the report shall include an alternative completion date, an explanation of the cause of the noncompliance and an explanation of the steps being taken to ensure future compliance.
- (3) The submission of this report does not ensure the Department's acceptance of alternative compliance dates nor does it preclude the Department from initiating enforcement proceedings based upon the reported noncompliance.

## Section H. Standard Conditions - continued

### 12. Reporting Requirements - continued

#### h. Twenty-Four Hour and Follow-Up Reporting

The permittee shall report the following within 24 hours of becoming aware of their occurrence:

- (1) Any condition associated with the discharge or discharge treatment or transport facilities that may endanger health or the environment; (Basis: Reasonable interpretation of T119 Ch 24)
- (2) Any upset which exceeds any effluent limitation in the permit (Also see *Upset* below); or
- (3) Any violation of a discharge limitation established in this permit (Note: provided the violation does not create an immediate environmental or public health threat, said notice may be provided at the start of the next business day).

The initial report shall be made orally and followed up by a written report as set forth below in the Written Noncompliance, Bypass or Upset subparts.

#### i. Written Noncompliance

The permittee shall submit a written noncompliance report within 5 days of becoming aware of any violation of a discharge limit established in this permit. This written noncompliance report shall contain:

- (1) A description of the noncompliance and its cause;
- (2) The period of noncompliance, including exact dates and times, or if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- (3) The steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

#### j. 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. not mean economic loss caused by delays in production.

### 13. Requiring an Individual Permit or an Alternative General Permit

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

## Section H. Standard Conditions - continued

### 13. Requiring an Individual Permit or an Alternative General Permit - continued

- b. *Request by permittee.* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, you must submit an individual application in accordance with the requirements of 40 CFR 122.33(b)(2), with reasons supporting the request, to the permitting authority at the address for the appropriate Regional Office. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by you are adequate to support the request.
- c. *General permit termination.* When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

### 14. 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.

## Section I. Definitions

**Administrator** - The Administrator of the USEPA.

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

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

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

**Department** - Nebraska Department of Environmental Quality.

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

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

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

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

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

## Section I. Definitions - continued

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

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

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

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

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

**Publicly Owned Treatment Works** means a treatment works as defined in Section 212 of the Federal CWA, which is owned by a state or municipality, excluding any sewers or other conveyances not leading to a facility providing treatment (i.e., MS4s are not included in this definition).

**Significant Industrial User** means:

- (1) All industrial users subject to Categorical Pretreatment Standards;
- (2) Any industrial user that (unless exempted under the provisions NDEQ Title 127, Chapter 10.002):
  - (a) Discharges an average of 25,000 gallons per day or more of process water; or
  - (b) Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (c) Is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any National Pretreatment Standard or requirement.

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

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

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

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

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

## Section I. Definitions - continued

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

## Section J. Abbreviations

**BMP** - Best Management Practice (See *Definitions*)

**CFR** - Code of Federal Regulations

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

**IU** - Industrial user (See *Definitions*)

**MEP** - Maximum Extent Practicable

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

**NDEQ** - Nebraska Department of Environmental Quality

**NDEQ Title 115** - *Rules of Practice and Procedure*

**NDEQ Title 117** - *Nebraska Surface Water Quality Standards*

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

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

**NDEQ Title 121** - *Effluent Guidelines and Standards*

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

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

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

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

**NPDES** - National Pollutant Discharge Elimination System

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

**SIU** - Significant industrial user (See *Definitions*)

**UPSET** - See *Upset* subpart within *Standard Conditions*.

**WLA** - Wasteload Allocation

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



# Nebraska Department of Environmental Quality

Wastewater Section • The Atrium Building, Suite 400, 1200 N Street • P. O. Box 98922  
Lincoln, NE 68509-8922 • Tel. (402) 471-4220 • Fax (402) 471-2909

## NPDES Notice of Intent for Small MS4 (Revised: August 12, 2003)

This form is designed for use by cities, counties and other governmental bodies seeking NPDES permits for a General NPDES Small *Municipal Separate Storm Sewer System* (SMS4) pursuant to 40 CFR Part 122.33 (a.k.a. the NPDES Phase II storm water regulations).

### 1) Identification of Applicant and Designation of Cognizant Official\*

Name of Applicant: \_\_\_\_\_

Cognizant Official: \* \_\_\_\_\_

Title of Cognizant Official: \_\_\_\_\_

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

\_\_\_\_\_

Telephone: \_\_\_\_\_

\* The Cognizant Official will need to sign on page 4 this application, and must meet the qualifications set forth below:

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

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

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

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

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

### 2) Designation of Authorized Representative\*\*

Completion of this section is not required if the Cognizant Official is to be the sole contact concerning this application.

Name of Authorized Representative: \_\_\_\_\_

Title of Authorized Representative: \_\_\_\_\_

Employer of Authorized Representative (if not the applicant): \_\_\_\_\_

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

\_\_\_\_\_

Telephone: \_\_\_\_\_

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

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

**3) Standard Industrial Classification (SIC) Codes**

Check or list up to four SIC codes that apply to the applicant. At least one SIC code must be checked or listed, but no more than 4 should be identified. If more than four potentially apply to the applicant, pick those most applicable to the administration of MS4 issues. See examples below.

- 9111 - Executive Offices (i.e., Government Administration)
- 9411 - Public Education Program
- 9431 - Public Health Program
- 9511 - Environmental Quality Program (e.g., water resource management including storm water transport)
- 9532 - Urban Planning and Development
- 9621 - Public Administration of Transportation Programs
- 9711 - National Security

Other (list): \_\_\_\_\_



**4) Identification of the SMS4 Area**

- A. Attach a map (or maps) of the SMS4 that shows the location of all outfalls identified to date (Also see "C" below) and the receiving water to which they discharge. The receiving waters may be identified either on the map or in an associated map index or attachment.**
- B. What is the approximate size of the SMS4 area in square miles? \_\_\_\_\_**
- C. Provide an explanation (below or in the map or associated index/attachment) as to the extent to which the map identifies all storm water outfalls. See examples below.**

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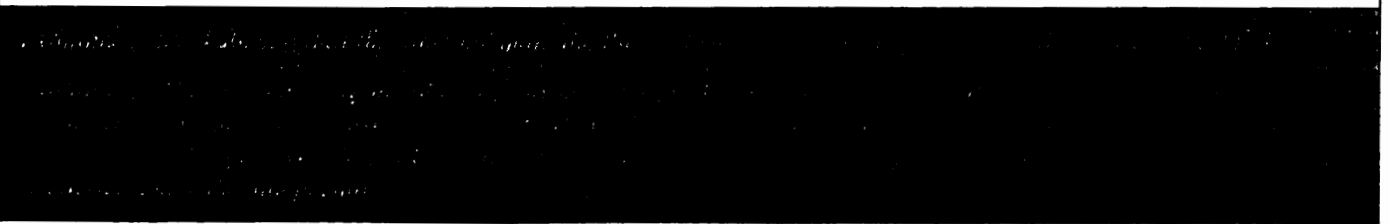
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**6) Storm Water Management Plan (SWMP) and Monitoring Plan Implementation**

Include the following information as an attachment to this application.

- A. Identify the best management practices (BMPs) or SWMP elements that are proposed for implementing each of the Minimum Control Measures set forth in 40 CFR Part 122.34(b)(1) through(6). \*\*\*
- B. Establish measurable goals for each of the BMPs or SWMP elements (Examples of measurable goals: Pass local regulations establishing construction site erosion control requirements; Paint "No Dumping" signs on 20% of curb inlets each year; Hold public information meetings on storm water protection once each year; Conduct a stream/lake-side clean-up day each year).
- C. Provide a proposed implementation schedule for the BMPs or SWMP elements. Implementation needs to be completed within the 5-year permit term.
- D. Provide a proposed wet-weather monitoring plan for representative storm water outfalls and/or in-stream water quality monitoring. \*\*\*\*

\*\*\* A copy of this regulation 40 CFR Parts 122.34(b)(1) through(6) is provided as an attachment to this application.

\*\*\*\* The monitoring plan may be used to supplement proposed measurable goals. Alternatively, justification may be provided for using measurable goals proposals in lieu of wet-weather monitoring.

**7) Certification**

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. (See 18 U.S.C. § 1001 and 33 U.S.C. § 1319, and Neb. Rev. Stat. §§ 81-1508 thru 81-1508.02.)

\_\_\_\_\_  
Cognizant Official's Signature \*\*\*\*\*

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

\_\_\_\_\_  
Cognizant Official's Printed Name

\_\_\_\_\_  
Cognizant Official's Title

\*\*\*\*\* The Cognizant Official identified in Section 1 of this application must sign above.

**Completeness Review:**

\_\_\_ Have sections 1 thru 6 been completed?

\_\_\_ Was the proper signature provided in Section 7?

\_\_\_ Is a map of the MS4 as required in Section 2 attached?

\_\_\_ Is the SWMP and Monitoring Plan information as required in Section 6 attached?