



**Wastewater Section**

1200 'N' Street, Suite 400, The Atrium

PO Box 98922

Lincoln, NE 68509-8922

Tel. 402/471-4220

Fax 402/471-2909

(8/10/10)

**Fact Sheet**

**General NPDES Authorizing Storm Water Discharges  
Associated with Industrial Activity**

**NPDES NER900000**

**TABLE OF CONTENTS**

<b>A.</b>	<b>PROPOSED ACTION - TENTATIVE DETERMINATION .....</b>	<b>2</b>
<b>B.</b>	<b>AREA OF APPLICATION .....</b>	<b>2</b>
<b>C.</b>	<b>PERMIT TERM.....</b>	<b>2</b>
<b>D.</b>	<b>PROPOSED CHANGES BETWEEN THIS PERMIT AND EXISTING PERMIT .....</b>	<b>2</b>
<b>E.</b>	<b>SUPPORTING DOCUMENTATION .....</b>	<b>3</b>
<b>F.</b>	<b>INFORMATION REQUESTS .....</b>	<b>3</b>
<b>G.</b>	<b>SUBMISSION OF FORMAL COMMENTS OR REQUESTS FOR HEARING .....</b>	<b>4</b>

## A. Proposed Action - Tentative Determination

The Nebraska Department of Environmental Quality staff has developed a general permit authorizing **Storm Water Discharges Associated with Industrial Activity** (also known as the Industrial Storm Water General Permit, or ISW-GP, NPDES NER900000). This general permit was developed according to the regulations as set forth in NDEQ Title 119, Chapters 1 117, 10 003, and 25 – *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*. This permit is the replacement for an existing general permit for **Storm Water Discharges Associated with Industrial Activity** (NPDES NER000000) which was issued on September 18, 1997.

## B. Area of Application

1. This permit is applicable throughout the State of Nebraska as set forth in NDEQ Title 119, Chapter 25 001.02A. Statewide application is appropriate because the potential sources are commonly found throughout the state. Applicability is limited to areas of the state where NDEQ is the permitting authority, which excludes certain Indian lands throughout the state as explained by Part 9 of the general permit.
2. The permittee is authorized to discharge storm water associated with industrial activities into Waters of the State of Nebraska, Municipal Separate Storm Sewer Systems (MS4) or combined sewer systems. However, the permittee shall notify the Operator of the MS4 or combined sewer system of their storm water discharge, if requested or required by the Operator. The MS4s are located in cities and urbanized counties with a population of 10,000 or more as determined by the latest Decennial Census by the Bureau of Census. The combined sewer systems are located in the cities of Omaha and Plattsmouth. A list of MS4s has been provided as Attachment 6 of the permit.
3. This general permit applies to the 11 sectors of industrial activity established at Title 119, Chapter 10 [adopted from the Federal definition set forth in 40 CFR 122.26(b)(14)], this permit does not apply to construction activity (category x). For organizational purposes, these categories have been reorganized into 30 sectors.

## C. Permit Term

This permit is to be issued for a five-year term. This is the maximum time period allowed pursuant to NDEQ Title 119, Chapter 16 002. Appendix B of the permit set forth a reopener clause which allows for modification, suspension, revocation, or reissuance according to NDEQ Title 119, Chapter 24. Part 1.7.2 of the permit allows for modification of the permit attachments during the permit term.

## D. Proposed Changes Between This Permit and Existing Permit

This permit proposes numerous changes from the previous permit. USEPA's 2008 MSGP was the basis and starting point for the development of this general permit. Many sections, including many of the sector specific requirements, were incorporated in whole and are proposed with few modifications. A summary of the proposed changes is provided below. Given the numerous changes, this list is not all inclusive.

1. This permit clarifies that discharges to Waters of the State through Combined Sewer Systems are also applicable to this general permit and require coverage.
2. A list of allowable non-stormwater discharges was incorporated to specifically authorize certain discharges with a low risk of impacts to receiving waters.
3. A 180 day period for existing permit holders to submit a Notice of Intent (NOI) seeking coverage under this permit was provided. Existing dischargers would have this period of time to evaluate SWPPPs for compliance with this permit and for the incorporation of new requirements. Existing dischargers would be considered authorized until a new NOI was submitted under this permit.
4. A Notice of Termination (NOT) was included for facilities which will be transferring their facility to a new owner, have ceased industrial activities or have voluntarily obtained an individual permit. This permit proposes that all facilities undergoing a transfer of ownership would terminate coverage and reapply for coverage under the new ownership.

5. Requirements were added to the Storm Water Pollution Prevention Plan (SWPPP) which are specific to groups of industry. These requirements address operations and activities which are likely to occur within those sectors of industry, though not always associated with each facility within the sector/subsector.
6. Requirements for evaluating and documenting potential impacts on endangered or threatened species and their critical habitats resulting from storm water discharge have been further clarified.
7. A requirement for the owner/operator to sign and date SWPPP has been included. This requirement states that the SWPPP must be signed and certified in the same way as the NOI.
8. This permit stipulates that the SWPPP is to be completed prior to submitting the NOI.
9. Benchmark monitoring for specific pollutants for certain categories of industry have been incorporated, the majority of these benchmark parameters were adopted from the USEPA 2008 MSGP. Unlike effluent limits, an exceedance of the benchmark does not in and of itself constitute a violation.
10. Additional monitoring requirements have been incorporated for certain dischargers who discharge to impaired waters.
11. This permit clarifies the relationship between the general permit and dischargers with applicable effluent limitations guidelines (ELGs) for stormwater discharges, one example would be ELGs promulgated for coal pile run-off at steam electric generating stations. This permit sets these discharges as non-allowable stormwater discharges for which a separate individual NPDES permit is required. The individual NPDES permit would specify the appropriate conditions of the ELG for those discharges, while the general permit would be applicable to the remainder of the facilities stormwater discharges.
12. Additional conditions which were placed on the no exposure conditional exclusion from stormwater permitting have been removed. Previously, the no exposure option was restricted to facilities which fell within category xi, regardless of the conditions at the facility/site. This permit places no such limits on the conditional exclusion allowing all regulated industries to potentially qualify. This change has been made in recognition of the benefits of reducing or eliminating exposure of industrial materials to stormwater.
13. Additional definitions have been included in Appendix A to clarify concepts previously undefined.
14. The term Cognizant Official has been replaced by the term Certifying Official. Additionally, the concept of a SWPPP team has been included in the permit.

#### **E. Supporting Documentation**

1. NDEQ Title 117 - *Nebraska Surface Water Quality Standards* (Revised July 31, 2006);
2. NDEQ Title 118 - *Ground Water Quality Standards and Use Classifications* (Revised March 26, 2006);
3. NDEQ Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System* (Revised May 16, 2005);
4. USEPA *Technical Support Document for Water Quality-based Toxic Control* (EPA 505/2-90-001 PB91-127415, March, 1991);
5. 40 CFR, Part 122, 124, and 125, NPDES Regulations; and
6. Nebraska Non-game and Endangered Species Conservation Act (Neb. Rev. Stat. §§ 37-430 through 317 – 438);

#### **F. Information Requests**

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

Sharon Brunke; NPDES Permits Unit      Tel. 402/471-8830 or 402/471-4220      Fax: 402/471-2909

A TDD operator is available at 711.

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

**Location Address:**

NDEQ – NPDES Program  
The Atrium, Suite 400  
1200 N Street  
Lincoln, Nebraska

**Mailing Address:**

NDEQ – NPDES Program  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922

**G. Submission of Formal Comments or Requests for Hearing**

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

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

Sharon Brunke; NPDES Permits Unit

**Location Address:**

NDEQ – NPDES Program  
The Atrium, Suite 400  
1200 N Street  
Lincoln, Nebraska

**Mailing Address:**

NDEQ – NPDES Program  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922