

Questions from first review of the 12/16/15 Fact Sheet "General NPDES Permit Authorizing Small Municipal Separate Storm Sewer System Discharges Entire State of Nebraska NPDES General Permit Number NER 310000:

**General comment:** This program will be very difficult to implement without a full time stormwater staff. In a community the size of North Platte, this will be a burden which will divert resources from needs of the poor and impoverished and divert those resources into something marginally beneficial.

IV.C: Enforcement Response Plan: Is this meant to take the place of our ordinances already in place and our currently applicable criminal procedures and State statutes ?

IV.C.1.c.4 What is meant by "Payment Against Bonds" ?

IV.D.1.a.3: Why do procedures for education, outreach and involvement program have to be in writing ? Can goal setting be used instead ?

IV.D.2.a.1.b.i: Define "discharges to the MS4". Are ground water pumps included – heat pumps?

IV.D.2.a.1.b.ii: Can minimum staff be zero ?

IV.D.2.a.1.c.i: and IV.d.2.a.d.i and ii: If illicit discharges are random or if they cannot be traced is it adequate to so report ? How much effort in tracing back illicit discharges is necessary ? Are we talking FBI level investigation ?

IV.D.2.a.1.e.i: The provision prohibiting non-stormwater discharges implies are force of law above a mere SWMP. Are we expected to codify this document by ordinance ?

IV.D.2. a.2: How close is an "adjacent"? Does that mean abutting ?

IV.D.2.b.1: The call to "promote, publicize" illicit discharges seems to preclude civil rights associated with being "innocent until proven guilty". At what point in the judicial process does this promotion and publication of illicit dischargers names become a libel issue ? Does the State grant immunity to the MS4 in such cases ? Does the Federal government ?

IV.D.2.b.2: Are there examples of "phone trees" that are expected ? How far beyond the MS4 is this expected to extend ?

IV.D.3.a.3: Define "managed by appropriate controls"?

IV.D.3.b: Why do we need a "project tracking number" when we only have one or two sites a year to monitor ? How about a tracking system?

IV.D.4.b.2: We accept stormwater standards that meet criteria set by other agencies if reasonable to our area. Does this practice conform to this paragraph ?

IV.D.4.d.1 and 2: Demanding the permittee maintain the owner/operator of Post Construction Stormwater Control Measures in perpetuity: How do we guarantee that ? Bonds typically have a life span. Owners go bankrupt. Businesses change owners and business types.

IV.D.4.f.4: Do "enforcement actions" fall under the same proviso to be "promoted, published" as non-stormwater discharges ?

IV.D.5.c.1: Define "high priority" facilities.

IV.D.5.d.1.a: We have a unionized street dept that may or may not cooperate with this provision to keep a maintenance log on every catch basin. How do you suggest we overcome this one ?

IV.D.5.d.1.b: We have already labeled every catch basin with a stick-on message which many property owners have scrapped off. One kid decided to make a collection of these labels. Just sayin.

IV.D.5.d.1.c: Define an open channel. We have one development which has incorporated on-site detention in individual lots. Are we now responsible for private property ?

IV.D.5.d.1.d: The size of a written log that includes describing the removal of trash and debris from every "open channel" and "other drainage structure" would be enormous. Many trees would die to enforce this. It will also discourage the practice by making the effort even more onerous.

IV.D.5.d.1.e: We do not think that this one is doable. If the debris has entrained stormwater, it would be nearly impossible for some of that entrained stormwater not to drip back into the catch basin once the debris is grabbed. We do not set the debris down and drain it out if that is what is being referred to in this one.

IV.D.5.e: This is vague. Are street sweeper operators to be included? Our employees do multiple tasks, not just storm water. If they have to be continuously trained in all the tasks they do, there would be no time for the work.

V.A: Please define "another entity" or give examples.

VIII.A.1: Since monitoring described is for the industrial, commercial and residential, locations, the "annual" sampling is actually for nine events, minimum. If so, does the monitoring have to be simultaneous to all locations? In our City we have had storms hit the residential area but not the commercial or the industrial. Since our storms can be thunderstorms with widely varying precipitation intensity and totals, it is difficult to be at several locations during a storm at one time, anticipating the run-off. Therefore, to comply, we will be forced to construct sampling stations with pressure sensors to detect increasing flow prior to the sampling station to collect samples at all hours and under all conditions. Our experience is that the first flush passes very quickly and then water clears rapidly.

VIII.A.3: Define "precipitation amount". Is this measured at our official station which is the Weather Service 1 mile east of town ( and six miles from our residential sampling location )? Please define "snow melt event" and "previous significant snow melt event". Is that when the temperature is 32 deg F or 33, or 34, or what? Is that when the storm water flows, and to what extent? As to the composite sampling: Our experience is that given the nature of our storms, the first flush happens quickly, and the entire event can be over in 20 minutes. Simple grab samples are the best way to acquire a meaningful aliquot.

VIII.A.4: The issue of "end of pipe sampling" was raised at the meeting in Grand Island on February 11, 2016, describing how this permit condition contradicts the December 8, 1999, Federal Register, Volume 64, No. 235, page 68769. Furthermore, this condition of the permit does not account for influences exterior to the permittee jurisdiction, including State right of way, Federal lands, and farming practices outside of the permittee's corporate limits, nor influences from windblown debris during the recent time of extreme drought. It further does not describe the "where or when or what or how" of the monitoring.

IX.A.1: Is this "Comprehensive Evaluation and Assessment Program" different from and in addition to the SWMP? The details are vague. Define please "narrative effluent limitations" or at least provide examples. Define "existing permittee's" – are these our permittees or are we the permittee?

IX.A.1.a: Define "compliance".

IX.A.1.b: Define "performance measures" and "effectiveness measures".

IX.A.1.c: Define "appropriate administrative and environmental assessment indicators".

IX.A.1.d: Define or give illustrations of "measureable goals".

IX.A.2: Define "water quality considerations".

IX.A.2.a&b: Is the specified testing previously given in the permit sufficient to meet this?

IX.A.2.c: Some "source" identification may be impossible if done surreptitiously.

IX.A.3: Our receiving waters include the South Platte River, and the North Platte River. We receive flow from Wyoming and Colorado. Asking our community to assess the "overall health and long term trends" of these rivers is beyond our expertise.

IX.B.1.b.1: Define please, "appropriate environmental indicators and administrative indicators" beyond "physical and hydrologic indicators; biological indicators; water quality indicators".

IX.B.1.b.2: What are "social indicators and programmatic indicators and site indicators" and how are we supposed to provide meaningful and reproducible measurements of these?

Thank you for your consideration of these comments.

Tom Werblow  
North Platte City Engineer