

NEBRASKA

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DEPT. OF ENVIRONMENT AND ENERGY

INDUSTRIAL STORM WATER NER920000

- Overview of Permit Changes
- Application Guidance
 - Account Registration
 - Submitting Notice of Intent or No Exposure Certification
- Introducing AIM

- Effective April 1, 2022
 - Submit application by September 28, 2022, or coverage will be terminated
- New Online Application
 - SWPPP required with NOI submittal
- Storm water specific ELGs are now covered with annual monitoring
- Portable facilities coverage updated
- Quarterly indicator monitoring for certain sectors (pH, COD, & TSS)
- PAHs monitoring for certain sectors (Biannually in the 1st & 4th year)
- Additional quarterly benchmark monitoring in the 4th year
- Additional Implementation Measures (AIM)



OVERVIEW OF PERMIT CHANGES

STORM WATER SPECIFIC EFFLUENT LIMITATIONS GUIDELINES (ELGS)

Table I-I. Storm Water-Specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	Industry Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74) ¹
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	S	Yes	6/15/10

¹ NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore, wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

- Previously required to obtain individual permit
- If facility already has individual permit, they may choose to keep it
- Annual monitoring required throughout permit coverage



PORTABLE FACILITIES

- Previously, often required to obtain CSW for each relocation
- Now, coverage for earth-disturbing activities is included with the ISW permit
- New fillable relocation notice form

INDICATOR MONITORING – COD, PH, TSS

Table 8.1 – Indicator Monitoring

Subsector	Parameter	Indicator Monitoring Threshold
Subsectors B2, C5, D2, E3, F5, H, J3, L2, N2, OI, PI, RI, TI, U3, VI, WI, XI, Y2, ZI, ABI, ACI, and ADI	pH	Report Only/ No thresholds or baseline values
	Total Suspended Solids (TSS)	Report Only/ No thresholds or baseline values
	Chemical Oxygen Demand (COD)	Report Only/ No thresholds or baseline values

- Only required for the sectors listed
- Quarterly monitoring required throughout permit coverage

INDICATOR MONITORING – POLYCYCLIC AROMATIC HYDROCARBONS (PAHS)

Table 8.1 – Indicator Monitoring

Subsector	Parameter	Indicator Monitoring Threshold
Sector A facilities that manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation; and Sectors C (SIC 2911), D, F, H, I, M, O, P (SIC 4011, 4013, and 5171), Q (SIC 4491), R, and S	Polycyclic Aromatic Hydrocarbons (PAHs) ¹	Report Only/ No thresholds or baseline values
¹ Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene.		

- Only required for the sectors listed
- Bi-annual monitoring (2 x per year) during the first and fourth year of permit coverage

MONITORING SCHEDULE

Table 6-1. Summary of Each Type of Monitoring

Monitoring Type	Applies To	Frequency	Duration	Follow-up Action	Permit Part Reference
Indicator – pH, TSS, COD	Subsectors B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, VI, W1, X1, Y2, Z1, ABI, ACI, and ADI	Quarterly	Entirety of permit coverage	None	Part 6.2.1.1.a
Indicator – PAHs*	Sector A facilities that manufacture, use, or store creosote or creosote-treated wood in areas that are exposed to precipitation; and Sectors C (SIC 2911), D, F, H, I, M, O, P (SIC 4011, 4013, and 5171), Q (SIC 4491), R, and S	Biannually (2 times per year)	First year and fourth year	None	Part 6.2.1.1.b
Benchmark	Subsectors A1, A2, A3, A4, B1, C1, C2, C3, C4, D1, E1, E2, F1, F2, F3, F4, G1, G2, H1, J1, J2, K1, L1, M1, N1, Q1, S1, U1, U2, Y1, AA1, AA2	Quarterly	First year and fourth year	★ AIM - See Part 3.2	Part 6.2.2
Effluent limitation guidelines (ELG)	See Part 4.2.3	Annually	Entirety of permit coverage	See Part 5.1	Part 6.2.3
Impaired Waters	See Part 1.1.4.7	Annually	See Part 6.2.4.2		
Other as required by NDEE	See Part 6.2.5				

* Monitoring is required for the 16 individual PAHs identified at Appendix A to 40 CFR Part 423: naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, benzo[g,h,i]perylene, indeno[1,2,3-c,d]pyrene, and dibenz[a,h]anthracene.

NDEE'S ONLINE APPLICATION FOR GENERAL PERMIT COVERAGE

See Guidance Document 22-006 for additional information regarding registering for an account to submit electronic applications, available on the NDEE website:
<http://dee.ne.gov/Publica.nsf/pages/WAT011>

REGISTERING FOR AN ONLINE ACCOUNT

If you have a user ID – type in your Username (user ID) and password to verify your authorization to the application.

Industrial Storm Water Permitting

Log In

User Name

Password

Login

New Users

If you are a first time user and have not yet registered for an account, click the following link and follow the instructions

[Register Here \(Non-State Employees\)](#)

Create a new User ID – click on the Register Here under NEW USERS on the right side of the screen.

FROM YOUR INTERNET BROWSER

If you need to reset your password – click on the Reset Password option.

[Reset Password](#) (Non-State Employees)

[Update User Account Information](#) (Non-State Employees)

If you need to update other account information – click on the Update User Account Information.

NOTE: If you have previously registered an account with the same email address you will receive this message. If you would like to have the other usernames associated with the email address you entered, click Yes for this message. →

Email Address Information



The email address you have entered is already registered with at least one other account, would you like to have the other usernames associated with this address sent to your email account?

Yes

No

Fill in the information in order to create your account. After clicking on the **register here** option, you will be at the new account registration page. You will need to complete all the fields on this page. Click the **field requirements** link for specifics.

1. First and Last Name

Required fields will have a * next to the box.

2. Email Address

Enter the email address that will be associated with this account.

3. Username

Create a username for this account.

4. Password

Click the Field Requirements or Password Rules link for more information on password requirements.

5. Password Reminder Questions

Select three password reminder questions and supply an answer for each question.

NEW ACCOUNT REGISTRATION

* Required

User Information

[Field Requirements](#)

First Name *

Last Name *

Email Address *

Confirm Email *

Register Account

1 Prior to completing your registration, please note or record your user ID, security questions and answers. NDEE does not have access to this information and cannot reset passwords. This is a user responsibility.

2 To complete your registration, click Register Account.

3 After successfully creating an account, a message will appear stating that your account has been created, and that you are being redirected to the sign in page. If you do not see the sign in page within 10 seconds, click the link that says here.

4 You will be redirected/returned to the DEE portal page.

Your account has been successfully created, you will be redirected to the sign in page in 5 seconds...

If you are not redirected, please click [here](#)

Log In

User Name

Password

Login

New Users

If you are a first time user and have not yet registered for an account, click the following link and follow the instructions

[Register Here \(Non-State Employees\)](#)

- On the left side of the screen, enter your Username (user ID) and password and click the Login box.

Note: NDEE does not have a means of reminding you what your Username and password are. Be sure to record these so you have them for future applications.

- You will then be signed on to the portal.





SUBMITTING A NOTICE OF INTENT (NOI) OR A NO EXPOSURE CERTIFICATION (NEC)

See Guidance Document 22-006 for additional information regarding submitting an ISW NOI or NEC, available on the NDEE website: <http://dee.ne.gov/Publica.nsf/pages/WAT011>

Click the button below to review and agree to the Industrial Storm Water Permitting Process information and start a new application for review.

[Begin New Application Process](#)

Listing of existing applications Select a Permit Number link to review the permit application information

Permit Number	NDEE ID	Facility Name	Start Date	Status
 ISW-202200253	N/A	Facility Name		Pending
 ISW-202200252	N/A	New facility		Pending

If you have any existing applications listed, the following describes what you may see in the **Status** column and what it means

When you are logged in, click **Begin New Application Process**. You should also be able to review a list of your saved applications, if you have any. Saved, but incomplete applications are removed from the system after 30 days.

Keep in mind that the status may take up to 15 minutes to update during business hours. If you submit your application during non-business hours, the status may not update until the following business day.

SUBMITTING YOUR NOI OR NEC

STATUS Meanings

NOI Created

The application was started, but not submitted

Waiting for NG & PS Review

The application is with Nebraska Game and Parks Commission waiting to be signed

NG & PC Reviewer Assigned

The application has been signed and is awaiting review

Information Requested by NG & PC

Nebraska Game and Parks has requested additional information from the applicant

NOI – Awaiting Signature

The project was submitted, and the Certifying Official received a DocuSign link via email. They will need to review the document provided and sign the DocuSign for the application to be complete

Waiting for DEQ Review

The application is now with NDEE for review. After receiving a complete and accurate NOI, the Department has 30 calendar days to review the NOI. **See Table 1-2 of NER920000 for exceptions

NOI Returned to Applicant

The NOI was returned for correction or for additional information

NOI Approved

Your facility is authorized under NER920000.

Agree to the condition below before you can continue

Do you agree to the above conditions in which to complete this project application?

YES

NO

You must agree to continue.

Cancel

Next

From here, the application has seven parts. You may not be required to provide information for all parts depending on how you answer questions posed in the application. Provide your answer to the following questions, then click **Next**.

THE FIRST PAGE INCLUDES THE PERMIT AND ATTACHMENTS FOR YOU TO VIEW. YOU MUST AGREE TO THE CONDITIONS OF NER920000 TO CONTINUE. AFTER CLICKING **YES**, SELECT **NEXT** AT THE BOTTOM RIGHT OF THE SCREEN.

1

Initial

2

Operator

3

Facility

4

Exposure

5

Game and Parks

6

Discharge

7

Certification

Initial Facility Information

Previously Issued Permit

Is this a previously authorized **industrial storm water facility** that **has not** expanded or added new discharge?

YES NO

Back Next

a. If you had an authorized NOI or NEC under the previous ISW permit NER910000 and have not made changes to the facility or discharge, click **YES**.

b. If you had an authorized NOI or NEC under the NER910000 permit, but have made changes to the facility or discharge, click **NO**.

c. If you were not authorized under the NER910000 permit, click **NO**.

Facility Operator Information

1
Initial

2
Operator

3
Facility

4
Exposure

5
Game and Parks

6
Discharge

7
Certification


1. Facility Operator Name

Click to show/hide more information

Complete the Facility Operator Information part. Most sections throughout the application will have a **Click to show/hide more information** button to the right.

If you select this, more information such as definitions will appear.

Select the button again to minimize the more information.



STEP 2:
FACILITY
OPERATOR
INFORMATION

For this part you will need:

- a. The legal name of the firm, organization, person, or public entity that operates the facility. For businesses and corporations, this should match what you have filed with the Nebraska Secretary of State.
- b. Your IRS Employer Identification Number (EIN), commonly referred to as your taxpayer ID.
- c. The mailing address of the facility.
- d. Facility phone number and email address.

FOR THIS PART YOU WILL NEED:

A. IF AVAILABLE, THE FACILITY ID NUMBER (OR NDEE ID).

B. THE FACILITY NAME, WHICH MAY BE THE SAME NAME YOU PROVIDED IN FACILITY OPERATOR INFORMATION PART.

C. THE PHYSICAL LOCATION ADDRESS. IF NO STREET ADDRESS IS AVAILABLE, YOU MAY GIVE EXACT DIRECTIONS.

D. THE FACILITY LATITUDE AND LONGITUDE.

E. THE STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES.

F. THE RECEIVING WATER NAME. ONLINE MAPS ARE AVAILABLE WITH THE NDEE 2020 NEBRASKA WATER QUALITY INTEGRATED REPORT.

G. YOU WILL ALSO NEED TO ANSWER ADDITIONAL YES/NO QUESTIONS REGARDING IF THE FACILITY IS PORTABLE, INACTIVE AND UNSTAFFED, AND DISCHARGING TO A MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).

Step 3: Facility Information

COMPLETE THE EXPOSURE CHECKLIST.

*IF YOU ANSWER **YES** TO ANY OF THE QUESTIONS, A POTENTIAL FOR EXPOSURE EXISTS AND YOU MUST OBTAIN AN NOI AUTHORIZATION.

*IF YOU ANSWER **NO** TO ALL THE QUESTIONS, YOU MAY QUALIFY FOR AN NEC. SEE NER920000 ATTACHMENT 2 – *NO EXPOSURE CERTIFICATION GUIDANCE AND CHECKLIST* FOR A LIST OF THE QUESTIONS. WHEN YOU HAVE COMPLETED THE QUESTIONS, CLICK ON **NEXT**.

*IF YOU ANSWER **NO** TO ALL THE QUESTIONS, YOU WILL BE DIRECTED TO THE CERTIFICATION PART OF THE APPLICATION.

*IF YOU ANSWER **YES** TO ANY OF THE QUESTIONS, YOU WILL PROCEED TO THE GAME AND PARKS PART OF THE APPLICATION.

Exposure Checklist

1

Initial

2

Operator

3

Facility

4

Exposure

5

Game and Parks

6

Discharge

7

Certification

Check "Yes" or "No" as appropriate to describe the exposure condition at your facility. **If you answer "Yes" to ANY of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure.** You must obtain (or already have) coverage under an NPDES stormwater permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

1

Initial

2

Operator

3

Facility

4

Exposure

5

Game and Parks

6

Discharge

7

Certification

1. Complete the Endangered and Threatened Species Checklist (Attachment 1)

[Click to show/hide more information](#)

- Complete the endangered and threatened species checklist. Maps are included on the application when you select the **Click to show/hide more information** button.
- See NER920000 Attachment 1 – *Threatened & Endangered Species Guidance and Checklist* for more information. Based on your answers to the checklist, the application will determine if your facility falls under Criterion A of Criterion B.

Criterion A:

- If you answer **NO** to all the questions, your facility falls under Criterion A, meaning no state or federally listed threatened or endangered species or their designated critical habitat are likely to occur in the action area as defined in NER920000 Appendix B.

GAME AND
PARKS
REVIEW

Selected: CRITERION B

Consultation between the Nebraska Game and Parks Commission has been concluded and determined that either the discharge is not likely to have an effect, or through the use of control measures, the discharge is not likely to have an effect. Consultations can be either formal or informal.

Upload letter from Game and Parks for Criterion B *(Optional)* [Upload Criterion B Documentation](#)

Accepted file types: Office, PDF, JPG, GIF, and TIFF. [File Check](#)

Criterion B:

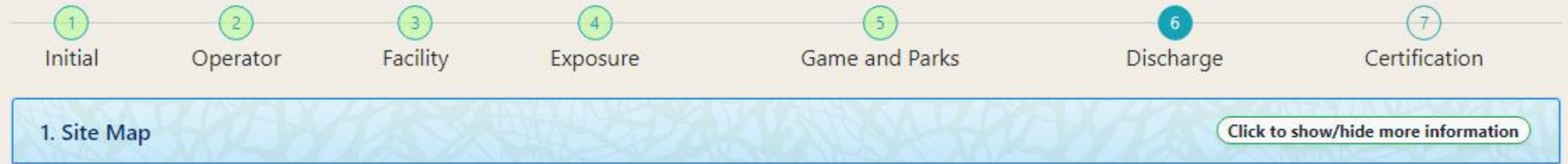
If you answer **YES** to any of the questions, your facility falls under Criterion B, and consultation with the Nebraska Game and Parks Commission (NGPC) is needed.

- If you have previously received a letter or had a CERT review from the NGPC, and there have been no significant changes to your discharge, you can upload the documentation here.
- If you have not previously received a NGPC review and do not have documentation to upload, the NOI will automatically go to NGPC for consultation once you submit it. NGPC has up to 30 days to review the application.
- Or if you know you will need to obtain a CERT review, you can do so prior to submitting your NOI. Be sure to follow the instructions on the review documents and sign it prior to uploading to your NOI.

Determine if your facility is discharging to a State Resource Water “Class A”, “Class B”, or neither. This information is included in the application.

Determine if your facility is discharging to an Impaired Water.

Discharge Information



Provide the following for the Discharge Information part:

- a. The facility site map.
- b. A list of pollutants at the facility that are exposed to storm water.
- c. The Storm Water Pollution Prevention Plan (SWPPP). You will also need to provide the SWPPP contact or authorized representative information.
- d. You also need to answer additional yes/no questions regarding if the facility is subject to federal effluent limitation guidelines (see Table 1-1 of NER920000) and if the facility generates industrial process wastewater or wash water.
- e. If the facility does generate process wastewater or wash water, you will need to provide the source of the discharge (i.e., cooling tower water) and the discharge location (i.e., discharge to publicly owned treatment works).

CERTIFICATION

Certifying Official

First Name: Last Name:

Title:

Email: Confirm Email:

The last part of the application is the Certification Statement. You will provide the certifying official's name, title, and email. This is the person the DocuSign email will go to. See NER920000 Appendix A, Part 12 for signatory requirements. The NOI preparer information will also need to be included.

OVERVIEW

Permit Application Overview

- 1 Initial
- 2 Operator
- 3 Facility
- 4 Exposure
- 5 Game and Parks
- 6 Discharge
- 7 Certification

Permit Number: **ISW-202200249** Status: **NOI CREATED** Created By: **VSCHULTZ051**

Review this overview and scroll to the bottom of this page to submit for review.

FACILITY OPERATOR INFORMATION Edit

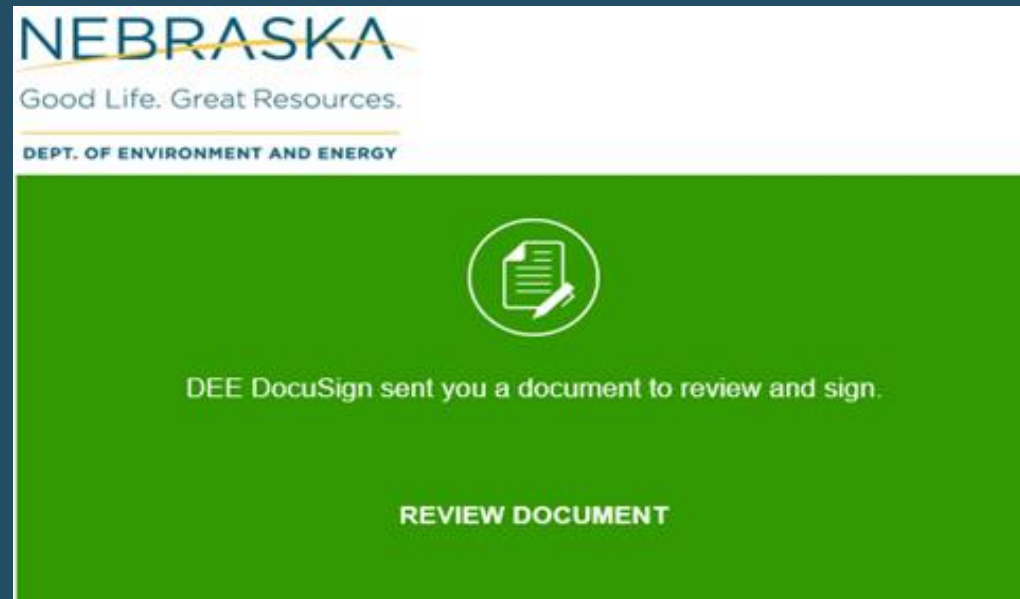
Operator Name: **Legal Name of Entity** Operator Employee Id: **12-3456789**

Finally, you will be directed to the Permit Application Overview. You can review each part of the application and make edits, if necessary, by clicking on the **Edit** button on the right of each part. Select **Submit** at the bottom of the page.

THE CERTIFYING OFFICIAL WILL RECEIVE AN EMAIL WITHIN 30 MINUTES FROM DOCUSIGN WITH A LINK TO REVIEW AND ELECTRONICALLY SIGN THE APPLICATION.

UNLESS A GAME & PARKS REVIEW IS REQUIRED, IN WHICH CASE YOU WILL RECEIVE THE DOCUSIGN EMAIL AFTER THE NGPC REVIEW HAS BEEN COMPLETED AND APPROVED.

AT THE BOTTOM OF THE DOCUMENT IS A PLACE FOR THE CERTIFIED OFFICIAL TO ELECTRONICALLY SIGN THE NOI OR NEC AND SUBMIT TO THE NDEE BY SELECTING **FINISH** AT THE BOTTOM OF THE PAGE.



ELECTRONIC REPORTING

- The NDEE is only accepting signatures via DocuSign. Mailing a printed copy of the NOI with a “wet signature” or emailing a PDF version of the NOI **will not be accepted**, unless you have been approved for an electronic reporting waiver according to Part 7.1 of the NER920000. Be sure the certifying official is aware of the process and looking for an email from DocuSign to sign and complete the application process.



ADDITIONAL IMPLEMENTATION MEASURES (AIM)

See Guidance Document 22-004 for additional information
regarding AIM, available on the NDEE website:
<http://www.dee.state.ne.us/>

BASELINE STATUS

- All facilities start in baseline status
- Begin year-1 quarterly benchmark monitoring, if applicable

AIM LEVEL	BENCHMARK MONITORING TRIGGER	RESPONSES	DEADLINES	RESET TO BASELINE
AIM Level 1	In baseline and annual average is exceeded (or fewer than 4 samples but exceedance is certain)	<ul style="list-style-type: none">• Review SWPPP / storm water control measures• Implement additional storm water control measures, if necessary• Continue monitoring	14 days; if infeasible, 45 days	<ul style="list-style-type: none">• AIM responses have been met• Continued quarterly benchmark monitoring does not indicate an exceedance
AIM Level 2	In Level 1 and annual average is exceeded (or fewer than 4 samples but exceedance is certain)	<ul style="list-style-type: none">• Implement pollution prevention / good housekeeping measures• Continue monitoring	14 days; if infeasible, 45 days	
AIM Level 3	In Level 2 and annual average is exceeded (or fewer than 4 samples but exceedance is certain)	<ul style="list-style-type: none">• Install permanent controls• Continue monitoring	Identify schedule in 14 days; install in 60 days, up to 90 days	

Exceptions

- Natural background sources
- Run-on sources
- One-time abnormal event
- Discharge does not result in water quality exceedance

BASELINE STATUS

ALL FACILITIES WITH BENCHMARK MONITORING REQUIREMENTS START AT BASELINE STATUS ONCE THEIR AUTHORIZATION IS RECEIVED.

- Quarterly benchmark monitoring for applicable sectors begins in the first year of coverage.
- If the annual average for a pollutant parameter does not exceed the benchmark, you can stop monitoring until the 4th year of permit coverage (or quarter 13).

BENCHMARK MONITORING TRIGGER:

- If the annual average (or average for four quarters) for a parameter exceeds the benchmark, move to AIM Level I.
- Or if a single sample, or the sum of any quarterly sample results within the year is four times the pollutant parameter benchmark, move to AIM Level I. This indicates that the annual average exceedance is mathematically certain and corrective action is needed.

AIM LEVEL 1

ONCE IN AIM LEVEL 1, YOU MUST:

- Immediately review your Storm Water Pollution Prevention Plan (SWPPP) and your storm water control measures. Determine if modifications are necessary to meet the parameter benchmark.
- Implement additional measures that would reasonably be expected to bring your exceedances below the parameter's benchmark threshold.
- Implement modifications or control measures within 14 days of receipt of sampling results.
 - If it is infeasible to implement modifications or control measures within 14 days, document why and implement modification(s) within 45 days.
 - Or if you determine nothing further needs to be done with your storm water control measures, document your reasoning.
- After completing the responses above, you must continue quarterly benchmark monitoring for the next 4 quarters. Sampling is only required for the pollutant parameter(s) that caused a benchmark exceedance.
 - If the annual average for a pollutant parameter does not exceed the benchmark, you can stop monitoring until the 4th year of permit coverage (or quarter 13).

BENCHMARK MONITORING TRIGGER:

- If the annual average (or average for four quarters) for a parameter exceeds the benchmark, move to AIM Level 2.
- Or if a single sample, or the sum of any quarterly sample results within the year is four times the pollutant parameter benchmark, move to AIM Level 2. This indicates that the annual average exceedance is mathematically certain and corrective action is needed.

AIM LEVEL 2

ONCE IN AIM LEVEL 2, YOU MUST:

- Immediately review your SWPPP and your storm water control measures.
- Implement additional pollution prevention/good housekeeping storm water controls beyond what you did in your AIM Level 1 response. Consider good engineering practices and measures that would reasonably be expected to bring your exceedances below the parameter's benchmark. Implement modifications or control measures within 14 days of receipt of sampling results.
 - If it is infeasible to implement modifications or control measures within 14 days, document why and implement modification(s) within 45 days. NDEE may grant an extension beyond 45 days if necessary.
 - Or if you determine nothing further needs to be done with your storm water control measures, document your reasoning.
- After completing the responses above, you must continue quarterly benchmark monitoring for the next 4 quarters. Sampling is only required for the pollutant parameter(s) that caused a benchmark exceedance.
- If the annual average for a pollutant parameter does not exceed the benchmark, you can stop monitoring until the 4th year of permit coverage (or quarter 13).

BENCHMARK MONITORING TRIGGER:

- If the annual average (or average for four quarters) for a parameter exceeds the benchmark, move to AIM Level 3.
- Or if a single sample, or the sum of any quarterly sample results within the year is four times the pollutant parameter benchmark, move to AIM Level 3. This indicates that the annual average exceedance is mathematically certain and corrective action is needed.

AIM LEVEL 3

ONCE IN AIM LEVEL 3, YOU MUST:

- Install structural source controls and/or treatment controls.
 - The controls or treatment technologies should be appropriate for the pollutant that is causing the benchmark exceedances. They should be more rigorous than the modifications you previously tried.
 - Identify the control measures and installation schedule within 14 days of receipt of sampling results.
 - Install the selected control measures within 60 days.
 - If it is infeasible to implement modifications or control measures within 60 days, document why and implement modifications or control measures within 90 days. NDEE may grant an extension beyond 90 days if necessary.
 - After completing the responses above, you must continue quarterly benchmark monitoring for the next 4 quarters. Sampling is only required for the pollutant parameter(s) that caused a benchmark exceedance.
 - If the annual average for a pollutant parameter does not exceed the benchmark, you can stop monitoring until the 4th year of permit coverage (or quarter 13).
- If the annual average (or average for four quarters) for a parameter exceeds the benchmark, you remain at AIM Level 3. NDEE may require an individual permit
 - Or if a single sample, or the sum of any quarterly sample results within the year is four times the pollutant parameter benchmark, you remain at AIM Level 3. NDEE may require an individual permit

- You may qualify for an exception if you demonstrate that the benchmark exceedance is due to:
 - Natural background pollutant levels.
 - Run-on from a neighboring source.
 - Caused by an abnormal event.
- You may also qualify for an exception if you demonstrate that the benchmark exceedance does not result in any exceedance of water quality standards.

See Part 3.2.6 of the permit for additional information on exceptions.



EXCEPTIONS



AIM TIPS AND REMINDERS

- Submit any corrective action documentation to NDEE within **30 days**.
- Follow the reporting requirements if necessary.
- Follow recordkeeping requirements.
- It is possible to be at different AIM Levels for each benchmark pollutant.
- AIM responses must be implemented at substantially identical outfalls, unless you demonstrate that benchmark thresholds aren't being exceeded at those discharge points.

EPA SOURCES

EPA's AIM Calculator can help you track your status for each parameter and can be useful documentation.

EPA's Fact Sheet series provides suggested best management practices and storm water controls per sector.

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-fact-sheets-and-guidance>

NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY

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