



Nebraska Department
of Environmental Quality

Wastewater Section

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Fact Sheet
General NPDES Authorizing Storm Water Discharges
Associated with Industrial Activity

NPDES NER910000

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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 NER910000). This general permit was developed according to the regulations as set forth in NDEQ Title 119 – *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*, Chapters 1, 117, 10, 003, and 25 –. This permit is the replacement for the existing general permit for **Storm Water Discharges Associated with Industrial Activity** (NPDES NER900000) which was issued on July 1, 2011.

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 State's only combined sewer system is located in the city of Omaha. 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 no significant changes from the previous July 1, 2011, Industrial Storm Water General permit. The most noticeable changes include correcting typographical errors, updating regulatory contact information and minimal text revisions. This permit also revises the certification requirements for the Annual Comprehensive Site Inspection and clarifies some of the language for benchmark and visual monitoring requirements. Information on the NPDES Electronic Reporting Rule was also included.

E. Supporting Documentation

1. NDEQ Title 117 - *Nebraska Surface Water Quality Standards* (Revised December 13, 2014);
2. NDEQ Title 118 - *Ground Water Quality Standards and Use Classifications* (Revised March 27, 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:

Lisa Giesbrecht; 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:

Lisa Giesbrecht; NPDES Permits Unit

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H. Electronic Reporting

On October 22, 2015, EPA published the Clean Water Act National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, which requires electronic reporting of NPDES information rather than the currently required paper based reports from the permitted facilities. Facilities must submit electronic information required in Appendix A of 40 CFR Part 127, 40 CFR 122.26(b)(15), and 40 CFR 122.26(b)(14)(x).