

DEPARTMENT OF ENVIRONMENTAL CONTROL  
AUTHORIZATION TO DISCHARGE UNDER THE STATE OF NEBRASKA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal water Pollution Control Act, as amended (33 U.S.C. 466 et. seq), the Nebraska Environmental Protection Act (Secs. 81-1505(3)(4)(5)(6) & (7), 81-1504(15)(25), 81-1510(2), R.R.S. 1943), and the Rules and Regulations promulgated pursuant thereto,

Omaha Public Power District, Fort Calhoun Station

is authorized to discharge from a facility located at

NW Quarter, NW Quarter, Section 21, Township 18N, Range 12E, Washington County

to receiving waters named

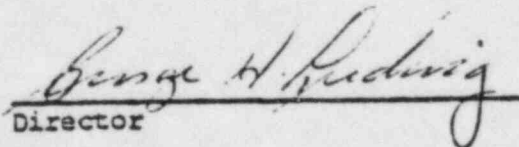
Missouri River

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on September 16, 1983.

This permit and the authorization to discharge shall expire at midnight, August 15, 1988.

Signed this 16th day of September, 1983.

  
Director

# A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning September 16, 1983 and lasting through August 15, 1988  
the permittee is authorized to discharge from outfall(s) serial number(s) 001 Once through condensor cooling  
water

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	kg/day (lbs/day)		Other Units (Specify)		Measurement	Sample
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	Frequency	Type
Flow-m <sup>3</sup> /Day (MGD)	--	--	--	--	Continuous	Calculated or metered
Temperature	--	--	--	110°F	Continuous	Recorder

The pH shall not be less than 5.0 standard units nor greater than 9.0 standard units  
and shall be monitored monthly, grab samples.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Sample taken in compliance with the monitoring requirements specified above shall be taken  
at the following location(s): at point of discharge to Missouri River.

# A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning September 16, 1983 and lasting through August 15, 1988 the permittee is authorized to discharge from outfall(s) serial number(s) 002 Chemical Equalization Holding Ponds

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	kg/day (lbs/day)		Other Units (Specify)		Measurement Frequency	Sample Type
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.		
Flow-m <sup>3</sup> /Day (MGD)	--	--	--	--	At the time of each batch discharge	Calculated or metered
Total Suspended Solids	28.37 (62.55)	94.58 (208.50)	30 mg/l	100 mg/l	"	Grab
Oil & Grease	14.19 (31.28)	18.92 (41.70)	15 mg/l	20 mg/l	"	Grab

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored at the time of each batch discharge.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Sample taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at point of discharge to Missouri River.

# A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning September 16, 1983 and lasting through August 15, 1988 the permittee is authorized to discharge from outfall(s) serial number(s)

Such discharges shall be limited and monitored by the permittee as specified below: 003 Traveling Screen Backwash

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day (lbs/day)		Other Units (Specify)		Measurement	Sample
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	Frequency	Type
Flow-m <sup>3</sup> /Day (MGD)	--	--	--	--	Quarterly	Calculated or metered

The pH shall not be less than NA standard units nor greater than NA standard units and shall be monitored

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Sample taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the point of discharge to the Missouri River.

# A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning September 16, 1983 and lasting through August 15, 1988 the permittee is authorized to discharge from outfall(s) serial number(s) 004 Surface Spray

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day (lbs/day)		Other Units (Specify)		Measurement	Sample
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	Frequency	Type
Flow-m <sup>3</sup> /Day (MGD)	--	--	--	--	Quarterly	Calculated or metered

The pH shall not be less than NA standard units nor greater than NA standard units and shall be monitored

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Sample taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the point of discharge to the Missouri River.



# A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning September 16, 1983 and lasting through August 15, 1988 the permittee is authorized to discharge from outfall(s) serial number(s) 005 Warm Water Recirculation for deicing

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	kg/day (lbs/day)		Other Units (Specify)		Measurement Frequency	Sample Type
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.		
Flow-m <sup>3</sup> /Day (MGD)	--	--	--	--	Quarterly	Calculated or metered
Temperature	--	--	--	110°F	Continuous	5 border

The pH shall not be less than NA standard units nor greater than NA standard units and shall be monitored

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Sample taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at point of discharge to Missouri River.

## OTHER REQUIREMENTS

1. There shall be no discharge of polychlorinated biphenyl compounds (PCBs) from any outfall at any time.
2. Chlorine may not be injected into any single generating unit for more than two (2) hours per day unless the permittee demonstrates to the Department that injection for more than two (2) hours is required for macro-invertebrate control. Both simultaneous multi-unit and sequential chlorination are allowed for power plants rated at greater than 25 megawatts. Simultaneous multi-unit chlorination for power plants rated at less than 25 megawatts is not allowed.
3. The discharge of 126 toxic pollutants in detectable amounts is prohibited from cooling tower discharges, except for chromium and zinc.

**STANDARD CONDITIONS FOR NEBRASKA DEPARTMENT OF  
ENVIRONMENTAL CONTROL WATER AND WASTE  
MANAGEMENT PERMITS**

**SECTION A. MONITORING AND RECORDS****1. Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. Monitoring points shall not be changed without notification to and the approval of the Director.

**2. Flow Measurements**

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than  $\pm 10\%$  from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- 1) "Water Measurement Manual", U. S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U. S. Government Printing Office, Washington, D. C. 20402. Order by Catalog No. I27.19/2:W29/2, Stock No. S/N 24003-0027.)
- 2) "Flow Measurement in Open Channels and Closed Conduits", U. S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273 535/55T.)
- 3) "NPDES Compliance Sampling Manual", U. S. Environmental Protection Agency, Office of Water Enforcement, Publication MCO-51, 1977, 140 pp. (Available from the General Services Administration (GSA), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225.)

**3. Reporting of Monitoring Results**

Reporting Period: Calendar quarter

Monitoring results obtained during the Reporting Period shall be summarized and reported on a Nebraska Department of Environmental Control Discharge Monitoring Report Form postmarked no later than the 28th day of the month following the completed reporting period.

Reports due 28 January; 28 April; 28 July; 28 October.

Signed copies of these Reports shall be submitted to the Nebraska Department of Environmental Control at the following address:

Nebraska Department of Environmental Control  
P. O. Box 94877, Statehouse Station  
301 Centennial Mall South  
Lincoln, Nebraska 68509

**4. Test Procedures**

Test procedures for the analysis of pollutants shall conform to Nebraska Department of Environmental Control

Rules and Regulations for Test Procedures for the Analysis of Pollutants Under the National Pollutant Discharge Elimination System. If those Rules and Regulations do not specify Test Procedures for any pollutant required to be monitored by this permit and until such Rules and Regulations are promulgated, sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless otherwise specified by the Director conform to the latest edition of the following references:

Standard Methods for the Examination of Water and Wastewaters, 15th Edition, 1980, American Public Health Association, New York, New York, 10019.

A.S.T.M. Standards, Part 31, Water, 1975, American Society for Testing and Materials, Philadelphia, Pennsylvania, 19103.

Methods for Chemical Analysis of Water and Wastes, March, 1979, Environmental Protection Agency Water Quality Office, Analytical Quality Control Laboratory, NERC, Cincinnati, OH, 45258.

**5. Additional Monitoring by the Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

**6. Averaging of Measurements**

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

**7. Retention of Records**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for 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 three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

**8. Record Contents**

Records of monitoring information shall include:

- a) The date, exact place, time and methods of sampling or measurements;
- b) Who performed the sampling or measurements;
- c) The date(s) analyses were performed;
- d) Who performed the analyses;
- e) The analytical techniques or methods used; and
- f) The results of such analyses.

**9. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, 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, at reasonable times, any records that must be kept under the conditions of this permit;
- c) Inspection at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- d) Sample or monitor, at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.
- e) Inspect any production, manufacturing, fabricating or storage area where pollutants, regulated under the permit, could originate.



SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. 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 includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

Upon reduction, loss or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. 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.

3. Bypass of Treatment Facilities

a) Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c and d of this section.

c) Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section C, Paragraph C-6 (24-hour notice).

d) Prohibition of bypass.

(1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c of this section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph d(1) of this section.

4. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of at a site and in a manner approved by the Nebraska Department of Environmental Control.

SECTION C. REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Anticipated Noncompliance

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

3. Transfers

This permit is nontransferable 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 Nebraska Environmental Protection Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Section A, Paragraph A-4.

5. Compliance Schedules

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. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, the probability of meeting the next scheduled requirement.

6. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 7 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

The following shall be included as information which must be reported within 24 hours:

a) Any unanticipated bypass which exceeds any effluent limitation in the permit.

b) Any upset which exceeds any effluent limitation in the permit.

c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of the permit to be reported within 24 hours.

7. Other Noncompliance

The permittee shall report all instances of noncompliance to the Department within seven (7) days on a Nebraska Department of Environmental Control Noncompliance Report Form.

8. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) One hundred micrograms per liter (100 g/l);
- (2) Two hundred micrograms per liter (200 g/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 g/l) or 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application;
- (4) The level established in Part I of the permit by the Director.

b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

#### 9. 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, upon request, copies of records required to be kept by this permit.

#### 10. 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. The application should be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance.

#### 11. Signatory Requirements

All applications, reports or information submitted to the Director shall be signed and certified.

a) All permit applications shall be signed as follows:

- (1) For a corporation: by a principal executive officer of at least the level of vice-president;
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- (3) For a municipality, State, Federal or other public agency: by either a principal executive officer or ranking elected official.

b) All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described above.
- (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
- (3) Certification. Any person signing a document under this section shall make the following certification:

" I certify that I am familiar with the information contained in this report and that to the best of my knowledge and belief such information is true, complete and accurate."

#### 12. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by the Federal Act, permit applications, permits and effluent data shall not be considered confidential.

### SECTION D. GENERAL CONDITIONS

#### 1. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of these regulations may be grounds for administrative action, or enforcement proceedings including injunctive relief by the county attorney or Attorney General.

#### 2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

#### 3. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a) Violation of any terms or conditions of this permit;
- b) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

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.

#### 4. Toxic Pollutants

If a toxic effluent standard or prohibition is established and adopted by the Council under Sections 301(b) (2) (C), 301(b) (2) (D), 304(b) (2) and 307 (a) (2) of the Federal Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitations upon such pollutant in the permit, the Director shall revise or modify the permit in accordance with the toxic effluent standard or prohibition and so notify the permittee.

#### 5. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Federal Act.

#### 6. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

#### 7. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

## DEFINITIONS

Daily Average--Discharge means the total discharge by weight during a calendar month divided by the number of days in the month that the production or facility was operating. Where less than daily sampling is required by this permit, the daily average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

Daily Maximum--Discharge means the total discharge by weight during any calendar day.

Maximum Concentration--The maximum concentration is the concentration in any single grab sample.

Grab Sample--An individual sample collected in less than 15 minutes.

Composite Sample--A combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to flow rate during sample period (flow composite) or constant volume samples are collected at equal time intervals during composite period (time composite).

Cooling Water--Uncontaminated: Water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water. Contaminated: Water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

Monthly Average--Other than for fecal coliform bacteria, is the arithmetic mean of the values for effluent samples collected in a period of 30 consecutive days. The monthly average for fecal coliform bacteria is the geometric mean of the value of the effluent samples collected in a period of 30 consecutive days.

Weekly Average--Other than for fecal coliform bacteria, is the arithmetic mean of the values for effluent samples collected in a period of seven consecutive days. The weekly average for fecal coliform bacteria is the geometric mean of the values for effluent samples collected in a period of seven consecutive days.

Bi-Weekly--Once every other week.

Bi-Monthly--Once every other month.

Compatible Pollutants--Are biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree, e.g., nitrogen and phosphorus.

Incompatible Pollutant--Is any pollutant which is not a compatible pollutant as defined above.

Major Contributing Industry--Is a wastewater source that:

- (a) has a flow of 50,000 gallons or more per average workday;
- (b) has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
- (c) has in its waste a toxic pollutant in toxic amounts; or
- (d) has significant impact, either singly or in combination with other contributing industries on the treatment works or the quality of its effluent.

Toxic Pollutant--Means those pollutants, or combinations of pollutants, including disease-causing agents; which, after discharge and upon exposure, ingestion, inhalation or assimilation into any 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.

Upset--Means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

Bypass--Means the intentional diversion of wastes from any portion of a treatment facility.

Waters of the State--Means all waters within the jurisdiction of this state including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.