

NEBRASKA

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FEB 13 2019



Pete Ricketts, Governor

Mary J. Fisher, VP Energy Prd & Nuc Decom
OPPD
444 S 16th Street Mall
Omaha, NE 68102

RE: OPPD Fort Calhoun Nuclear Station
NDEQ ID: 57477
PROGRAM ID: NE0000418

Enclosed is the facility's:

☒ NPDES Permit ☐ NPP Permit ☐ NPDES/NPP Permit

A copy of the permit shall be routed to the facility contact person who is responsible for retaining the NPDES facility records. Also enclosed is a Permit Compliance Checklist, this provides a general overview of what NDEQ evaluates to determine compliance during routine inspections

Questions regarding the permit or monitoring reports should be directed to the facility's NDEQ compliance specialist as indicated below:

<input checked="" type="checkbox"/> Brett Anderson	402-679-1429	NDEQ Omaha Field Office
<input type="checkbox"/> John Flint	308-641-7273	NDEQ Scottsbluff Field Office
<input type="checkbox"/> Nathan Kush	402-750-6077	NDEQ Norfolk Office
<input type="checkbox"/> Tim Lindeen	402-471-2023	NDEQ Lincoln Office
<input type="checkbox"/> Mark Pomajzl	402-471-2936	NDEQ Lincoln Office
<input type="checkbox"/> Jeff Stittle	308-530-0873	NDEQ North Platte Field Office
<input type="checkbox"/> Jason Windhorst	402-471-4205	NDEQ Lincoln Office

Thank you.

Kim Bubb, Staff Assistant
NPDES Permits and Compliance Section
Water Permits Division

cc: w/o enclosures:

Russell J. Baker, Director-Env & Reg Affairs
OPPD

NEBRASKA

DEPT. OF ENVIRONMENTAL QUALITY

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

17-003

February 2017

Industrial Wastewater Facility Permit Compliance Checklist

Your permit provides the requirements you must meet to be in compliance with the National Pollutant Discharge Elimination System (NPDES). The Nebraska Department of Environmental Quality (NDEQ) performs routine inspections to verify compliance. These inspections include a review of your required NPDES records, a review of your operation and maintenance activities, and observations of the physical condition of your wastewater treatment facility (WWTF). Further details may be found in the body and Attachment A of your permit and NDEQ Titles 119, 123, and 197, available on the Department website. During a records review and the inspection, as applicable to your facility, we will evaluate the following list to determine compliance:

General Permit Compliance

- Meeting Limits
- Meeting Compliance Schedule (if included)
- Effluent Sampling
- Meeting Narrative Requirements
- Visual Observation of the Effluent Discharge to the receiving water/sanitary sewer.

Records Review

- 3 years of required records:
 - Permit/Fact sheet/Application
 - DMRs
 - Analytical Results/Lab Documentation
 - Sample Collection/Handling Documentation
 - Flow records

Discharge Monitoring Reports (DMRs)

- Electronic Reporting
- DMRs Submitted On Time
- DMR Copies Retained

Reporting

- DMRs Submitted On Time
- DMR Copies Retained

Flow Measurement

- Condition of Equipment
- Calibration of Equipment

Lagoon Treatment

- Splitter Box
- Operating Depth
- Vegetation Control
- Erosion Control
- Animal Control
- Lagoon Appearance
- Fence/Signs Condition
- Gate Closed and Locked

Mechanical Treatment

- Operation
- Process Control
- Physical Condition of the Equipment

Sludge

- Required Records and Land Application Setback Compliance, Agronomic Rate

Laboratory

- Analytical Equipment Calibration
- Complete Bench Sheets
- Correct Analytical Methods
- Correct Laboratory Procedures

Sample Handling

- Correct Collection Method/Frequency
- Holding Time/Preservation/Temperature

General Operation and Maintenance (O&M)

- Maintenance Record Keeping
- SCADA/Alarms

Operator Certification

- Certified Operator
- Sufficient Backup

Nebraska Pretreatment Program

- Reporting to the Publically Owned Treatment Works (POTW)
- Prohibited Discharge Standards
- Effluent Violation Repeat Sampling
- Slug Loads
- 90 Day Compliance Reports
- Total Toxic Organics

Industrial Stormwater Permit

- Notice of Intent
- SWPPP/Reviews and Updates
- Training
- BMPs
- Inspections, Routine and Comprehensive
- Benchmark Monitoring
- Corrective Actions
- Housekeeping
- Outfalls
- No Exposure Certification

If you have questions please call the NPDES Permits and Compliance Section at 402-471-4220.



**Authorization to Discharge Under the
National Pollutant Discharge Elimination System
(NPDES)**

This NPDES permit is issued in compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Secs. 1251 *et. seq.* as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Secs. 81-1501 *et. seq.* as amended to date), and the Rules and Regulations promulgated pursuant to these Acts. The facility and outfall(s) identified in this permit are authorized to discharge wastewater and are subject to the limitations, requirements, prohibitions and conditions set forth herein. This permit regulates and controls the release of pollutants in the discharge(s) authorized herein. This permit does not relieve permittees of other duties and responsibilities under the Nebraska Environmental Protection Act, as amended, or established by regulations promulgated pursuant thereto.

NPDES Permit No.	NE0000418
NDEQ ID Number	57477
Facility Name	OPPD Fort Calhoun Station
Permittee	Omaha Public Power District (OPPD)
Facility Mailing Address	PO Box 550, Fort Calhoun, Nebraska 68023
Legal Description	NW ¼, NW ¼, Section 21, Township 18 N, Range 12 E, Washington County, Nebraska
Latitude/Longitude	41.51988 °N, 96.076547 °W
Receiving Water	Missouri River (MT1-10000 of the Missouri Tributaries River Basin)
Effective Date	January 1, 2016
Modification Date	February 20, 2019
Expiration Date	December 31, 2020

Pursuant to a Delegation Memorandum dated December 28, 2015 and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

Signed this 13th day of February, 2019


Steven M. Goans
Deputy Director – Water

TABLE OF CONTENTS

PART I. EFFLUENT LIMITS AND MONITORING REQUIREMENTS	3
A. Outfall 001 – Discharge of Once Through Cooling Water	3
B. Outfall 003 – Discharge of Demineralized Water to a tributary of the Missouri River (Fish Creek)	4
C. Outfall 002 – Water Treatment Plant	5
D. Outfall L01 – Intake Sump	6
E. Outfall L02 – Turbine Sump	7
F. Outfall 007 – Sanitary Lagoon Discharge to the Missouri River	8
PART II. INTAKE WATER MONITORING	9
PART III. OTHER REQUIREMENTS AND CONDITIONS	10
A. Polychlorinated Biphenyls (PCB)	10
B. Radionuclides	10
C. Narrative Limits	10
D. Disposal of Sewage Sludge	10
E. Method Detection Limit Reporting Requirements	10
F. Calculation on Net Basis	10
G. Toxic Pollutant Monitoring	11
H. Electronic Submission of Discharge Monitoring Reports	11
TABLE OF CONTENTS FOR APPENDIX A	12
Attachment 1 – Sampling and Analysis Requirements for Process Wastewater Discharges for the NPDES Permit Renewal Application	

Part I. Effluent Limits and Monitoring Requirements

A. Outfall 001 – Discharge of Once Through Cooling Water

The discharge of pass-through cooling water from Outfall 001 to the Missouri River is authorized. The wastewater discharged through Outfall 001 must be consistent with the description provided in the permit application and any supplemental information submitted used in the development of this permit. The discharge from Outfall 001 shall be monitored and subject to the limits set forth below in Table 1.

Table 1: Discharge Limits and Monitoring Requirements for Outfall 001

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			30 Day Average	Maximum		
Flow	50050	MGD	Report	Report	Continuous	Calculated or Metered
Temperature	00011	°F	Report	111.6	Weekly	Metered or Grab ^(b)
Total Residual Chlorine ^(a)	50060	mg/L	0.010	0.020	Weekly	Grab ^(b)
Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			Daily Minimum	Daily Maximum		
pH	00400	S.U.	6.5	9.0	Monthly	Metered or Grab ^(b)

Footnotes:

(a) Monitoring for Total Residual Chlorine is required only when chlorine or chlorine producing chemical is introduced into any water that discharges through Outfall 001.

(b) Analysis must be conducted within 15 minutes of sample collection.

Abbreviations: mg/L – milligrams per liter MGD – million gallons per day S.U. – standard units
kg/day – kilograms per day °F – degrees Fahrenheit

The discharge of demineralized water from Outfall 003 to a tributary of the Missouri River (Fish Creek) is authorized. The wastewater discharged through Outfall 003 must be consistent with the description provided in the permit application and any supplemental information submitted used in the development of this permit. The discharge from Outfall 003 shall be monitored and subject to the limits set forth below in Table 2.

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			30 Day Average	Maximum		
Flow	50050	MGD	Report	Report	Quarterly	Calculated or Metered
Oil and Grease	00552	mg/L	15	20	Quarterly	Grab
Total Suspended Solids	00530	mg/L	30	100	Quarterly	Grab
Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			Daily Minimum	Daily Maximum		
pH	00400	S.U.	6.5	9.0	Quarterly	Grab ^(a)

Footnotes:
 (a) Analysis must be conducted within 15 minutes of sample collection.
Abbreviations: mg/L – milligrams per liter MGD – million gallons per day S.U. – standard units

C. Outfall 002 – Water Treatment Plant

The discharge of wastewater from Outfall 002, water treatment plant, must be consistent with the description provided in the permit application and any supplemental information submitted used in the development of this permit. The discharge from Outfall 002 shall be monitored and subject to the limits set forth below in Table 3.

Table 3: Discharge Limits and Monitoring Requirements for Outfall 002 ^(a)

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			30 Day Average	Maximum		
Flow	50050	MGD	Report	Report	Daily	Calculated or Metered
Oil and Grease	00552	mg/L	15	20	Monthly	Grab
Total Suspended Solids	00530	mg/L	30	100	Monthly	Grab
Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			Daily Minimum	Daily Maximum		
pH	00400	S.U.	6.0	9.0	Monthly	Grab ^(b)

Footnotes:

(a) The discharge from outfall 002 consists of low volume wastewater. No other classes of categorical wastestreams or noncategorical dilution wastestreams shall be present in the effluent from outfall 002 during sample collection.

(b) Analysis shall be conducted within 15 minutes of sample collection.

Abbreviations: mg/L – milligrams per liter MGD – million gallons per day S.U. – standard units

The discharge of wastewater from Outfall L01, intake sump, is authorized and must be consistent with the description provided in the permit application and any supplemental information submitted used in the development of this permit. The discharge from Outfall L01 shall be monitored and subject to the limits set forth below in Table 4.

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			30 Day Average	Maximum		
Flow	50050	MGD	Report	Report	Daily	Calculated or Metered
Oil and Grease	00552	mg/L	15 ^(b)	20 ^(b)	Monthly	Grab
Total Suspended Solids	00530	mg/L	30 ^(b)	100 ^(b)	Monthly	Grab
Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			Daily Minimum	Daily Maximum		
pH	00400	S.U.	6.0	9.0	Monthly	Grab ^(c)

- (a) The discharge from outfall L01 consists of low volume wastewater. No other classes of categorical wastestreams or noncategorical dilution wastestreams shall be present in the effluent from outfall L01 during sample collection
- (b) The permittee may request that that these limits be calculated and reported on a net basis according to the requirements set forth in Part IV (G).
- (c) Analysis shall be conducted within 15 minutes of sample collection.

Abbreviations: mg/L – milligrams per liter MGD – million gallons per day S.U. – standard units

The discharge of wastewater from Outfall L02, turbine sump, is authorized and must be consistent with the description provided in the permit application and any supplemental information submitted used in the development of this permit. The discharge from Outfall L02 shall be monitored and subject to the limits set forth below in Table 5.

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			30 Day Average	Maximum		
Flow	50050	MGD	Report	Report	Daily	Calculated or Metered
Oil and Grease	00552	mg/L	15 ^(b)	20 ^(b)	Monthly	Grab
Total Suspended Solids	00530	mg/L	30 ^(b)	100 ^(b)	Monthly	Grab
Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			Daily Minimum	Daily Maximum		
pH	00400	S.U.	6.0	9.0	Monthly	Grab

- (a) The discharge from outfall L02 consists of low volume wastewater. No other classes of categorical wastestreams or noncategorical dilution wastestreams shall be present in the effluent from outfall L02 during sample collection
- (b) The permittee may request that that these limits be calculated and reported on a net basis according to the requirements set forth in Part IV (G).
- (c) Analysis shall be conducted within 15 minutes of sample collection.

Abbreviations: mg/L – milligrams per liter MGD – million gallons per day S.U. – standard units

F. Outfall 007 – Sanitary Lagoon Discharge to the Missouri River

The discharge of treated sanitary wastewater from the lagoon final effluent, Outfall 007, to the Missouri River is authorized and shall be monitored and limited as specified in tables 6 and 7 below. Monitoring shall be conducted by sampling after all treatment processes and prior to discharge into the receiving waters.

Table 6: Discharge Limits and Monitoring Requirements for Outfall 007

Parameters	Storet #	Units	Discharge Limits			Monitoring Frequency	Sample Type
			Monthly Average	Daily Maximum	Value		
Flow	50050	MGD	Report	Report	---	Daily	Measured or Calculated
Duration of Discharge	81381	Days.	---	---	Report	Monthly	Measured or Calculated
Ammonia (N)	00610	mg/l	Report	Report	---	Twice/Month ^(a)	Grab
Total Nitrogen	00600	mg/l	Report	Report	---	Twice/Month ^(a)	Grab
Total Phosphorous	00665	mg/l	Report	Report	---	Twice/Month ^(a)	Grab
Temperature	00011	°F	Report	Report	---	Twice/Month ^(a)	Grab ^(b)
Parameters	Storet #	Units	Discharge Limits			Monitoring Frequency	Sample Type
			Monthly Average	7 Day Average	Daily Maximum		
Biochemical Oxygen Demand, (5-Day)	00310	mg/l	30.0	45.0	---	Twice/Month ^(a)	Grab
		kg/day	Report	Report	---		
Total Suspended Solids	00530	mg/l	80.0	---	120.0	Twice/Month ^(a)	Grab
		kg/day	Report	---	Report		
Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type	
			Daily Minimum	Daily Maximum			
pH	00400	S.U.	6.5	Report	Twice/Month ^(a)	Grab ^(b)	

Footnotes:

(a) One sample must be taken on the first day of the drawdown and one in the last week of the drawdown. One sample per month must be taken if the drawdown carries over into the next month.

(b) Analysis shall be conducted within 15 minutes of sample collection.

Abbreviations: mg/L – milligrams per liter MGD – million gallons per day S.U. – standard units

kg/day – kilograms per day °F – degrees Fahrenheit

Table 7: Outfall 007 - Discharge Monitoring Requirements for *E. coli* that Apply from May 1 through September 30

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			Monthly Geometric Mean	Maximum		
<i>E. coli</i>	50278	CFU/100 mL	126	298	Twice per month ^(a)	Grab

Footnotes:

(a) One sample must be taken on the first day of the drawdown and one in the last week of the drawdown. One sample per month must be taken if the drawdown carries over into the next month.

(b) *E. coli* has a six-hour holding time.

Abbreviations: CFU/100 mL – colony forming units within 100 milliliters

Part II. Intake Water Monitoring

The Missouri River intake water for Fort Calhoun Station through influent Outfall N01 shall be monitored according to the requirements set forth below in Table 8.

Table 8: Discharge Limits and Monitoring Requirements for Influent Outfall N01

Parameters	Storet #	Units	Discharge Limits		Monitoring Frequency	Sample Type
			30 Day Average	Maximum		
Flow	50050	MGD	Report	Report	Daily	Calculated or Metered
Oil and Grease	00552	mg/L	Report	Report	Monthly	Grab
Total Suspended Solids	00530	mg/L	Report	Report	Monthly	Grab

Abbreviations: mg/L – milligrams per liter MGD – million gallons per day

Part III. Other Requirements and Conditions

A. Polychlorinated Biphenyls (PCB)

There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid. At the discretion of the NDEQ, this requirement for no discharge of PCBs can be confirmed either by chemical analysis of the discharge effluent or by an engineering study which would demonstrate that PCBs are not present in the final discharge.

B. Radionuclides

The discharge of beta particles and photon emitters from Fort Calhoun Nuclear Station to the Missouri River shall not exceed 4 millirems per year. To document compliance with this limit, the OPPD shall submit an annual report to the NDEQ by April 1 of each year for radionuclide releases from Ft. Calhoun Nuclear Station to the Missouri River from the preceding calendar year (January – December) that provides the date of release and a list of radionuclides released reported in terms of both activity (pCi/l) and exposure (millirems).

C. Narrative Limits

Discharges authorized under this permit;

1. Shall not be toxic to aquatic life in surface waters of the State outside the mixing zones allowed in NDEQ Title 117 - *Nebraska Surface Water Quality Standard*;
2. Shall not contain pollutants at concentrations or levels that produce objectionable films, colors, turbidity, deposits, or noxious odors in the receiving stream or waterway; and
3. Shall not contain pollutants at concentrations or levels that cause the occurrence of undesirable or nuisance aquatic life in the receiving stream.

D. Disposal of Sewage Sludge

1. The permittee shall dispose of sludge in accordance with 40 CFR Part 503, which is administered by EPA Region VII. Adherence to these regulations does not exempt the permittee from applicable NDEQ requirements.
2. The permittee preparing and/or applying sewage sludge shall develop all of the information required in 40 CFR Part 503.17. This information shall be retained as required by 40 CFR Part 503.
3. Any proposed biosolids application site must be approved by the NDEQ prior to the initial biosolids application.

E. Method Detection Limit Reporting Requirements

The minimum detection limit (MDL) is defined as the level at which the analytical system gives acceptable calibration points. If the analytical results are below the MDL then the reported value on the DMR shall be a numerical value less than the MDL (e.g. <0.005).

F. Calculation on Net Basis

Calculation on a net basis means the permit limits may be adjusted to reflect credit for pollutants present in the intake water from the Missouri River. The following requirements pertain to the calculation of TSS and Oil/Grease limits for Outfalls L01 and L02 on a net basis.

1. The intake water plus Outfalls L01 and/or L02 must be sampled on the same day.
2. Adjustments to the permit limits shall be calculated on the basis of the amount of pollutants present after any treatment steps have been performed on the intake water.
3. No adjustments to the permit limits will be made when the pollutants in the intake water vary physically, chemically, or biologically from the pollutants limited by the permit.
4. No adjustments to the permit limits will be made when the discharge significantly increases concentrations of pollutants in the intake water.

G. Toxic Pollutant Monitoring

The wastewater discharged from Ft. Calhoun Nuclear Station shall be monitored for toxic pollutants as set forth in Attachment 1 of this permit. The analytical data obtained from monitoring shall be submitted as an attachment to the next NPDES permit application.

H. Electronic Submission of Discharge Monitoring Reports

The National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule requires electronic reporting of NPDES information rather than the previously required paper based reports from the permitted facilities. To comply with the federal rule, permittees are required to submit DMRs electronically using the EPA NetDMR tool (Appendix A of 40 CFR part 127). Permittees may seek an electronic reporting waiver by submitting a letter to the department with a brief written statement regarding the basis for needing such a temporary waiver. The department will either approve or deny this electronic reporting waiver request. The duration of a temporary waiver may not exceed 5 years, which is the normal period for an NPDES permit term.

Table of Contents for Appendix A
Standard Conditions that Apply to NPDES and NPP Permits

Section	Page
1. Information Available.....	1
2. Duty to Comply	1
3. Violations of this Permit.....	1
4. Duty to Reapply	1
5. Need to Halt or Reduce Activity not a Defense.....	1
6. Duty to Mitigate.....	1
7. Proper Operation and Maintenance	1
8. Permit Actions	2
9. Property Rights	2
10. Duty to Provide Information.....	2
11. Inspection and Entry	2
12. Monitoring and Records	2
13. Signatory Requirement	3
14. Reporting Requirements	4
15. Bypass.....	6
16. Upset.....	7
17. Other Rules and Regulations Liability.....	8
18. Severability	8
19. Other Conditions that Apply to NPDES and NPP Permits.....	8
20. Definitions	10
21. Abbreviations.....	12

Appendix A

Conditions Applicable to all NPDES Permits

The following conditions apply to all NPDES permits:

1. Information Available

All permit applications, fact sheets, permits, discharge data, monitoring reports, and any public comments concerning such shall be available to the public for inspection and copying, unless such information about methods or processes is entitled to protection as trade secrets of the owner or operator under Neb. Rev. Stat. §81-1527, (Reissue 1999) and NDEQ Title 115, Chapter 4.

2. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the Applicable State Statutes and Regulations and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
- b. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

3. Violations of this Permit

- a. Any person who violates this permit may be subject to penalties and sanctions as provided by the Clean Water Act.
- b. Any person who violates this permit may be subject to penalties and sanctions as provided by the Nebraska Environmental Protection Act.

4. 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.

5. Need to Halt or Reduce Activity not a Defense

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.

6. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

7. 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 also includes effective performance based on designed facility removals, effective management, adequate operator staffing and training, adequate process controls, adequate funding that reflects proper user fee schedules, adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary

facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

8. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. 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.

9. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

10. 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.

11. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon 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. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

12. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), 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 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- c. Records of monitoring information shall include:
 - i) The date(s), exact place, time and methods of sampling or measurements;
 - ii) The individual(s) who performed the sampling or measurements;
 - iii) The date(s) analyses were performed;
 - iv) The individual(s) who performed the analyses;
 - v) The analytical techniques or methods used; and

- vi) The results of such analyses.
- d. Monitoring must be conducted according to test procedures approved under NDEQ Title 119, Chapter 27 002 unless another method is required under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 or O – Sewer Sludge Parts 501 and 503.
- e. Falsifies, Tampers, or Knowingly Renders Inaccurate
 - i) On actions brought by EPA, the Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction: be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
 - ii) On action brought by the State, The Nebraska Environmental Protection Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished pursuant to Neb. Stat. §81-1508.01.

13. Signatory requirements

- a. All applications, reports, or information submitted to the Director shall be signed and certified.
 - i) All permit applications shall be signed as follows:
 - (a) For a corporation
 - (i) By a responsible corporate officer: For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship
 - (i) By a general partner or the proprietor.
 - (c) For a municipality, State, Federal, or other public agency
 - (i) By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. Reports and Other Information
 - i) All reports required by permits, and other information requested by the Director shall be signed by a person described in this section [paragraphs 13. a. i) (a),(b), or (c)], or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (a) The authorization is made in writing by a person described in paragraphs 13. a. i) (a),(b), or (c);
 - (b) The authorization specifies 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, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position) and;
 - (c) The written authorization is submitted to the Director.
- c. Changes to Authorization

If an authorization of paragraphs 13. a. i) (a),(b), or (c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification

All applications, reports and information submitted as a requirement of this permit shall contain the following certification statement:

 - i) I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- e. False Statement, Representation, or Certification
 - i) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
 - ii) The Nebraska Environmental Protection Act provides criminal penalties and sanctions for false statement, representation, or certification in any application, label, manifest, record, report, plan, or other document required to be filed or maintained by the Environmental Protection Act, the Integrated Solid Waste Management Act, the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts.

14. Reporting Requirements

- a. Planned Changes
 - i) The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in NDEQ Title 119, Chapter 4 and 8.
 - (b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under NDEQ Title 119, Chapter 15.
 - (c) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions

that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. The sludge program is not delegated to the State so notification to the EPA Regional Administrator in addition to the State is required.

b. 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.

c. Transfers

This permit is not transferable 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 NDEQ Title 119, Chapter 24 in some cases, modification or revocation and reissuance is mandatory.

d. Monitoring Reports

- i) Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- ii) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director.
- iii) Monitoring results shall be submitted on a quarterly basis using the reporting schedule set forth below, unless otherwise specified in this permit or by the Department.

Monitoring Quarters

January - March
April - June
July - September
October - December

DMR Reporting Deadlines

April 28
July 28
October 28
January 28

- iv) For reporting results of monitoring of sludge use or disposal practices
- v) Additional reports may be required by the EPA Regional Administrator.
- vi) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved in NDEQ Title 119, Chapter 27 002, or another method required for an industry-specific waste stream under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 and O – Sewer Sludge Parts 501 and 503, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director or EPA Regional Administrator.
- vii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

e. 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.

f. Twenty-four Hour Reporting

- i) The permittee shall report any noncompliance which may endanger human 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 5 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.

- ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (a) Any unanticipated bypass which exceeds any effluent limitation in this permit.
 - (b) Any upset which exceeds any effluent limitation in this permit.
 - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.
- g. The Director may waive the written report on a case-by-case basis for reports under section 14. f. ii) (a), (b) and (c) if the oral report has been received within 24 hours.
- h. Other noncompliance

The permittee shall report all instances of noncompliance not reported under paragraphs d., e., and f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph f. of this section.
- i. Other information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
- j. Noncompliance Report Forms
 - i) Noncompliance Report Forms are available from the Department and shall be submitted with or as the written noncompliance report.
 - ii) The submittal of a written noncompliance report does not relieve the permittee of any liability from enforcement proceedings that may result from the violation of permit or regulatory requirements.

15. Bypass

- a. Definitions
 - i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - ii) 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 15.c. and d. of this section.
- c. Notice
 - i) 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.
 - ii) Unanticipated Bypass

The permittee shall submit notice of an unanticipated bypass as required in paragraph 14.f. of this section (24-hour notice).
- d. Prohibition of Bypass

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

- i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii) 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 adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii) The permittee submitted notices as required under paragraph 15.c. of this section.
- e. 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 15.d.

16. Upset

a. Definition

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. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 16.c. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions Necessary for a Demonstration of Upset.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- ii) The permitted facility was at the time being properly operated;
- iii) The permittee submitted notice of the upset as required in paragraph 14.f. ii) (a), of this section (24-hour notice).
- iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

d. Burden of Proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

17. Other Rules and Regulations Liability

The issuance of this permit in no way relieves the obligation of the permittee to comply with other rules and regulations of the Department.

18. Severability

If any provision of this permit is held invalid, the remainder of this permit shall not be affected.

19. Other Conditions that Apply to NPDES and NPP Permits

a. Land Application of Wastewater Effluent

The permittee shall be permitted to discharge treated domestic wastewater effluent by means of land application in accordance with the regulations and standards set forth in NDEQ Title 119, Chapter 12 002.

The Wastewater Section of the Department must be notified in writing if the permittee chooses to land apply effluent.

b. Toxic Pollutants

The permittee shall not discharge pollutants to waters of the state that cause a violation of the standards established in NDEQ Titles 117, 118 or 119. All discharges to surface waters of the state shall be free of toxic (acute or chronic) substances which alone or in combination with other substances, create conditions unsuitable for aquatic life outside the appropriate mixing zone.

c. Oil and Hazardous Substances/Spill Notification

Nothing in this permit shall preclude the initiation of any legal action or relieve the permittee from any responsibilities, liabilities or penalties under section 311 of the Clean Water Act. The permittee shall conform to the provisions set forth in NDEQ Title 126, Rules and Regulations Pertaining to the Management of Wastes. If the permittee knows, or has reason to believe, that oil or hazardous substances were released at the facility and could enter waters of the state or any of the outfall discharges authorized in this permit, the permittee shall immediately notify the Department of a release of oil or hazardous substances. During Department office hours (i.e., 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays), notification shall be made to the Nebraska Department of Environmental Quality at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free). When NDEQ cannot be contacted, the permittee shall report to the Nebraska State Patrol for referral to the NDEQ Immediate Response Team at telephone number (402) 471-4545. It shall be the permittee's responsibility to maintain current telephone numbers necessary to carry out the notification requirements set forth in this paragraph.

d. Removed Substances

- i) Solids, sludge, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of at a site and in a manner approved by the Nebraska Department of Environmental Quality.
 - (a) The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 257.
 - (b) The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 503.
 - (c) If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in NDEQ Title 132.
- ii) Publicly owned treatment works shall dispose of sewage sludge in a manner that protects public health and the environment from any adverse effects which may occur from toxic pollutants as defined in Section 307 of the Clean Water Act.
- iii) This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR Part 503.

e. Representative Sampling

- i) Samples and measurements taken as required within this permit shall be representative of the 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 waste stream, body of water, or substance. Monitoring points shall not be changed without notification to the Department and with the written approval of the Director.
- ii) Composite sampling shall be conducted in one of the following manners;
 - (a) Continuous discharge - a minimum of one discrete aliquot collected every three hours,
 - (b) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or

- (c) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.
 - (d) Composite samples shall be collected in one of the following manners:
 - (i) The volume of each aliquot must be proportional to either the waste stream flow at the time of sampling or the total waste stream flow since collection of the previous aliquot,
 - (ii) A number of equal volume aliquots taken at varying time intervals in proportion to flow,
 - (iii) A sample continuously collected in proportion to flow, and
 - (e) Where flow proportional sampling is infeasible or non-representative of the pollutant loadings, the Department may approve the use of time composite samples.
 - (f) Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.
- iii) All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21 006 unless:
- (a) In the case of sludge samples, alternative techniques are specified in 40 CFR Part 503, or
 - (b) Other procedures are specified in this permit.
- iv) Flow Measurements
- Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be used to insure the accuracy and reliability of measurements. The devices shall be installed, calibrated and maintained to insure the accuracy of the measurements. The accepted capability shall be consistent with that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of +/- 10%. The amount of deviation shall be from the true discharge rates throughout the range of expected discharge volumes. Guidance can be obtained from the following references for the selection, installation, calibration and operation of acceptable flow measurement devices:
- (a) "Water Measurement Manual," U.S. Department of the Interior, Bureau of Reclamation, Third Edition, Revised Reprint, 2001.
(Available online at <http://www.usbr.gov/tsc/techreferences/mands/wmm/index.htm>)
 - (b) "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-77, September 1981, 147 pp.
(Available online at <http://www.epa.gov/nscep>, and enter 'NPDES Compliance Flow Measurement Manual, Publication MCD-77' in the search box)
- f. Changes of Loadings to Publicly Owned Treatment Works (POTWs)
- All POTWs must provide adequate notice to the Director of the following:
- i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to NDEQ Title 119, Chapter 26, if it were directly discharging those pollutants;
 - ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - iii) For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

20. Definitions

Administrator: The Administrator of the USEPA.

Aliquot: An individual sample having a minimum volume of 100 milliliters that is collected either manually or in an automatic sampling device.

Annually: Once every calendar year.

Authorized Representative: Individual or position designated the authorization to submit reports, notifications, or other information requested by the Director on behalf of the Owner under the circumstances that the authorization is made in writing by the Owner, the authorization specifies the individual or position who is duly authorized, and the authorization is submitted to the Director.

Bimonthly: Once every other month.

Biosolids: Sewage sludge that is used or disposed through land application, surface disposal, incineration, or disposal in a municipal solid waste landfill.

Biweekly: Once every other week.

Bypass: The intentional diversion of wastes from any portion of a treatment facility.

Certifying Official: See Section 13, Standard Conditions above.

Daily Average: An effluent limitation that cannot be exceeded and is calculated by averaging the monitoring results for any given pollutant parameter obtained during a 24-hour day.

Department: Nebraska Department of Environmental Quality.

Director: The Director of the Nebraska Department of Environmental Quality.

Industrial Discharge: Wastewater that originates from an industrial process and / or is noncontact cooling water and / or is boiler blowdown.

Industrial User: A source of indirect discharge (a pretreatment facility).

Monthly Average: An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Operator: A person (often the general contractor) designated by the owner who has day to day operational control and/or the ability to modify project plans and specifications related to the facility.

Owner: A person or party possessing the title of the land on which the activities will occur; or if the activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the activity.

Outfall: A discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged into Waters of the State.

Passive Discharge: A discharge from a POTW that occurs in the absence of an affirmative action and is not authorized by the NPDES permit (e.g. discharges due to a leaking valve, discharges from an overflow structure) and / or is a discharge from an overflow structure not designed as part of the POTW (e.g. discharges resulting from lagoon berm / dike breaches).

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Clean Water Act (Public Law 100-4) which is owned by the state or municipality, excluding any sewers or other conveyances not leading to a facility providing treatment.

Semiannually: Twice every year.

Significant Industrial User (SIU): All industrial users subject to Categorical Pretreatment Standards or any industrial user that, unless exempted under Chapter 1, Section 105 of NDEQ Title 119, discharges an average of 25,000 gallons per day or more of process water; or contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any National Pretreatment Standard or requirement.

Sludge: Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.

30-Day Average: An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Total Toxic Organics (TTO): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for toxic organic compounds that may be identified elsewhere in this permit. (If this term has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

Toxic Pollutant: Those pollutants or combination of pollutants, including disease causing agents, after discharge and upon exposure, ingestion, inhalation or assimilation into an 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: 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.

Volatile Organic Compounds (VOC): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for volatile, toxic organic compounds that may be identified elsewhere in this permit. (See the definition for Total Toxic Organics above. In many instances, VOCs are defined as the volatile fraction of the TTO parameter. If the term VOC has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

Waters of the State: All waters within the jurisdiction of this state including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, 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.

Weekly Average: An effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a fixed calendar week. The permittee may start their week on any weekday but the weekday must remain fixed. The Department approval is required for any change of the starting day.

"X" Day Average: An effluent limitation defined as the maximum allowable "X" day average of consecutive monitoring results during any monitoring period where "X" is a number in the range of one to seven days.

21. Abbreviations

CFR: Code of Federal Regulations

kg/Day: Kilograms per Day

MGD: Million Gallons per Day

mg/L: Milligrams per Liter

NOI: Notice of Intent

NDEQ: Nebraska Department of Environmental Quality

NDEQ Title 115: Rules of Practice and Procedure

NDEQ Title 117: Nebraska Surface Water Quality Standards

NDEQ Title 118: Ground Water Quality Standards and Use Classification

NDEQ Title 119: Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System

NDEQ Title 126: Rules and Regulations Pertaining to the Management of Wastes

NDEQ Title 132: Integrated Solid Waste Management Regulations

NPDES: National Pollutant Discharge Elimination System

NPP: Nebraska Pretreatment Program

POTW: Publicly Owned Treatment Works

µg/L: Micrograms per Liter

WWTF: Wastewater Treatment Facility

Attachment 1 – Sampling and Analysis Requirements for Process Wastewater Discharges for the NPDES Permit Renewal Application

Except for stormwater discharges, all manufacturing, commercial, mining and silvicultural dischargers applying for NPDES permits which discharge process wastewater shall provide the information in Section A through D to the Department.

A. General Required Sampling and Analysis

Every applicant must report quantitative data for every outfall directly discharging process wastewater for the following pollutants:

1. Biochemical Oxygen Demand (BOD₅)
2. Chemical Oxygen Demand
3. Total Organic Carbon
4. Total Suspended Solids
5. Ammonia (as N)
6. Temperature (both winter and summer)
7. pH

The Director may waive the reporting requirements for individual point sources or for a particular industry category for one or more of the pollutants listed in Section A if the applicant has demonstrated that such a waiver is appropriate because information adequate to support issuance of a permit can be obtained with less stringent requirements.

B. Industry Specific Sampling and Analysis

Each applicant with processes in one or more primary industry category (see Section C) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater:

1. The organic toxic pollutants in the fractions designated in Table I for the applicant's industrial category or categories unless the applicant qualifies as a small business under paragraph (g)(8) of 40 CFR 122.21. Table II lists the organic toxic pollutants in each fraction. The fractions result from the sample preparation required by the analytical procedure which uses gas chromatography/mass spectrometry. A determination that an applicant falls within a particular industrial category for the purposes of selecting fractions for testing is not conclusive as to the applicant's inclusion in that category for any other purposes (see Part D).
2. The pollutants listed in Table III (the toxic metals, cyanide, and total phenols).
3. Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in Table IV (certain conventional and nonconventional pollutants) is discharged from each outfall. If an applicable effluent limitations guideline either directly limits the pollutant or, by its express terms, indirectly limits the pollutant through limitations on an indicator, the applicant must report quantitative data. For every pollutant discharged which is not so limited in an effluent limitations guideline, the applicant must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged.
4. Each applicant must indicate whether it knows or has reason to believe that any of the pollutants listed in table II or table III (the toxic pollutants and total phenols) for which quantitative data are not otherwise required under paragraph (g)(7)(v) of 40 CFR 122.21 are discharged from each outfall. For every pollutant expected to be discharged in concentrations of 10 ppb or greater the applicant must report quantitative data. For acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4, 6 dinitrophenol, where any of these four pollutants are expected to be discharged in concentrations of 100 ppb or greater the applicant must report quantitative data. For every pollutant expected to be discharged in concentrations less than 10 ppb, or in the case of acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4, 6 dinitrophenol, in concentrations less than 100 ppb, the applicant must either submit quantitative data or briefly describe the reasons the pollutant is expected to be discharged. An applicant qualifying as a small business under paragraph (g)(8) of 40 CFR 122.21 is not required to analyze for pollutants listed in table II (the organic toxic pollutants).
5. Each applicant must indicate whether it knows or has reason to believe that any of the pollutants in table V (certain hazardous substances and asbestos) are discharged from each outfall. For every pollutant expected

to be discharged, the applicant must briefly describe the reasons the pollutant is expected to be discharged, and report any quantitative data it has for any pollutant.

6. Each applicant must report qualitative data, generated using a screening procedure not calibrated with analytical standards, for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) if it:
 - a. Uses or manufactures 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnell); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); or
 - b. Knows or has reason to believe that TCDD is or may be present in an effluent.

C. Applicable Primary Industry Categories

Adhesives and sealants	Ore mining
Aluminum forming	Organic chemicals manufacturing
Aluminum forming	Paint and ink formulation
Auto and other laundries	Pesticides
Battery manufacturing	Petroleum refining
Coal mining	Pharmaceutical preparations
Coil coating	Photographic equipment and supplies
Copper forming	Plastics processing
Electrical and electronic components	Plastic and synthetic materials manufacturing
Electroplating	Porcelain enameling
Explosives manufacturing	Printing and publishing
Foundries	Pulp and paper mills
Gum and wood chemicals	Rubber processing
Inorganic chemicals manufacturing	Soap and detergent manufacturing
Iron and steel manufacturing	Steam electric power plants
Leather tanning and finishing	Textile mills
Mechanical products manufacturing	Timber products processing
Nonferrous metals manufacturing	

Table I—Testing Requirements for Organic Toxic Pollutants by Industrial Category for Existing Dischargers

Industrial category	GC/MS Fraction ¹			
	Volatile	Acid	Base/neutral	Pesticide
Adhesives and Sealants	2	2	2	
Aluminum Forming	2	2	2	
Auto and Other Laundries	2	2	2	2
Battery Manufacturing	2		2	
Coal Mining	2	2	2	2
Coil Coating	2	2	2	
Copper Forming	2	2	2	
Electric and Electronic Components	2	2	2	2
Electroplating	2	2	2	
Explosives Manufacturing		2	2	
Foundries	2	2	2	
Gum and Wood Chemicals	2	2	2	2
Inorganic Chemicals Manufacturing	2	2	2	
Iron and Steel Manufacturing	2	2	2	
Leather Tanning and Finishing	2	2	2	2
Mechanical Products Manufacturing	2	2	2	
Nonferrous Metals Manufacturing	2	2	2	2
Ore Mining	2	2	2	2
Organic Chemicals Manufacturing	2	2	2	2
Paint and Ink Formulation	2	2	2	2
Pesticides	2	2	2	2
Petroleum Refining	2	2	2	2
Pharmaceutical Preparations	2	2	2	
Photographic Equipment and Supplies	2	2	2	2
Plastic and Synthetic Materials Manufacturing	2	2	2	2
Plastic Processing	2			
Porcelain Enameling	2		2	2
Printing and Publishing	2	2	2	2
Pulp and Paper Mills	2	2	2	2
Rubber Processing	2	2	2	
Soap and Detergent Manufacturing	2	2	2	
Steam Electric Power Plants	2	2	2	
Textile Mills	2	2	2	2
Timber Products Processing	2	2	2	2

¹The toxic pollutants in each fraction are listed in Table II.

²Testing required.

Table II—Organic Toxic Pollutants in Each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy (GS/MS)

Volatiles		
1V acrolein	11V chloroform	22V methylene chloride
2V acrylonitrile	12V dichlorobromomethane	23V 1,1,2,2-tetrachloroethane
3V benzene	14V 1,1-dichloroethane	24V tetrachloroethylene
5V bromoform	15V 1,2-dichloroethane	25V toluene
6V carbon tetrachloride	16V 1,1-dichloroethylene	26V 1,2-trans-dichloroethylene
6V carbon tetrachloride	17V 1,2-dichloropropane	27V 1,1,1-trichloroethane
7V chlorobenzene	18V 1,3-dichloropropylene	28V 1,1,2-trichloroethane
8V chlorodibromomethane	19V ethylbenzene	29V trichloroethylene
9V chloroethane	20V methyl bromide	31V vinyl chloride
10V 2-chloroethylvinyl ether	21V methyl chloride	
Acid Compounds		
1A 2-chlorophenol	5A 2,4-dinitrophenol	9A pentachlorophenol
2A 2,4-dichlorophenol	6A 2-nitrophenol	10A phenol
3A 2,4-dimethylphenol	7A 4-nitrophenol	11A 2,4,6-trichlorophenol
4A 4,6-dinitro-o-cresol	8A p-chloro-m-cresol	
Base/Neutral		
1B acenaphthene	17B 4-chlorophenyl phenyl ether	32B fluorene
2B acenaphthylene	18B chrysene	33B hexachlorobenzene
3B anthracene	19B dibenzo(a,h)anthracene	34B hexachlorobutadiene
4B benzdine	20B 1,2-dichlorobenzene	35B hexachlorocyclopentadiene
5B benzo(a)anthracene	21B 1,3-dichlorobenzene	36B hexachloroethane
6B benzo(a)pyrene	22B 1,4-dichlorobenzene	37B indeno(1,2,3-cd)pyrene
7B 3,4-benzofluoranthene	23B 3,3'-dichlorobenzidine	38B isophorone
8B benzo(ghi)perylene	24B diethyl phthalate	39B naphthalene
9B benzo(k)fluoranthene	25B dimethyl phthalate	40B nitrobenzene
10B bis(2-chloroethoxy)methane	26B di-n-butyl phthalate	41B N-nitrosodimethylamine
11B bis(2-chloroethyl)ether	27B 2,4-dinitrotoluene	42B N-nitrosodi-n-propylamine
12B bis(2-chloroisopropyl)ether	28B 2,6-dinitrotoluene	43B N-nitrosodiphenylamine
13B bis(2-ethylhexyl)phthalate	29B di-n-octyl phthalate	44B phenanthrene
14B 4-bromophenyl phenyl ether	30B 1,2-diphenylhydrazine (as azobenzene)	45B pyrene
15B butylbenzyl phthalate		46B 1,2,4-trichlorobenzene
16B 2-chloronaphthalene	31B fluoranthene	
Pesticides		
1P aldrin	10P dieldrin	19P PCB-1254
2P alpha-BHC	11P alpha-endosulfan	20P PCB-1221
3P beta-BHC	12P beta-endosulfan	21P PCB-1232
4P gamma-BHC	13P endosulfan sulfate	22P PCB-1248
5P delta-BHC	14P endrin	23P PCB-1260
6P chlordane	15P endrin aldehyde	24P PCB-1016
7P 4,4'-DDT	16P heptachlor	25P toxaphene
8P 4,4'-DDE	17P heptachlor epoxide	
9P 4,4'-DDD	18P PCB-1242	

Table IV—Conventional and Nonconventional Pollutants Required to Be Tested by Existing Dischargers if Expected to be Present

Bromide	Phosphorus, Total	Boron, Total
Chlorine, Total Residual	Radioactivity	Cobalt, Total
Color	Sulfate	Iron, Total
Fecal Coliform	Sulfide	Magnesium, Total
Fluoride	Sulfite	Molybdenum, Total
Nitrate-Nitrite	Surfactants	Manganese, Total
Nitrogen, Total Organic	Aluminum, Total	Tin, Total
Oil and Grease	Barium, Total	Titanium, Total

Table V—Toxic Pollutants and Hazardous Substances Required To Be Identified by Existing Dischargers if Expected To Be Present

Toxic Pollutants		
Asbestos		
Hazardous Substances		
Acetaldehyde	Dinitrobenzene	Nitrotoluene
Allyl alcohol	Diquat	Parathion
Allyl chloride	Disulfoton	Phenolsulfonate
Amyl acetate	Diuron	Phosgene
Aniline	Epichlorohydrin	Propargite
Benzonitrile	Ethion	Propylene oxide
Benzyl chloride	Ethylene diamine	Pyrethrins
Butyl acetate	Ethylene dibromide	Quinoline
Butylamine	Formaldehyde	Resorcinol
Captan	Furfural	Strontium
Carbaryl	Guthion	Strychnine
Carbofuran	Isoprene	Styrene
Carbon disulfide	Isopropanolamine	2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)
Chlorpyrifos	Dodecylbenzenesulfonate	
Coumaphos	Kelthane	TDE (Tetrachlorodiphenylethane)
Cresol	Kepone	2,4,5-TP [2-(2,4,5-Trichlorophenoxy) propanoic acid]
Crotonaldehyde	Malathion	
Cyclohexane	Mercaptodimethur	Trichlorofan
2,4-D (2,4-Dichlorophenoxy acetic acid)	Methoxychlor	Triethanolamine
	Methyl mercaptan	dodecylbenzenesulfonate
Diazinon	Methyl methacrylate	Triethylamine
Dicamba	Methyl parathion	Trimethylamine
Dichlobenil	Mevinphos	Uranium
Dichlone	Mexacarbate	Vanadium
2,2-Dichloropropionic acid	Monoethyl amine	Vinyl acetate
Dichlorvos	Monomethyl amine	Xylene
Diethyl amine	Naled	Xylenol
Dimethyl amine	Napthenic acid	Zircon

D. Suspensions

The Environmental Protection Agency has suspended the requirements of 40 CFR 122.21(g)(7)(ii)(A) and Table I as they apply to certain industrial categories. The suspensions are as follows:

1. At 46 FR 2046, Jan. 8, 1981, the Environmental Protection Agency suspended until further notice §122.21(g)(7)(ii)(A) as it applies to coal mines.
2. At 46 FR 22585, Apr. 20, 1981, the Environmental Protection Agency suspended until further notice §122.21(g)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c as they apply to:
 - a. Testing and reporting for all four organic fractions in the Greige Mills Subcategory of the Textile Mills industry (Subpart C—Low water use processing of 40 CFR part 410), and testing and reporting for the pesticide fraction in all other subcategories of this industrial category.
 - b. Testing and reporting for the volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory of the Ore Mining and Dressing industry (subpart B of 40 CFR part 440), and testing and reporting for all four fractions in all other subcategories of this industrial category.
 - c. Testing and reporting for all four GC/MS fractions in the Porcelain Enameling industry.
3. At 46 FR 35090, July 1, 1981, the Environmental Protection Agency suspended until further notice §122.21(g)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c as they apply to:
 - a. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (subpart D) and Rosin-Based Derivatives Subcategory (subpart F) of the Gum and Wood Chemicals industry (40 CFR part 454), and testing and reporting for the pesticide and base/neutral fractions in all other subcategories of this industrial category.
 - b. Testing and reporting for the pesticide fraction in the Leather Tanning and Finishing, Paint and Ink Formulation, and Photographic Supplies industrial categories.
 - c. Testing and reporting for the acid, base/neutral and pesticide fractions in the Petroleum Refining industrial category.
 - d. Testing and reporting for the pesticide fraction in the Papergrade Sulfite subcategories (subparts J and U) of the Pulp and Paper industry (40 CFR part 430); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (subpart Q), Dissolving Kraft (subpart F), and Paperboard from Waste Paper (subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: BCT Bleached Kraft (subpart H), Semi-Chemical (subparts B and C), and Nonintegrated-Fine Papers (subpart R); and testing and reporting for the acid, base/neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (subpart I), Dissolving Sulfite Pulp (subpart K), Groundwood-Fine Papers (subpart O), Market Bleached Kraft (subpart G), Tissue from Wastepaper (subpart T), and Nonintegrated-Tissue Papers (subpart S).
 - e. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process wastestreams of the Steam Electric Power Plant industrial category.

4. For the duration of the suspensions, therefore, Table I effectively reads:

Table I—Testing Requirements for Organic Toxic Pollutants by Industry Category

Industry category	GC/MS fraction ²			
	Volatile	Acid	Neutral	Pesticide
Adhesives and sealants	1	1	1	
Aluminum forming	1	1	1	
Auto and other laundries	1	1	1	1
Battery manufacturing	1		1	
Coal mining				
Coil coating	1	1	1	
Copper forming	1	1	1	
Electric and electronic compounds	1	1	1	1
Electroplating	1	1	1	
Explosives manufacturing		1	1	
Foundries	1	1	1	
Gum and wood (all subparts except D and F)	1	1		
Subpart D—tall oil rosin	1	1	1	
Subpart F—rosin-based derivatives	1	1	1	
Inorganic chemicals manufacturing	1	1	1	
Iron and steel manufacturing	1	1	1	
Leather tanning and finishing	1	1	1	
Mechanical products manufacturing	1	1	1	
Nonferrous metals manufacturing	1	1	1	1
Ore mining (applies to the base and precious metals/Subpart B)		1		
Organic chemicals manufacturing	1	1	1	1
Paint and ink formulation	1	1	1	
Pesticides	1	1	1	1
Petroleum refining	1			
Pharmaceutical preparations	1	1	1	
Photographic equipment and supplies	1	1	1	
Plastic and synthetic materials manufacturing	1	1	1	1
Plastic processing	1			
Porcelain enameling				
Printing and publishing	1	1	1	1
Pulp and paperboard mills—see Page C8				
Rubber processing	1	1	1	
Soap and detergent manufacturing	1	1	1	
Steam electric power plants	1	1		
Textile mills (Subpart C—Greige Mills are exempt from this table)	1	1	1	
Timber products processing	1	1	1	1

¹Testing required.

²The pollutants in each fraction are listed in Table II.

Pulp and Paperboard Mills:

Subpart ³	VOA	Acid	GS/MS fractions	
			Base/neutral	Pesticides
A	2	1	2	1
B	2	1	2	2
C	2	1	2	2
D	2	1	2	2
E	1	1	2	1
F	1	1	2	2
G	1	1	2	2
H	1	1	2	2
I	1	1	2	2
J	1	1	1	2
K	1	1	2	2
L	1	1	2	2
M	1	1	2	2
N	1	1	2	2
O	1	1	2	2
P	1	1	2	2
Q	1	1	2	1
R	2	1	2	2
S	1	1	2	1
T	1	1	2	1
U	1	1	1	2

¹Must test.

²Do not test unless “reason to believe” it is discharged.

³Subparts are defined in 40 CFR Part 430.