



Nebraska DEQ

PO Box 98922, Lincoln, NE68509-8922

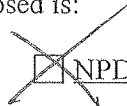
Return Receipt Request

Mr. Al Bernat, Assistant Director
NEMA
1300 Military Road
Lincoln, NE 68508

Date 6/16/08

Permit # NE 0132152 / IIS 71575

Enclosed is:



NPDES Permit

Signatory Authorization Form to be returned to Sharon Brunke at DEQ if there is change to the form enclosed.

NPP Permit

Signatory Authorization Form to be returned to Sharon Brunke at DEQ if there is change to the form enclosed.

NPDES/NPP Permit

Signatory Authorization Form to be returned to Sharon Brunke at DEQ if there is change to the form enclosed.

A copy of the permit shall be routed to the facility contact person who is responsible for retaining the NPDES facility records.

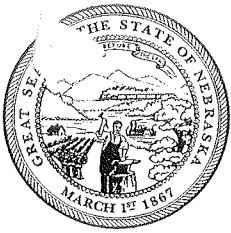
Questions regarding the permit or monitoring reports should be directed to the DEQ compliance specialist indicated below:

- | | | |
|-------------------------------------|----------------|--------------|
| <input checked="" type="checkbox"/> | Brett Anderson | 402-595-1766 |
| <input type="checkbox"/> | Dave Dobscha | 308-535-8143 |
| <input type="checkbox"/> | John Flint | 308-632-0544 |
| <input type="checkbox"/> | Mark Henning | 402-370-4425 |
| <input type="checkbox"/> | John Schauer | 402-471-4205 |
| <input type="checkbox"/> | Reuel Anderson | 402-471-2936 |
| <input type="checkbox"/> | Carrie Wiese | 402-471-2023 |
| <input type="checkbox"/> | Tom Newton | 402-471-4209 |

c/without enclosure:

Cindy Newsham, R & R Managaer
NEMA
1300 Military Road
Lincoln, NE 68508





Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Michael J. Linder

Director

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Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

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

This 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 Nebraska Emergency Management Agency is authorized to aerially apply bottom ash from coal combustion for the purposes of ice jam mitigation (commonly referred to as ice dusting). This permit regulates and controls the release of pollutants in the discharges 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.

Permittee: **Nebraska Emergency Management Agency**

Activity: **Ice dusting for flood control**

NPDES Number: **NE0132152**

IIS File Number: **PCS 71575-P**

SIC Code: **9229 (Ice dusting for flood control)**

Activity Location: **Platte River from US Highway 81 to the Missouri River and Statewide**

Receiving Waters: **Segments MP1-10000 and MP1-20000 of the Middle Platte River Basin, Segments LP1-10000 and LP1-20000 of the Lower Platte River Basin and other sites in Nebraska**

Effective Date: **July 1, 2008**

Expiration Date: **June 30, 2013**

Pursuant to the Delegation Memorandum dated January 12, 1999 and signed by the Director, the undersigned hereby executes this document on the behalf of the Director.

Signed this 30th day of May, 2008

for Patrick W. Rice, Assistant Director



20080049564



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Part I. Discharges Authorized Under this Permit

This permit authorizes the aerial application of ash from coal combustion for the purposes of ice jam mitigation (commonly referred to as ice dusting). This authorization is limited to the following circumstances:

1. Ice dusting may only occur upon proclamation under the Nebraska Emergency Management Act of a disaster emergency due to flooding potential related to ice build-up ⁽¹⁾.
2. Only bottom ash (boiler slag) derived from coal combustion and originating from NPPD's Sheldon Station may be used for ice dusting, unless the Department provides written authorization for the use of bottom ash from other sources. Any approval for the use of alternate sources of bottom ash must be limited to other coal fired power plants, and may be made contingent upon additional ash testing requirements.
3. Individual applications shall be limited to approximately 0.5 lb. per sq. yd. and total applications during any season (i.e., the winter thru spring period) shall not exceed 2 lb. per sq. yd. (i.e., as best calculated from area-wide application rates), unless the Department provides written authorization for additional applications. Any such approvals shall be based upon a demonstration that the water quality standards set forth in NDEQ Title 117 are protected.
4. The ice dusting activities authorized by this permit are limited to the Platte River from US Highway 81 downstream (i.e., from Columbus to the Missouri River), unless the Department provides written authorization for applications outside this area. Any such approvals shall be based upon a demonstration that the water quality standards set forth in NDEQ Title 117 are protected ⁽²⁾.

Footnotes:

- ⁽¹⁾ It is also possible that the provisions of this permit could be suspended under the disaster emergency authority of the Nebraska Emergency Management Act.
- ⁽²⁾ As described in the Fact Sheet, the water quality review conducted during the development of this permit was based on Warm Water Class A criteria that have application outside the anticipated application area for ice dusting. The contingency for allowing ice dusting outside the anticipated area is based on this water quality review.

Part II. Notification Requirements

The permittee shall provide the NDEQ with a written notice prior to the initiation of ice dusting activities. The initial notice may be provided by FAX, provided an original of the notice is ultimately delivered. The notice shall include the following information:

1. The anticipated dates on which ice dusting is to be carried-out;
2. The locations where ice dusting is to be carried-out; and
3. The application rate at which bottom ash was to be applied.

Part III. Bottom Ash Monitoring Requirements

A. Radionuclides

The permittee shall demonstrate that water quality criteria for radionuclides set forth in the table below are not exceeded by conducting testing in accordance with one of the methods described below (i.e., there is more than one alternative method allowed). Initial testing shall be completed in the first year of the permit. Additional testing may be required.

1. Demonstrate that bottom ash suspended in water at a concentration of 2160 mg/l does not exceed the criteria in the following table.
2. Use the Toxicity Characteristic Leaching Procedure (EPA Test Method 1311, *Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods* - EPA Publication SW-846) and then test the leachate to demonstrate it is in compliance with the criteria in the following table.
3. Use ASTM Method D3987-85 and then test the leachate to demonstrate it is in compliance with the criteria in the following table.
4. The permittee may submit an alternate test procedure for consideration and possible approval by the NDEQ.

The permittee shall report the results of all tests run. If there are differences between test runs or methods with respect to demonstrating compliance, a final determination of compliance shall be rendered by the NDEQ. Additional testing may be required to facilitate this determination.

Radionuclide	Water Quality Criteria ⁽¹⁾
Beta Particles and Photon Emitters	4 millirems per year
Combined Radium-226 and Radium-228	5 pCi/L
Gross Alpha Particle Activity ⁽²⁾	15 pCi/L ⁽²⁾
Footnotes:	
(1) The water quality criteria are set forth in NDEQ Title 117, Chapter 4 004, and apply in-stream.	
(2) Includes radium-226, but excludes radon and uranium.	

B. Other Parameters

If requested by the NDEQ, the permittee shall test bottom ash to demonstrate compliance with the surface water criteria. Both total metal and leachable metal testing may be required as necessary to evaluate the pollution potential of the bottom ash. Parameters that may be specified for this testing include, but are not necessarily limited to, the following: aluminum, arsenic, barium, beryllium, cadmium, chromium, copper, lead, manganese, mercury, nickel, selenium, zinc and toxicity.

Part IV. Annual Ice Dusting Activities Report

In addition to the one time compliance demonstration report required in Part III A, the permittee shall submit an annual report to the NDEQ by June 30th of each year. The report shall summarize the ice dusting operations that occurred over the previous 12 months.

A. No Ice Dusting Operations

In the event there was no ice dusting operations in the previous 12-month period, then a notice of no ice dusting activity shall be submitted.

B. Ice Dusting Operations

When ice dusting has been carried-out, the annual report shall contain the following information:

1. A copy of each proclamation of a disaster emergency issued by the Governor of the State of Nebraska (or duly authorized representative) resulting in ice dusting operations;
2. The date and location of all ice dusting operations that were conducted during the previous 12 months; and
3. The application rate at each of the listed sites where ice dusting was conducted.

Appendix A – Standard Conditions that Apply to NPDES and NPP Permits

These general conditions are applicable to all NPDES and NPP permits. These conditions shall not preempt any more stringent requirements found elsewhere in this permit.

A. General Conditions

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, (Cum. Supp. 1992) and NDEQ Title 115, Chapter 4.

2. Duty to Comply

All authorized discharges shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

The permittee shall comply with all conditions of this permit. Failure to comply with these conditions may be grounds for administrative action or enforcement proceedings including injunctive relief and civil or criminal penalties.

The filing of a request by the permittee for a permit modification, revocation and re-issuance, termination or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3. Duty to Mitigate

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

4. Permit Actions

This permit may be modified, suspended, revoked or reissued, in part or in whole, in accordance with the regulations set forth in NDEQ Titles 119, Chapter 24. In addition, this permit may be modified, revoked and reissued to incorporate standards or limitations issued pursuant to Sections 301 (b)(2) (c), 301 (b)(2) (d), 304 (b)(2), 307 (a)(2) or 405(d) of the Clean Water Act and Public Law 100-4 (i.e., industrial categorical standards and municipal sludge regulations).

5. 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.

6. 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.

7. 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.

8. 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 damage to private property or any invasion of personal rights or any infringement of federal, state or local laws or regulations.

9. Severability

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

10. 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.

11. Inspection and Entry

The permittee shall allow the Director or his authorized representative, upon the presentation of his identification and at a reasonable time:

- a. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or records are required to be kept under the terms and conditions of the permit,
- b. To have access to and copy any records required to be kept under the terms and conditions of the permit,
- c. To inspect any facilities, equipment (including monitoring and control), practices or operations regulated or required in the permit, and
- d. To sample or monitor any substances or parameters at any location.

12. Penalties

Violations of the terms and conditions of this permit may result in the initiation of criminal and/or civil actions. Civil penalties can result in fines of up to \$10,000.00 per day (Neb. Rev. Stat. §81-1508, as amended to date). Criminal penalties for willful or negligent violations of this permit may result in penalties of \$10,000.00 per day or by imprisonment. Violations may also result in federal prosecution.

B. Management Requirements

1. Duty to Provide Information

The permittee shall furnish to the Department within a reasonable time, any information which the Department 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 Department upon request, copies of records retained as a requirement of this permit.

2. Duty to Reapply

The permittee shall apply for a re-issuance of this permit, if an activity regulated by this permit is to be continued after the expiration date of this permit. The application shall be submitted at least 180 days before the expiration of this permit on an application form supplied by the Department, as set forth in NDEQ Titles 119, Chapter 5 002.

3. Signatory Requirements

All reports and applications required by this permit or submitted to maintain compliance with this permit shall be signed and certified as set forth in this section.

- a. Permit applications shall be signed by a cognizant official who meets the following criteria:
 - 1) For a corporation: By a responsible corporate 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 facility: by either a principal executive officer or highest ranking elected official.
- b. Discharge monitoring reports and other information shall be signed by the **cognizant official** or by an **authorized representative**.
- c. The cognizant official designates an authorized representative. The authorized representative is responsible for the overall operation of the facility (i.e., the WWTF Operator, the City Manager, the Public Utilities Superintendent or similar person).

- d. Any change in the signatories shall be submitted to the Department, in writing, within 30 days after the change.
- e. Certification. All applications, reports and information submitted as a requirement of this permit, shall contain the following certification statement:
"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 fines and imprisonment for knowing violations."

C. Monitoring and Records

1. Representative Sampling

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.

- a. Composite sampling shall be conducted in one of the following manners:
 - 1) Continuous discharge - a minimum of one discrete aliquot collected every three hours,
 - 2) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or
 - 3) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.
- b. Composite samples shall be collected in one of the following manners:
 - 1) 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,
 - 2) A number of equal volume aliquots taken at varying time intervals in proportion to flow,
 - 3) A sample continuously collected in proportion to flow, and
 - 4) Where flow proportional sampling is infeasible or nonrepresentative of the pollutant loadings, the Department may approve the use of time composite samples.
- c. Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.
- d. All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21, 006 unless:
 - 1) In the case of sludge samples, alternative techniques are specified in the 40 CFR, Part 503, or
 - 2) Other procedures are specified in this permit.

2. 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 that 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 Management Manual*, U. S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 2001, 327 pp. Available on the Department of Interior, Bureau of Reclamation (website <http://www.usbr.gov/pmts/hydraulicslab/pubs/wmm/>).
- b. *NPDES Compliance Inspection Manual*, U. S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Publication EPA 300-X-03-004 July 1994. This document is available on EPA website <http://www.epa.gov/enforcement/publications/monitoring/manuals.htm>).

3. Test Procedures

Test procedures used for monitoring required by this permit shall conform to the methods adopted in NDEQ Title 119, Chapter 21 006 or 27 002 unless:

- a. In the case of sludge samples, alternative techniques are specified in the 40 CFR, Part 503, or
- b. Other procedures are specified in this permit.

4. Averaging of Measurements

Averages shall be calculated as an arithmetic mean except:

- a. Bacterial counts which shall be calculated as a geometric mean, or
- b. Where otherwise specified by the Department.

5. Retention of Records

The permittee shall retain records of all monitoring activities for a period of at least three years (except five years for biosolids data) as set forth in NDEQ Titles 119, Chapter 14 001.02. The types of records that must be retained include, but are not limited to:

- a. Calibration and maintenance records,
- b. Original strip chart recordings,
- c. Copies of all reports required by this permit,
- d. Monitoring records and information, and
- e. Electronically readable data.

The permittee shall retain records of monitoring required by this permit that are related to biosolids use and disposal for a period of five years or longer, as required in NDEQ Title 119, Chapter 14.

6. Record Contents

As set forth in NDEQ Title 119, Chapter 14, records of sampling or monitoring information shall include:

- a. The date(s), exact place, time and methods of sampling or measurements,
- b. The name(s) of the individual(s) who performed the sampling or measurements,
- c. The date(s) the analyses were performed,
- d. The individual(s) who performed the analyses,
- e. The analytical techniques or methods used,
- f. The results of such analyses, and
- g. Laboratory data, bench sheets and other required information.

D. Reporting Requirements

1. Immediate Notification

- a. NPP permittee shall it report immediately to the publicly owned treatment works (POTW), any discharge that result in a violation of NDEQ Title 119, Chapter 26.
- b. All permittees shall report immediately to the NDEQ:
 - 1) Discharges of oil or hazardous substances which threaten waters of the state or public health and welfare, and
 - 2) Discharges causing in-stream toxicity (e.g., a fish kill) or an immediate threat to human health.

Initial notification may be verbal. A written noncompliance notification shall be submitted as set forth in Section D. 3 of this Appendix.

2. 24-Hour Reporting

As set forth in NDEQ Title 119, Chapter 14 the permittee shall report to the NDEQ, within 24 hours of becoming aware of:

- a. Any noncompliance which may endanger the environment or human health or welfare,
- b. Any unanticipated bypass,
- c. All upsets,
- d. Any discharge to a POTW that causes a violation of the prohibited discharge standards, or

e. Any noncompliance of an effluent limitation in this permit.

Initial notification may be verbal. A written noncompliance notification shall be submitted as set forth in Section D. 3 of this permit.

As set forth in NDEQ Title 119, Chapter 26, if sampling performed by an industrial user (NPP permittee) indicates a permit effluent violation, the permittee shall notify the Department and the city within 24 hours of becoming aware of the violation. The permittee shall resample and have it analyzed. The results of the resampling analysis shall be submitted to the Department and the city within 30 days after becoming aware of the violation.

3. Written Noncompliance Notification

a. The permittee shall submit a written noncompliance report to the NDEQ:

- 1) Within five days of becoming aware of any noncompliance with the:
 - (a) NPP effluent limitations or requirements set forth in this permit, or
 - (b) NPDES toxic pollutant effluent limitations or requirements set forth in this permit.
- 2) Within seven days of becoming aware of any other noncompliance with the NPDES requirements and/or effluent limitations set forth in this permit.

b. The written notification shall be submitted on a noncompliance form supplied by the Department and shall include:

- 1) A description of the discharge and cause of noncompliance,
- 2) The period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue, and
- 3) The steps taken to reduce, eliminate, and prevent the reoccurrence of the noncompliance.

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.

4. Quarterly Discharge Monitoring Reports (DMRs)

The permittee shall report the monitoring results required by this permit on a DMR form supplied or approved by the Department. 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	DMR Reporting Deadlines
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

If the permittee monitors any pollutant more frequently than required by this permit, using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the DMR. The frequency of the analysis shall also be reported on the DMR.

5. Changes in Discharge

Any facility expansion, production increases or process modifications which will result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants must be reported by the permittee 180 days prior to the expansion, increases or modifications, either by amending the original application or by submitting a new application. This permit may be modified or revoked and reissued as a result of this notification to maintain compliance with applicable state or federal regulations.

6. Changes in Toxic Discharges from Manufacturing, Commercial, Mining and Silvicultural Facilities

Permittees discharging from manufacturing, commercial, mining and silvicultural facilities shall report to the Department:

- a. If any toxic pollutant not limited in this permit is discharged from any NPDES outfall as a result of any activity that will or has occurred and results in its routine or frequent discharge. The Department shall be informed if that discharge exceeds the following notification levels:

- 1) 100 micrograms per liter (0.1 mg/L) for any toxic pollutant,
 - 2) 200 micrograms per liter for acrolein and acrylonitrile (0.2 mg/L),
 - 3) 500 micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol (0.5 mg/L),
 - 4) 1000 micrograms per liter for antimony (1 mg/L),
 - 5) Five times the maximum concentration value reported for that pollutant in the permit application or
 - 6) An alternative level established by the Director, and
- b. If any toxic pollutant not limited in this permit is discharged from an NPDES outfall as a result of any activity that will or has occurred and results in its nonroutine discharge. The Department shall be informed if that discharge exceeds the following notification levels:
- 1) 500 micrograms per liter (0.5 mg/L) for any toxic pollutant,
 - 2) 1000 micrograms for antimony (1 mg/L),
 - 3) Ten times the maximum concentration value reported for that pollutant in the permit application, or
 - 4) An alternative level established by the Director.

7. Changes in Sludge Quality

The permittee shall provide written notice to the Department of any alteration or addition that results in a significant change in the permittee's sludge use or disposal practices. This permit may be modified or revoked and reissued as a result of this notification to maintain compliance with applicable state or federal regulations.

8. Changes of Loadings to Publicly Owned Treatment Work (POTW)

POTW's shall notify the Department of the following:

- a. Any new introduction of pollutants from dischargers subject to the categorical pretreatment discharge limitations set forth in NDEQ Title 119, Chapter 27, and
 - b. Any substantial change in the volume or character of pollutants being introduced into the POTW.
- Notification shall be made 180 days in advance whenever possible. Information on the quantity and quality of new discharges and their anticipated impact on the POTW shall be included.

9. Transfers

The permittee shall notify the Department at least 30 days prior to the proposed transfer of ownership of this permit or the permitted facility to another party. The Department may modify or revoke and reissue this permit as set forth in NDEQ Title 119, Chapter 24.

10. Compliance Schedules

The permittee shall submit a written report of compliance or noncompliance with any compliance schedule established in this permit. The written report shall be submitted within 14 days following all deadlines established in the compliance schedule. If compliance has not been achieved, the report shall include an alternative completion date, an explanation of the cause of the noncompliance and an explanation of the steps being taken to ensure future compliance. The submission of this report does not ensure the Department's acceptance of alternative compliance dates nor does it preclude the Department from initiating enforcement proceedings based upon the reported noncompliance.

E. Operation and Maintenance

1. Proper Operation and Maintenance

The permittee shall, at all times, maintain in good working order and operate as efficiently as possible, any facilities or systems of control installed by the permittee in order to achieve compliance with the terms and conditions of this permit. This would include, but not be limited to, effective performance based on designed facility removals, effective management, adequate operator staffing and training, adequate laboratory and process controls, and adequate funding that reflects proper user fee schedules.

2. Treatment System Failure and Upset

An upset is an affirmative defense to an enforcement action brought for noncompliance with technology-based permit effluent limitations if the permittee can demonstrate, through properly signed, operating logs or other relevant evidence, that:

- a. An upset occurred and the specific cause was identified,
- b. That the facility was properly operated and maintained at such time,
- c. The Department was notified within 24 hours of the permittee becoming aware of the upset, and
- d. The permittee took action to reduce, eliminate and prevent a reoccurrence of upset, including minimizing adverse impact to waters of the state.

3. Bypassing

- a. Any diversion from or bypass of the treatment facilities is prohibited, unless:

It is unavoidable to prevent loss of life, personal injury or severe property damage;

- 1) No feasible alternative exists, i.e., auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime;
 - 2) The permittee submits notice to the Department within 24 hours of becoming aware of the bypass or if the bypass is anticipated or should have been anticipated, the Department is notified at least ten days prior to the bypass; and
 - 3) The bypass is conducted under conditions determined to be necessary by the Director to minimize any adverse effects.
- b. If the bypass is needed for regular preventative maintenance for which back-up equipment should be provided, the bypass will not be allowed. When a bypass occurs, the burden is on the permittee to demonstrate compliance with items "1)" through "3)" listed in paragraph E.3.a.
 - c. Additionally, NPP permittees shall report any bypasses to the POTW. Unanticipated bypasses shall be reported immediately and anticipated bypasses shall be reported at least ten days in advance.
 - d. All NPDES permittees shall notify the general public that a bypass of the treatment system is occurring. The public notification shall include:
 - 1) Location of the bypass;
 - 2) The date the bypass started;
 - 3) Anticipated length of time the bypass will occur; and
 - 4) An estimate of the total volume of wastewater bypassed.

4. Removed Substances

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. The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR, Part 257. The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR, Part 503. If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in NDEQ Title 132. 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. This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR, Part 503.

F. 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.

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.

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

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 Use (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: Is 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.)

Weekly Average: Is 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.

G. 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

