

REQUEST FOR COMMENTS: WATER QUALITY CERTIFICATION

NOTICE OF INTENT TO CERTIFY

NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY

ENGINEERING AND PERMITTING DIVISION

LINCOLN, NEBRASKA

Pursuant to § 401 of the Clean Water Act of 1977, as amended by the Water Quality Act of 1987, 2020, and Title 120, Nebraska Administrative Code (NAC), Rules and Regulations Pertaining To Certification by The State of Nebraska to an applicant for a federally issued and administered permit or license to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in a discharge into navigable waters, if the discharge will not violate Title 117 – Water Quality Standards, has been applied for to the Nebraska Department of Environment and Energy (NDEE) by the persons listed below for discharges requiring Federal permits or licenses.

Northern Natural Gas has applied for a Section 404 permit under Nationwide Permit 12, Utility Line Projects from the U.S. Army Corps of Engineers (USACE) to conduct activities in waters of the United States. The proposed project requires an individual state Water Quality Certification (WQC) in accordance with the 2020 Clean Water Act Section 401 - Water Quality Certification rule due to impacts in a State Resource A water.

The proposed project will consist of natural gas pipeline replacement from South Sioux City, NE to Sioux Falls, SD. This water quality certification is for impacts to the Missouri River. It is proposed to use horizontal directional drilling under the Missouri River. The project will result no permanent impacts. This project will be given a waiver of the 401 water quality certification as no impacts to the Missouri River is anticipated.

In order to evaluate the water quality impacts of this permit on the water resources of the State of Nebraska, NDEE encourages interested citizens to submit favorable or unfavorable written comments. Comments should be limited to the scope of state WQC under Section 401 of the Clean Water Act. Persons may comment upon or object to the application, by submitting written comments within 30 days of the publication date of this notice to:

CWA Section 401 Coordinator
Nebraska Department of Environment and Energy
PO Box 98922
Lincoln, NE 68509-8922

Persons may request information about the application, or request copies of documents for inspection Monday through Friday during normal business hours from 8:00 am until 5:00 pm. Please notify NDEE in advance if alternate formats of documents are needed. Our switchboard phone number is 402-471-2186.

A public hearing may be requested. A request for a hearing must state the nature of the issues to be raised and all arguments including actual grounds supporting such position. Such comments will be considered prior to making a final decision regarding the request.

Please submit requests in writing to:

Shelley Schneider
Engineering and Permitting Division Administrator
Nebraska Department of Environment and Energy
PO Box 98922
Lincoln, NE 68509-8922
