



Pete Ricketts
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Jim Macy

Director
Suite 400, The Atrium
1200 'N' Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402) 471-2909
website: <http://deq.ne.gov>

FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Environmental Quality
Prepared by: Steven M. Goans, P.E., Water Division Deputy Director *SMG*
Date Prepared: October 7, 2016
Phone: (402) 471-2580
Title: Title 119
Chapter: 1, 2, 5, 6, 7, 8, 13, 14, 16, 26, 27
Name: *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System*
State Status: EQC hearing draft

Type of Fiscal Impacts:

Proposal # and Description	State Agency	Political subdivision	Regulated Public
1. Adopt Pretreatment Streamlining Regulations	No fiscal impact	No fiscal impact	No fiscal impact
2. Adopt Construction Stormwater ELGs	No fiscal impact	No or minimal fiscal impact	No or minimal fiscal impact
3. Adopt Federal Requirements for Cooling Water Intake Structures	Increase Costs	Increase Costs	Increase Costs
4. Allow Electronic Application and Reporting Submittals	Decrease Costs	Decrease Costs	Decrease Costs
5. Clarify Sampling Requirements for Permit Applications	No fiscal impact	No fiscal impact	No fiscal impact
6 Replace References to 1990 Decennial Census	No fiscal impact	No fiscal impact	No fiscal impact
7. Include LLCs in permit applications	No fiscal impact	No fiscal impact	No fiscal impact

Description of Impacts:

1. Adopt Pretreatment Streamlining Regulations

Adoption of pretreatment streamlining regulations has no fiscal impacts on NDEQ, political subdivisions, or the regulated public. The regulations offer a number of regulatory flexibility and burden reduction options to state or local control authorities that oversee the NPDES pretreatment program in a given area. Since Nebraska is one of five states that do not delegate control authority for the pretreatment program to local jurisdictions, these amendments do not change the current administration of the program or its costs.

2. Adopt Construction Stormwater Effluent Limitation Guidelines (ELGs)

Adoption of construction stormwater ELGs has no fiscal impact on NDEQ as the department administers an existing construction stormwater permit program in Title 119, Chapter 10, and the proposed revisions involve an equivalent workload and staff time. Construction stormwater ELGs will have varied impacts on political subdivisions and the regulated public. The major change between current requirements and proposed requirements is that the numeric discharge limit for turbidity in stormwater will be replaced by a best management practices approach emphasizing erosion prevention. The cost of this change in requirements will vary by site, but generally offers increased flexibility in how businesses and local governments manage stormwater runoff.

3. Adopt Revised Federal Requirements for Cooling Water Intake Structures

Adoption of revised federal requirements for cooling water intake structures will increase costs for NDEQ, political subdivisions, and public utilities. For NDEQ, additional staff time will be needed to review permit applications submitted in compliance with the new requirements. The complexity of some permits or portions of permits may require the use of third party contractors. For public utilities, the regulations will require design changes and construction activity at those generating facilities within the scope of the rule. There may also be costs associated with operating downtime as a result of construction activity. On a per-facility basis, EPA estimates the annualized compliance costs of the rule to be \$0.4 million for electric generators.¹ Nebraska Public Power District's Gerald Gentleman and Canaday Stations will likely be eligible for waivers from some portions of the rule. Cooper Nuclear Station will be evaluated for safety impacts associated with rule compliance and will likely have reduced requirements.

¹ 79 Fed. Reg. 48388 (August 15, 2014).

4. Adopt Language Allowing for the Electronic Submittal of Permit Applications

Adoption of language allowing for the electronic submittal of permit applications, reports, and other correspondence decreases costs for both NDEQ as the permit issuing authority and NPDES permit applicants. Electronic submittals allow applicants to prepare and NDEQ to process permit applications more efficiently and with fewer errors.

5. Clarify the Effluent Sampling Requirements for NPDES Permit Applications

Clarification of the effluent sampling requirements to be submitted as part of an NPDES permit application has no fiscal impacts on NDEQ, political subdivisions, or the regulated public. The change affects NPDES permit applicants, but does not change existing requirements or create new requirements because NDEQ is currently requiring this sampling as a condition of permit approval. The change merely clarifies department authority to require sampling in this area and bases the requirement on an enforceable regulation rather than a department form in a permit application.

6. Replace References to 1990 Decennial Census Results

Replacement of references to the 1990 Decennial Census corrects and updates existing regulatory provisions and does not create new fiscal impacts. As a result of the 2010 Census, Grand Island is now designated a 'Regulated Small MS4 – Urbanized Area'. In addition, Gretna remains a Small MS4, but is now included within the 'Urbanized Area' designation of the Omaha metro region. NDEQ has been working with these communities to meet the compliance requirements of their new MS4 designations.

7. Include LLCs as a Recognized Business Organization in an NPDES Permit Application

This change has no fiscal impact on NDEQ or NPDES permit applicants, it merely recognizes another legal form of business organization and clarifies who may sign on behalf of an LLC.