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Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES) General NPDES Permit Number NER910000 for Storm Water Discharges From Industrial Activity to Waters of the State of Nebraska

This NPDES general 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. Application may be made under this general permit for authorization to discharge Storm Water from industrial activity. Owners or Operators issued a discharge authorization under this general permit are required to comply with the limits, requirements, prohibitions, and conditions set forth herein. The issuance of a discharge authorization under this general 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 Number: **NER910000**

This permit shall become effective on **July 18, 2016.**

This permit and the authorization to discharge shall expire at midnight, **June 30, 2021.**

Pursuant to a Delegation Memorandum dated April 4, 2016, and signed by the Director, the undersigned hereby executes this document on behalf of the Director.

Signed this 18 day of July, 2016

Kevin Stoner
Water Permits Division Administrator

20160045036

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1. Coverage under this Permit.

1.1 Eligibility.

1.1.1 Facilities Covered.

To be eligible to discharge under this permit, you must have a stormwater discharge associated with industrial activity from your primary industrial activity, as defined in Appendix A, provided your primary industrial activity is included in Appendix D, or be notified by NDEQ that you are eligible for coverage under Sector AD of this permit.

This permit authorizes the discharge of stormwater from both stationary and portable facilities. Additional notification and discharge authorization procedures apply to portable facilities as set forth in Part 1.8 of this permit.

This permit authorizes discharges of stormwater to waters of the state, a municipal separate storm sewer system (MS4) or a combined sewer system within the State of Nebraska. Discharges are subject to the terms and conditions of this permit. Eligibility excludes tribal lands within the State of Nebraska and as per the limitations in Part 1.1.4 of this permit. Facilities located within tribal lands within the State of Nebraska are under the authority of the USEPA Regions 7 and 8; refer to Part 9, "**Permit Conditions Applicable to Specific Indian Country Lands, Service Delivery Areas, or Territories.**"

1.1.2 Allowable Stormwater Discharges.

Unless otherwise made ineligible under Part 1.1.4, the following discharges are eligible for coverage under this permit:

1.1.2.1 ***Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities,*** *as defined in Appendix A;*

1.1.2.2 ***Discharges designated by NDEQ as needing a stormwater permit as provided in Sector AD;***

1.1.2.3 ***Discharges that are not otherwise required to obtain NPDES permit authorization but are commingled with discharges that are authorized under this permit;***

1.1.2.4 ***Discharges subject to any of the national stormwater-specific effluent limitations guidelines listed in Table 1-1,*** *provided a site specific NPDES permit incorporating the effluent limitations guidelines has been issued authorizing that portion of the discharge. A partial list of effluent limitations guidelines has been included in Table 1-1 for reference; and*

Table 1-1. Stormwater-specific Effluent Limitations Guidelines

Regulated Discharge	40 CFR Section	Industry Sector	New Source Performance Standard (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75

Runoff from material storage piles at cement manufacturing facilities	Part 411, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K,L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82 (10/8/74)[1]

[1] NSPS promulgated in 1974 were not removed via the 1982 regulation; therefore wastewaters generated by Part 423-applicable sources that were New Sources under the 1974 regulations are subject to the 1974 NSPS.

1.1.2.5 ***Discharges subject to any New Source Performance Standards (NSPS) identified in Table 1-1*** *(i.e., where facilities were constructed after the promulgation of that industry's NSPS), provided a site specific NPDES permit incorporating the NSPS has been issued, or you have received notification from NDEQ specifically acknowledging that these discharges will be allowed to be covered under this permit.*

1.1.3 Allowable Non-Stormwater Discharges.

The following are the non-stormwater discharges authorized under this permit, provided the non-stormwater component of your discharge is in compliance with Part 2.1.2.10:

- Discharges from emergency fire-fighting activities;
- Fire hydrant and fire suppression system flushing (if the discharge does not contain chemical additives or surfactants) ;
- Potable water, including water line flushing but excluding chlorination of water lines for disinfection unless dechlorinated;
- Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- Irrigation drainage from adjacent agricultural lands;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- Routine external building wash down that does not use detergents, solvents and degreasers;
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials; and
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

1.1.4 Limitations on Coverage.

1.1.4.1 ***Discharges Mixed with Non-Stormwater.*** Stormwater discharges that are mixed with non-stormwater, other than those non-stormwater discharges listed in Part 1.1.3, are not eligible for coverage under this permit.

1.1.4.2 ***Stormwater Discharges Associated with Construction Activity.*** Stormwater discharges associated with construction activity disturbing one acre or more are not eligible for coverage under this permit, unless in conjunction with mining activities or certain oil and gas extraction activities as specified in Sectors G, H, I, and J of this permit.

1.1.4.3 ***Discharges Currently or Previously Covered by Another Permit.*** Unless you received written notification from NDEQ specifically acknowledging that discharges previously covered under a site specific individual permit will be allowed to be covered under this permit, you are not eligible for coverage under this permit for any of the following:

- Stormwater discharges associated with industrial activity that are currently covered under an individual NPDES permit or an alternative NPDES general permit;
- Discharges covered within five years prior to the effective date of this permit by an individual permit or alternative general permit where that permit established site-specific numeric water quality-based limitations developed for the stormwater component of the discharge; or
- Discharges from facilities where any NPDES permit has been or is in the process of being denied, terminated, or revoked by NDEQ (this does not apply to the routine reissuance of permits).

1.1.4.4 ***Stormwater Discharges Subject to Effluent Limitations Guidelines.*** For discharges subject to stormwater effluent limitation guidelines under Title 119, Chapter 27, including those stormwater discharges identified in Table 1-1 are not eligible for coverage under this permit. For these discharges, a site specific NPDES permit incorporating the applicable effluent limitations guidelines must be issued by the Department. Compliance with this general permit is required for the remainder of the facilities discharges.

1.1.4.5 ***Endangered and Threatened Species and Critical Habitat Protection.*** Coverage under this permit is available only if your stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities will not adversely affect any species that are state or federally-listed as endangered or threatened ("listed") and will not result in the adverse modification or destruction of habitat that is state or federally-designated as "critical habitat" by the Nebraska Game and Parks Commission (http://outdoornebraska.gov).

New or Expanded Dischargers. You must meet one of the criteria below:

Criterion A. No state or federally-listed threatened or endangered species or their designated critical habitat are likely to occur in the "action area" as defined in Appendix A; or

Criterion B. Consultation between the Nebraska Game and Parks Commission has been concluded and determined that either the discharge is not likely to have an effect, or through the use of control measures, the discharge is not likely to have an effect. Consultations can be either formal or informal.

Attachment 1 may be used to determine if the facility will qualify for Criterion A, or must seek to qualify under Criterion B. All new or expanded dischargers must submit Attachment 1 with the NOI or the NOI will be considered incomplete.

This permit does not replace any other requirements related to threatened and endangered species. This permit does not authorize discharges which will adversely affect an endangered or threatened species, or their critical habitats.

1.1.4.6 ***Historic Properties Preservation.*** This permit does not replace or satisfy any review requirements for Historic Places or Archeological Sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered Archeological Sites. The owner must be in compliance with National Historic Preservation Act and conduct all required review and coordination related to historic preservation, including significant anthropological sites and any burial sites, with the Nebraska Historic Preservation Officer. You must comply with all applicable state, and local

laws concerning the protection of historic properties and places, your discharge authorization under this permit is contingent upon this compliance.

1.1.4.7 ***New Discharges to Water Quality Impaired Waters.*** If you are a new discharger you are not eligible for coverage under this permit to discharge to an "impaired water", as defined in Appendix A unless you:

a. prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP; or

b. document that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain documentation of this finding with your SWPPP; or

c. in advance of submitting your NOI, provide to the NDEQ data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with your SWPPP. To do this, you must provide data and other technical information to the Department sufficient to demonstrate:

   i. For discharges to waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or

   ii. For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

You are eligible under Part 1.1.4.7.c if you receive an affirmative determination from the Department that your discharge will not contribute to the existing impairment, in which case you must maintain such determination onsite with your SWPPP, or if the Department fails to respond within 30 days of submission of data to the Department.

1.1.4.8 ***New or Expanded Discharges to Waters Designated as State Resource Water – Class A or Class B for Antidegradation Purposes.*** If you are a new or expanded discharger, you are not eligible for coverage under this permit for discharges to waters designated as State Resource Water – Class A for antidegradation purposes under Title 117 (State Resource Waters are identified within Title 117, Chapters 5 & 6, also in Attachment 9). If you are a new or expanded discharger, you must receive written authorization from the Department specifically authorizing discharges to any State Resource Water – Class B.

1.1.4.9 ***New or Expanded Discharges to Public Drinking Water Supplies.*** If you are a new or expanded discharger, you must receive written authorization from the Department specifically authorizing discharges to any waters protected as a public drinking water supply (identified within Title 117, Chapters 5 & 6, also in Attachment 9).

1.2 Permit Compliance.

Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act. As detailed in Part 3 (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, such as an exceedance of an applicable benchmark, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part 3.3.

1.3 Authorization under this Permit.

1.3.1 How to Obtain Authorization.

To obtain authorization under this permit, you must:

- Be located in the State of Nebraska where NDEQ is the permitting authority;
- Meet the Part 1.1 eligibility requirements;
- Develop a SWPPP according to the requirements in Part 5 of this permit.
- Select, design, install, and implement control measures in accordance with Part 2.1 to meet non-numeric effluent limits;
- Submit a complete and accurate Notice of Intent (NOI) form (included in Attachment 2 of this permit) to the address listed in Part 7.4.1; and

Timeframes for discharge authorization are contained in Table 1-2. Additional submission requirements may apply to facilities discharging through a Large, Medium or Small Municipal Separate Storm Sewer System (MS4), See Part 7.4.2.

Table 1-2. NOI Submittal Deadlines/Discharge Authorization Dates

Category	NOI Submission Deadline	Discharge Authorization Date[1]
Existing Dischargers – in operation and previously authorized for coverage under the ISW-GP (originally issued July 1, 2011).	No later than January 1, 2017.	30 days after NDEQ receives a complete and accurate NOI. Your authorization under the ISW-GP is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
New Dischargers or New Sources - commencing discharging after issuance of this General Permit.	A minimum of 30 days prior to commencing operation of the facility.	30 days after NDEQ receives a complete and accurate NOI or upon notification of authorization from the NDEQ.
New Dischargers or New Sources - in operation prior to issuance of this General Permit but not covered under the previous General Permit or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	60 days after NDEQ receives a complete and accurate NOI.

[1] Based on a review of your NOI or other information, NDEQ may delay your authorization for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.6. In these instances, NDEQ will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

1.3.2 Continuation of this Permit.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with Title 119, Chapter 24 and remain in force and effect. If you were authorized to discharge under this permit prior to the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissued permit or a replacement of this permit following your timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or

- Your submittal of a Notice of Termination; or
- Issuance or denial of an individual permit for the facility's discharges; or
- A formal permit decision by NDEQ not to reissue this general permit, at which time NDEQ will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

1.4 Terminating Coverage.

1.4.1 Submitting a Notice of Termination.

To terminate permit coverage, you must submit a complete and accurate Notice of Termination using the paper Notice of Termination form included in Attachment 3 of this permit, to the address listed in Part 7.4.1. Your authorization to discharge under this permit terminates 14 days after a complete Notice of Termination is received. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part 1.4.2, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated. (Should an electronic submittal process be established for the State of Nebraska, this section shall not preclude the use of such a system.)

1.4.2 When to Submit a Notice of Termination.

You must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

- A new owner or operator has taken over responsibility for the facility; or
- You have ceased operations at the facility, there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5;
- You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless NDEQ has required that you obtain such coverage under authority of Part 1.6.1, in which case coverage under this permit will terminate automatically.

1.5 Conditional Exclusion for No Exposure.

If you are covered by this permit, and become eligible for a no exposure conditional exclusion from permitting under Title 119, Ch. 10, section 007, you may file a No Exposure Certification. You are no longer required to have a permit upon submission of a complete and accurate No Exposure Certification to NDEQ. If you are no longer required to have permit coverage because of a no exposure conditional exclusion and have submitted a No Exposure Certification form to NDEQ, you are not required to submit a Notice of Termination. You must submit a No Exposure Certification to NDEQ once every five years and maintain a condition of No Exposure.

1.6 Alternative Permits.

1.6.1 NDEQ Requiring Coverage under an Alternative Permit.

NDEQ may require you to apply for and/or obtain authorization to discharge under either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition NDEQ to take action under this paragraph. If NDEQ requires you to apply for an individual NPDES permit, NDEQ will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an existing discharger authorized to discharge

under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will terminate. NDEQ may grant additional time to submit the application if requested. If you are covered under this permit and fail to submit an individual NPDES permit application as required by NDEQ, then the applicability of this permit to you is terminated at the end of the day specified by NDEQ as the deadline for application submittal. NDEQ may take appropriate enforcement action for any unpermitted discharge.

1.6.2 Permittee Requesting Coverage under an Alternative Permit.

You may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of Title 119, with reasons supporting the request, to NDEQ. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if your reasons are adequate to support the request. Should NDEQ determine that the reasons are not adequate; NDEQ may either deny the request or request further information.

When an individual NPDES permit is issued to you or you are authorized to discharge under an alternative NPDES general permit, your authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

1.7 General Conditions

1.7.1 Severability

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. NDEQ's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, NDEQ will advise the regulated community as to the effect of such invalidation.

1.7.2 Permit Attachments

The attachments to this permit (e.g., forms and guidance) may be modified without a formal modification of the permit.

1.7.3 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.

1.7.4 Penalties

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. Violations of the terms and conditions of this permit may result in the initiation of criminal and/or civil actions in accordance with Nebraska Rev. Stat. §81-1508, as amended to date. Violations may also result in federal prosecution.

1.8 Conditions Applicable to Portable Facilities

1.8.1 Notification Requirements for Relocation of Portable Facilities

1.8.1.1 Notification to NDEQ. The permittee shall provide the Department with notification of the relocation of any facility at least 20 days in advance of each relocation Notification shall be

provided using the "Relocation Notice Form" (See Attachment 7) or equivalent. The following information shall be provided:

- the NPDES permit number (i.e., NER910000) and the NPDES reference number (e.g., NER911234), if it is available;
- the name of the facility;
- the legal description of the proposed relocation site;
- the name of the receiving stream;
- the identification of any storm water discharges to State Resource Waters or public drinking water supply identified in Attachment 9; and
- the anticipated dates of operations at the new location.

1.8.1.2 ***Notification to Others.*** If required or upon request, when a facility is relocated so that stormwater will be discharged through a Combined Sewer (CS), or Municipal Separate Storm Sewer System (MS4), whether a large, medium, or small municipal separate storm sewer system, the permittee shall concurrently provide written notification of the relocation to the operator of the CS, or MS4 through which they will discharge.

1.8.1.3 ***Additional Information.*** The Department may request additional information as necessary to evaluate a relocation request.

1.8.2 Site Specific Discharge Authorizations, Denials and Revocations for Portable Facilities

1.8.2.1 ***Authorizations to discharge to Special Waters.*** Portable sources shall obtain written authorization from the Department on a site specific basis prior to discharging industrial storm water to any of the State Resource Waters or public drinking water supplies established by Title 117, also identified in Attachment 9. When submitting notice of relocation to a location which will discharge to one of the described special waters, the submission shall identify the water to which the facility will discharge and an explanation of why site specific authorization is needed (e.g. Relocation site discharges to Stone Creek, State Resource Water – Class B). Discharges to other waters of the State do not require written discharge authorization, but site specific denials or revocations of discharge authorizations can be made by the Department.

1.8.2.2 ***Denial of Authorization.*** The Department may deny or revoke authorization to discharge for portable facilities at specific locations due to potential impacts on: water quality, State Resource Waters, listed endangered or threatened species, habitat critical to an endangered or threatened species, or human health or safety. The Department shall provide the permittee with a written notice of the denial or revocation, and an explanation of the reason for the denial. Temporary denials may be required to provide time to review additional information submitted pursuant to Section 1.8.1.3.

1.8.3 Operational Changes Relative to Facility Portability

The permittee shall notify the Department in writing if a facility is "converted" from a stationary to a portable facility, or vice-versa.

1.8.4 Exceptions for Portable Facilities

1.8.4.1 ***Outfall Specific Requirements.*** Portable facilities need not develop outfall specific procedures and information, portable facilities are required to identify the potential pollutants that could be released from the facility.

1.8.4.2 ***Inspections.*** At portable sources, the permittee shall conduct inspections within the first seven days after relocation and at least one additional time within the first 90 days of operation to ensure that all controls are properly installed and functioning. After the first 90 days of operation, Routine Facility Inspections (Part 4.1) shall resume quarterly, or more frequently if required by

sector specific requirements. Upon termination of activities at a temporary site, the entire site must undergo a Final Inspection for the presence of spilled materials, industrial materials, and industrial wastes. All occurrences must be properly addressed and removed.

*1.8.4.3 **Visual Assessment.*** Portable facilities must follow the procedures established in Part 4.2 for quarterly visual assessment of stormwater discharges for those quarters which the facility will be operating under this permit (when operating in the State of Nebraska).

*1.8.4.4 **Comprehensive Site Inspections.*** Facilities operating under this permit for less than three months per calendar year are waved from the requirement to perform annual comprehensive site inspections. Facilities operating under this permit for more than three months per calendar year must conduct comprehensive site inspections annually. It is recommended that these comprehensive inspections be conducted as the second inspection within the first 90 days after relocation (see 1.8.4.2) at one of the locations for which the facility will operate during the calendar year.

1.8.5 Monitoring

*1.8.5.1 **Impaired Waters.*** Portable facilities discharging to water quality impaired waters must incorporate controls to reduce discharges of pollutants for which the water is impaired. Portable facilities are not required to conduct the monitoring as described in Part 6.2.2., unless requested by the Department.

*1.8.5.2 **Benchmark Monitoring.*** Portable facilities are not required to conduct the benchmark monitoring described within the sector specific requirements unless requested by NDEQ.

*1.8.5.3 **Additional Monitoring.*** NDEQ may require that a particular portable facility conduct impaired waters monitoring, benchmark monitoring or other monitoring, consistent with the provisions of this permit (see Part 6.)

1.8.6 Site Closure Requirements

*1.8.6.1 **Agricultural land.*** Portable facilities utilizing agricultural land must return the site to its preexisting agricultural use. After completing the Final Inspection outlined in 1.8.4.2, the site must: remove all industrial materials and wastes including petroleum affected soils, remediate compaction, replace topsoil, and seed an agricultural crop or temporary cover crop.

*1.8.6.1 **Non-Agricultural land.*** Portable facilities utilizing non-agricultural land must remove all industrial materials and wastes including petroleum affected soils and complete the Final Inspections outlined in 1.8.4.2.

2. Control Measures and Effluent Limits

In the technology-based limits included in Part 2.1 and in Part 8, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

2.1 Control Measures

You must select, design, install, and implement control measures (including best management practices) to address the selection and design considerations in Part 2.1.1, meet the non-numeric effluent limits in Part 2.1.2, and meet limits contained in an individual NPDES permit as required in Part 2.1.3 for facilities where effluent limitations guidelines are applicable. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures,

consistent with Part 5.1.4. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you must modify these control measures as expeditiously as practicable. Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

2.1.1 Control Measure Selection and Design Considerations

You must consider the following when selecting and designing control measures:

- preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;
- assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
- minimizing ground water contamination, infiltration is not appropriate for discharges likely to contain pollutants which are mobile within the soil;
- Underground Injection Control authorization may be required for certain types of practices which infiltrate (i.e. Class V Injection Well)
- attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- conserving and/or restoring of riparian buffers will help protect streams from stormwater runoff and improve water quality; and
- using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

2.1.2 Non-Numeric Technology-Based Effluent Limits

*2.1.2.1 **Minimize Exposure.*** You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). In minimizing exposure, you should pay particular attention to the following:

- use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to on-site storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- ensure that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

2.1.2.2 ***Good Housekeeping.*** You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers.

2.1.2.3 ***Maintenance.*** You must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. You must maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). If you find that your control measures need to be replaced or repaired, you must make the necessary repairs or modifications as expeditiously as practicable.

2.1.2.4 ***Spill Prevention and Response Procedures.*** You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. At a minimum, you must implement:

- Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your stormwater pollution prevention team (see Part 5.1.1); and
- Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under Title 126 occurs during a 24-hour period, you must notify: the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302; The Department of Environmental Quality at (402) 471-2186 or (402) 471-4230 during normal business hours (Monday through Friday 8am-5pm) or the Nebraska State Patrol at (402) 471-4545 outside of normal business hours (after business hours, holidays, weekends) in accordance with the requirements of Title 126 as soon as you have knowledge of the discharge. Local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

2.1.2.5 ***Erosion and Sediment Controls.*** You must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions you must take to meet this limit, you must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing,

installing, and implementing appropriate control measures, you are encouraged to consult with EPA's internet-based resources relating to Best Management Practices (BMPs) for erosion and sedimentation, including the sector-specific *Industrial Stormwater Fact Sheet Series*, (www.epa.gov/npdes/stormwater-discharges-industrial-activities#factsheets), *National Menu of Stormwater BMPs* (www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (www.epa.gov/polluted-runoff-nonpoint-source-pollution/urban-runoff-national-management-measures), and any similar State or Local publications.

2.1.2.6 ***Management of Runoff.*** You must divert, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with EPA's internet-based resources relating to runoff management, including the sector-specific *Industrial Stormwater Fact Sheet Series*, (www.epa.gov/npdes/stormwater-discharges-industrial-activities#factsheets), *National Menu of Stormwater BMPs* (www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu), and *National Management Measures to Control Nonpoint Source Pollution from Urban Areas* (www.epa.gov/polluted-runoff-nonpoint-source-pollution/urban-runoff-national-management-measures), and any similar State or Local publications.

2.1.2.7 ***Salt Storage Piles or Piles Containing Salt.*** You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES permit.

2.1.2.8 ***Sector Specific Non-Numeric Effluent Limits.*** You must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Part 8.

2.1.2.9 ***Employee Training.*** You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your Pollution Prevention Team. Training must cover both the specific control measures used to achieve the effluent limits in this Part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. NDEQ recommends training be conducted at least annually (or more often if employee turnover is high).

2.1.2.10 ***Non-Stormwater Discharges.*** You must eliminate non-stormwater discharges not authorized by an NPDES permit. See Part 1.1.3 for a list of non-stormwater discharges authorized by this permit.

2.1.2.11 ***Waste, Garbage and Floatable Debris.*** You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged.

2.1.2.12 ***Dust Generation and Vehicle Tracking of Industrial Materials.*** You must minimize generation of dust and off-site tracking of raw, final, or waste materials.

2.1.3 Numeric Effluent Limitations Based on Effluent Limitations Guidelines

If you are in an industrial category subject to one of the effluent limitations guidelines identified in Table 1-1 (see Part 1.1.2.4), you must apply for and receive authorization under a separate Individual NPDES permit which will incorporate these limits. The Individual NPDES permit will

specify the required monitoring. Compliance with this general permit is required for the remainder of the facilities discharges.

2.2 Water Quality-Based Effluent Limitations.

2.2.1 Water Quality Standards

Your discharge must be controlled as necessary to meet applicable water quality standards.

NDEQ expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or NDEQ determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take corrective action as required in Part 3.1, document the corrective actions as required in Parts 3.4 and 5.4, and report the corrective actions to NDEQ as required in Part 3.4.

Additionally, NDEQ may impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, required reports, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards.

2.2.2 Discharges to Water Quality Impaired Waters.

2.2.2.1 ***Existing Discharge to an Impaired Water with an EPA Approved or Established TMDL.*** If you discharge to an impaired water with an EPA approved or established TMDL, NDEQ will inform you if any additional limits or controls are necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL, or if coverage under an individual permit is necessary in accordance with Part 1.6.1.

2.2.2.2 ***Existing Discharge to an Impaired Water without an EPA Approved or Established TMDL.*** If you discharge to an impaired water without an EPA approved or established TMDL, you are required to comply with Part 2.2.1 and the monitoring requirement of Part 6.2.2. Note that this provision also applies to situations where NDEQ determines that your discharge is not controlled as necessary to meet water quality standards in a downstream water segment, even if your discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

2.2.2.3 ***New Discharge to an Impaired Water.*** If your authorization to discharge under this permit relied on Part 1.1.4.7 for a new discharge to an impaired water, you must implement and maintain any control measures or conditions on your site that enabled you to become eligible under Part 1.1.4.7, and modify such measures or conditions as necessary pursuant to any Part 3 corrective actions. You are also required to comply with Part 2.2.1 and the monitoring requirements of Parts 6.2.2.

2.2.3 State Resource Water –Class B Antidegradation Requirements for New or Increased Dischargers

If you are a new discharger, or an existing discharger required to notify NDEQ of an increased discharge consistent with Part 7.2 (i.e., a "planned changes" report), and you discharge directly to waters designated by the Department as State Resource Water – Class B for antidegradation purposes under Title 117 (State Resource Waters are identified within Title 117, Chapters 5 & 6, also in Attachment 9), NDEQ may notify you that additional analyses, control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part 1.6.1. If you are a new or expanded discharger, you must receive written authorization from the Department specifically authorizing discharges to any State Resource Water – Class B.

2.3 Requirements Relating to Endangered Species and Historic Properties

If your eligibility under either Part 1.1.4.5 or Part 1.1.4.6 was made possible through your, or another operator's, agreement to include certain measures or prerequisite actions, or implement certain terms and conditions, you must comply with all such agreed-upon requirements to maintain eligibility under this General Permit.

3. Corrective Actions

3.1 Conditions Requiring Review and Revision to Eliminate Problem

If any of the following conditions occur, you must review and revise the selection, design, installation, and implementation of your control measures to ensure that the condition is eliminated and will not be repeated in the future:

- an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;
- you become aware, or NDEQ determines, that your control measures are not stringent enough for the discharge to meet applicable water quality standards;
- an inspection or evaluation of your facility by a NDEQ official, EPA official, or local entity, determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit; or
- you find in your routine facility inspection, quarterly visual assessment, or comprehensive site inspection that your control measures are not being properly operated and maintained.

3.2 Conditions Requiring Review to Determine if Modifications Are Necessary

If any of the following conditions occur, you must review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit:

- construction or a change in design, operation, or maintenance at your facility significantly changes the nature of pollutants discharged in stormwater from your facility, or significantly increases the quantity of pollutants discharged; or
- the average of 4 quarterly sampling results exceeds an applicable benchmark. If less than 4 benchmark samples have been taken, but the results are such that an exceedance of the 4 quarter average is mathematically certain (i.e., if the sum of quarterly sample results to date is more than 4 times the benchmark level) this is considered a benchmark exceedance, triggering this review.

3.3 Corrective Action Deadlines

You must document your discovery of any of the conditions listed in Parts 3.1 and 3.2 within 24 hours of making such discovery. Subsequently, within 14 days of such discovery, you must document any corrective action(s) to be taken to eliminate or further investigate the deficiency, or if no corrective action is needed, the basis for that determination. Specific documentation required within 24 hours and 14 days is detailed in Part 3.4. If you determine that changes are necessary following your review, any modifications to your control measures must be made before the next storm event if possible, or as soon as practicable following that storm event. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

3.4 Corrective Action Report

Within 24 hours of discovery of any condition listed in Parts 3.1 and 3.2, you must document the following information (i.e., Section 1 of the Corrective Actions Form, provided in Attachment 4):

- Identification of the condition triggering the need for corrective action review;
- Description of the problem identified; and
- Date the problem was identified.

Within 14 days of discovery of any condition listed in Parts 3.1 and 3.2, you must document the following information (i.e., Section 2 of the Corrective Actions Form, provided in Attachment 4):

- Summary of corrective action taken or to be taken (or, for triggering events identified in Part 3.2 where you determine that corrective action is not necessary, the basis for this determination);
- Notice of whether SWPPP modifications are required as a result of this discovery or corrective action;
- Date corrective action initiated; and
- Date corrective action completed or expected to be completed.

You must submit this documentation to NDEQ at the address provided in 7.4.1 with 30 days of initial discovery and retain a copy onsite with your SWPPP as required in Part 5.4.

3.5 Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. NDEQ will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

3.6 Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event.

4. Inspections

You must conduct the inspections in Parts 4.1, 4.2, and 4.3 at your facility.

4.1 Routine Facility Inspections.

4.1.1 Routine Facility Inspection Procedures.

Conduct routine facility inspections of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with the effluent limits contained in this permit. Routine facility inspections must be conducted at least quarterly (i.e., once each calendar quarter) although in many instances, more frequent inspection (e.g., monthly) may be appropriate for some types of equipment, processes, and control measures or areas of the facility with significant activities and materials exposed to stormwater. Perform these inspections during periods when the facility is in operation. You must specify the relevant inspection schedules in your SWPPP document as required in Part 5.1.5. These routine inspections must be performed by qualified personnel (for definition see Appendix A) with at least one member of your stormwater pollution prevention team participating. At least once each calendar year, the routine facility inspection must be conducted during a period when

stormwater is discharging off-site or to an on-site storm water retention structure. Inspections conducted in addition to those required by this permit need not conform to requirements of this section. Only those inspections conducted for compliance of this permit must conform (i.e. weekly inspections of a high risk portion of the facility need not include all areas of the facility or comply with the documentation requirements).

4.1.2 Routine Facility Inspection Documentation.

You must document the findings of each routine facility inspection performed and maintain this documentation onsite with your SWPPP as required in Part 5.4. You are not required to submit your routine facility inspection findings to NDEQ, unless specifically requested to do so. At a minimum, your documentation of each routine facility inspection must include:

- The inspection date and time;
- The name(s), title(s) and signature(s) of the inspector(s);
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges of pollutants from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with the permit requirements.

Any corrective action required as a result of a routine facility inspection must be performed consistent with Part 3 of this permit.

4.1.3 Exceptions to Routine Facility Inspections.

Inactive and Unstaffed Sites: The requirement to conduct routine facility inspections on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part 4.3. To invoke this exception, you must maintain a statement in your SWPPP pursuant to Part 5.1.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in Title 119, Chapter 10 Part 007.04C. The statement must be signed and certified in accordance with Appendix B, Subsection B.2. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly facility inspections. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 5.4.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the "no industrial materials or activities exposed to stormwater" standard to be eligible for this exception from routine inspections, consistent with the requirements established in Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

4.2 Quarterly Visual Assessment of Stormwater Discharges.

4.2.1 Quarterly Visual Assessment Procedures.

Once each quarter for the entire permit term, you must collect a stormwater sample from each outfall (except as noted in Part 4.2.3) and conduct a visual assessment of each of these samples. For an industrial facility with an on-site stormwater retention structure, visual assessments may be conducted on the stormwater entering the structure. These samples are not required to be collected consistent with Title 119, Chapter 14 Part 001.02D (see 40 CFR Part 136) procedures but should be collected in such a manner that the samples are representative of the stormwater discharge.

The visual assessment must be made:

- Of a sample in a clean, clear glass, or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and you must document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site; and
- For storm events, on discharges that occur at least 72 hours (3 days) from the previous discharge. The 72-hour (3-day) storm interval does not apply if you document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period.

You must visually inspect the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity;
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of stormwater pollution.

4.2.2 Quarterly Visual Assessment Documentation.

You must document the results of your visual assessments and maintain this documentation onsite with your SWPPP as required in Part 5.4. You are not required to submit your visual assessment findings to NDEQ, unless specifically requested to do so. At a minimum, your documentation of the visual assessment must include:

- Sample location(s)
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the stormwater discharge;
- Probable sources of any observed stormwater contamination,
- If applicable, why it was not possible to take samples within the first 30 minutes.

Any corrective action required as a result of a quarterly visual assessment must be performed consistent with Part 3 of this permit.

4.2.3 Exceptions to and Timing of Quarterly Visual Assessments.

Adverse Weather Conditions: When adverse weather conditions prevent the collection of samples during the quarter, you must take a substitute sample during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included with your SWPPP records as described in Part 5.4. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions.

Semi-Arid Climates: If your facility is located in a semi-arid climate where limited rainfall occurs during parts of the year, then your samples for the quarterly visual assessments may be distributed during seasons when precipitation runoff occurs.

Snowmelt: At least one quarterly visual assessment must capture snowmelt discharge, as described in Part 6.1.3.

Inactive and Unstaffed Sites: The requirement for a quarterly visual assessment does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must maintain a statement in your SWPPP as required in Part 5.1.5.2 indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in Title 119, Chapter 10 Part 007.04C. The statement must be signed and certified in accordance with Appendix B, Subsection B.2. If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly visual assessments. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part 5.4.

Inactive and unstaffed facilities covered under Sectors G (Metal Mining), H (Coal Mines and Coal Mining-Related Facilities), and J (Non-Metallic Mineral Mining and Dressing), are not required to meet the "no industrial materials or activities exposed to stormwater" standard to be eligible for this exception from quarterly visual assessment, consistent with the requirements established in Parts 8.G.8.4, 8.H.8.1, and 8.J.8.1.

Substantially Identical Outfalls: If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part 5.1.5.2, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit.

If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

4.3 Comprehensive Site Inspections.

4.3.1 Comprehensive Site Inspection Procedures.

You must conduct annual comprehensive site inspections while you are covered under this permit. Annual, as defined in this Part, means once during each calendar year beginning with the period you are authorized to discharge under this permit:

You are waived from having to perform a comprehensive site inspection for an inspection period, as defined above, if you obtain authorization to discharge less than three months before the end of that calendar year.

Should your coverage be administratively continued after the expiration date of this permit, you must continue to perform these inspections annually until you are no longer covered.

Comprehensive site inspections must be conducted by qualified personnel with at least one member of your stormwater pollution prevention team participating in the comprehensive site inspections.

Your comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWPPP as potential pollutant sources (see Part 5.1.3) where industrial materials or activities are exposed to stormwater, any areas where control measures are used to comply with the effluent limits contained in a site specific NPDES Permit, and areas where spills and leaks have occurred in the past 3 years. The inspections must also include a review of monitoring data collected in accordance with Part 6.2. Inspectors must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following:

- Industrial materials, residue, or trash that may have or could come into contact with stormwater;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance, or repair.

Stormwater control measures required by this permit must be observed to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected.

Your annual comprehensive site inspection may also be used as one of the routine inspections, as long as all components of both types of inspections are included.

4.3.2 Comprehensive Site Inspection Documentation.

You must document the findings of each comprehensive site inspection and maintain this documentation onsite with your SWPPP as required in Part 5.4. At a minimum, your documentation of the comprehensive site inspection must include:

- The date of the inspection;
- The name(s) and title(s) of the personnel making the inspection;
- Findings from the examination of areas of your facility identified in Part 4.3.1;
- All observations relating to the implementation of your control measures including:
    - previously unidentified discharges from the site,
    - previously unidentified pollutants in existing discharges,
    - evidence of, or the potential for, pollutants entering the drainage system;
    - evidence of pollutants discharging to receiving waters at all facility outfall(s), and the condition of and around the outfall, including flow dissipation measures to prevent scouring, and
    - additional control measures needed to address any conditions requiring corrective action identified during the inspection.
- Any required revisions to the SWPPP resulting from the inspection;

- Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and

Any corrective action required as a result of the comprehensive site inspection must be performed consistent with Part 3 of this permit.

5. Stormwater Pollution Prevention Plan (SWPPP).

You must prepare a SWPPP for your facility before submitting your Notice of Intent (NOI) for permit coverage. If you prepared a SWPPP for coverage under a previous NPDES permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; the narrative limitations are contained in Part 2 of the permit, and for some sectors, Part 8 of the permit. The SWPPP is intended to document the selection, design, and installation of control measures which will be used to meet the limitations. Separate from the SWPPP, the additional documentation requirements (see Part 5.4) are intended to document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

5.1 Contents of Your SWPPP.

For coverage under this permit, your SWPPP must contain all of the following elements:

- Stormwater pollution prevention team (see Part 5.1.1);
- Site description (see Part 5.1.2);
- Summary of potential pollutant sources (see Part 5.1.3);
- Description of control measures (see Part 5.1.4);
- Schedules and procedures (see Part 5.1.5);
- Documentation to support eligibility considerations regarding other resources (see Part 5.1.6); and
- Signature requirements (see Part 5.1.7).

Where your SWPPP refers to procedures in other facility documents, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS) developed for a National Environmental Performance Track facility or similar management system, copies of the relevant portions of those documents must be kept with your SWPPP.

5.1.1 Stormwater Pollution Prevention Team.

You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and your SWPPP.

5.1.2 Site Description.

Your SWPPP must include the following:

- Activities at the Facility. Provide a description of the nature of the industrial activities at your facility.
- General location map. Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
- Site map. Provide a map showing:
  - the size of the property in acres;

- the location and extent of significant structures and impervious surfaces;
- directions of stormwater flow (use arrows);
- locations of all existing structural control measures;
- locations of all receiving waters in the immediate vicinity of your facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
- locations of all stormwater conveyances including ditches, pipes, and swales;
- locations of potential pollutant sources identified under Part 5.1.3.2;
- locations where significant spills or leaks identified under Part 5.1.3.3 have occurred;
- locations of all stormwater monitoring points;
- locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., SW-Outfall No. 1, No. 2, etc), indicating if you are treating one or more outfalls as "substantially identical" under Parts 4.2.3, 5.1.5.2, and 6.1.1, and an approximate outline of the areas draining to each outfall;
- combined sewers, or municipal separate storm sewer systems, where your stormwater discharges to them;
- locations and descriptions of all non-stormwater discharges identified under Part 2.1.2.10;
- locations of the following activities where such activities are exposed to precipitation:
  - fueling stations;
  - vehicle and equipment maintenance and/or cleaning areas;
  - loading/unloading areas;
  - locations used for the treatment, storage, or disposal of wastes;
  - liquid storage tanks;
  - processing and storage areas;
  - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
  - transfer areas for substances in bulk; and
  - machinery; and
- locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

5.1.3 Summary of Potential Pollutant Sources.

You must document areas at your facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

5.1.3.1 ***Activities in the area.*** A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

5.1.3.2 ***Pollutants.*** A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the date you prepare or amend your SWPPP.

5.1.3.3 ***Spills and Leaks.*** You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be

affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date you prepare or amend your SWPPP.

Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.

5.1.3.4 ***Non-Stormwater Discharges.*** You must document that you have evaluated for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include:

- The date of any evaluation;
- A description of the evaluation criteria used;
- A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- The different types of non-stormwater discharge(s) and source locations; and
- The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, or an NPDES permit application was submitted for an unauthorized cooling water discharge.

5.1.3.5 ***Salt Storage.*** You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

5.1.3.6 ***Sampling Data.*** You must summarize all stormwater discharge sampling data collected at your facility during the previous permit term.

5.1.4 Description of Control Measures.

5.1.4.1 ***Control Measures to Meet Technology-Based and Water Quality-Based Effluent Limits.*** You must document the location and type of control measures you have installed and implemented at your site to achieve the non-numeric effluent limits in Part 2.1.2, and where applicable in Part 8, the effluent limitations guidelines-based limits in Part 2.1.3, the water quality-based effluent limits in Part 2.2, and any agreed-upon endangered species related requirements in Parts 2.3, and describe how you addressed the control measure selection and design considerations in Part 2.1.1. This documentation must describe how the control measures at your site address both the pollutant sources identified in Part 5.1.3, and any stormwater run-on that commingles with any discharges covered under this permit.

5.1.5 Schedules and Procedures

5.1.5.1 ***Pertaining to Control Measures Used to Comply with the Effluent Limits in Part 2.***

The following must be documented in your SWPPP:

- Good Housekeeping (See Part 2.1.2.2) – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;
- Maintenance (See Part 2.1.2.3) – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;

- Spill Prevention and Response Procedures (See Part 2.1.2.4) – Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by an NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part 5.3; and
- Employee Training (Part 2.1.2.9) – A schedule for all types of necessary training.

5.1.5.2 ***Pertaining to Monitoring and Inspection.*** Prior to the beginning of any required monitoring period, you must document in your SWPPP your procedures for conducting the three types of analytical monitoring specified by this permit, where applicable to your facility, including:

- Benchmark monitoring (see Part 6.2.1);
- Impaired waters monitoring (see Part 6.2.2); and
- Other monitoring as required by NDEQ (see Part 6.2.3).

For each type of monitoring, your SWPPP must document:

- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility, including schedule for alternate monitoring periods for climates with irregular stormwater runoff (see Part 6.1.6);
- Any numeric control values (benchmarks, TMDL-related requirements, or other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part 6.1.

If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by Part 6.2.1.3.

You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part 4.2 or your benchmark monitoring requirements in Part 6.2.1:

- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:

- Routine facility inspections (see Part 4.1);
- Quarterly visual assessment of stormwater discharges (see Part 4.2); and
- Comprehensive site inspections (see Part 4.3).

For each type of inspection performed, your SWPPP must identify:

- Person(s) or positions of person(s) responsible for inspection;

- Schedules for conducting inspections, including tentative schedule for facilities in climates with irregular stormwater runoff discharges (see Part 4.2.3); and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts 4.1.3 and 4.2.3.

5.1.6 Documentation to Support Eligibility Considerations Under Other Federal Laws.

5.1.6.1 ***Documentation Regarding Endangered Species.*** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4.5 (Endangered and Threatened Species and Critical Habitat Protection).

5.1.6.2 ***Documentation Regarding Historic Properties.*** You must keep with your SWPPP the documentation supporting your determination with regard to Part 1.1.4.6 (Historic Properties Preservation).

5.1.7 Signature Requirements.

You must sign and date your SWPPP in accordance with Appendix B, Subsection B.2, including the date of signature.

5.2 Required SWPPP Modifications.

You must modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part 3.1 and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part 3.2 indicates that changes to your control measures are necessary to meet the effluent limits in this permit. Changes to your SWPPP document must be made in accordance with the corrective action deadlines in Parts 3.3 and 3.4, and must be signed and dated in accordance with Appendix B, Subsection B.2.

5.3 SWPPP Availability.

You must retain a copy of the current SWPPP required by this permit at the facility, and it must be immediately available to EPA; NDEQ; and the operator of an MS4 receiving discharges from the site. NDEQ may provide access to portions of your SWPPP to a member of the public upon request, or to other Federal, State, or local agencies. Confidential Business Information (CBI) may be withheld from the public in accordance with the provisions of Title 115, Chapter 4. Unless specified elsewhere in this permit or in the request, you are required to furnish a copy of the SWPPP and any other information requested within seven (7) calendar days. Submissions shall be sent to the address provided in 7.4.1.

5.4 Additional Documentation Requirements.

You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

- A copy of the NOI submitted to NDEQ along with any correspondence exchanged between you and NDEQ specific to coverage under this permit;
- A copy of the acknowledgment letter you receive from the NDEQ (or electronic notification system should it become available during the term of this permit) notifying you of your permit authorization number;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);

- Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to waters of the State, through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part 2.1.2.4);
- Records of employee training, including date training received (see Part 2.1.2.9);
- Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part 2.1.2.3);
- All inspection reports, including the Routine Facility Inspection Reports (see Part 4.1), the Quarterly Visual Assessment Reports (see Part 4.2), and the Comprehensive Site Inspection Reports (see Part 4.3);
- Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts 4.2.1, 6.1.4, and 6.2.1.2);
- Description of any corrective action taken at your site, including triggering event and dates when problems were discovered and modifications occurred;
- Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedance was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part 6.2.1.2;
- Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part 6.2.2.2); and
- Documentation to support your claim that your facility has changed its status from active to inactive and unstaffed with respect to the requirements to conduct routine facility inspections (see Part 4.1.3), quarterly visual assessments (see Part 4.2.3), and/or benchmark monitoring (see Part 6.2.1.3).

6. Monitoring.

You must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in Part 6 and Appendix B, Subsections B.2 – B.4, and any additional sector-specific requirements in Part 8. Refer to Part 7 for reporting and recordkeeping requirements.

6.1 Monitoring Procedures

6.1.1 Monitored Outfalls.

Applicable monitoring requirements apply to each outfall authorized by this permit, except as otherwise exempt from monitoring as a "substantially identical outfall." If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part 5.1.5.2, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations.

Areas of true sheet flow discharges are not required to be monitored as outfalls unless you are notified by the Department, though the discharge is regulated under this permit. It should be noted that what begins as "sheet flow" has a tendency to concentrate and form gullies, which would then be considered a discrete conveyance. (Monitored Outfall & Sheet Flow defined in Appendix A)

6.1.2 Commingled Discharges.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

6.1.3 Measurable Storm Events.

All required monitoring must be performed on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event and indicate that the sampling event was for snowmelt.

6.1.4 Sample Type.

You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 6.1.3 and a minimum of one grab sample from snowmelt, a total of four samples. Samples must be collected within the first 30 minutes of a measurable storm event. If it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

6.1.5 Adverse Weather Conditions.

When adverse weather conditions as described in Part 4.2.3 prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to retain a benchmark monitoring report in accordance with your sampling schedule. You must document any failure to monitor as specified in Part 7.1 indicating the basis for not sampling during the usual reporting period.

6.1.6 Irregular Stormwater Runoff.

If your facility is located in semi-arid climate where limited rainfall occurs during parts of the year or due to freezing conditions that prevent runoff from occurring for extended periods, required monitoring events may be distributed during seasons when precipitation occurs, or when snowmelt results in a measurable discharge from your site. You must still collect the required number of samples.

6.1.7 Monitoring Periods.

Monitoring requirements in this permit begin in the first full quarter following either July 18, 2016 or your date of discharge authorization, whichever date comes later. If your monitoring is required on a quarterly basis (e.g., benchmark monitoring), you must monitor at least once in each of the following 3-month intervals:

- January 1 – March 31;
- April 1 – June 30;
- July 1 – September 30; and
- October 1 – December 31.

For example, if you obtain permit coverage on August 2, 2016, then your first monitoring quarter is October 1 - December 31, 2016. This monitoring schedule may be modified in accordance with Part 6.1.6 if the revised schedule is documented with your SWPPP.

6.1.8 Monitoring for Allowable Non-Stormwater Discharges

You are only required to monitor allowable non-stormwater discharges (as delineated in Part 1.1.3) when they are commingled with stormwater discharges associated with industrial activity.

6.1.9 Timing of Sample

All monitoring required in this permit should be conducted during the normal operating hours for the facility. When the collection of samples according to the relevant monitoring schedule is not possible due to the lack of a measurable storm event (as specified in Part 6.1.3) occurring during normal operating hours, you must take a substitute sample during the next qualifying storm event (which occurs during normal operating hours). Facilities which do not operate during rain events must consider normal operating hours to include such temporary shut downs due to rain events. (This may result in the collection of more than one sample during a quarter; the substitute sample and the scheduled sample must be collected from separate qualifying events.)

Facilities are not required to monitor outside of normal operating hours, but are not precluded from doing so at the discretion of the facility.

6.2 Required Monitoring.

This permit includes three types of required analytical monitoring, one or more of which may apply to your discharge:

- Quarterly benchmark monitoring (see Part 6.2.1)
- Impaired waters monitoring (see Part 6.2.2); and
- Other monitoring as required by NDEQ (see Part 6.2.3).

When more than one type of monitoring for the same parameter at the same outfall applies you may use a single sample to satisfy both monitoring requirements (i.e., one sample analysis satisfying both the impaired waters monitoring sample and one of the 4 quarterly benchmark monitoring samples).

All required monitoring must be conducted in accordance with the procedures described in Appendix B, Subsection B.3.3.

6.2.1 Benchmark Monitoring.

This permit stipulates pollutant benchmark concentrations that may be applicable to your discharge. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when additional corrective action(s) may be necessary to comply with the effluent limitations in Part 2.

*6.2.1.1 **Applicability of Benchmark Monitoring.*** You must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Your industry-specific benchmark concentrations are listed in the sector-specific sections of Part 8. If your facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, you are required to retain with

your first benchmark report a hardness value, established consistent with the procedures in Appendix E, which is representative of your receiving water.

Samples must be analyzed consistent with 40 CFR Part 136 analytical methods and using test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample.

Industrial facilities are not required to repeat their initial benchmark monitoring unless there is a change in the industrial process that is expected to impact the stormwater discharge.

6.2.1.2 ***Benchmark Monitoring Schedule.*** Benchmark monitoring must be conducted quarterly, as identified in Part 6.1.7, for your first 4 full quarters of permit coverage commencing no earlier than July 18, 2016. Facilities with irregular stormwater runoff, as described in Part 6.1.6, may modify this quarterly schedule provided that this revised schedule is documented when the first benchmark sample is collected, and that this revised schedule is kept with the facility's SWPPP as specified in Part 5.4.

Data not exceeding benchmarks: After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term. For averaging purposes, use a value of zero for any individual sample parameter, analyzed using procedures consistent with Part 6.2.1.1, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

Data exceeding benchmarks: After collection of 4 quarterly samples, if the average of the 4 monitoring values for any parameter exceeds the benchmark, you must, in accordance with Part 3.2, review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the effluent limits in this permit, and either:

- Make the necessary modifications and continue quarterly monitoring until you have completed 4 additional quarters of monitoring for which the average does not exceed the benchmark; or
- Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Parts 2 of this permit, in which case you must continue monitoring once per year. You must also document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP. You must also notify NDEQ of this determination by submitting all benchmark monitoring reports along with the rationale for this determination. NDEQ may contact you regarding this determination and request additional information or deny the determination.

In accordance with Part 3.2, you must review your control measures and perform any required corrective action immediately (or document why no corrective action is required), without waiting for the full 4 quarters of monitoring data, if an exceedance of the 4 quarter average is mathematically certain. If after modifying your control measures and conducting 4 additional quarters of monitoring, your average still exceeds the benchmark (or if an exceedance of the benchmark by the 4 quarter average is mathematically certain prior to conducting the full 4 additional quarters of monitoring), you must again review your control measures and take one of the two actions above.

Natural background pollutant levels: Following the first 4 quarters of benchmark monitoring (or sooner if the exceedance is triggered by less than 4 quarters of data, see above), if the average concentration of a pollutant exceeds a benchmark value, and you determine that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, you are not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of your benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
- You document and maintain with your SWPPP, as required in Part 5.4, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and
- You notify NDEQ with your determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring.

6.2.1.3 ***Exception for Inactive and Unstaffed Sites.*** The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in Title 119, Chapter 10 Part 007.04C and sign and certify the statement in accordance with Appendix B, Subsection B.2; and
- If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part 6.2 as if you were in your first year of permit coverage. You must indicate in your first benchmark monitoring report that your facility has materials or activities exposed to stormwater or has become active and/or staffed.
- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in Title 119, Chapter 10 Part 007.04C and sign and certify the statement in accordance with Appendix B, Subsection B.2. You may discontinue benchmark monitoring once you have prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

Note: This exception has different requirements for Sectors G, H, and J (see Part 8).

6.2.2 Discharges to Impaired Waters Monitoring.

6.2.2.1 ***Permittees Required to Monitor Discharges to Impaired Waters.*** If you discharge to an impaired water, you must monitor for all pollutants for which the waterbody is impaired and for which a standard analytical method exists in Title 119, Chapter 14 Part 001.02D (see 40 CFR Part 136).

No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or temperature.

6.2.2.2 Impaired Waters Monitoring Schedule.

Discharges to impaired waters without an EPA approved or established TMDL: Beginning in the first full quarter following July 1, 2017 or your date of discharge authorization, whichever date comes later, you must monitor once per year at each outfall (except substantially identical outfalls) discharging stormwater to impaired waters without an EPA approved or established TMDL. This monitoring requirement does not apply after one year if the pollutant for which the waterbody is impaired is not detected above natural background levels in your stormwater discharge, and you document, as required in Part 5.4 (Additional Documentation Requirements), that this pollutant is not expected to be present above natural background levels in your discharge.

If the pollutant for which the water is impaired is not present and not expected to be present in your discharge, or it is present but you have determined that its presence is caused solely by natural background sources, you are required to submit a notification to this effect to NDEQ, after which you may discontinue annual monitoring. To support a determination that the pollutant's presence is caused solely by natural background sources, you must keep the following documentation with your SWPPP records:

- An explanation of why you believe that the presence of the pollutant causing the impairment in your discharge is not related to the activities at your facility; and
- Data and/or studies that tie the presence of the pollutant causing the impairment in your discharge to natural background sources in the watershed.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring.

Discharges to impaired waters with an EPA approved or established TMDL: For stormwater discharges to waters for which there is an EPA approved or established TMDL, you are not required to monitor for the pollutant for which the TMDL was written unless NDEQ informs you, upon examination of the applicable TMDL and/or WLA, that you are subject to such a requirement consistent with the assumptions of the applicable TMDL and/or WLA. NDEQ's notice will include specifications on which pollutant to monitor and the required monitoring frequency during the first year of permit coverage. Following the first year of monitoring:

- If the TMDL pollutant is not detected in any of your first year samples, you may discontinue further sampling, unless the TMDL has specific instructions to the contrary, in which case you must follow those instructions. You must keep records of this finding onsite with your SWPPP.
- If you detect the presence of the pollutant causing the impairment in your stormwater discharge for any of the samples collected in your first year, you must continue monitoring annually throughout the term of this permit, unless the TMDL specifies more frequent monitoring, in which case you must follow the TMDL requirements.

6.2.3 Additional Monitoring Required by NDEQ.

NDEQ may notify you of additional discharge monitoring requirements. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

7. Reporting and Recordkeeping

7.1 Reporting Monitoring Data to NDEQ.

All monitoring data collected pursuant to Parts 6.2 must be maintained with the SWPPP after you have received your complete laboratory results for all monitored outfalls for the reporting period. Upon request by NDEQ, paper reporting forms must be submitted within fourteen days to the appropriate address identified in Part 7.4.1. NDEQ strongly recommends that you use the ISW storm event monitoring report (ISW-SEMR) available as an attachment to this permit.

7.2 Additional Reporting.

In addition to the reporting requirements stipulated in Part 7, you are also subject to the standard permit reporting provisions of Appendix B, Subsection B.4.

Where applicable, you must submit the following reports to NDEQ at the address listed in Part 7.4.1. If you discharge through an MS4, you must also submit these reports to the MS4 operator (if required or requested by the MS4).

- 24-hour reporting (see Appendix B, Subsection B.4.8) – You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances;
- 5-day follow-up reporting to the 24 hour reporting (see Appendix B, Subsection B.4.8) – A written submission must also be provided within five days of the time you become aware of the circumstances;
- Reportable quantity spills (see Part 2.1.2.4) – You must provide notification, as required under Part 2.1.2.4, as soon as you have knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.

Where applicable, you must submit the following reports to NDEQ at the appropriate address in Part 7.4.1:

- Planned changes (see Appendix B, Subsection B.4.1) – You must give notice to NDEQ as soon as possible of any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged;
- Anticipated noncompliance (see Appendix B, Subsection B.4.2) – You must give advance notice to NDEQ of any planned changes in the permitted facility or activity which you anticipate will result in noncompliance with permit requirements;
- Transfer of ownership and/or operation – You must submit a complete and accurate NOI in accordance with the requirements of Attachment 2 of this permit and by the deadlines specified in Table 1-2;
- Compliance schedules (see Appendix B, Subsection B.4.8) – Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date;
- Other noncompliance (see Appendix B, Subsection B.4.10) – You must report all instances of noncompliance not reported in your monitoring report (pursuant to Part 7.1), compliance schedule report, or 24-hour report at the time monitoring reports are submitted; and
- Other information (see Appendix B, Subsection B.4.11) – You must promptly submit facts or information if you become aware that you failed to submit relevant facts in your NOI, or that you submitted incorrect information in your NOI or in any report.

7.3 Recordkeeping.

You must retain copies of your SWPPP (including any modifications made during the term of this permit), additional documentation requirements pursuant to Part 5.4 (including documentation related to corrective actions taken pursuant to Part 3), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least 3 years from the date that your coverage under this permit expires or is terminated.

7.4 Addresses for Reports

7.4.1 NDEQ Addresses

Paper copies of any reports required in Part 6 and 7 must be sent to the following address:

Via U.S. mail:

Nebraska Department of Environmental Quality
Water Quality Division, Industrial Storm Water
PO Box 98922
Lincoln, NE 68509-8922

7.4.2 Submissions to MS4s

If required or upon request, copies of all required submissions to NDEQ shall be concurrently submitted to the appropriate Combined Sewer (CS), or Municipal Separate Storm Sewer Systems (MS4s) operator. A list of permitted Municipal Separate Storm Sewer Systems (MS4s) is attached as Attachment 6. The contact information provided may not be the appropriate or most current contact information for required submissions. The MS4 operator should be contacted for the appropriate address.

Permittees located within a CS or MS4 shall contact the operator at the time of application to determine if submissions are required to the CS or MS4. The operator has discretion to determine if they would like to receive the concurrent submissions, and for which documents a concurrent submission is required. The CS or MS4 operator has discretion to modify their policies during the term of the permit by notifying affected permittees.

8. Sector-Specific Requirements for Industrial Activity

8.A. Sector A – Timber Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.A.1 Covered Stormwater Discharges.

The requirements in Subpart A apply to stormwater discharges associated with industrial activity from Timber Products facilities as identified by the SIC Codes specified under Sector A in Table D-1 of Appendix D of the permit.

8.A.2 Limitation on Coverage

8.A.2.1 Prohibition of Discharges. (See also Part 1.1.4) Not covered by this permit: stormwater discharges from areas where there may be contact with the chemical formulations sprayed to provide surface protection. These discharges must be covered by a separate NPDES permit.

Discharges resulting from the spray down or intentional wetting of logs at wet deck storage areas. These discharges must be covered by a separate NPDES permit.

*8.A.2.2 **Authorized Non-Stormwater Discharges.*** See Part 1.1.3.

8.A.3 Additional Technology-Based Effluent Limits.

*8.A.3.1 **Good Housekeeping.*** (See also Part 2.1.2.2) In areas where storage, loading and unloading, and material handling occur, perform good housekeeping to limit the discharge of wood debris, minimize the leachate generated from decaying wood materials, and minimize the generation of dust.

8.A.4 Additional SWPPP Requirements.

*8.A.4.1 **Drainage Area Site Map.*** (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing areas, treatment chemical storage areas, treated wood and residue storage areas, wet decking areas, dry decking areas, untreated wood and residue storage areas, and treatment equipment storage areas.

*8.A.4.2 **Inventory of Exposed Materials.*** (See also Part 5.1.3.2) Where such information exists, if your facility has used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or preserving, document in your SWPPP the following: areas where contaminated soils, treatment equipment, and stored materials still remain and the management practices employed to minimize the contact of these materials with stormwater runoff.

*8.A.4.3 **Description of Stormwater Management Controls.*** (See also Part 5.1.4) Document measures implemented to address the following activities and sources: log, lumber, and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage, and repair areas. If your facility performs wood surface protection and preservation activities, address the specific control measures, including any BMPs, for these activities.

8.A.5 Additional Inspection Requirements.

See also Part 4.1. If your facility performs wood surface protection and preservation activities, inspect processing areas, transport areas, and treated wood storage areas monthly to assess the usefulness of practices to minimize the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with stormwater discharges.

8.A.6 Sector-Specific Benchmarks

Table 8.A-1 identifies benchmarks that apply to the specific subsectors of Sector A. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.A-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector A1. General Sawmills and Planing Mills (SIC 2421)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Zinc[1]	Hardness Dependent
Subsector A2. Wood Preserving (SIC 2491)	Total Arsenic	0.15 mg/L
	Total Copper[1]	Hardness Dependent
Subsector A3. Log Storage and Handling (SIC 2411)	Total Suspended Solids (TSS)	100 mg/L
Subsector A4. Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood, and Structural Wood; Wood Pallets and Skids; Wood Containers, not elsewhere classified; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499)	Chemical Oxygen Demand (COD)	120.0 mg/L
	Total Suspended Solids (TSS)	100.0 mg/L

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	**Copper** (mg/L)	**Zinc** (mg/L)
0-25 mg/L	0.0038	0.04
25-50 mg/L	0.0056	0.05
50-75 mg/L	0.0090	0.08
75-100 mg/L	0.0123	0.11
100-125 mg/L	0.0156	0.13
125-150 mg/L	0.0189	0.16
150-175 mg/L	0.0221	0.18
175-200 mg/L	0.0253	0.20
200-225 mg/L	0.0285	0.23
225-250 mg/L	0.0316	0.25
250+ mg/L	0.0332	0.26

8.A.7 Effluent Limitations Based on Effluent Limitations Guidelines

This General Permit does not authorize discharges resulting from spray-down or intentional wetting of logs at wet deck storage areas. These discharges must be covered by a separate NPDES permit.

8.B Sector B – Paper and Allied Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.B.1 Covered Stormwater Discharges.

The requirements in Subpart B apply to stormwater discharges associated with industrial activity from Paper and Allied Products Manufacturing facilities, as identified by the SIC Codes specified under Sector B in Table D-1 of Appendix D of the permit.

8.B.2 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.B-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector B1. Paperboard Mills (SIC Code 2631)	Chemical Oxygen Demand (COD)	120.0 mg/L

8.C Sector C – Chemical and Allied Products Manufacturing, and Refining.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.C.1 Covered Stormwater Discharges.

The requirements in Subpart C apply to stormwater discharges associated with industrial activity from Chemical and Allied Products Manufacturing, and Refining facilities, as identified by the SIC Codes specified under Sector C in Table D-1 of Appendix D of the permit.

8.C.2 Limitations on Coverage.

*8.C.2.1 **Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) The following are not covered by this permit: non-stormwater discharges containing inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an onsite spill, including materials collected in drip pans; washwater from material handling and processing areas; and washwater from drum, tank, or container rinsing and cleaning.

8.C.3 Sector-Specific Benchmarks

Table 8.C-1 identifies benchmarks that apply to the specific subsectors of Sector C. These benchmarks apply to both your primary industrial activity and any co-located industrial activities.

Table 8.C-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector C1. Agricultural Chemicals (SIC 2873-2879)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Lead[1]	Hardness Dependent
	Total Iron	1.0 mg/L
	Total Zinc[1]	Hardness Dependent
	Phosphorus	2.0 mg/L
Subsector C2. Industrial Inorganic Chemicals (SIC 2812-2819)	Total Aluminum	0.75 mg/ L
	Total Iron	1.0 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Subsector C3. Soaps, Detergents, Cosmetics, and Perfumes (SIC 2841-2844)	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Zinc[1]	Hardness Dependent
Subsector C4. Plastics, Synthetics, and Resins (SIC 2821-2824)	Total Zinc[1]	Hardness Dependent
Subsector C5. Industrial Organic Chemicals (SIC 2861-2869)	Total Suspended Solids (TSS)	100 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L
	Ammonia	10 mg/L

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	**Lead** (mg/L)	**Zinc** (mg/L)
0-25 mg/L	0.014	0.04
25-50 mg/L	0.023	0.05
50-75 mg/L	0.045	0.08
75-100 mg/L	0.069	0.11
100-125 mg/L	0.095	0.13
125-150 mg/L	0.122	0.16
150-175 mg/L	0.155	0.18
175-200 mg/L	0.182	0.20
200-225 mg/L	0.213	0.23
225-250 mg/L	0.246	0.25
250+ mg/L	0.262	0.26

8.C.4 Effluent Limitations Based on Effluent Limitations Guidelines

This General Permit does not authorize discharges from runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874). These discharges must be covered by a separate NPDES permit.

8.D Sector D – Asphalt Paving and Roofing Materials and Lubricant Manufacturing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.D.1 Covered Stormwater Discharges.

The requirements in Subpart D apply to stormwater discharges associated with industrial activity from Asphalt Paving and Roofing Materials and Lubricant Manufacturing facilities, as identified by the SIC Codes specified under Sector D in Table D-1 of Appendix D of the permit.

8.D.2 Limitations on Coverage.

The following stormwater discharges associated with industrial activity are not authorized by this permit (See also Part 1.1.4)

8.D.2.1 ***Discharges from petroleum refining facilities,*** including those that manufacture asphalt or asphalt products, that are subject to nationally established effluent limitation guidelines found in 40 CFR Part 419 (Petroleum Refining); or

8.D.2.2 ***Discharges from oil recycling facilities;*** or

8.D.2.3 ***Discharges associated with fats and oils rendering.***

8.D.3 Sector-Specific Benchmarks

Table 8.D-1 identifies benchmarks that apply to the specific subsectors of Sector D. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.D-1.

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector D1. Asphalt Paving and Roofing Materials (SIC 2951, 2952)	Total Suspended Solids (TSS)	100 mg/L

8.D.4 Effluent Limitations Based on Effluent Limitations Guidelines

This General Permit does not authorize discharges from runoff from asphalt emulsion facilities. These discharges must be covered by a separate NPDES permit.

8.E Sector E – Glass, Clay, Cement, Concrete, and Gypsum Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur.

These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.E.1 Covered Stormwater Discharges.

The requirements in Subpart E apply to stormwater discharges associated with industrial activity from Glass, Clay, Cement, Concrete, and Gypsum Products facilities, as identified by the SIC Codes specified under Sector E in Table D-1 of Appendix D of the permit.

8.E.2 Additional Technology-Based Effluent Limits.

8.E.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2) With good housekeeping, prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater. Consider sweeping regularly or using other equivalent measures to minimize the presence of these materials. Indicate in your SWPPP the frequency of sweeping or equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but it must be performed at least once a week if cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed. You must also prevent the exposure of fine granular solids (cement, fly ash, kiln dust, etc.) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, or buildings, or under other covering.

8.E.3 Additional SWPPP Requirements.

8.E.3.1 Drainage Area Site Map. (See also Part 5.1.2) Document in the SWPPP the locations of the following, as applicable: bag house or other dust control device; recycle/sedimentation pond, clarifier, or other device used for the treatment of process wastewater; and the areas that drain to the treatment device.

8.E.3.2 Certification. (See also Part 5.1.3.4) For facilities producing ready-mix concrete, concrete block, brick, or similar products, include in the non-stormwater discharge certification a description of measures that ensure that process waste waters resulting from washing trucks, mixers, transport buckets, forms, or other equipment are discharged in accordance with NPDES requirements or are recycled.

8.E.4 Sector-Specific Benchmarks.

Table 8.E-1 identifies benchmarks that apply to the specific subsectors of Sector E. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.E-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector E1. Clay Product Manufacturers (SIC 3251-3259, 3261-3269)	Total Aluminum	0.75 mg/L
Subsector E2. Concrete and Gypsum Product Manufacturers (SIC 3271-3275)	Total Suspended Solids (TSS)	100 mg/L
	Total Iron	1.0 mg/L

8.E.5 Effluent Limitations Based on Effluent Limitations Guidelines

This General Permit does not authorize discharges from runoff from material storage piles at cement manufacturing facilities. These discharges must be covered by a separate NPDES permit.

8.F Sector F – Primary Metals.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.F.1 Covered Stormwater Discharges.

The requirements in Subpart F apply to stormwater discharges associated with industrial activity from Primary Metals facilities, as identified by the SIC Codes specified under Sector F in Table D-1 of Appendix D of the permit.

8.F.2 Additional Technology-Based Effluent Limits

8.F.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2) As part of your good housekeeping program, include a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, especially areas where material loading and unloading, storage, handling, and processing occur; and, where practicable, the paving of areas where vehicle traffic or material storage occur but where vegetative or other stabilization methods are not practicable (institute a sweeping program in these areas too). For unstabilized areas where sweeping is not practicable, consider using stormwater management devices such as sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures that effectively trap or remove sediment.

8.F.3 Additional SWPPP Requirements.

8.F.3.1 Drainage Area Site Map. (See also Part 5.1.2) Identify in the SWPPP where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw material such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and could result in a discharge of pollutants to Waters of the State.

8.F.3.2 Inventory of Exposed Material. (See also Part 5.1.3.2) Include in the inventory of materials handled at the site that potentially may be exposed to precipitation or runoff, areas where deposition of particulate matter from process air emissions or losses during material-handling activities are possible

8.F.4 Additional Inspection Requirements. (See also Part 4.1)

As part of conducting your quarterly routine facility inspections (Part 4.1), address all potential sources of pollutants, including (if applicable) air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, and cyclones), for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. Consider monitoring air flow at inlets and outlets (or use equivalent measures) to check for leaks (e.g., particulate deposition) or blockage in ducts. Also inspect all process and material handling equipment (e.g., conveyors, cranes, and vehicles) for leaks, drips, or the potential loss of material; and material storage areas (e.g., piles, bins, or hoppers for storing coke, coal, scrap, or slag, as

well as chemicals stored in tanks and drums) for signs of material losses due to wind or stormwater runoff.

8.F.5 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.F-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector F1. Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC 3312-3317)	Total Aluminum	0.75 mg/L
	Total Zinc[1]	Hardness Dependent
Subsector F2. Iron and Steel Foundries (SIC 3321-3325)	Total Aluminum	0.75 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Copper[1]	Hardness Dependent
	Total Iron	1.0 mg/L
	Total Zinc[1]	Hardness Dependent
Subsector F3. Rolling, Drawing, and Extruding of Nonferrous Metals (SIC 3351-3357)	Total Copper[1]	Hardness Dependent
	Total Zinc[1]	Hardness Dependent
Subsector F4. Nonferrous Foundries (SIC 3363-3369)	Total Copper[1]	Hardness Dependent
	Total Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Copper (mg/L)	Zinc (mg/L)
0-25 mg/L	0.0038	0.04
25-50 mg/L	0.0056	0.05
50-75 mg/L	0.0090	0.08
75-100 mg/L	0.0123	0.11
100-125 mg/L	0.0156	0.13
125-150 mg/L	0.0189	0.16
150-175 mg/L	0.0221	0.18
175-200 mg/L	0.0253	0.20
200-225 mg/L	0.0285	0.23
225-250 mg/L	0.0316	0.25
250+ mg/L	0.0332	0.26

8.G Sector G – Metal Mining.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.G.1 Covered Stormwater Discharges.

The requirements in Subpart G apply to stormwater discharges associated with industrial activity from Metal Mining facilities as identified by the SIC Codes specified under Sector G in Table D-1 of Appendix D. Coverage is required for metal mining facilities that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

*8.G.1.1 **Covered Discharges from Inactive Facilities.*** All stormwater discharges.

*8.G.1.2 **Covered Discharges from Active and Temporarily Inactive Facilities.*** Only the stormwater discharges from the following areas are covered: waste rock and overburden piles if composed entirely of stormwater and not combining with mine drainage; topsoil piles; offsite haul and access roads; onsite haul and access roads constructed of waste rock, overburden, or spent ore if composed entirely of stormwater and not combining with mine drainage; onsite haul and access roads not constructed of waste rock, overburden, or spent ore except if mine drainage is used for dust control; runoff from tailings dams or dikes when not constructed of waste rock or tailings and no process fluids are present; runoff from tailings dams or dikes when constructed of waste rock or tailings and no process fluids are present, if composed entirely of stormwater and not combining with mine drainage; concentration building if no contact with material piles; mill site if no contact with material piles; office or administrative building and housing if mixed with stormwater from industrial area; chemical storage area; docking facility if no excessive contact with waste product that would otherwise constitute mine drainage; explosive storage; fuel storage; vehicle and equipment maintenance area and building; parking areas (if necessary); power plant; unreclaimed, disturbed areas outside of active mining area; reclaimed areas released from reclamation requirements; and partially or inadequately reclaimed areas or areas not released from reclamation requirements.

*8.G.1.3 **Covered Discharges from Exploration and Construction of Metal Mining and/or Ore Dressing Facilities.*** All stormwater discharges.

*8.G.1.4 **Covered Discharges from Facilities Undergoing Reclamation.*** All stormwater discharges.

8.G.2 Limitations on Coverage.

*8.G.2.1 **Prohibition of Stormwater Discharges.*** Stormwater discharges not authorized by this permit: discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category at Title 119, Chapter 27, Part 007.38 (see 40 CFR Part 440).

NOTE: Stormwater runoff from these sources are subject to Title 119, Chapter 27, Part 007.38 if they are mixed with other discharges subject to this part. In this case, they are not eligible for coverage under this permit. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to Title 119, Chapter 27, Part 007.38 unless they: (1) drain naturally (or are intentionally diverted) to a point source; and (2) combine with "mine drainage" that is otherwise regulated under the Part 007.38 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of stormwater does not combine

with other sources of mine drainage that are not subject to Title 119, Chapter 27, Part 007.38, and meets the other eligibility criteria contained in Part 1.1 of the permit. Permit applicants bear the initial responsibility for determining if they are eligible for coverage under this permit, or must seek coverage under another NPDES permit.

*8.G.2.2 **Prohibition of Non-Stormwater Discharges.*** Not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.1.4).

8.G.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

*8.G.3.1 **Mining operation*** - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

*8.G.3.2 **Exploration phase*** - Entails exploration and land disturbance activities to determine the viability of a site. The exploration phase is not considered part of "mining operations."

*8.G.3.3 **Construction phase*** - Includes the building of site access roads and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of "mining operations."

*8.G.3.4 **Active phase*** - Activities including the extraction, removal or recovery of metal ore. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

*8.G.3.5 **Reclamation phase*** - Activities undertaken following the cessation of the "active phase", intended to return the land to an appropriate post-mining land use in order to meet applicable Federal, State, and local reclamation requirements. The reclamation phase is considered part of "mining operations."

A site or portion of a site is considered to have been reclaimed if storm water runoff that comes into contact with 1) raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

*8.G.3.6 **Active metal mining facility*** - A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a).

*8.G.3.7 **Inactive metal mining facility*** - A site or portion of a site where metal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable Federal, State, or local agency. An inactive metal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole

purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.

*8.G.3.8 **Temporarily inactive metal mining facility*** - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable Federal, State or local agency.

*8.G.3.9 **Final Stabilization*** - A site or portion of a site is "finally stabilized" when it has implemented all applicable Federal, State, and local reclamation requirements and the site has been returned to a beneficial use.

8.G.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

8.G.4.1 Management Practices for Clearing, Grading, and Excavation Activities.

8.G.4.1.1 *Selecting and installing control measures.* For all areas affected by clearing, grading, and excavation activities, you must select, design, install, and implement control measures that meet applicable Part 2 effluent limits.

8.G.4.1.2 *Good Housekeeping.* Litter, debris, and chemicals must be prevented from becoming a pollutant source in stormwater discharges.

8.G.4.1.3 *Retention and Detention of Stormwater Runoff.* For drainage locations serving more than one acre, sediment basins and/or temporary sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for side slope boundaries as necessary based on individual site conditions) of the development area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided. You are required to remove sediment from sediment traps or sedimentation ponds when design capacity has been reduced by 50 percent. Due to high sediment discharges from some Sector G facilities, permittees may need to implement a combination of structural BMP approaches to sufficiently decrease discharge of sediment from their facilities.

8.G.4.2 Inspection of Clearing, Grading, and Excavation Activities.

8.G.4.2.1 *Inspection Frequency.* Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. Inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized (pursuant to Part 8.G.4.3.2), if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or construction is occurring during seasonal dry periods in semi-arid areas. Reduced inspection frequency does not relieve the permittee of the maintenance responsibilities during interim periods.

8.G.4.2.2 *Location of Inspections.* Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the State, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where

vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.G.4.2.3 *Inspection Reports.* For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include the information required in Part 4.1.

8.G.4.3 Requirements for Cessation of Clearing, Grading, and Excavation Activities.

8.G.4.3.1 *Inspections and Maintenance.* Inspections and maintenance of control measures, including BMPs, associated with clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area, or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining.

8.G.4.3.2 *Temporary Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In semi-arid, and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has temporarily ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

8.G.4.3.3 *Final Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where exploration and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In semi-arid, and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.G.5 Additional Technology-Based Effluent Limits.

8.G.5.1 Employee Training. (See also Part 2.1.2.9) Conduct employee training at least annually at active and temporarily inactive sites.

8.G.5.2 Stormwater Controls. Apart from the control measures you implement to meet your Part 2 effluent limits, consider implementing the following control measures at your site. The potential pollutants identified in Part 8.G.6.3 shall determine the priority and appropriateness of the control measures selected.

8.G.5.2.1 *Stormwater Diversions:* Consider diverting stormwater away from potential pollutant sources. The following are some options: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

8.G.5.2.2 *Capping:* When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

8.G.5.2.3 *Treatment:* If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged where practicable. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (see 40 CFR Part 440).

8.G.5.3 Certification of Discharge Testing. (See also Part 5.1.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-stormwater discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. Keep a certification with your SWPPP consistent with Part 8.G.6.6.

8.G.6 Additional SWPPP Requirements.

8.G.6.1 Nature of Industrial Activities. (See also Part 5.1.2) Briefly document in your SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

8.G.6.2 Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual NPDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage (where water leaves mine) or other process water; tailings piles and ponds (including proposed ones); heap leach pads; off-site points of discharge for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

8.G.6.3 Potential Pollutant Sources. (See also Part 5.1.3) For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, identify the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. Consider these factors: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock. If any new data is acquired due to changes in ore type being mined, update your SWPPP with this information.

8.G.6.4 Documentation of Control Measures. Document all control measures that you implement consistent with Part 8.G.5.2. If control measures are implemented or planned but are not listed in Part 8.G.5.2 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP.

8.G.6.5 Employee Training. All employee training(s) must be documented in the SWPPP.

8.G.6.6 Certification of Permit Coverage for Commingled Non-Stormwater Discharges: If you are able, consistent with Part 8.G.5.3 above, to certify that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate NPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, retain such certification with your SWPPP. This certification must identify the non-stormwater discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

8.G.7 Additional Inspection Requirements.

(See also Part 4.1 and 8.G.4.2.) Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 8.G.4.2.1, inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters designated as State Resource Waters, Class A must be inspected monthly. See Part 8.G.8.4 for inspection requirements for inactive and unstaffed sites.

8.G.8 Monitoring and Reporting Requirements. (See also Part 6 of the permit.)

Note: There are no Part 8.G.8 monitoring and reporting requirements for inactive and unstaffed sites.

8.G.8.1 Benchmark Monitoring for Active Copper Ore Mining and Dressing Facilities. Active copper ore mining and dressing facilities, must sample and analyze stormwater discharges for the pollutants listed in Table 8.G-1.

Table 8.G-1

Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021)	Total Suspended Solids (TSS)	100 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Chemical Oxygen Demand (COD)	120 mg/L

8.G.8.2 Benchmark Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities. For discharges from waste rock and overburden piles, perform benchmark monitoring once in the first year for the parameters listed in Table 8.G-2, and twice annually in all subsequent years of coverage under this permit for any parameters for which the benchmark has been exceeded. You are also required to conduct analytic monitoring for the parameters listed in Table 8.G-3 in accordance with the requirements in Part 8.G.6.3. The Director may also notify you that you must perform additional monitoring to accurately characterize the quality and quantity of pollutants discharged from your waste rock and overburden piles.

Table 8.G-2		
Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector G2. Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099) (Note: when analyzing hardness for a suite of metals, it is more cost effective to add analysis of calcium and magnesium, and have hardness calculated than to require hardness analysis separately)	Total Suspended Solids (TSS)	100 mg/L
	Turbidity	50 NTU
	pH	6.0-9.0 s.u.
	Hardness (as CaCO3; calc. from Ca, Mg)[1]	no benchmark value
	Total Antimony	0.64 mg/L
	Total Arsenic	0.15 mg/ L
	Total Beryllium	0.13 mg/L
	Total Cadmium[1]	Hardness Dependent
	Total Copper[1]	Hardness Dependent
	Total Iron	1.0 mg/L
	Total Lead[1]	Hardness Dependent
	Total Mercury	0.0014 mg/L
	Total Nickel[1]	Hardness Dependent
	Total Selenium	0.005 mg/L
	Total Silver[1]	Hardness Dependent
	Total Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Cadmium (mg/L)	Copper (mg/L)	Lead (mg/L)	Nickel (mg/L)	Silver (mg/L)	Zinc (mg/L)
0-25 mg/L	0.0005	0.0038	0.014	0.15	0.0007	0.04
25-50 mg/L	0.0008	0.0056	0.023	0.20	0.0007	0.05
50-75 mg/L	0.0013	0.0090	0.045	0.32	0.0017	0.08
75-100 mg/L	0.0018	0.0123	0.069	0.42	0.0030	0.11
100-125 mg/L	0.0023	0.0156	0.095	0.52	0.0046	0.13
125-150 mg/L	0.0029	0.0189	0.122	0.61	0.0065	0.16
150-175 mg/L	0.0034	0.0221	0.151	0.71	0.0087	0.18
175-200 mg/L	0.0039	0.0253	0.182	0.80	0.0112	0.20
200-225 mg/L	0.0045	0.0285	0.213	0.89	0.0138	0.23
225-250 mg/L	0.0050	0.0316	0.246	0.98	0.0168	0.25
250+ mg/L	0.0053	0.0332	0.262	1.02	0.0183	0.26

8.G.8.3 Additional Analytic Monitoring Requirements for Discharges From Waste Rock and Overburden Piles at Active Metal Mining Facilities. In addition to the monitoring required in Part 8.G.6.2 for discharges from waste rock and overburden piles, you must also conduct monitoring for additional parameters based on the type of ore you mine at your site. Where a parameter in Table 8.G-3 is the same as a pollutant you are required to monitor for in Table 8.G-2 (i.e., for all of the metals, you must use the corresponding benchmark in Table 8.G-2 and you may use any monitoring results conducted for Part 8.G.6.2 to satisfy the monitoring requirement for that parameter for Part 8.G.6.3. For radium and uranium, which do not have corresponding benchmarks in Table 8.G-2, there are no applicable benchmarks.) The frequency and schedule for monitoring for these additional parameters is the same as that specified in Part 6.2.1.2.

Table 8.G-3. Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles

Supplemental Requirements			
Type of Ore Mined	Pollutants of Concern		
	Total Suspended Solids (TSS)	**pH**	**Metals, Total**
Tungsten Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Nickel Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Aluminum Ore	X	X	Iron
Mercury Ore	X	X	Nickel (H)
Iron Ore	X	X	Iron (Dissolved)
Platinum Ore			Cadmium (H), Copper (H), Mercury, Lead (H), Zinc (H)
Titanium Ore	X	X	Iron, Nickel (H), Zinc (H)
Vanadium Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H)
Molybdenum	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Mercury, Zinc (H)
Uranium, Radium, and Vanadium Ore	X	X	Chemical Oxygen Demand, Arsenic, Radium (Dissolved and Total), Uranium, Zinc (H)

Note: An "X" indicated for TSS and/or pH means that you are required to monitor for those parameters. (H) indicates that hardness must also be measured when this pollutant is measured.

8.G.8.4 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements for Quarterly Visual Assessments and Routine Facility Inspections. As a Sector G facility, if you are seeking to exercise a waiver from the quarterly visual assessment and routine facility inspection requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to stormwater" in Part 4.2.3. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the quarterly visual assessment requirements; and
- NDEQ retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an in-stream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You are not waived from conducting the Part 4.3 comprehensive site inspection. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

Table 8.G-4. Applicability of the Multi-Sector General Permit to Stormwater Runoff From Active Mining and Dressing Sites, Temporarily Inactive Sites, and Sites Undergoing Reclamation

Discharge/Source of Discharge	Note/Comment
Piles	
Waste rock/overburden	If composed entirely of stormwater and not combining with mine drainage. See note below.
Topsoil	--
Roads constructed of waste rock or spent ore	
Onsite haul roads	Except if mine drainage is used for dust control
Offsite haul and access roads	--
Roads not constructed of waste rock or spent ore	
Onsite haul roads	Except if mine drainage is used for dust control
Offsite haul and access roads	--
Milling/concentrating	
Runoff from tailings dams and dikes when constructed of waste rock/tailings	Except if process fluids are present and only if composed entirely of stormwater and not combining with mine drainage. See Note below.
Runoff from tailings dams/dikes when not constructed of waste rock and tailings	Except if process fluids are present
Concentration building	If stormwater only and no contact with piles
Mill site	If stormwater only and no contact with piles
Ancillary areas	
Office and administrative building and housing	If mixed with stormwater from the industrial area
Chemical storage area	--
Docking facility	Except if excessive contact with waste product that would otherwise constitute mine drainage
Explosive storage	--
Fuel storage (oil tanks/coal piles)	--
Vehicle and equipment maintenance area/building	--

Parking areas	But coverage unnecessary if only employee and visitor-type parking
Power plant	
Truck wash area	Except when excessive contact with waste product that would otherwise constitute mine drainage
Reclamation-related areas	
Any disturbed area (unreclaimed)	Only if not in active mining area
Reclaimed areas released from reclamation requirements and returned to a beneficial use	--
Partially/inadequately reclaimed areas or areas not released from reclamation requirements	--

Note: Stormwater runoff from these sources are subject to the NPDES program for stormwater unless mixed with discharges subject to 40 CFR Part 440 that are regulated by another permit prior to mixing. Non-stormwater discharges from these sources are subject to NPDES permitting and may be subject to the effluent limitation guidelines under 40 CFR Part 440. Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless: (1) it drains naturally (or is intentionally diverted) to a point source; and (2) combines with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit would be available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are not subject to 40 CFR Part 440, as well as meeting other eligibility criteria contained in Part 1.1 of the permit. Permit applicants bear the initial responsibility for determining the applicable technology-based standard for such discharges.

8.G.9. Termination of Permit Coverage

A site or a portion of a site that has been released from applicable Federal, State, or local reclamation requirements and has been reclaimed as defined in Part 8.G.3.5 is no longer required to maintain coverage under this permit.

8.H Sector H – Coal Mines and Coal Mining-Related Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.H.1 Covered Stormwater Discharges.

The requirements in Subpart H apply to stormwater discharges associated with industrial activity from Coal Mines and Coal Mining-Related facilities as identified by the SIC Codes specified under Sector H in Table D-1 of Appendix D.

8.H.2 Limitations on Coverage.

8.H.2.1 Prohibition of Non-Stormwater Discharges. (See also Part 1.1.4) Not covered by this permit: discharges from pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not result from precipitation events, and discharges from floor drains in maintenance buildings and other similar drains in mining and preparation plant areas.

8.H.2.2 Discharges Subject to Stormwater Effluent Guidelines. (See also Part 1.1.4.4) Not authorized by this permit: stormwater discharges subject to an existing effluent limitation guideline at Title 119, Chapter 27, Part 007.09 (see 40 CFR Part 434).

8.H.3 Definitions

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.H.3.1 Mining operation - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

8.H.3.2 Exploration phase - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of "mining operations."

8.H.3.3 Construction phase - Includes the building of site access roads and removal of overburden and waste rock to expose mineable coal. The construction phase is not considered part of "mining operations."

8.H.3.4 Active phase - Activities including the extraction, removal or recovery of coal. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 434.11(b). The active phase is considered part of "mining operations."

8.H.3.5 Reclamation phase - Activities undertaken following the cessation of the "active phase", intended to return the land to an appropriate post-mining land use in order to meet applicable Federal, State, and local reclamation requirements. The reclamation phase is considered part of "mining operations."

A site or portion of a site is considered to have been reclaimed if storm water runoff that comes into contact with 1) raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

8.H.3.6 Active coal mining facility - A place where work or other activity related to the extraction, removal, or recovery of coal is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 434.11(b).

8.H.3.7 Inactive coal mining facility - A site or portion of a site where coal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable Federal, State or local agency. An inactive coal mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.

8.H.3.8 Temporarily inactive coal mining facility - A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable Federal, State or local agency.

8.H.3.9 Final Stabilization - A site or portion of a site is "finally stabilized" when it has implemented all applicable Federal, State, and local reclamation requirements and the site has been returned to a beneficial use.

8.H.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

8.H.4.1 Management Practices for Clearing, Grading, and Excavation Activities.

8.H.4.1.1 *Selecting and installing control measures.* For all areas affected by clearing, grading, and excavation activities, you must select, design, install, and implement control measures that meet applicable Part 2 effluent limits.

8.H.4.1.2 *Good Housekeeping.* Litter, debris, and chemicals must be prevented from becoming a pollutant source in stormwater discharges.

8.H.4.1.3 *Retention and Detention of Stormwater Runoff.* For drainage locations serving more than one acre, sediment basins and/or temporary sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and side slope boundaries as necessary based on individual site conditions) of the development area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided. You are required to remove sediment from sediment traps or sedimentation ponds when design capacity has been reduced by 50 percent. Due to high sediment discharges from some Sector H facilities, permittees may need to implement a combination of structural BMP approaches to sufficiently decrease discharge of sediment from their facilities.

8.H.4.2 Inspection of Clearing, Grading, and Excavation Activities.

8.H.4.2.1 *Inspection Frequency.* Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. Inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized (pursuant to Part 8.H.4.3.2), if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or construction is occurring during seasonal dry periods in semi-arid areas. Reduced inspection frequency does not relieve the permittee of the maintenance responsibilities during interim periods.

8.H.4.2.2 *Location of Inspections.* Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the State, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.H.4.2.3 *Inspection Reports.* For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include the information required in Part 4.1.

8.H.4.3 Requirements for Cessation of Clearing, Grading, and Excavation Activities.

8.H.4.3.1 *Inspections and Maintenance.* Inspections and maintenance of control measures, including BMPs, associated with clearing, grading, and/or excavation activities

being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area.

8.H.4.3.2 *Temporary Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In semi-arid and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has temporarily ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

8.H.4.3.3 *Final Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where exploration and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In semi-arid and drought-stricken areas, or where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), temporary vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers, must be used.

8.H.5 Additional Technology-Based Effluent Limits.

8.H.5.1 Good Housekeeping Measures. (See also Part 2.1.2.2) As part of your good housekeeping program, consider using sweepers and covered storage, watering haul roads to minimize dust generation, and conserving vegetation (where possible) to minimize erosion.

8.H.5.2 Preventive Maintenance. (See also Part 2.1.2.3) Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.

8.H.6 Additional SWPPP Requirements.

8.H.6.1 Other Applicable Regulations. Most active coal mining-related areas (SIC Codes 1221-1241) are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). All SMCRA requirements regarding control of stormwater-related pollutant discharges must be addressed and then documented with the SWPPP (directly or by reference).

8.H.6.2 Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and

maintenance yards; coal handling buildings and structures; and inactive mines and related areas; acidic spoil, refuse, or unreclaimed disturbed areas; and liquid storage tanks containing pollutants such as caustics, hydraulic fluids, and lubricants.

8.H.6.3 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.

8.H.7 Additional Inspection Requirements.

8.H.7.1 Inspections of Active Mining-Related Areas. (See also Part 4) Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 8.H.4.2.1, perform quarterly inspections of active mining areas covered by this permit, corresponding with the inspections as performed by SMCRA inspectors, of all mining-related areas required by SMCRA. Also maintain the records of the SMCRA authority representative. See Part 8.H.8.1 for inspection requirements for inactive and unstaffed sties.

8.H.7.2 Sediment and Erosion Control. (See also Part 2.1.2.5) As indicated in Part 8.H.6.1, SMCRA requirements regarding sediment and erosion control measures must be complied with for those areas subject to SMCRA authority, including inspection requirements.

8.H.7.3 Comprehensive Site Inspections. (See also Part 4.3) Your inspection program must include inspections for pollutants entering the drainage system from activities located on or near coal mining-related areas. Among the areas to be inspected are haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas.

8.H.8 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.H-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector H1. Coal Mines and Related Areas (SIC 1221-1241)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Suspended Solids (TSS)	100 mg/L

8.H.8.1 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring. As a Sector H facility, if you are seeking to exercise a waiver from either the quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to stormwater" in Parts 4.2.3 and 6.2.1.3, respectively. Additionally, if you are seeking to reduce your required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 4.1.3, you are also conditionally exempt from the requirement to certify that "there are no industrial materials or

activities exposed to stormwater." These conditional exemptions are based on the following requirements:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- NDEQ retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause or contribute to an in-stream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You are not waived from conducting the Part 4.3 comprehensive site inspection. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

8.H.9 Termination of Permit Coverage

A site or a portion of a site that has been released from applicable Federal, State, or local reclamation requirements and has been reclaimed as defined in Part 8.H.3.5 is no longer required to maintain coverage under this permit.

8.I Sector I – Oil and Gas Extraction.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.I.1 Covered Stormwater Discharges.

The requirements in Subpart I apply to stormwater discharges associated with industrial activity from Oil and Gas Extraction facilities as identified by the SIC Codes specified under Sector I in Table D-1 of Appendix D of the permit.

Discharges of stormwater runoff from field activities or operations associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities are exempt from NPDES permit coverage unless, in accordance with Title 119, Chapter 10, Part 003.03, the facility:

- Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required.
- Contributes to a violation of a water quality standard.

Any stormwater discharges that require permit coverage as a result of meeting one of the conditions of Title 119, Chapter 10, Part 003.03 may be covered under this permit unless otherwise required to obtain coverage under an alternative NPDES general permit or an individual NPDES permit as specified in Part 1.6.1.

8.I.2 Limitations on Coverage.

8.I.2.1 Stormwater Discharges Subject to Effluent Limitation Guidelines. (See also Part 1.1.4.4) This permit does not authorize stormwater discharges from petroleum drilling operations that are subject to nationally established effluent limitation guidelines found at Title 119, Chapter 27, Part 007.37 (see 40 CFR Part 435).

8.I.2.2 ***Non-Stormwater Discharges.*** Discharges of vehicle and equipment washwater, including tank cleaning operations, are not authorized by this permit. Alternatively, washwater discharges must be authorized under a separate NPDES permit, or be discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

8.I.3 Additional Technology-Based Effluent Limits.

8.I.3.1 ***Vegetative Controls.*** Implement vegetative practices designed to preserve existing vegetation, where attainable, and revegetate open areas as soon as practicable after grade drilling. Consider the following (or equivalent measures): temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, and tree protection practices. Begin implementing appropriate vegetative practices on all disturbed areas within 14 days following the last activity in that area.

8.I.4 Additional SWPPP Requirements.

8.I.4.1 ***Drainage Area Site Map.*** (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: Reportable Quantity (RQ) releases; locations used for the treatment, storage, or disposal of wastes; processing areas and storage areas; chemical mixing areas; construction and drilling areas; all areas subject to the effluent guidelines requirements for "No Discharge" in accordance with Title 119, Chapter 27, Part 007.37 (see 40 CFR 435.32); and the structural controls to achieve compliance with the "No Discharge" requirements.

8.I.4.2 ***Potential Pollutant Sources.*** (See also Part 5.1.3) Also document in your SWPPP the following sources and activities that have potential pollutants associated with them: chemical, cement, mud, or gel mixing activities; drilling or mining activities; and equipment cleaning and rehabilitation activities. In addition, include information about the reportable quantity (RQ) release that triggered the permit application requirements: the nature of the release (e.g., spill of oil from a drum storage area), amount of oil or hazardous substance released, amount of substance recovered, date of the release, cause of the release (e.g., poor handling techniques and lack of containment in the area), areas affected by the release (i.e., land and water), procedure to clean up release, actions or procedures implemented to prevent or improve response to a release, and remaining potential contamination of stormwater from release (taking into account human health risks, the control of drinking water intakes, and the designated uses of the receiving water).

8.I.4.3 ***Erosion and Sedimentation Control.*** (See also Part 2.1.2.5) Unless covered by the current Construction Storm Water General Permit (CSW-GP), the additional documentation requirements for sediment and erosion controls for well drillings and sand/shale mining areas include the following:

8.I.4.3.1 *Site Description.* Also include a description in your SWPPP of the nature of the exploration activity, estimates of the total area of site and area disturbed due to exploration activity, an estimate of runoff coefficient of the site, a site drainage map, including approximate slopes, and the names of all receiving waters.

8.I.4.3.2 *Vegetative Controls.* Document vegetative practices used consistent with Part 8.I.3.1 in the SWPPP.

8.I.5 Additional Inspection Requirements.

All erosion and sedimentation control measures must be inspected every 7 days.

8.J Sector J – Non-Metallic Mineral Mining and Dressing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific

requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.J.1 Covered Stormwater Discharges.

The requirements in Subpart J apply to stormwater discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J in Table D-1 of Appendix D of the permit.

8.J.1.1 ***Covered Discharges from Inactive Facilities.*** All stormwater discharges.

8.J.1.2 ***Covered Discharges from Active and Temporarily Inactive Facilities.*** All stormwater discharges, except for discharges subject to the existing effluent limitation guideline at Title 119, Chapter 27, Part 007.34 (40 CFR Part 436).

8.J.1.3 ***Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities.*** All stormwater discharges.

8.J.1.4 ***Covered Discharges from Sites Undergoing Reclamation.*** All stormwater discharges.

8.J.2 Limitations on Coverage.

Discharges subject to an existing effluent limitation guideline at Title 119, Chapter 27, Part 007.34 (see 40 CFR Part 436) are not authorized by this permit.

8.J.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.J.3.1 ***Mining operations*** - Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

8.J.3.2 ***Exploration phase*** - Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of "mining operations."

8.J.3.3 ***Construction phase*** - Includes the building of site access roads and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of "mining operations".

8.J.3.4 ***Active phase*** - Activities including the extraction, removal or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

8.J.3.5 ***Reclamation phase*** - Activities undertaken following the cessation of the "active phase", intended to return the land to an appropriate post-mining land use in order to meet applicable Federal, State, and local reclamation requirements. The reclamation phase is considered part of "mining operations".

A site or portion of a site is considered to have been reclaimed if storm water runoff that comes into contact with 1) raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards, (2) soil disturbing activities related to mining at the sites or portion of the site have been completed, (3) the site or portion of the site has been stabilized to minimize soil erosion, and (4) as appropriate depending on location, size, and the potential to contribute pollutants to storm water

discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

NOTE: The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.J.3.6 ***Active Mineral Mining Facility*** - A place where work or other activity related to the extraction, removal, or recovery of minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a).

8.J.3.7 ***Inactive Mineral Mining Facility*** - A site or portion of a site where mineral mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable Federal, State, or local agency. An inactive mineral mining facility has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an NPDES industrial stormwater permit.

8.J.3.8 ***Temporarily Inactive Mineral Mining Facility*** - A site or portion of a site where metal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable Federal, State or local agency.

8.J.3.9 ***Final Stabilization*** - a site or portion of a site is "finally stabilized" when it has implemented all applicable Federal, State, and local reclamation requirements and the site has been returned to a beneficial use.

8.J.3.10 ***Uncontaminated*** - Free from the presence of pollutants attributable to industrial activity.

8.J.4 Technology-Based Effluent Limits for Clearing, Grading, and Excavation Activities.

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phase of mining activities are covered under this permit.

8.J.4.1 ***Management Practices for Clearing, Grading, and Excavation Activities.***

8.J.4.1.1 *Selecting and installing control measures.* For all areas affected by clearing, grading, and excavation activities, you must select, design, install, and implement control measures that meet applicable Part 2 effluent limits.

8.J.4.1.2 *Good Housekeeping. (See also Part 2.1.2.2)* Litter, debris, and chemicals must be prevented from becoming a pollutant source in stormwater discharges.

8.J.4.1.3 *Retention and Detention of Stormwater Runoff.* For drainage locations serving more than one acre, sediment basins and/or temporary sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the development area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.

8.J.4.2 ***Inspection of Clearing, Grading, and Excavation Activities.*** (See also Part 4)

8.J.4.2.1 *Inspection Frequency.* Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or

greater. Inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized (pursuant to Part 8.J.4.3.2), if runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or construction is occurring during seasonal dry periods in semi-arid areas. Reduced inspection frequency does not relieve the permittee of the maintenance responsibilities during interim periods.

8.J.4.2.2 *Location of Inspections.* Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures implemented must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the State, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.J.4.2.3 *Inspection Reports. (See also Part 4.1)* For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include the information required in Part 4.1.

8.J.4.3 Requirements for Cessation of Clearing, Grading, and Excavation Activities.

8.J.4.3.1 *Inspections and Maintenance.* Inspections and maintenance of control measures, including any BMPs, associated with clearing, grading, and/or excavation activities being conducted as part of the exploration and construction phase of a mining operation must continue until final stabilization has been achieved on all portions of the disturbed area or until the commencement of the active mining phase for those areas that have been temporarily stabilized as a precursor to mining

8.J.4.3.2 *Temporary Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where clearing, grading and/or excavation activities have temporarily ceased, but in no case more than 14 days after the clearing, grading and/or excavation activities in that portion of the site have temporarily ceased. In semi-arid and drought-stricken areas, or during snow or freezing conditions, where initiating perennial vegetative stabilization measures is not possible within 14 days after mining, exploration, and/or construction activity has temporarily ceased, temporary vegetative stabilization measures must be initiated as soon as practicable. Until temporary vegetative stabilization is achieved, interim measures such as erosion control blankets with an appropriate seed base and tackifiers must be employed. In areas of the site, where exploration and/or construction has permanently ceased prior to active mining, temporary stabilization measures must be implemented to minimize mobilization of sediment or other pollutants until such time as the active mining phase commences.

8.J.4.3.3 *Final Stabilization of Disturbed Areas.* Stabilization measures should be initiated immediately in portions of the site where mining, exploration, and/or construction activities have permanently ceased, but in no case more than 14 days after the exploration and/or construction activity in that portion of the site has permanently ceased. In semi-arid and drought-stricken areas, or during snow or freezing conditions, where initiating perennial vegetative stabilization

measures is not possible within 14 days after mining, exploration, and/or construction activity has permanently ceased, final vegetative stabilization measures must be initiated as soon as possible. Until final stabilization is achieved temporary stabilization measures, such as erosion control blankets with an appropriate seed base and tackifiers must be used.

8.J.5 Additional Technology-Based Effluent Limits.

8.J.5.1 Employee Training. Conduct employee training at least annually at active and temporarily inactive sites. (See also Part 2.1.2.9)

8.J.5.2 Stormwater Controls. Apart from the control measures you implement to meet your Part 2 effluent limits, where necessary to minimize pollutant discharges, implement the following control measures at your site. The potential pollutants identified in Part 8.J.5.3 shall determine the priority and appropriateness of the control measures selected.

8.J.5.2.1 *Stormwater Diversions:* Consider diverting stormwater away from potential pollutant sources. Following are some control measure options: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

8.J.5.2.2 *Capping:* When capping is necessary to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

8.J.5.2.3 *Treatment:* If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (Title 119, Chapter 27, Part 007.34, see 40 CFR Part 436).

8.J.5.3 Certification of Discharge Testing: (See also Part 5.1.3.4) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-stormwater discharges such as discharges subject to effluent limitations guidelines (e.g., Title 119, Chapter 27, Part 007.34, see 40 CFR Part 436). Keep this certification with your SWPPP.

8.J.6 Additional SWPPP Requirements.

The requirements in Part 8.J.6 are applicable for sites undergoing exploration and construction, active mineral mining facilities, temporarily inactive mineral mining facilities, and sites undergoing reclamation. The requirements in Part 8.J.6 are not applicable to inactive mineral mining facilities.

8.J.6.1 Nature of Industrial Activities. (See also Part 5.1.2) Document in your SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.

8.J.6.2 Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each stormwater outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual

NPDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.

8.J.6.3 ***Potential Pollutant Sources.*** (See also Part 5.1.3) For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, document in your SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.

8.J.6.4 ***Stormwater Controls.*** To the extent that you use any of the control measures in Part 8.J.5.2, document them in your SWPPP pursuant to Part 5.1.4. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP.

8.J.6.4 ***Employee Training.*** All employee training(s) conducted in accordance with Part 8.J.5.1 must be documented with the SWPPP.

8.J.6.5 ***Certification of Permit Coverage for Commingled Non-Stormwater Discharges.*** If you determine that you are able to certify, consistent with Part 8.J.5.3, that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate NPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, you must retain such certification with your SWPPP. This certification must identify the non-stormwater discharges, the applicable NPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

8.J.7 Additional Inspection Requirements.

Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, which are subject to Part 8.J.4.2.1, you must inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. Sites which discharge to waters which are designated as outstanding waters must be inspected monthly. See Part 8.J.8.1 for inspection requirements for inactive and unstaffed sites. (See also Part 4.1 and 8.J.4.2.)

8.J.8 Sector-Specific Benchmarks

Table 8.J-1 identifies benchmarks that apply to the specific subsectors of Sector J. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.J-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Total Suspended Solids (TSS)	100 mg/L
Subsector J2. Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L

*8.J.8.1 **Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring.*** As a Sector J facility, if you are seeking to exercise a waiver from either the routine inspection, quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to stormwater" in Parts 4.2.3 and 6.2.1.3, respectively. This exemption is conditioned on the following:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- NDEQ retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an in-stream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You are not waived from conducting the Part 4.3 comprehensive site inspection. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

8.J.9 Effluent Limitations Based on Effluent Limitations Guidelines

This General Permit does not authorize discharges from Mine dewatering discharges at crushed stone mining facilities (SIC 1422 – 1429), Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442), or Mine dewatering discharges at industrial sand mining facilities (SIC 1446). These discharges must be covered by a separate NPDES permit.

8.J.10 Termination of Permit Coverage

A site or a portion of a site that has been released from applicable Federal, State, or local reclamation requirements and has been reclaimed as defined in Part 8.J.3.5 is no longer required to maintain coverage under this permit.

8.K Sector K – Hazardous Waste Treatment, Storage, or Disposal Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.K.1 Covered Stormwater Discharges.

The requirements in Subpart K apply to stormwater discharges associated with industrial activity from Hazardous Waste Treatment, Storage, or Disposal facilities (TSDFs) as identified by the Activity Code specified under Sector K in Table D-1 of Appendix D of the permit.

8.K.2 Industrial Activities Covered by Sector K.

This permit authorizes stormwater discharges associated with industrial activity from facilities that treat, store, or dispose of hazardous wastes, including those that are operating under interim status or a permit under subtitle C of RCRA.

Disposal facilities that have been properly closed and capped, and have no significant materials exposed to stormwater, are considered inactive and do not require coverage under this permit.

8.K.3 Limitations on Coverage.

8.K.3.1 Prohibition of Non-Stormwater Discharges. (See also Part 1.1.4) The following are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.K.4 Definitions.

8.K.4.1 Contaminated stormwater - stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.5. Some specific areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

8.K.4.2 Drained free liquids - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

8.K.4.3 Landfill - an area of land or an excavation in which wastes are placed for permanent disposal, but that is not a land application or land treatment unit, surface impoundment, underground injection well, waste pile, salt dome formation, salt bed formation, underground mine, or cave as these terms are defined in Title 128 (see also; 40 CFR 257.2, 258.2, and 260.10).

8.K.4.4 Landfill wastewater - as defined in Title 119, Chapter 27, Part 007.28 (Landfills Point Source Category) (see 40 CFR Part 445), all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated stormwater, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.K.4.5 Leachate - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

8.K.4.6 Non-contaminated stormwater - stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 8.K.4.4. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

8.K.5 Sector-Specific Benchmarks

Table 8.K-1 identifies benchmarks that apply to the specific subsectors of Sector K. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.K-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector K1. ALL - Industrial Activity Code "HZ" (Note: permit coverage limited in some States). Benchmarks only applicable to discharges not subject to effluent limitations in 40 CFR Part 445 Subpart A (see below).	Ammonia	2.14 mg/L
	Total Magnesium	0.064 mg/L
	Chemical Oxygen Demand (COD	120 mg/L
	Total Arsenic	0.15 mg/L
	Total Cadmium[1]	Hardness Dependent
	Total Cyanide	0.022 mg/ L
	Total Lead[1]	Hardness Dependent
	Total Mercury	0.0014 mg/ L
	Total Selenium	0.005 mg/L
	Total Silver[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Cadmium (mg/L)	Lead (mg/L)	Silver (mg/L)
0-25 mg/L	0.0005	0.014	0.0007
25-50 mg/L	0.0008	0.023	0.0007
50-75 mg/L	0.0013	0.045	0.0017
75-100 mg/L	0.0018	0.069	0.0030
100-125 mg/L	0.0023	0.095	0.0046
125-150 mg/L	0.0029	0.122	0.0065
150-175 mg/L	0.0034	0.151	0.0087
175-200 mg/L	0.0039	0.182	0.0112
200-225 mg/L	0.0045	0.213	0.0138
225-250 mg/L	0.0050	0.246	0.0168
250+ mg/L	0.0053	0.262	0.0183

8.K.6 Effluent Limitations Based on Effluent Limitations Guidelines

This General Permit does not authorize discharges from hazardous waste landfills subject to effluent limitations identified in Title 119, Chapter 27, Part 007.28 (Landfills Point Source Category) (see 40 CFR Part 445 Subpart A). These discharges must be covered by a separate NPDES permit.

8.L Sector L – Landfills, Land Application Sites, and Open Dumps.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.L.1 Covered Stormwater Discharges.

The requirements in Subpart L apply to stormwater discharges associated with industrial activity from Landfills and Land Application Sites and Open Dumps as identified by the Activity Code specified under Sector L in Table D-1 of Appendix D of the permit.

8.L.2 Industrial Activities Covered by Sector L.

This permit may authorize stormwater discharges for Sector L facilities associated with waste disposal at landfills, land application sites, and open dumps that receive or have received industrial waste, including sites subject to regulation under Subtitle D of RCRA. This permit does not cover discharges from landfills that receive only municipal wastes.

8.L.3 Limitations on Coverage.

*8.L.3.1 **Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) The following discharges are not authorized by this permit: leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact washwater from washing truck and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

8.L.4 Definitions.

*8.L.4.1 **Contaminated stormwater*** - stormwater that comes into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill that may produce contaminated stormwater include (but are not limited to) the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment, or machinery that has been in direct contact with the waste; and waste dumping areas.

*8.L.4.2 **Drained free liquids*** - aqueous wastes drained from waste containers (e.g., drums) prior to landfilling.

*8.L.4.3 **Landfill wastewater*** - as defined in Title 119, Chapter 27, Part 007.28 (Landfills Point Source Category) (see 40 CFR Part 445) all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated stormwater, contaminated groundwater, and wastewater from recovery pumping wells. Landfill process wastewater includes, but is not limited to, leachate; gas collection condensate; drained free liquids; laboratory-derived wastewater; contaminated stormwater; and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.

*8.L.4.4 **Leachate*** - liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

*8.L.4.5 **Non-contaminated stormwater*** - stormwater that does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater. Non-contaminated stormwater includes stormwater that flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

8.L.5 Additional Technology-Based Effluent Limits.

*8.L.5.1 **Preventive Maintenance Program.*** (See also Part 2.1.2.3) As part of your preventive maintenance program, maintain the following: all elements of leachate collection and treatment systems, to prevent commingling of leachate with stormwater; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.

*8.L.5.2 **Erosion and Sedimentation Control.*** (See also Part 2.1.2.5) Provide temporary stabilization (e.g., temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application sites where waste application has been completed but final vegetation has not yet been established.

*8.L.5.3 **Unauthorized Discharge Test Certification.*** (See also Part 5.1.3.4) The discharge test and certification must also be conducted for the presence of leachate and vehicle washwater.

8.L.6 Additional SWPPP Requirements.

*8.L.5.1 **Drainage Area Site Map.*** (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.

*8.L.5.2 **Summary of Potential Pollutant Sources.*** (See also Part 5.1.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.

8.L.7 Additional Inspection Requirements. (See also Part 4)

*8.L.7.1 **Inspections of Active Sites.*** Except in semi-arid climates, inspect operating landfills, open dumps, and land application sites at least once every 7 days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, or where the climate is semi-arid, conduct inspections at least once every month.

*8.L.7.2 **Inspections of Inactive Sites.*** Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.

8.L.8 Additional Post-Authorization Documentation Requirements.

*8.L.8.1 **Recordkeeping and Internal Reporting.*** Keep records with your SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites, track the types and quantities of wastes applied in specific areas. These records may be incorporated by reference.

8.L.9 Sector-Specific Benchmarks

Table 8.L-1 identifies benchmarks that apply to the specific subsectors of Sector L. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.L-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector L1. All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60 (Industrial Activity Code "LF")	Total Suspended Solids (TSS)	100 mg/L
	Total Iron	1.0 mg/L

[1]Benchmark monitoring required only for discharges not subject to effluent limitations in 40 CFR Part 445 Subpart B (see Table L-2 above).

8.L.10. Effluent Limitations Based on Effluent Limitations Guidelines

This General Permit does not authorize discharges from non-hazardous waste landfills subject to effluent limitations in Title 119, Chapter 27, Part 007.28 (Landfills Point Source Category) (see 40 CFR Part 445 Subpart B).

8.M Sector M – Automobile Salvage Yards.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.M.1 Covered Stormwater Discharges.

The requirements in Subpart M apply to stormwater discharges associated with industrial activity from Automobile Salvage Yards as identified by the SIC Code specified under Sector M in Table D-1 of Appendix D of this permit.

8.M.2 Additional Technology-Based Effluent Limits.

8.M.2.1 Spill and Leak Prevention Procedures. (See also Part 2.1.2.4) Drain vehicles intended to be dismantled of all fluids upon arrival at the site (or as soon thereafter as feasible), or employ some other equivalent means to prevent spills and leaks.

8.M.2.2 Employee Training. (See also Part 2.1.2.9) If applicable to your facility, address the following areas (at a minimum) in your employee training program: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents.

8.M.2.3 Management of Runoff. (See also Part 2.1.2.6) Consider the following management practices: berms or drainage ditches on the property line (to help prevent run-on from neighboring properties); berms for uncovered outdoor storage of oily parts, engine blocks, and above-ground liquid storage; installation of detention ponds; and installation of filtering devices and oil and water separators.

8.M.3 Additional SWPPP Requirements.

8.M.3.1 Drainage Area Site Map. (See also Part 5.1.2) Identify locations used for dismantling, storage, and maintenance of used motor vehicle parts. Also identify where any of the following may be exposed to precipitation or surface runoff: dismantling areas, parts (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers) storage areas, and liquid storage tanks and drums for fuel and other fluids.

8.M.3.2 Potential Pollutant Sources. (See also Part 5.1.3) Assess the potential for the following to contribute pollutants to stormwater discharges: vehicle storage areas, dismantling areas, parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers), and fueling stations.

8.M.4 Additional Inspection Requirements. (See also Part 4.1)

Immediately (or as soon thereafter as feasible) inspect vehicles arriving at the site for leaks. Inspect quarterly for signs of leakage: all equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches. Also, inspect quarterly for signs of leakage: all vessels and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze.

8.M.5 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.M-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector M1. Automobile Salvage Yards (SIC 5015)	Total Suspended Solids (TSS)	100 mg/L
	Total Aluminum	0.75 mg/ L
	Total Iron	1.0 mg/L
	Total Lead[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Lead (mg/L)
0-25 mg/L	0.014
25-50 mg/L	0.023
50-75 mg/L	0.045
75-100 mg/L	0.069
100-125 mg/L	0.095
125-150 mg/L	0.122
150-175 mg/L	0.155
175-200 mg/L	0.182
200-225 mg/L	0.213
225-250 mg/L	0.246
250+ mg/L	0.262

8.N Sector N – Scrap Recycling and Waste Recycling Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.N.1 Covered Stormwater Discharges.

The requirements in Subpart N apply to stormwater discharges associated with industrial activity from Scrap Recycling and Waste Recycling facilities as identified by the SIC Code specified under Sector N in Table D-1 of Appendix D of the permit.

8.N.2 Limitation on Coverage.

Separate permit requirements have been established for recycling facilities that only receive source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, and aluminum and tin cans). This includes recycling facilities commonly referred to as material recovery facilities (MRF).

8.N.2.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) Non-stormwater discharges from turnings containment areas are not covered by this permit (see also Part 8.N.3.2.3). Discharges from containment areas in the absence of a storm event are prohibited unless covered by a separate NPDES permit.

8.N.3 Additional Technology-Based Effluent Limits.

8.N.3.1 ***Scrap and Waste Recycling Facilities*** (Non-Source Separated, Nonliquid Recyclable Materials). Requirements for facilities that receive, process, and do wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard, and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that accept recyclables only from primarily non-industrial and residential sources.

8.N.3.1.1 *Inbound Recyclable and Waste Material Control Program.* Minimize the chance of accepting materials that could be significant sources of pollutants by conducting inspections of inbound recyclables and waste materials. Following are some control measure options: (a) provide information and education to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids (e.g., from vehicles and equipment engines, radiators and transmissions, oil filled transformers, and individual containers or drums) and removal of mercury switches from vehicles before delivery to your facility; (b) establish procedures to minimize the potential of any residual fluids from coming into contact with precipitation or runoff; (c) establish procedures for accepting scrap lead-acid batteries (additional requirements for the handling, storage, and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in Part 8.N.3.2.6); (d) provide training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; and (e) establish procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and non-leaking containers and are disposed of or recycled in accordance with the Resource Conservation and Recovery Act (RCRA).

8.N.3.1.2 *Scrap and Waste Material Stockpiles and Storage (Outdoor).* Minimize contact of stormwater runoff with stockpiled materials, processed materials, and non-recyclable wastes. Following are some control measure options: (a) permanent or semi-permanent covers; (b) sediment traps, vegetated swales and strips, catch basin filters, and sand filters to facilitate settling or filtering of pollutants; (c) dikes, berms, containment trenches, culverts, and surface grading to divert runoff from storage areas; and (d) oil and water separators, sumps, and dry absorbents for areas where potential sources of residual fluids are stockpiled (e.g., automobile engine storage areas).

8.N.3.1.3 *Stockpiling of Turnings Exposed to Cutting Fluids (Outdoor Storage).* Minimize contact of surface runoff with residual cutting fluids by: (a) storing all turnings exposed to cutting fluids under some form of permanent or semi-permanent cover, or (b) establishing dedicated containment areas for all turnings that have been exposed to cutting fluids. Any containment areas must be constructed of concrete, asphalt, or other equivalent types of impermeable material and include a barrier (e.g., berms, curbing, elevated pads) to prevent contact with stormwater run-on. Stormwater runoff from these areas can be discharged, provided that any runoff is first collected and treated by an oil and water separator or its equivalent. You must regularly maintain the oil and water separator (or its equivalent) and properly dispose of or recycle collected residual fluids.

8.N.3.1.4 *Scrap and Waste Material Stockpiles and Storage (Covered or Indoor Storage).* Minimize contact of residual liquids and particulate matter from materials stored indoors or under cover with surface runoff. Following are some control measure options: (a) good housekeeping measures, including the use of dry absorbents or wet vacuuming to contain, dispose of, or recycle residual liquids originating from recyclable containers, or mercury spill kits for spills from storage of mercury switches; (b) not allowing washwater from tipping floors or other processing areas to discharge to the storm sewer system; and (c) all floor drains connected to the storm sewer system should be disconnected or sealed off.

8.N.3.1.5 *Scrap and Recyclable Waste Processing Areas.* Minimize surface runoff from coming in contact with scrap processing equipment. Pay attention to operations that generate visible amounts of particulate residue (e.g., shredding) to minimize the contact of accumulated particulate matter and residual fluids with runoff (i.e., through good housekeeping, preventive maintenance, etc.). Following are some control measure options: (a) regularly inspect equipment for spills or leaks and malfunctioning, worn, or corroded parts or equipment; (b) establish a preventive maintenance program for processing equipment; (c) use dry-absorbents or other cleanup practices to collect and dispose of or recycle spilled or leaking fluids or use mercury spill kits for spills from storage of mercury switches; (d) on unattended hydraulic reservoirs over 150 gallons in capacity, install protection devices such as low-level alarms or equivalent devices, or secondary containment that can hold the entire volume of the reservoir; (e) containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of stormwater runoff with outdoor processing equipment or stored materials; (f) oil and water separators or sumps; (g) permanent or semi-permanent covers in processing areas where there are residual fluids and grease; (h) retention or detention ponds or basins; sediment traps, and vegetated swales or strips (for pollutant settling and filtration); (i) catch basin filters or sand filters.

8.N.3.1.6 *Scrap Lead-Acid Battery Program.* Properly handle, store, and dispose of scrap lead-acid batteries. Following are some control measure options (a) segregate scrap lead-acid batteries from other scrap materials; (b) properly handle, store, and dispose of cracked or broken batteries; (c) collect and dispose of leaking lead-acid battery fluid; (d) minimize or eliminate (if possible) exposure of scrap lead-acid batteries to precipitation or runoff; and (e) provide employee training for the management of scrap batteries.

8.N.3.1.7 *Spill Prevention and Response Procedures.* (See also Part 2.1.2.4) Install alarms and/or pump shutoff systems on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in the event of a line break. Alternatively, a secondary containment system capable of holding the entire contents of the reservoir plus room for precipitation can be used. Use a mercury spill kit for any release of mercury from switches, anti-lock brake systems, and switch storage areas.

8.N.3.1.8 *Supplier Notification Program.* As appropriate, notify major suppliers which scrap materials will not be accepted at the facility or will be accepted only under certain conditions.

8.N.3.2 Waste Recycling Facilities (Liquid Recyclable Materials).

8.N.3.2.1 *Waste Material Storage (Indoor).* Minimize or eliminate contact between residual liquids from waste materials stored indoors and from surface runoff. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. Following are some control measure options (a) procedures for material handling (including labeling and marking); (b) clean up spills and leaks with dry absorbent materials, a wet vacuum system; (c) appropriate containment structures (trenching, curbing, gutters, etc.); and (d) a drainage system, including appurtenances (e.g., pumps or ejectors, manually operated valves), to handle discharges from diked or bermed areas. Drainage should be discharged to an appropriate treatment facility or sanitary sewer system, or otherwise disposed of properly. These discharges may require coverage under a separate NPDES wastewater permit or industrial user permit under the pretreatment program.

8.N.3.2.2 *Waste Material Storage (Outdoor).* Minimize contact between stored residual liquids and precipitation or runoff. The plan may refer to applicable portions of other existing plans, such as SPCC plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112. Following are some control measure options (a) appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest tank, with sufficient extra capacity for precipitation; (b) drainage control and other diversionary structures; (c) corrosion protection and/or leak detection systems for storage tanks; and (d) dry-absorbent materials or a wet vacuum system to collect spills.

8.N.3.2.3 *Trucks and Rail Car Waste Transfer Areas.* Minimize pollutants in discharges from truck and rail car loading and unloading areas. Include measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. Following are two control measure options: (a) containment and diversionary structures to minimize contact with precipitation or runoff, and (b) dry clean-up methods, wet vacuuming, roof coverings, or runoff controls.

8.N.3.3 ***Recycling Facilities (Source-Separated Materials).*** The following identifies considerations for facilities that receive only source-separated recyclables, primarily from non-industrial and residential sources.

8.N.3.3.1 *Inbound Recyclable Material Control.* Minimize the chance of accepting non-recyclables (e.g., hazardous materials) that could be a significant source of pollutants by conducting inspections of inbound materials. Following are some control measure options: (a) providing information and education measures to inform suppliers of recyclables about acceptable and non-acceptable materials, (b) training drivers responsible for pickup of recycled material, (c) clearly marking public drop-off containers regarding which materials can be accepted, (d) rejecting non-recyclable wastes or household hazardous wastes at the source, and (e) establishing procedures for handling and disposal of non-recyclable material.

8.N.3.3.2 *Outdoor Storage.* Minimize exposure of recyclables to precipitation and runoff. Use good housekeeping measures to prevent accumulation of particulate matter and fluids, particularly in high traffic areas. Following are some control measure options (a) provide totally enclosed drop-off containers for the public; (b) install a sump and pump with each container pit and treat or discharge collected fluids to a sanitary sewer system; (c) provide dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper); (d) divert surface water runoff away from outside material storage areas; (e) provide covers over containment bins, dumpsters, and roll-off boxes; and (f) store the equivalent of one day's volume of recyclable material indoors.

8.N.3.3.3 *Indoor Storage and Material Processing.* Minimize the release of pollutants from indoor storage and processing areas. Following are some control measure options (a) schedule routine good housekeeping measures for all storage and processing areas, (b) prohibit tipping floor washwater from draining to the storm sewer system, and (c) provide employee training on pollution prevention practices.

8.N.3.3.4 *Vehicle and Equipment Maintenance.* Following are some control measure options for areas where vehicle and equipment maintenance occur outdoors (a) prohibit vehicle and equipment washwater from discharging to the storm sewer system, (b) minimize or eliminate outdoor maintenance areas whenever possible, (c) establish spill prevention and clean-up procedures in fueling areas, (d) avoid topping off fuel tanks, (e) divert runoff from fueling areas, (f) store lubricants and hydraulic fluids indoors, and (g) provide employee training on proper handling and storage of hydraulic fluids and lubricants.

8.N.4 Additional SWPPP Requirements.

8.N.4.1 ***Drainage Area Site Map.*** (See also Part 5.1.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: scrap and waste material storage, outdoor scrap and waste processing equipment; and containment areas for turnings exposed to cutting fluids.

8.N.4.2 ***Maintenance Schedules/Procedures for Collection, Handling, and Disposal or Recycling of Residual Fluids at Scrap and Waste Recycling Facilities.*** If you are subject to Part 8.N.3.1.3, your SWPPP must identify any applicable maintenance schedule and the procedures to collect, handle, and dispose of or recycle residual fluids.

8.N.5 Additional Inspection Requirements.

8.N.5.1 Inspections for Waste Recycling Facilities. The inspections must be performed quarterly, pursuant to Part 4.1, and include, at a minimum, all areas where waste is generated, received, stored, treated, or disposed of and that are exposed to either precipitation or stormwater runoff.

8.N.6 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.N-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector N1. Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling (SIC 5093)	Chemical Oxygen Demand (COD)	120 mg/L
	Total Suspended Solids (TSS)	100 mg/L
	Total Recoverable Aluminum	0.75 mg/ L
	Total Recoverable Copper[1]	Hardness Dependent
	Total Recoverable Iron	1.0 mg/L
	Total Lead[1]	Hardness Dependent
	Total Recoverable Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Copper (mg/L)	Lead (mg/L)	Zinc (mg/L)
0-25 mg/L	0.0038	0.014	0.04
25-50 mg/L	0.0056	0.023	0.05
50-75 mg/L	0.0090	0.045	0.08
75-100 mg/L	0.0123	0.069	0.11
100-125 mg/L	0.0156	0.095	0.13
125-150 mg/L	0.0189	0.122	0.16
150-175 mg/L	0.0221	0.151	0.18
175-200 mg/L	0.0253	0.182	0.20
200-225 mg/L	0.0285	0.213	0.23
225-250 mg/L	0.0316	0.246	0.25
250+ mg/L	0.0332	0.262	0.26

8.O Sector O – Steam Electric Generating Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.O.1 Covered Stormwater Discharges.

The requirements in Subpart O apply to stormwater discharges associated with industrial activity from Steam Electric Power Generating Facilities as identified by the Activity Code specified under Sector O in Table D-1 of Appendix D.

8.O.2 Industrial Activities Covered by Sector O.

This permit authorizes stormwater discharges from the following industrial activities at Sector O facilities:

8.O.2.1 steam electric power generation using coal, natural gas, oil, nuclear energy, etc., to produce a steam source, including coal handling areas; and

8.O.2.2 dual fuel facilities that could employ a steam boiler.

8.O.3 Limitations on Coverage.

8.O.3.1 Prohibition of Non-Stormwater Discharges. Non-stormwater discharges subject to effluent limitations guidelines are not covered by this permit.

8.O.3.2 Prohibition of Stormwater Discharges. Stormwater discharges from the following are not covered by this permit:

8.O.3.2.1 *ancillary facilities* (e.g., fleet centers and substations) that are not contiguous to a steam electric power generating facility;

8.O.3.2.2 *gas turbine facilities* (providing the facility is not a dual-fuel facility that includes a steam boiler), and combined-cycle facilities where no supplemental fuel oil is burned (and the facility is not a dual-fuel facility that includes a steam boiler); and

8.O.3.2.3 *cogeneration* (combined heat and power) facilities utilizing a gas turbine.

8.O.3.2.4 *coal pile runoff, including effluent limitations established at Title 119, Chapter 27, Part 007.51 (see 40 CFR Part 423).*

8.O.4 Additional Technology-Based Effluent Limits. The following good housekeeping measures are required in addition to Part 2.1.2.2:

8.O.4.1 Fugitive Dust Emissions. Minimize fugitive dust emissions from coal handling areas. To minimize the tracking of coal dust offsite, consider procedures such as installing specially designed tires or washing vehicles in a designated area before they leave the site and controlling the wash water.

8.O.4.2 Delivery Vehicles. Minimize contamination of stormwater runoff from delivery vehicles arriving at the plant site. Consider procedures to inspect delivery vehicles arriving at the plant site and ensure overall integrity of the body or container and procedures to deal with leakage or spillage from vehicles or containers.

8.O.4.3 Fuel Oil Unloading Areas. Minimize contamination of precipitation or surface runoff from fuel oil unloading areas. Consider using containment curbs in unloading areas, having personnel familiar with spill prevention and response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and using spill and overflow protection devices (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).

8.O.4.4 Chemical Loading and Unloading. Minimize contamination of precipitation or surface runoff from chemical loading and unloading areas. Consider using containment curbs at chemical loading and unloading areas to contain spills, having personnel familiar with spill prevention and

response procedures present during deliveries to ensure that any leaks or spills are immediately contained and cleaned up, and loading and unloading in covered areas and storing chemicals indoors.

8.O.4.5 Miscellaneous Loading and Unloading Areas. Minimize contamination of precipitation or surface runoff from loading and unloading areas. Consider covering the loading area; grading, berming, or curbing around the loading area to divert run-on; locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems; or equivalent procedures.

8.O.4.6 Liquid Storage Tanks. Minimize contamination of surface runoff from above-ground liquid storage tanks. Consider protective guards around tanks, containment curbs, spill and overflow protection, dry cleanup methods, or equivalent measures.

8.O.4.7 Large Bulk Fuel Storage Tanks. Minimize contamination of surface runoff from large bulk fuel storage tanks. Consider containment berms (or their equivalent). You must also comply with applicable State and Federal laws, including Spill Prevention, Control and Countermeasure (SPCC) Plan requirements.

8.O.4.8 Spill Reduction Measures. Minimize the potential for an oil or chemical spill, or reference the appropriate part of your SPCC plan. Visually inspect as part of your routine facility inspection the structural integrity of all above-ground tanks, pipelines, pumps, and related equipment that may be exposed to stormwater, and make any necessary repairs immediately.

8.O.4.9 Oil-Bearing Equipment in Switchyards. Minimize contamination of surface runoff from oil-bearing equipment in switchyard areas. Consider using level grades and gravel surfaces to retard flows and limit the spread of spills, or collecting runoff in perimeter ditches.

8.O.4.10 Residue-Hauling Vehicles. Inspect all residue-hauling vehicles for proper covering over the load, adequate gate sealing, and overall integrity of the container body. Repair vehicles without load covering or adequate gate sealing, or with leaking containers or beds.

8.O.4.11 Ash Loading Areas. Reduce or control the tracking of ash and residue from ash loading areas. Clear the ash building floor and immediately adjacent roadways of spillage, debris, and excess water before departure of each loaded vehicle.

8.O.4.12 Areas Adjacent to Disposal Ponds or Landfills. Minimize contamination of surface runoff from areas adjacent to disposal ponds or landfills. Reduce ash residue that may be tracked on to access roads traveled by residue handling vehicles, and reduce ash residue on exit roads leading into and out of residue handling areas.

8.O.4.13 Landfills, Scrap yards, Surface Impoundments, Open Dumps, General Refuse Sites. Minimize the potential for contamination of runoff from these areas.

8.O.5 Additional SWPPP Requirements.

8.O.5.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, and general refuse areas; short- and long-term storage of general materials (including but not limited to supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills and construction sites; and stock pile areas (e.g., coal or limestone piles).

8.O.5.2 Documentation of Good Housekeeping Measures. You must document in your SWPPP the good housekeeping measures implemented to meet the effluent limits in Part 8.O.4.

8.O.6 Additional Inspection Requirements.

8.O.6.1 Comprehensive Site Compliance Inspection. (See also Part 4.3) As part of your inspection, inspect the following areas monthly: coal handling areas, loading or unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

8.O.7 Sector-Specific Benchmarks

Table 8.O-1 identifies benchmarks that apply to the specific subsectors of Sector O. These benchmarks apply to both your primary industrial activity and any co-located industrial activities, which describe your site activities.

Table 8.O-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector O1. Steam Electric Generating Facilities (Industrial Activity Code "SE")	Total Iron	1.0 mg/L

8.O.8 Effluent Limitations Based on Effluent Limitations Guidelines

This General Permit does not authorize discharges from coal storage piles at Steam Electric Generating Facilities. These discharges must be covered by a separate NPDES permit.

8.P Sector P – Land Transportation and Warehousing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.P.1 Covered Stormwater Discharges.

The requirements in Subpart P apply to stormwater discharges associated with industrial activity from Land Transportation and Warehousing facilities as identified by the SIC Codes specified under Sector P in Table D-1 of Appendix D of the permit.

8.P.2 Limitation on Coverage

8.P.2.1 Prohibited Discharges (see also Parts 1.1.4 and 8.P.4.4) This permit does not authorize the discharge of vehicle/equipment/surface washwater, including tank cleaning operations. Such discharges must be authorized under a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or recycled on-site.

8.P.3 Additional Technology-Based Effluent Limits.

8.P.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2) In addition to the Good Housekeeping requirements in Part 2.1.2.2, you must do the following. Recommended control measures are discussed as indicated:

8.P.3.1.1 *Vehicle and Equipment Storage Areas.* Minimize the potential for stormwater exposure to leaky or leak-prone vehicles/equipment awaiting maintenance. Consider the following (or other equivalent measures): use of drip pans under vehicles/equipment, indoor storage of vehicles and equipment, installation of

berms or dikes, use of absorbents, roofing or covering storage areas, and cleaning pavement surfaces to remove oil and grease.

8.P.3.1.2 *Fueling Areas.* Minimize contamination of stormwater runoff from fueling areas. Consider the following (or other equivalent measures): Covering the fueling area; using spill/overflow protection and cleanup equipment; minimizing stormwater run-on/runoff to the fueling area; using dry cleanup methods; and treating and/or recycling collected stormwater runoff.

8.P.3.1.3 *Material Storage Areas.* Maintain all material storage vessels (e.g., for used oil/oil filters, spent solvents, paint wastes, hydraulic fluids) to prevent contamination of stormwater and plainly label them (e.g., "Used Oil," "Spent Solvents," etc.). Consider the following (or other equivalent measures): storing the materials indoors; installing berms/dikes around the areas; minimizing runoff of stormwater to the areas; using dry cleanup methods; and treating and/or recycling collected stormwater runoff.

8.P.3.1.4 *Vehicle and Equipment Cleaning Areas.* Minimize contamination of stormwater runoff from all areas used for vehicle/equipment cleaning. Consider the following (or other equivalent measures): performing all cleaning operations indoors; covering the cleaning operation, ensuring that all washwater drains to a proper collection system (i.e., not the stormwater drainage system); treating and/or recycling collected washwater, or other equivalent measures.

8.P.3.1.5 *Vehicle and Equipment Maintenance Areas.* Minimize contamination of stormwater runoff from all areas used for vehicle/equipment maintenance. Consider the following (or other equivalent measures): performing maintenance activities indoors; using drip pans; keeping an organized inventory of materials used in the shop; draining all parts of fluid prior to disposal; prohibiting wet clean up practices if these practices would result in the discharge of pollutants to stormwater drainage systems; using dry cleanup methods; treating and/or recycling collected stormwater runoff, minimizing run on/runoff of stormwater to maintenance areas.

8.P.3.1.6 *Locomotive Sanding* (Loading Sand for Traction) Areas. Consider the following (or other equivalent measures): covering sanding areas; minimizing stormwater run on/runoff; or appropriate sediment removal practices to minimize the offsite transport of sanding material by stormwater.

8.P.3.2 Employee Training. (See also Part 2.1.2.9) Train personnel at least once a year and address the following activities, as applicable: used oil and spent solvent management; fueling procedures; general good housekeeping practices; proper painting procedures; and used battery management.

8.P.4 Additional SWPPP Requirements.

8.P.4.1 Drainage Area Site Map. (See also Part 5.1.2) Identify in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: Fueling stations; vehicle/equipment maintenance or cleaning areas; storage areas for vehicle/equipment with actual or potential fluid leaks; loading/unloading areas; areas where treatment, storage or disposal of wastes occur; liquid storage tanks; processing areas; and storage areas.

8.P.4.2 Potential Pollutant Sources. (See also Part 5.1.3) Assess the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: Onsite waste storage or disposal; dirt/gravel parking areas for vehicles awaiting maintenance; illicit plumbing connections

between shop floor drains and the stormwater conveyance system(s); and fueling areas. Describe these activities in the SWPPP.

*8.P.4.3 **Description of Good Housekeeping Measures.*** You must document in your SWPPP the good housekeeping measures you implement consistent with Part 8.P.3.

*8.P.4.4 **Vehicle and Equipment Washwater Requirements.*** If applicable, attach to or reference in your SWPPP, a copy of the NPDES permit issued for vehicle/equipment washwater or, if an NPDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, attach a copy to your SWPPP. In any case, implement all non-stormwater discharge permit conditions or pretreatment conditions in your SWPPP. If washwater is handled in another manner (e.g., hauled offsite), describe the disposal method and attach all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in the plan.

8.P.5 Additional Inspection Requirements. (See also Part 4.1)

Inspect all the following areas/activities: storage areas for vehicles/equipment awaiting maintenance, fueling areas, indoor and outdoor vehicle/equipment maintenance areas, material storage areas, vehicle/equipment cleaning areas and loading/unloading areas.

8.Q Sector Q – Water Transportation.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.Q.1 Covered Stormwater Discharges.

The requirements in Subpart Q apply to stormwater discharges associated with industrial activity from Water Transportation facilities as identified by the SIC Codes specified under Sector Q in Table D-1 of Appendix D of the permit.

8.Q.2 Limitations on Coverage.

*8.Q.2.1 **Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) Not covered by this permit: bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels.

8.Q.3 Additional Technology-Based Effluent Limits.

*8.Q.3.1 **Good Housekeeping Measures.*** You must implement the following good housekeeping measures in addition to the requirements of part 2.1.2.2:

8.Q.3.1.1 *Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharge water must be permitted by a separate NPDES permit. Collect or contain the discharges from the pressures washing area so that they are not co-mingled with stormwater discharges authorized by this permit.

8.Q.3.1.2 *Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharge into receiving waters or the storm sewer systems. Consider containing all blasting and painting activities or use other measures to minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.

8.Q.3.1.3 *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. Specify which materials are stored indoors, and consider containment or enclosure for those stored outdoors. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Consider implementing an inventory control plan to limit the presence of potentially hazardous materials onsite.

8.Q.3.1.4 *Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Consider the following (or their equivalents): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling stormwater runoff collected from the maintenance area.

8.Q.3.1.5 *Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Consider the following (or their equivalents): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing runoff of stormwater to material handling areas.

8.Q.3.1.6 *Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in stormwater runoff. Address the cleaning of accessible areas of the drydock prior to flooding, and final cleanup following removal of the vessel and raising the dock. Include procedures for cleaning up oil, grease, and fuel spills occurring on the drydock. Consider the following (or their equivalents): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding and making absorbent materials and oil containment booms readily available to clean up or contain any spills.

8.Q.3.2 Employee Training. (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

8.Q.3.3 Preventive Maintenance. (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

8.Q.4 Additional SWPPP Requirements.

8.Q.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage, or

disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

*8.Q.4.2 **Summary of Potential Pollutant Sources.*** (See also Part 5.1.3) Document in the SWPPP the following additional sources and activities that have potential pollutants associated with them: outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting.)

8.Q.5 Additional Inspection Requirements.

(See also Part 4.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

8.Q.6 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.Q-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector Q1. Water Transportation Facilities (SIC 4412-4499)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Lead[1]	Hardness Dependent
	Total Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Lead (mg/L)	Zinc (mg/L)
0-25 mg/L	0.014	0.04
25-50 mg/L	0.023	0.05
50-75 mg/L	0.045	0.08
75-100 mg/L	0.069	0.11
100-125 mg/L	0.095	0.13
125-150 mg/L	0.122	0.16
150-175 mg/L	0.151	0.18
175-200 mg/L	0.182	0.20
200-225 mg/L	0.213	0.23
225-250 mg/L	0.246	0.25
250+ mg/L	0.262	0.26

8.R Sector R – Ship and Boat Building and Repair Yards.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.R.1 Covered Stormwater Discharges.

The requirements in Subpart R apply to stormwater discharges associated with industrial activity from Ship and Boat Building and Repair Yards as identified by the SIC Codes specified under Sector R in Table D-1 of Appendix D of the permit.

8.R.2 Limitations on Coverage.

8.R.2.1 Prohibition of Non-Stormwater Discharges. (See also Part 1.1.4) Discharges containing bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels are not covered by this permit.

8.R.3 Additional Technology-Based Effluent Limits.

8.R.3.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.R.3.1.1 *Pressure Washing Area.* If pressure washing is used to remove marine growth from vessels, the discharged water must be permitted as a process wastewater by a separate NPDES permit.

8.R.3.1.2 *Blasting and Painting Area.* Minimize the potential for spent abrasives, paint chips, and overspray to discharging into the receiving water or the storm sewer systems. Consider containing all blasting and painting activities, or use other measures to prevent the discharge of the contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). When necessary, regularly clean stormwater conveyances of deposits of abrasive blasting debris and paint chips.

8.R.3.1.3 *Material Storage Areas.* Store and plainly label all containerized materials (e.g., fuels, paints, solvents, waste oil, antifreeze, batteries) in a protected, secure location away from drains. Minimize the contamination of precipitation or surface runoff from the storage areas. If abrasive blasting is performed, discuss the storage and disposal of spent abrasive materials generated at the facility. Consider implementing an inventory control plan to limit the presence of potentially hazardous materials onsite.

8.R.3.1.4 *Engine Maintenance and Repair Areas.* Minimize the contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. Consider the following (or their equivalents): performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluid prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and treating and/or recycling stormwater runoff collected from the maintenance area.

8.R.3.1.5 *Material Handling Area.* Minimize the contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). Consider the following (or their equivalents): covering fueling areas, using spill and overflow protection, mixing paints and solvents in a designated area (preferably indoors or under a shed), and minimizing stormwater run-on to material handling areas.

8.R.3.1.6 *Drydock Activities.* Routinely maintain and clean the drydock to minimize pollutants in stormwater runoff. Clean accessible areas of the drydock prior to flooding and final cleanup following removal of the vessel and raising the dock.

Include procedures for cleaning up oil, grease, or fuel spills occurring on the drydock. Consider the following (or their equivalents): sweeping rather than hosing off debris and spent blasting material from accessible areas of the drydock prior to flooding, and having absorbent materials and oil containment booms readily available to clean up and contain any spills.

*8.R.3.2 **Employee Training.*** (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewaters, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, and used battery management.

*8.R.3.3 **Preventive Maintenance.*** (See also Part 2.1.2.3) As part of your preventive maintenance program, perform timely inspection and maintenance of stormwater management devices (e.g., cleaning oil and water separators and sediment traps to ensure that spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system), as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

8.R.4 Additional SWPPP Requirements.

*8.R.4.1 **Drainage Area Site Map.*** (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; treatment, storage, and waste disposal areas; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).

*8.R.4.2 **Potential Pollutant Sources.*** (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them (if applicable): outdoor manufacturing or processing activities (e.g., welding, metal fabricating) and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, and painting).

*8.R.4.3 **Documentation of Good Housekeeping Measures.*** Document in your SWPPP any good housekeeping measures implemented to meet the effluent limits in Part 8.R.3.

8.R.4.3.1 *Blasting and Painting Areas.* Document in the SWPPP any standard operating practices relating to blasting and painting (e.g., prohibiting uncontained blasting and painting over open water or prohibiting blasting and painting during windy conditions, which can render containment ineffective).

8.R.4.3.2 *Storage Areas.* Specify in your SWPPP which materials are stored indoors, and consider containment or enclosure for those stored outdoors.

8.R.5 Additional Inspection Requirements.

(See also Part 4.1) Include the following in all quarterly routine facility inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area.

8.S Sector S – Air Transportation.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.S.1 Covered Stormwater Discharges.

The requirements in Subpart S apply to stormwater discharges associated with industrial activity from Air Transportation facilities identified by the SIC Codes specified under Sector S in Table D-1 of Appendix D of the permit.

8.S.2 Limitation on Coverage

8.S.2.1 ***Limitations on Coverage.*** This permit authorizes stormwater discharges from only those portions of the air transportation facility that are involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations or deicing operations.

Note: "deicing" will generally be used to imply both deicing (removing frost, snow or ice) and anti-icing (preventing accumulation of frost, snow or ice) activities, unless specific mention is made regarding anti-icing and/or deicing activities.

8.S.2.2 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4 and Part 8.S.3) This permit does not authorize the discharge of aircraft, ground vehicle, runway and equipment washwaters; nor the dry weather discharge of deicing chemicals. Such discharges must be covered by separate NPDES permit(s). Note that a discharge resulting from snowmelt is not a dry weather discharge.

8.S.3 Additional Technology-Based Effluent Limits.

8.S.3.1 ***Good Housekeeping Measures.*** (See also Part 2.1.2.2)

8.S.3.1.1 *Aircraft, Ground Vehicle and Equipment Maintenance Areas.* Minimize the contamination of stormwater runoff from all areas used for aircraft, ground vehicle and equipment maintenance (including the maintenance conducted on the terminal apron and in dedicated hangers). Consider the following practices (or their equivalents): performing maintenance activities indoors; maintaining an organized inventory of material used in the maintenance areas; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the apron or hanger floor; using dry cleanup methods; and collecting the stormwater runoff from the maintenance area and providing treatment or recycling.

8.S.3.1.2 *Aircraft, Ground Vehicle and Equipment Cleaning Areas.* (See also Part 8.S.3.6) Clearly demarcate these areas on the ground using signage or other appropriate means. Minimize the contamination of stormwater runoff from cleaning areas.

8.S.3.1.3 *Aircraft, Ground Vehicle and Equipment Storage Areas.* Store all aircraft, ground vehicles and equipment awaiting maintenance in designated areas only and minimize the contamination of stormwater runoff from these storage areas. Consider the following control measures, including any BMPs (or their equivalents): storing aircraft and ground vehicles indoors; using drip pans for the collection of fluid leaks; and perimeter drains, dikes or berms surrounding the storage areas.

8.S.3.1.4 *Material Storage Areas.* Maintain the vessels of stored materials (e.g., used oils, hydraulic fluids, spent solvents, and waste aircraft fuel) in good condition, to prevent or minimize contamination of stormwater. Also plainly label the vessels (e.g., "used oil," "Contaminated Jet A," etc.). Minimize contamination of precipitation/runoff from these areas. Consider the following control measures (or their equivalents): storing materials indoors; storing waste materials in a centralized location; and installing berms/dikes around storage areas.

8.S.3.1.5 *Airport Fuel System and Fueling Areas.* Minimize the discharge of fuel to the storm sewer/surface waters resulting from fuel servicing activities or other operations conducted in support of the airport fuel system. Consider the following control measures (or their equivalents): implementing spill and overflow practices (e.g., placing absorptive materials beneath aircraft during fueling operations); using only dry cleanup methods; and collecting stormwater runoff.

8.S.3.1.6 *Source Reduction.* Minimize, and where feasible eliminate, the use of urea and glycol-based deicing chemicals, in order to reduce the aggregate amount of deicing chemicals used and/or lessen the environmental impact. Chemical options to replace ethylene glycol, propylene glycol and urea include: potassium acetate; magnesium acetate; calcium acetate; and anhydrous sodium acetate.

8.S.3.1.6.1 Runway Deicing Operation: Minimize contamination of stormwater runoff from runways as a result of deicing operations. Evaluate whether over-application of deicing chemicals occurs by analyzing application rates, and adjust as necessary, consistent with considerations of flight safety. Also consider these control measure options (or their equivalents): metered application of chemicals; pre-wetting dry chemical constituents prior to application; installing a runway ice detection system; implementing anti-icing operations as a preventive measure against ice buildup.

8.S.3.1.6.2 Aircraft Deicing Operations. Minimize contamination of stormwater runoff from aircraft deicing operations. Determine whether excessive application of deicing chemicals occurs and adjust as necessary, consistent with considerations of flight safety. This evaluation should be carried out by the personnel most familiar with the particular aircraft and flight operations in question (versus an outside entity such as the airport authority). Consider using alternative deicing/anti-icing agents as well as containment measures for all applied chemicals. Also consider these control measure options (or their equivalents) for reducing deicing fluid use: forced-air deicing systems, computer-controlled fixed-gantry systems, infrared technology, hot water, varying glycol content to air temperature, enclosed-basket deicing trucks, mechanical methods, solar radiation, hangar storage, aircraft covers, and thermal blankets for MD-80s and DC-9s. Also consider using ice-detection systems and airport traffic flow strategies and departure slot allocation systems.

8.S.3.1.7 *Management of Runoff.* (See also 2.1.2.6) Where deicing operations occur, implement a program to control or manage contaminated runoff to minimize the amount of pollutants being discharged from the site. Consider these control measure options (or their equivalents): a dedicated deicing facility with a runoff collection/ recovery system; using vacuum/collection trucks; storing contaminated stormwater/deicing fluids in tanks and releasing controlled amounts to a publicly owned treatment works; and collecting contaminated runoff in a wet pond for biochemical decomposition (be aware of attracting wildlife that may prove hazardous to flight operations). Also consider recovering deicing materials when these materials are applied during non-precipitation events (e.g., covering storm sewer inlets, using booms, installing absorptive interceptors in the drains, etc.) to prevent these materials from later becoming a

source of stormwater contamination. Used deicing fluid should be recycled whenever possible.

8.S.3.2 ***Deicing Season.*** You must determine the seasonal timeframe (e.g., December- February, October - March, etc.) during which deicing activities typically occur at the facility. Implementation of control measures, including any BMPs, facility inspections and monitoring must be conducted with particular emphasis throughout the defined deicing season. If you meet the deicing chemical usage thresholds of 100,000 gallons glycol and/or 100 tons of urea, the deicing season you identified is the timeframe during which you must obtain the four required benchmark monitoring event results for deicing-related parameters, i.e., BOD, COD, ammonia and pH. See also Part 8.S.6.

8.S.4 Additional SWPPP Requirements.

An airport authority and tenants of the airport are encouraged to work in partnership in the development of a SWPPP. If an airport tenant obtains authorization under this permit and develops a SWPPP for discharges from its own areas of the airport, prior to authorization, that SWPPP must be coordinated and integrated with the SWPPP for the entire airport. Tenants of the airport facility include air passenger or cargo companies, fixed based operators and other parties who have contracts with the airport authority to conduct business operations on airport property and whose operations result in stormwater discharges associated with industrial activity.

8.S.4.1 ***Drainage Area Site Map.*** (See also Part 5.1.2) Document in the SWPPP the following areas of the facility and indicate whether activities occurring there may be exposed to precipitation/surface runoff: aircraft and runway deicing operations; fueling stations; aircraft, ground vehicle and equipment maintenance/cleaning areas; storage areas for aircraft, ground vehicles and equipment awaiting maintenance.

8.S.4.2 ***Potential Pollutant Sources.*** (See also Part 5.1.3) In your inventory of exposed materials, describe in your SWPPP the potential for the following activities and facility areas to contribute pollutants to stormwater discharges: aircraft, runway, ground vehicle and equipment maintenance and cleaning; aircraft and runway deicing operations (including apron and centralized aircraft deicing stations, runways, taxiways and ramps). If you use deicing chemicals, you must maintain a record of the types (including the Material Safety Data Sheets [MSDS]) used and the monthly quantities, either as measured or, in the absence of metering, as estimated to the best of your knowledge. This includes all deicing chemicals, not just glycols and urea (e.g., potassium acetate), because large quantities of these other chemicals can still have an adverse impact on receiving waters. Tenants or other fixed-based operations that conduct deicing operations must provide the above information to the airport authority for inclusion with any comprehensive airport SWPPPs.

8.S.4.3 ***Vehicle and Equipment Washwater Requirements.*** Attach to or reference in your SWPPP, a copy of the NPDES permit issued for vehicle/equipment washwater or, if an NPDES permit has not been issued, a copy of the pending application. If an industrial user permit is issued under a local pretreatment program, include a copy in your SWPPP. In any case, if you are subject to another permit, describe your control measures for implementing all non-stormwater discharge permit conditions or pretreatment requirements in your SWPPP. If washwater is handled in another manner (e.g., hauled offsite, retained onsite), describe the disposal method and attach all pertinent documentation/information (e.g., frequency, volume, destination, etc.) in your SWPPP.

8.S.4.4 ***Documentation of Control Measures Used for Management of Runoff:*** Document in your SWPPP the control measures used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow.

8.S.5 Additional Inspection Requirements.

8.S.5.1 Inspections. (See also Part 4.1) At a minimum conduct routine facility inspections at least monthly during the deicing season (e.g., October through April for most mid-latitude airports). If your facility needs to deice before or after this period, expand the monthly inspections to include all months during which deicing chemicals may be used. The Director may specifically require you to increase inspection frequencies.

8.S.5.2 Comprehensive Site Inspections. (See also Part 4.3) Using only qualified personnel, conduct your annual site inspection during periods of actual deicing operations, if possible. If not practicable during active deicing because of weather, conduct the inspection during the season when deicing operations occur and the materials and equipment for deicing are in place.

8.S.6 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Monitor per the requirements in Table 8.S-1.

Table 8.S-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
For airports where a single permittee, or a combination of permitted facilities use more than 100,000 gallons of glycol-based deicing chemicals and/or 100 tons or more of urea on an average annual basis, monitor the first four parameters in ONLY those outfalls that collect runoff from areas where deicing activities occur (SIC 4512-4581).	Biochemical Oxygen Demand (BOD5)[1]	30 mg/L
	Chemical Oxygen Demand (COD)[1]	120 mg/L
	Ammonia[1]	2.14 mg/L
	pH[1]	6.0 - 9.0 s.u.

[1] These are deicing-related parameters. Collect the four benchmark samples, and any required follow-up benchmark samples, during the timeframe defined in Part 8.S.3.2 when deicing activities are occurring.

8.T Sector T – Treatment Works.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.T.1 Covered Stormwater Discharges.

The requirements in Subpart T apply to stormwater discharges associated with industrial activity from Treatment Works as identified by the Activity Code specified under Sector T in Table D-1 of Appendix D of the permit.

8.T.2 Industrial Activities Covered by Sector T.

The requirements listed under this part apply to all existing point source stormwater discharges associated with the following activities:

8.T.2.1 Treatment Works: Treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge; that are located within the confines of a facility with a design flow of 1.0 million gallons per day (MGD) or more.

8.T.2.2 ***The following are not required to have permit coverage:*** farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located within the facility, or areas that are in compliance with Section 405 of the CWA.

8.T.3 Limitations on Coverage.

8.T.3.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) Sanitary and industrial wastewater and equipment and vehicle washwater are not authorized by this permit.

8.T.4 Additional Technology-Based Effluent Limits.

8.T.4.1 ***Control Measures.*** (See also the non-numeric effluent limits in Part 2.1.2) In addition to the other control measures, consider the following: routing stormwater to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station).

8.T.4.2 ***Employee Training.*** (See also Part 2.1.2.9) At a minimum, training must address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and controls; fueling procedures; general good housekeeping practices; and proper procedures for using fertilizer, herbicides, and pesticides.

8.T.5 Additional SWPPP Requirements.

8.T.5.1 ***Site Map.*** (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides, and pesticides.

8.T.5.2 ***Potential Pollutant Sources.*** (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them, as applicable: grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads and rail lines.

8.T.5.3 ***Wastewater and Washwater Requirements.*** Keep a copy of all your current NPDES permits issued for wastewater and industrial, vehicle and equipment washwater discharges or, if an NPDES permit has not yet been issued, a copy of the pending application(s) with your SWPPP. If the washwater is handled in another manner, the disposal method must be described and all pertinent documentation must be retained onsite.

8.T.6 Additional Inspection Requirements.

(See also Part 4.1) Include the following areas in all inspections: access roads and rail lines; grit, screenings, and other solids handling, storage, or disposal areas; sludge drying beds; dried sludge piles; compost piles; and septage or hauled waste receiving station.

8.U Sector U – Food and Kindred Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.U.1 Covered Stormwater Discharges.

The requirements in Subpart U apply to stormwater discharges associated with industrial activity from Food and Kindred Products facilities as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

8.U.2 Limitations on Coverage.

8.U.2.1 Prohibition of Non-Stormwater Discharges. (See also Part 1.1.4) The following discharges are not authorized by this permit: discharges containing boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations.

8.U.3 Additional Technology-Based Limitations.

8.U.3.1 Employee Training. (See also Part 2.1.2.9) Address pest control in your employee training program.

8.U.4 Additional SWPPP Requirements.

8.U.4.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP the locations of the following activities if they are exposed to precipitation or runoff: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.

8.U.4.2 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP, in addition to food and kindred products processing-related industrial activities, application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides) used on plant grounds.

8.U.5 Additional Inspection Requirements.

(See also Part 4.1) Inspect on a quarterly basis, at a minimum, the following areas where the potential for exposure to stormwater exists: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment.

8.U.6 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.U-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector U1. Grain Mill Products (SIC 2041-2048)	Total Suspended Solids (TSS)	100 mg/L
Subsector U2. Fats and Oils Products (SIC 2074-2079)	Biochemical Oxygen Demand (BOD5)1	30 mg/L
	Chemical Oxygen Demand (COD)1	120 mg/L
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
	Total Suspended Solids (TSS)	100 mg/L

8.V Sector V – Textile Mills, Apparel, and Other Fabric Products.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.V.1 Covered Stormwater Discharges.

The requirements in Subpart V apply to stormwater discharges associated with industrial activity from Textile Mills, Apparel, and Other Fabric Product manufacturing as identified by the SIC Codes specified under Sector V in Table D-1 of Appendix D of the permit.

8.V.2 Limitations on Coverage.

8.V.2.1 ***Prohibition of Non-Stormwater Discharges.*** (See also Part 1.1.4) The following are not authorized by this permit: discharges of wastewater (e.g., wastewater resulting from wet processing or from any processes relating to the production process), reused or recycled water, and waters used in cooling towers. If you have these types of discharges from your facility, you must cover them under a separate NPDES permit.

8.V.3 Additional Technology-Based Limitations.

8.V.3.1 ***Good Housekeeping Measures.*** (See also Part 2.1.2.2)

8.V.3.1.1 *Material Storage Areas.* Plainly label and store all containerized materials (e.g., fuels, petroleum products, solvents, and dyes) in a protected area, away from drains. Minimize contamination of the stormwater runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances. For storing empty chemical drums or containers, ensure that the drums and containers are clean (consider triple-rinsing) and that there is no contact of residuals with precipitation or runoff. Collect and dispose of washwater from these cleanings properly.

8.V.3.1.2 *Material Handling Areas.* Minimize contamination of stormwater runoff from material handling operations and areas. Consider the following (or their equivalents): use of spill and overflow protection; covering fueling areas; and covering or enclosing areas where the transfer of material may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals, dyes, or wastewater.

8.V.3.1.3 *Fueling Areas.* Minimize contamination of stormwater runoff from fueling areas. Consider the following (or their equivalents): covering the fueling area, using spill and overflow protection, minimizing run-on of stormwater to the fueling areas, using dry cleanup methods, and treating and/or recycling stormwater runoff collected from the fueling area.

8.V.3.1.4 *Above-Ground Storage Tank Area.* Minimize contamination of the stormwater runoff from above-ground storage tank areas, including the associated piping and valves. Consider the following (or their equivalents): regular cleanup of these areas; including measures for tanks, piping and valves explicitly in your SPCC program; minimizing runoff of stormwater from adjacent areas; restricting access to the area; inserting filters in adjacent catch basins; providing absorbent booms in unbermed fueling areas; using dry cleanup methods; and permanently sealing drains within critical areas that may discharge to a storm drain.

8.V.3.2 Employee Training. (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): use of reused and recycled waters, solvents management, proper disposal of dyes, proper disposal of petroleum products and spent lubricants, spill prevention and control, fueling procedures, and general good housekeeping practices.

8.V.4 Additional SWPPP Requirements.

8.V.4.1 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: industry-specific significant materials and industrial activities (e.g., backwinding, beaming, bleaching, backing bonding, carbonizing, carding, cut and sew operations, desizing, drawing, dyeing locking, fulling, knitting, mercerizing, opening, packing, plying, scouring, slashing, spinning, synthetic-felt processing, textile waste processing, tufting, turning, weaving, web forming, winging, yarn spinning, and yarn texturing).

8.V.4.2 Description of Good Housekeeping Measures for Material Storage Areas. Document in the SWPPP your containment area or enclosure for materials stored outdoors in connection with Part 8.V.3.1.1 above.

8.V.5 Additional Inspection Requirements.

(See also Part 4.1) Inspect, at least monthly, the following activities and areas (at a minimum): transfer and transmission lines, spill prevention, good housekeeping practices, management of process waste products, and all structural and nonstructural management practices.

8.W Sector W – Furniture and Fixtures.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.W.1 Covered Stormwater Discharges.

The requirements in Subpart W apply to stormwater discharges associated with industrial activity from Furniture and Fixtures facilities as identified by the SIC Codes specified under Sector W in Table D-1 of Appendix D of the permit.

8.W.2 Additional SWPPP Requirements.

8.W.2.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: material storage (including tanks or other vessels used for liquid or waste storage) areas; outdoor material processing areas; areas where wastes are treated, stored, or disposed of; access roads; and rail spurs.

8.X Sector X – Printing and Publishing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.X.1 Covered Stormwater Discharges.

The requirements in Subpart X apply to stormwater discharges associated with industrial activity from Printing and Publishing facilities as identified by the SIC Codes specified under Sector X in Table D-1 of Appendix D of the permit.

8.X.2 Additional Technology-Based Effluent Limits.

8.X.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.X.2.1.1 *Material Storage Areas.* Plainly label and store all containerized materials (e.g., skids, pallets, solvents, bulk inks, hazardous waste, empty drums, portable and mobile containers of plant debris, wood crates, steel racks, and fuel oil) in a protected area, away from drains. Minimize contamination of the stormwater runoff from such storage areas. Also consider an inventory control plan to prevent excessive purchasing of potentially hazardous substances.

8.X.2.1.2 *Material Handling Area.* Minimize contamination of stormwater runoff from material handling operations and areas (e.g., blanket wash, mixing solvents, loading and unloading materials). Consider the following (or their equivalents): using spill and overflow protection, covering fueling areas, and covering or enclosing areas where the transfer of materials may occur. When applicable, address the replacement or repair of leaking connections, valves, transfer lines, and pipes that may carry chemicals or wastewater.

8.X.2.1.3 *Fueling Areas.* Minimize contamination of stormwater runoff from fueling areas. Consider the following (or their equivalents): covering the fueling area, using spill and overflow protection, minimizing runoff of stormwater to the fueling areas, using dry cleanup methods, and treating and/or recycling stormwater runoff collected from the fueling area.

8.X.2.1.4 *Above Ground Storage Tank Area.* Minimize contamination of the stormwater runoff from above-ground storage tank areas, including the associated piping and valves. Consider the following (or their equivalents): regularly cleaning these areas, explicitly addressing tanks, piping and valves in the SPCC program, minimizing stormwater runoff from adjacent areas, restricting access to the area, inserting filters in adjacent catch basins, providing absorbent booms in unbermed fueling areas, using dry cleanup methods, and permanently sealing drains within critical areas that may discharge to a storm drain.

8.X.2.2 Employee Training. (See also Part 2.1.2.9) As part of your employee training program, address, at a minimum, the following activities (as applicable): spent solvent management, spill prevention and control, used oil management, fueling procedures, and general good housekeeping practices.

8.X.3 Additional SWPPP Requirements.

8.X.3.1 Description of Good Housekeeping Measures for Material Storage Areas. In connection with Part 8.X.2.1.1, describe in the SWPPP the containment area or enclosure for materials stored outdoors.

8.Y Sector Y – Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.Y.1 Covered Stormwater Discharges.

The requirements in Subpart Y apply to stormwater discharges associated with industrial activity from Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries facilities as identified by the SIC Codes specified under Sector Y in Table D-1 of Appendix D of the permit.

8.Y.2 Additional Technology-Based Effluent Limits.

8.Y.2.1 Controls for Rubber Manufacturers. (See also Part 2.1.2) Minimize the discharge of zinc in your stormwater discharges. Parts 8.Y.2.1.1 to 8.Y.2.1.5 give possible sources of zinc to be reviewed and list some specific control measures to be considered for implementation (or their equivalents). Following are some general control measure options to consider: using chemicals purchased in pre-weighed, sealed polyethylene bags; storing in-use materials in sealable containers, ensuring an airspace between the container and the cover to minimize "puffing" losses when the container is opened, and using automatic dispensing and weighing equipment.

8.Y.2.1.1 *Zinc Bags.* Ensure proper handling and storage of zinc bags at your facility. Following are some control measure options: employee training on the handling and storage of zinc bags, indoor storage of zinc bags, cleanup of zinc spills without washing the zinc into the storm drain, and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

8.Y.2.1.2 *Dumpsters.* Minimize discharges of zinc from dumpsters. Following are some control measure options: covering the dumpster, moving the dumpster indoors, or providing a lining for the dumpster.

8.Y.2.1.3 *Dust Collectors and Baghouses.* Minimize contributions of zinc to stormwater from dust collectors and baghouses. Replace or repair, as appropriate, improperly operating dust collectors and baghouses.

8.Y.2.1.4 *Grinding Operations.* Minimize contamination of stormwater as a result of dust generation from rubber grinding operations. One control measure option is to install a dust collection system.

8.Y.2.1.5 *Zinc Stearate Coating Operations.* Minimize the potential for stormwater contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. One control measure option is to use alternative compounds to zinc stearate.

8.Y.2.2 Controls for Plastic Products Manufacturers. Minimize the discharge of plastic resin pellets in your stormwater discharges. Control measures to be considered for implementation (or their equivalents) include minimizing spills, cleaning up of spills promptly and thoroughly, sweeping thoroughly, pellet capturing, employee education, and disposal precautions.

8.Y.3 Additional SWPPP Requirements.

8.Y.3.1 Potential Pollutant Sources for Rubber Manufacturers. (See also Part 5.1.3) Document in your SWPPP the use of zinc at your facility and the possible pathways through which zinc may be discharged in stormwater runoff.

8.Y.4 Sector-Specific Benchmarks. (See also Part 6 of the permit.)

Table 8.Q-1		
Subsector (You may be subject to requirements for more than one sector/subsector)	**Parameter**	**Benchmark Monitoring Concentration**
Subsector Y1. Rubber Products Manufacturing (SIC 3011, 3021, 3052, 3053, 3061, 3069)	Total Zinc[1]	Hardness Dependent

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Zinc (mg/L)
0-25 mg/L	0.04
25-50 mg/L	0.05
50-75 mg/L	0.08
75-100 mg/L	0.11
100-125 mg/L	0.13
125-150 mg/L	0.16
150-175 mg/L	0.18
175-200 mg/L	0.20
200-225 mg/L	0.23
225-250 mg/L	0.25
250+ mg/L	0.26

8.Z Sector Z – Leather Tanning and Finishing.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.Z.1 Covered Stormwater Discharges.

The requirements in Subpart Z apply to stormwater discharges associated with industrial activity from Leather Tanning and Finishing facilities as identified by the SIC Code specified under Sector Z in Table D-1 of Appendix D of the permit.

8.Z.2 Additional Technology-Based Effluent Limits.

8.Z.2.3 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.Z.2.3.1 *Storage Areas for Raw, Semiprocessed, or Finished Tannery By-products.* Minimize contamination of stormwater runoff from pallets and bales of raw, semi-processed, or finished tannery by-products (e.g., splits, trimmings, shavings). Consider indoor storage or protection with polyethylene wrapping, tarpaulins, roofed storage, etc. Consider placing materials on an impermeable surface and enclosing or putting berms (or equivalent measures) around the area to prevent stormwater run-on and runoff.

8.Z.2.3.2 *Material Storage Areas.* Label storage containers of all materials (e.g., specific chemicals, hazardous materials, spent solvents, waste materials) minimize contact of such materials with stormwater.

8.Z.2.3.3 *Buffing and Shaving Areas.* Minimize contamination of stormwater runoff with leather dust from buffing and shaving areas. Consider dust collection enclosures, preventive inspection and maintenance programs, or other appropriate preventive measures.

8.Z.2.3.4 *Receiving, Unloading, and Storage Areas.* Minimize contamination of stormwater runoff from receiving, unloading, and storage areas. If these areas are exposed, consider the following (or their equivalents): covering all hides and chemical supplies, diverting drainage to the process sewer, or grade berming or curbing the area to prevent stormwater runoff.

8.Z.2.3.5 *Outdoor Storage of Contaminated Equipment.* Minimize contact of stormwater with contaminated equipment. Consider the following (or their equivalents): covering equipment, diverting drainage and discharging in a controlled manor to the process sewer, and cleaning thoroughly prior to storage.

8.Z.2.3.6 *Waste Management.* Minimize contamination of stormwater runoff from waste storage areas. Consider the following (or their equivalents): covering dumpsters, moving waste management activities indoors, covering waste piles with temporary covering material such as tarpaulins or polyethylene, and minimizing stormwater runoff by enclosing the area or building berms around the area.

8.Z.3 Additional SWPPP Requirements.

8.Z.3.1 Drainage Area Site Map. (See also Part 5.1.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: processing and storage areas of the beamhouse, tanyard, and re-tan wet finishing and dry finishing operations.

8.Z.3.2 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following sources and activities that have potential pollutants associated with them (as appropriate): temporary or permanent storage of fresh and brine-cured hides; extraneous hide substances and hair; leather dust, scraps, trimmings, and shavings.

8.AA Sector AA – Fabricated Metal Products

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AA.1 Covered Stormwater Discharges.

The requirements in Subpart AA apply to stormwater discharges associated with industrial activity from Fabricated Metal Products facilities as identified by the SIC Codes specified under Sector AA in Table D-1 of Appendix D of the permit.

8.AA.2 Additional Technology-Based Effluent Limits.

8.AA.2.1 Good Housekeeping Measures. (See also Part 2.1.2.2)

8.AA.2.1.1 *Raw Steel Handling Storage.* Minimize the generation of and/or recover and properly manage scrap metals, fines, and iron dust. Include measures for containing materials within storage handling areas.

8.AA.2.1.2 *Paints and Painting Equipment.* Minimize exposure of paint and painting equipment to stormwater.

8.AA.2.2 Spill Prevention and Response Procedures. (See also Part 2.1.2.4) Ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas should be addressed

8.AA.2.2.1 *Metal Fabricating Areas.* Maintain clean, dry, orderly conditions in these areas. Consider using dry clean-up techniques.

8.AA.2.2.2 *Storage Areas for Raw Metal.* Keep these areas free of conditions that could cause, or impede appropriate and timely response to, spills or leakage of materials. Consider the following (or their equivalents): maintaining storage areas so that there is easy access in the event of a spill, and labeling stored materials to aid in identifying spill contents.

8.AA.2.2.3 *Metal Working Fluid Storage Areas.* Minimize the potential for stormwater contamination from storage areas for metal working fluids.

8.AA.2.2.4 *Cleaners and Rinse Water.* Control and clean up spills of solvents and other liquid cleaners, control sand buildup and disbursement from sand-blasting operations, and prevent exposure of recyclable wastes. Substitute environmentally benign cleaners when possible.

8.AA.2.2.5 *Lubricating Oil and Hydraulic Fluid Operations.* Minimize the potential for stormwater contamination from lubricating oil and hydraulic fluid operations. Consider using monitoring equipment or other devices to detect and control leaks and overflows. Consider installing perimeter controls such as dikes, curbs, grass filter strips, or equivalent measures.

8.AA.2.2.6 *Chemical Storage Areas.* Minimize stormwater contamination and accidental spillage in chemical storage areas. Include a program to inspect containers and identify proper disposal methods.

8.AA.2.3 Spills and Leaks. (See also Part 5.1.3.3) In your spill prevention and response procedures, required by Part 2.1.2.4, pay attention to the following materials (at a minimum): chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals, and hazardous chemicals and wastes.

8.AA.3 Additional SWPPP Requirements.

8.AA.3.1 Drainage Area Site Map. (See also Part 5.1.2) Document in your SWPPP where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary and permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps and barriers; processing areas, including outside painting areas; wood preparation; recycling; and raw material storage.

8.AA.3.2 Potential Pollutant Sources. (See also Part 5.1.3) Document in your SWPPP the following additional sources and activities that have potential pollutants associated with them: loading and unloading operations for paints, chemicals, and raw materials; outdoor storage activities for raw materials, paints, empty containers, tumbling media, chemicals, and scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, and brazing; onsite waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingot pieces, and refuse and waste piles.

8.AA.4 Additional Inspection Requirements

8.AA.4.1 Inspections. (See also Part 4) At a minimum, include the following areas in all inspections: raw metal storage areas, finished product storage areas, material and chemical storage areas, recycling areas, loading and unloading areas, equipment storage areas, paint areas, and vehicle fueling and maintenance areas.

8.AA.4.2 Comprehensive Site Inspections. (See also Part 4.3) As part of your inspection, also inspect areas associated with the storage of raw metals, spent solvents and chemicals storage areas, outdoor paint areas, and drainage from roof. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel, and related materials.

8.AA.5 Sector-Specific Benchmarks. (See also Part 6 of the permit.

Table 8.AA-1

Subsector (You may be subject to requirements for more than one sector/subsector)	Parameter	Benchmark Monitoring Concentration
Subsector AA1. Fabricated Metal Products, except Coating (SIC 3411-3499; 3911-3915)	Total Aluminum	0.75 mg/L
	Total Iron	1.0 mg/L
	Total Zinc[1]	Hardness Dependent
	Nitrate plus Nitrite Nitrogen	0.68 mg/L
Subsector AA2. Fabricated Metal Coating and Engraving (SIC 3479)	Total Zinc[1]	Hardness Dependent
	Nitrate plus Nitrite Nitrogen	0.68 mg/L

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, permittees must determine the hardness of the receiving water (see Appendix E, "Calculating Hardness in Receiving Waters for Hardness Dependent Metals," for methodology), in accordance with Part 6.2.1.1, to identify the applicable 'hardness range' for determining their benchmark value applicable to their facility. The ranges occur in 25 mg/L increments. Hardness Dependent Benchmarks follow in the table below:

Water Hardness Range	Zinc (mg/L)
0-25 mg/L	0.04
25-50 mg/L	0.05
50-75 mg/L	0.08
75-100 mg/L	0.11
100-125 mg/L	0.13
125-150 mg/L	0.16
150-175 mg/L	0.18
175-200 mg/L	0.20
200-225 mg/L	0.23
225-250 mg/L	0.25
250+ mg/L	0.26

8.AB Sector AB – Transportation Equipment, Industrial or Commercial Machinery Facilities.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AB.1 Covered Stormwater Discharges.

The requirements in Subpart AB apply to stormwater discharges associated with industrial activity from Transportation Equipment, Industrial or Commercial Machinery facilities as identified by the SIC Codes specified under Sector AB in Table D-1 of Appendix D of the permit.

8.AB.2 Additional SWPPP Requirements.

8.AB.2.1 Drainage Area Site Map. (See also Part 5.1.2) Identify in your SWPPP where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.

8.AC Sector AC –Electronic and Electrical Equipment and Components, Photographic and Optical Goods.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AC.1 Covered Stormwater Discharges.

The requirements in Subpart AC apply to stormwater discharges associated with industrial activity from facilities that manufacture Electronic and Electrical Equipment and Components, Photographic and Optical goods as identified by the SIC Codes specified in Table D-1 of Appendix D of the permit.

8.AC.2 Additional Requirements.

No additional sector-specific requirements apply.

8.AD Sector AD – Stormwater Discharges Designated by the Director as Requiring Permits.

You must comply with Part 8 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities, as defined in Appendix A. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.AD.1 Covered Stormwater Discharges.

Sector AD is used to provide permit coverage for facilities designated by the Director as needing a stormwater permit, and any discharges of stormwater associated with industrial activity that do not meet the description of an industrial activity covered by Sectors A-AC.

8.AD.1.1 Eligibility for Permit Coverage. Because this sector is primarily intended for use by discharges designated by the Director as needing a stormwater permit (which is an atypical circumstance), and your facility may or may not normally be considered to be discharging stormwater associated with industrial activity, you must obtain the Director's written permission to use this permit prior to submitting an NOI or have been notified by NDEQ that permit authorization is required and

that this permit is applicable. If you are authorized to use this permit, you will still be required to ensure that your discharges meet the basic eligibility provisions of this permit at Part 1.2.

8.AD.2 Sector-Specific Benchmarks and Effluent Limits. (See also Part 6 of the permit.)

The Director may establish additional monitoring and reporting requirements for your facility prior to authorizing you to be covered by this permit. Additional monitoring requirements would be based on the nature of activities at your facility and your stormwater discharges.

9. Permit Conditions Applicable to Specific Indian Country Lands, Service Delivery Areas, or Territories

9.1 Ponca Tribe of Nebraska

Knox, Holt Counties

9.1.1 Ponca Restoration Act (U.S. Code Title 25, Chapter 14, Subchapter XLVI-A – Ponca Tribe of Nebraska: Restoration of rights and privileges)

Pursuant to the terms and conditions of the Ponca Restoration Act, and subsequent memorandums of agreement, NPDES permitting authority within the Ponca Tribe of Nebraska Service Delivery Areas is the Nebraska Department of Environmental Quality. This General Permit is applicable to these discharges.

9.2 Omaha Tribe of Nebraska

Thurston, Cumming, Burt Counties

9.2.1 USEPA Region 7

NPDES permitting authority within the Tribal Reservation Boundary is not delegated to the State of Nebraska. EPA Region 7 is the permitting authority for these lands. Contact information is provided below:

U.S. EPA - Region 7
11201 Renner Blvd
Lenexa , KS 66219

Additional contact information is available at USEPA website at: https://www.epa.gov/npdes

9.3 Winnebego Tribe of Nebraska

Thurston, Dixon Counties

9.3.1 USEPA Region 7

NPDES permitting authority within the Tribal Reservation Boundary is not delegated to the State of Nebraska. EPA Region 7 is the permitting authority for these lands. Contact information is provided below:

U.S. EPA - Region 7
11201 Renner Blvd
Lenexa, KS 66219

Additional contact information is available at USEPA website at: https://www.epa.gov/npdes

9.4 Santee Sioux Tribe of Nebraska

Knox County

9.4.1 USEPA Region 7

NPDES permitting authority within the Tribal Reservation Boundary is not delegated to the State of Nebraska. EPA Region 7 is the permitting authority for these lands. Contact information is provided below:

U.S. EPA - Region 7
11201 Renner Blvd
Lenexa, KS 66219

Additional contact information is available at USEPA website at: https://www.epa.gov/npdes

9.5 Pine Ridge Trust Lands

Sheridan County

9.5.1 USEPA Region 8

NPDES permitting authority within the Tribal Reservation Boundary is not delegated to the State of Nebraska. EPA Region 8 is the permitting authority for these lands. Contact information is provided below:

U.S. EPA - Region 8
Stormwater Coordinator
80C-EISC
1595 Wynkoop Street
Denver, CO 80202-1129

Additional contact information is available at USEPA website at: https://www.epa.gov/npdes

9.6 Sac and Fox

Richardson County

9.6.1 USEPA Region 7

NPDES permitting authority within the Tribal Reservation Boundary is not delegated to the State of Nebraska. EPA Region 7 is the permitting authority for these lands. Contact information is provided below:

U.S. EPA - Region 7
11201 Renner Blvd
Lenexa City, KS 66219

Additional contact information is available at USEPA website at: https://www.epa.gov/npdes

9.7 Ioway Tribe of Kansas and Nebraska

Richardson County

9.7.1 USEPA Region 7

NPDES permitting authority within the Tribal Reservation Boundary is not delegated to the State of Nebraska. EPA Region 7 is the permitting authority for these lands. Contact information is provided below:

U.S. EPA - Region 7
11201 Renner Blvd
Lenexa City, KS 66219

Additional contact information is available at USEPA website at: https://www.epa.gov/npdes

10.0 Electronic Reporting

The National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule requires electronic reporting of NPDES information rather than the currently required paper based reports from the permitted facilities. To comply with the federal rule, permittees will be required to submit NOIs, Relocation, and NOTs electronically on the NDEQ website.

Appendix A

Definitions, Abbreviations and Acronyms

Appendix A. Definitions, Abbreviations, and Acronyms (for the purposes of this permit).

Action Area – all areas to be affected directly or indirectly by the stormwater discharges, allowable non-stormwater discharges, and stormwater discharge-related activities, and not merely the immediate area involved in these discharges and activities.

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. (See 40 CFR 122.2)

Co-located Industrial Activities – Any industrial activities, excluding your primary industrial activity(ies), located on-site that are defined by the stormwater regulations at 122.26(b)(14)(i)-(ix) and (xi). An activity at a facility is not considered co-located if the activity, when considered separately, does not meet the description of a category of industrial activity covered by the stormwater regulations or identified by the SIC code list in Appendix D.

Control Measure – refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

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

Discharge – when used without qualification, means the "discharge of a pollutant." See also Title 119, Chapter 1, Part 038.

Discharge of a pollutant – any addition of any "pollutant" or combination of pollutants to "waters of the State" from any "point source". This includes discharge into waters of the state from surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality or other party which do not lead to treatment systems; and discharges through pipes, sewers, or other conveyances, leading into treatment systems owned in whole or in part by a third party other than a state or municipality.

Discharge-related activities – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Drought-stricken area – a period of below average water content in streams, reservoirs, ground-water aquifers, lakes and soils. For the purposes of this permit, a drought-stricken area is identified by the National Drought Mitigation Center as an intensity of at least D1 Drought – Moderate. Information on Drought Monitoring is available from the National Drought Mitigation Center at: *http://drought.unl.edu/*

EPA Approved or Established Total Maximum Daily Loads (TMDLs) – "EPA Approved TMDLs" are those that are developed by NDEQ and approved by EPA. "EPA Established TMDLs" are those that are developed by EPA.

Existing Discharger – an operator applying for coverage under this permit for discharges authorized previously under an NPDES general or individual permit.

Expanded Discharges – Instances where an alteration or addition to a facility could significantly change the nature or increase the quantity of pollutants from a facility's stormwater discharge.

Facility or Activity – any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. (See Title 119, Chapter1, Part 046, see also 40 CFR 122.2)

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment") – A water is impaired for purposes of this permit if it has been identified by a NDEQ pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards. Impaired waters include both

waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established. Impaired waters are identified in the NDEQ Surface Water Quality Integrated Report

Indian Country – (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe. (18 U.S.C. 1151)

Industrial Activity – the 10 categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi).

Industrial Stormwater – stormwater runoff from industrial activity.

Monitored Outfall – means any discernible, confined and discrete conveyance, including but not limited to any pipe, sewer, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, collection system, or other conveyances, which do not lead to treatment systems, from which pollutants are or may be discharged, (i.e. a shallow swale or rill, a depression, or a curb cut could fit such a description.)

Areas of true sheet flow are authorized and regulated under this permit, but are not included in monitored outfalls. True sheet flow at an industrial facility usually does not exist due to the channelization of flow from buildings, curbs, parking lots, roads, etc. Flows which are concentrated prior to discharge but discharging as sheet flow should be monitored at the point where they are concentrated (i.e., discharges flowing to a level spreader). Flows which discharge as sheet flow but are concentrated prior to co-mingling with other significant sources of run-off should be monitored where practicable.

Municipal Separate Storm Sewer System (MS4) - all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to this chapter or designated under Title 119, Chapter 10.

Large MS4 – all municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more as determined by the 1990 Decennial Census by the Bureau of the Census, or designated by the Director as part of the large municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers designated as a Large MS4.

Medium MS4 – all municipal separate storm sewers that are located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of the Census or designated by the Director as part of the medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers designated as a Medium MS4.

Small MS4 – all separate storm sewers that are not defined as "large" or "medium" municipal separate storm sewer systems pursuant to this chapter or designated under Title 119, Chapter 10. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Permitted MS4 – authorized under an NPDES permit for the discharge of stormwater from a municipal separate storm sewer system to Waters of the State of Nebraska.

New Discharger – a facility from which there is a discharge, that did not commence the discharge at a particular site prior to August 13, 1979, which is not a new source, and which has never received a finally effective NPDES permit for discharges at that site. See 40 CFR 122.2.

New Source – any building, structure, facility, or installation from which there is or may be a "discharge of pollutants," the construction of which commenced:

- after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or
- after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal. See 40 CFR 122.2.

New Source Performance Standards (NSPS) – technology-based standards for facilities that qualify as new sources under 40 CFR 122.2 and 40 CFR 122.29.

No exposure – all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. See Title 119, Chapter 10, Part 007, (see also 40 CFR 122.26(g)).

Operator – any entity with a stormwater discharge associated with industrial activity that meets either of the following two criteria:

(i) The entity has operational control over industrial activities, including the ability to modify those activities; or

(ii) The entity has day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

Outfall Specific Procedures – those procedures which relate to a specific outfall, including: 5.1.2, *locations of each outfall with a unique identifier*, 5.1.3.3, *...corresponding outfall(s) that would be affected by such spills...*, additionally, this exemption would apply to benchmark and impaired waters monitoring, as identified in 1.8.5. (Quarterly visual assessments do apply as identified within 1.8.4.3.). This exemption applies to situations where requirements for a specific outfall are difficult to implement due to the portability of the facility and the frequent change of outfall location, receiving stream, drainage patterns and contributing drainage areas.

Person – any federal agency, individual, partnership, association, public or private corporation, trustee, receiver, assignee, agent, municipality, or governmental subdivision, public agency, officer or governing or managing body of any municipality, governmental subdivision of public agency, or any other legal entity except the Department.

Point source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff. See Title 119, Chapter 1, Part 088.

Pollutant – including, but not limited to, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954 as amended, 42 U.S.C. 2011 et seq, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. See Title 119, Chapter 1, Part 089.

Pollutant of concern – A pollutant which causes or contributes to a violation of a water quality standard, including a pollutant which is identified as causing an impairment in a 303(d) list.

Portable Facility – Facility operations are temporary and involve at least one change of location during the term of the permit, subject to Department approval.

Primary industrial activity – includes any activities performed on-site which are (1) identified by the facility's primary SIC code; or (2) included in the narrative descriptions of 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). [For co-located activities covered by multiple SIC codes, it is recommended that the primary industrial determination be based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary industrial activity.] Narrative descriptions in 40 CFR 122.26(b)(14) identified above include: (i) activities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards; (iv) hazardous waste treatment storage, or disposal facilities including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA); (v) landfills, land application sites and open dumps that receive or have received industrial wastes; (vii) steam electric power generating facilities; and (ix) sewage treatment works with a design flow of 1.0 mgd or more.

Qualified Personnel – Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at your facility, and who can also evaluate the effectiveness of control measures.

Reportable Quantity Release – a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 CFR Parts 110, 117, and 302 for complete definitions and reportable quantities for which notification is required.

Runoff coefficient – the fraction of total rainfall that will appear at the conveyance as runoff. See 40 CFR 122.26(b)(11).

Semi-Arid Climate – areas where annual rainfall averages from 10 to 20 inches. For the state of Nebraska, this climate region includes the panhandle and is an irregular shaped area which includes North Platte. To view general climate maps go to: *http://www.nationalatlas.gov/printable/images/pdf/precip/pageprecip_ne3.pdf* Determinations of Semi-arid should be made based upon local annual precipitation averages.

Sheet flow – means an overland flow or downslope movement of water taking the form of a thin, continuous film over relatively smooth and level surfaces and not concentrated into channels or conveyances.

Significant materials – includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges. See 40 CFR 122.26(b)(12).

State Resource Waters 'Class A' – For antidegradation purposes, State Resource Waters 'Class A' are surface waters, whether or not they are designated in the Surface Water Quality Standards, which constitute an outstanding State or National resource, such as waters within national or state parks, national forests or wildlife refuges, and waters of exceptional recreational or ecological significance. Waters which provide a unique habitat for federally designated endangered or threatened species and rivers designated under the Wild and Scenic Rivers Act are also included. The existing quality of these surface waters shall be maintained and protected. See Title 117, Chapter 3, Part 002.

State Resource Waters 'Class B' – For antidegradation purposes, State Resource Waters 'Class B' are surface waters, whether or not they are designated in the Surface Water Quality Standards, which possess an existing quality which exceeds levels necessary to maintain recreational and/or aquatic life uses. The existing water quality of these surface waters shall be maintained and protected. However, the State may

choose, in accordance with Neb. Rev. Stat. § 81-1513, to allow lower water quality as a result of important and necessary economic or social development in the area. There shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control. In cases where potential water quality impairment associated with a thermal discharge is involved, the method of implementation of this antidegradation policy shall be consistent with Section 316 of the Clean Water Act.

Stormwater – stormwater runoff, snow melt runoff, and surface runoff and drainage. See 40 CFR 122.26(b)(13).

Stormwater Discharges Associated with Construction Activity – a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

Stormwater Discharges Associated with Industrial Activity – the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at part 401 of this chapter); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in 40 CFR 122.26(b)(14). The term also includes those facilities designated under the provisions of 40 CFR 122.26(a)(1)(v). See 40 CFR 122.26(b)(14).

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR 130.2 and 130.7).

Water Quality Impaired – See 'Impaired Water'.

Water Quality Standards – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (See CWA sections 101(a)2 and 303(c)). Water quality standards also include an antidegradation policy. See P.U.D. o. 1 of Jefferson County et al v. Wash Dept of Ecology et al, 511 US 701, 705 (1994).

"You" and "Your" – as used in this permit are intended to refer to the permittee, the operator, or the discharger as the context indicates and that party's facility or responsibilities. The use of "you" and "your" refers to a particular facility and not to all facilities operated by a particular entity. For example, "you must submit" means the permittee must submit something for that particular facility. Likewise, "all your discharges" would refer only to discharges at that one facility.

A.2. ABBREVIATIONS AND ACRONYMS

BAT – Best Available Technology Economically Achievable

BOD5 – Biochemical Oxygen Demand (5-day test)

BMP – Best Management Practice

BPT – Best Practicable Control Technology Currently Available

CERCLA – Comprehensive Environmental Response, Compensation and Liability Act

CSW-GP – Construction Storm Water General Permit

COD – Chemical Oxygen Demand

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*)

EPA – U. S. Environmental Protection Agency

ESA – Endangered Species Act

FWS – U. S. Fish and Wildlife Service

ISW-SEMR – Industrial Storm Water – Storm Event Monitoring Report

ISW-GP – Industrial Storm Water General Permit

LA – Load Allocations

MGD – Million Gallons per Day

MS4 – Municipal Separate Storm Sewer System

MSDS – Material Safety Data Sheet

NAICS – North American Industry Classification System

NHPA – National Historic Preservation Act

NMFS – U. S. National Marine Fisheries Service

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NRHP – National Register of Historic Places

NSPS – New Source Performance Standard

NTU – Nephelometric Turbidity Unit

OSM – U. S. Office of Surface Mining

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

RQ – Reportable Quantity

SARA – Superfund Amendments and Reauthorization Act

SIC – Standard Industrial Classification

SMCRA – Surface Mining Control and Reclamation Act

SPCC – Spill Prevention, Control, and Countermeasures

SWPPP – Storm Water Pollution Prevention Plan

TMDL – Total Maximum Daily Load

TSDF – Treatment, Storage, or Disposal Facility

TSS – Total Suspended Solids

USGS – United States Geological Survey

WLA – Wasteload Allocation

WQS – Water Quality Standard

Appendix B

Standard Permit Conditions

Appendix B. 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. Please refer to the permit specific conditions located elsewhere in this permit for requirements specific to this permit. Timeframes and requirements specified elsewhere in this permit override these Standard Conditions.

B.1 General Conditions

B.1.1 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.

B.1.2 Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the State Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

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 Clean Water Act 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.

B.1.3 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 authorization.

B.1.4 Need to Halt or Reduce Activity is 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.

B.1.5 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.

B.1.6 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 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 the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

B.1.7 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.

B.1.8 Property Rights

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

B.1.9 Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request copies of records required to be kept by this permit.

B.1.10 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:

B.1.10.1 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.1.10.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

B.1.10.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

B.1.10.4 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.

B.1.11 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.1.12 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.

B.1.13 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.

B.1.14 Unlawful Acts; Civil Penalty

B.1.14.1 It shall be unlawful for any person:

• To refuse the right of entry and inspection to any authorized representative of the department when the representative is acting under the provisions of a permit issued by the department;

• To violate any air, water, or land quality standards, any emission or effluent standards or limitations, any permit or license condition or limitation, any order of the director, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, the Integrated Solid Waste Management Act, or the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts;

• To make any false statement, representation, or certification in any application, label, record, report, plan, or other document required to be filed or maintained by such acts, rules, or regulations;

• To falsify, tamper with, or render inaccurate any monitoring device or method used or required for compliance with a permit or license or such acts, rules, or regulations; or

• To violate any other provision of or fail to perform any other duty imposed by such acts, rules, or regulations.

B.1.14.2 Each violation of this section or of Neb. Rev. Stat § 81-1506 shall subject a person to a civil penalty of no more than $10,000 per day. In case of a continuing violation, each day shall constitute a separate offense. In assessing the amount of the fine, the court shall consider the degree and extent of the violation, the size of the operation, and any economic benefit derived from noncompliance to violate any air, water, or land quality standards, any emission or effluent standards or limitations, any permit or license condition or limitation, any order of the Director, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, the Integrated Solid Waste Management Act, or the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts. Violations may also result in federal prosecution.

B.1.15 Severability

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

B.1.16 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.

B.2 Signatory Requirements

B.2.1 Applications

B.2.1.1 Applications, reports, or information submitted to the Director shall be signed and certified.

B.2.1.2 All permit applications shall be signed as follows:

• For a corporation: 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.

• For a partnership or sole proprietorship: By a general partner or the proprietor.

• For a municipality, State, Federal, or other public agency: 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.2.1.3 All reports required by permits, and other information requested by the Director shall be signed by a person described in this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

• The authorization is made in writing by a person described in B.2.1.2 above;

• 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;

• The written authorization is submitted to the Director.

B.2.2 Changes to Authorization

If an authorization of section B.2.1.2 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.

B.2.3 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 fine and imprisonment for knowing violations."

B.3 Monitoring and Records

B.3.1 Samples

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

B.3.2 Records

Records of monitoring information shall include:

- The date(s), exact place, and time and methods of sampling or measurements;
- The individual(s) who performed the sampling or measurements;
- The date(s) analyses were performed;
- The individual(s) who performed the analyses;
- The analytical techniques or methods used; and
- The results of such analyses.

B.3.3 Test Methods

Monitoring must be conducted according to test procedures approved in NDEQ Title 119, Chapter 27 002 unless another method is required under 40 CFR subchapter N – Effluent Guidelines and Standards Parts 425 to 471 and subchapter O – Sewer Sludge Parts 501 and 503.

B.3.4 Record Retention

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.

B.3.5 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.

B.3.5.1 Composite sampling shall be conducted in one of the following manners:

- Continuous discharge - a minimum of one discrete aliquot collected every three hours,
- Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or
- Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.

B.3.5.2 Composite samples shall be collected in one of the following manners:

- 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,
- A number of equal volume aliquots taken at varying time intervals in proportion to flow,
- A sample continuously collected in proportion to flow, and

• Where flow proportional sampling is infeasible or nonrepresentative of the pollutant loadings, the Department may approve the use of time composite samples.

B.3.5.3 Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.

B.3.5.4 All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21 006 unless:

• In the case of sludge samples, alternative techniques are specified in the 40 CFR, Part 503, or

• Other procedures are specified in this permit.

B.3.5.5 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:

• *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/).

• *NPDES Compliance Inspection Manual*, U. S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Publication EPA 305-X-04-001 July 2004. This document is available on EPA website:

http://www.epa.gov/compliance/resources/publications/monitoring/cwa/inspections/npdesinspect/npdesmanual.html

B.4 Reporting Requirements

B.4.1 Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

B.4.1.1 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;

B.4.1.2 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 in NDEQ Title 119, Chapter 4; or

B.4.1.3 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.

B.4.2 Anticipated Noncompliance

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

B.4.3 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 in NDEQ Title 119, Chapter 24; in some cases, modification or revocation and reissuance is mandatory.

B.4.4 Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

B.4.4.1 Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director.

B.4.4.2 If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under in NDEQ Title 119, Chapter 27 002, or another method required for an industry-specific waste stream under 40 CFR subchapter N – Effluent Guidelines and Standards Parts 425 to 471 and subchapter 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.

B.4.4.3 Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

B.4.5 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.

B.4.6 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.

B.4.7 Immediate Notification

B.4.7.1 ***NPP permittees*** shall report immediately to the publicly owned treatment works (POTW), any discharge to the POTW that may result in a violation of NDEQ Title 119, Chapter 26.

B.4.7.2 ***All permittees*** shall report immediately to the NDEQ:

- Discharges of oil or hazardous substances which threaten waters of the state or public health and welfare, and
- Discharges causing in-stream toxicity (i.e., a fish kill) or an immediate threat to human health.

B.4.7.3 Initial notification may be verbal. A written noncompliance notification shall be submitted as set forth in Section B.4.9 of this Appendix.

B.4.8 Twenty-four Hour Reporting

B.4.8.1 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.

B.4.8.2 The following shall be included as information which must be reported within 24 hours under this paragraph.

- Any unanticipated bypass which exceeds any effluent limitation in the permit.
- Any upset which exceeds any effluent limitation in the permit.
- 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.

B.4.8.3 The Director may waive the written report on a case-by-case basis for reports under Section B.4 if the oral report has been received within 24 hours.

B.4.9 Written Noncompliance Notification

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

B.4.9.1 Within five days of becoming aware of any noncompliance with the:

- NPP effluent limitations or requirements set forth in this permit, or
- NPDES toxic pollutant effluent limitations or requirements set forth in this permit.

B.4.9.2 Within seven days of becoming aware of any other noncompliance with the NPDES requirements and/or effluent limitations set forth in this permit. The written notification shall be submitted on a noncompliance form supplied by the Department and shall include:

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

B.4.9.3 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.

B.4.10 Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph B.4.7. at the time discharge monitoring reports are submitted.

B.4.11 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.

B.5 Bypass

B.5.1 Definitions

B.5.1.1 Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

B.5.1.2 Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B.5.2 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 B.5.3 and B.5.4 of this section.

B.5.3 Notice

B.5.3.1 Anticipated bypass: If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

B.5.3.2 Unanticipated bypass: The permittee shall submit notice of an unanticipated bypass as required in the 24-hour notice (paragraph B.4.7).

B.5.4 Prohibition of Bypass

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

B.5.4.1 Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

B.5.4.2 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

B.5.4.3 The permittee submitted notices as required under paragraph B.5.3 of this section.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraphs B.5.4.1, B.5.4.2, and B.5.4.3 of this section.

B.6 Upset

B.6.1 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.6.1 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 B.6.3 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.

B.6.3 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:

B.6.3.1 An upset occurred and that the permittee can identify the cause(s) of the upset;

B.6.3.2 The permitted facility was at the time being properly operated;

B.6.3.3 The permittee submitted notice of the upset as required in paragraph B.4.7.2 (24-hour notice); and

B.6.3.4 Permittee complied with any remedial measures required under paragraph B.6.4 of this section.

B.6.4 Burden of Proof

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

B.7 Operation and Maintenance

B.7.1 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.

B.7.2 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.

B.7.3 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.

B.7.4 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:

B.7.4.1 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:

- 100 micrograms per liter (0.1 mg/L) for any toxic pollutant,
- 200 micrograms per liter for acrolein and acrylonitrile (0.2 mg/L),
- 500 micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol (0.5 mg/L),
- 1000 micrograms per liter for antimony (1 mg/L),
- Five times the maximum concentration value reported for that pollutant in the permit application or
- An alternative level established by the Director, and

B.7.4.2 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:

- 500 micrograms per liter (0.5 mg/L) for any toxic pollutant,
- 1000 micrograms for antimony (1 mg/L),
- Ten times the maximum concentration value reported for that pollutant in the permit application, or
- An alternative level established by the Director.

B.7.5 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.

B.7.6 Changes of Loadings to Publicly Owned Treatment Work (POTW)

All POTWs must provide adequate notice to the Director of the following:

B.7.6.1 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; and

B.7.6.1 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.

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.

B.8 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 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: 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.

B.9 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

Appendix C

List of 40 CFR Subchapter N Categories

40 CFR Point Source Category			
Part 405	Dairy Products Processing	Part 435	Oil & Gas Extraction
Part 406	Grain Mills	Part 436	Mineral Mining & Processing
Part 407	Canned & Preserved Fruits & Vegetables	Part 437	Centralized Waste Treatment
Part 408	Canned & Preserved Seafood Processing	Part 438	Metal Products and Machinery
Part 409	Sugar Processing	Part 439	Pharmaceutical Manufacturing
Part 410	Textile Mills	Part 440	Ore Mining & Dressing
Part 411	Cement Manufacturing	Part 442	Transportation Equipment Cleaning
Part 412	CAFOs	Part 443	Paving and Roofing Material (Tars and Asphalt)
Part 413	Electroplating	Part 444	Waste Combustors
Part 414	Organic Chemicals, Plastics, and Synthetic Fibers	Part 445	Landfills
Part 415	Inorganic Chemicals Manufacturing	Part 446	Paint Formulating
Part 417	Soap and Detergent	Part 447	Ink Formulating
Part 418	Fertilizer Manufacturing	Part 450	Construction and Development
Part 419	Petroleum Refining	Part 451	Concentrated Aquatic Animal Production
Part 420	Iron & Steel Manufacturing	Part 454	Gum & Wood Chemicals Manufacturing
Part 421	Nonferrous Metals Manufacturing	Part 455	Pesticide Chemicals
Part 422	Phosphate Manufacturing	Part 457	Explosives Manufacturing
Part 423	Steam Electric Power Generating	Part 458	Carbon Black Manufacturing
Part 424	Ferroalloy Manufacturing	Part 459	Photographic
Part 425	Leather Tanning and Finishing	Part 460	Hospital
Part 426	Glass Manufacturing	Part 461	Battery Manufacturing
Part 427	Asbestos Manufacturing	Part 463	Plastics Molding & Forming
Part 428	Rubber Manufacturing	Part 464	Metal Molding & Casting
Part 429	Timber Products Processing	Part 465	Coil Coating
Part 430	Pulp, Paper, and Paperboard	Part 466	Porcelain Enameling
Part 429	Glass Manufacturing	Part 467	Aluminum Forming
Part 432	Meat and Poultry Products	Part 468	Copper Forming
Part 433	Metal Finishing	Part 469	Electrical & Electronic Components
Part 434	Coal Mining	Part 471	Nonferrous Metals Forming & Metal Powders

Appendix D

Activities Covered

Table D-1. Sectors of Industrial Activity covered by this General Permit		
Subsector (May be subject to more than one sector/subsector)	**SIC Code or Activity Code[1]**	**Activity Represented**
SECTOR A: TIMBER PRODUCTS		
A1	2421	General Sawmills and Planing Mills
A2	2491	Wood Preserving
A3	2411	Log Storage and Handling
A4	2426	Hardwood Dimension and Flooring Mills
	2429	Special Product Sawmills, Not Elsewhere Classified
	2431-2439 (except 2434)	Millwork, Veneer, Plywood, and Structural Wood (see Sector W)
	2448	Wood Pallets and Skids
	2449	Wood Containers, Not Elsewhere Classified
	2451, 2452	Wood Buildings and Mobile Homes
	2493	Reconstituted Wood Products
	2499	Wood Products, Not Elsewhere Classified
A5	2441	Nailed and Lock Corner Wood Boxes and Shook
SECTOR B: PAPER AND ALLIED PRODUCTS		
B1	2631	Paperboard Mills
B2	2611	Pulp Mills
	2621	Paper Mills
	2652-2657	Paperboard Containers and Boxes
	2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes
SECTOR C: CHEMICALS AND ALLIED PRODUCTS		
C1	2873-2879	Agricultural Chemicals
C2	2812-2819	Industrial Inorganic Chemicals
C3	2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations
C4	2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass
C5	2861-2869	Industrial Organic Chemicals
C6	2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; in vitro and in vivo Diagnostic Substances; and Biological Products, Except Diagnostic Substances
	2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products
	2891-2899	Miscellaneous Chemical Products
	3952 (limited to list of inks and paints)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors
	2911	Petroleum Refining
SECTOR D: ASPHALT PAVING AND ROOFING MATERIALS AND LUBRICANTS		
D1	2951, 2952	Asphalt Paving and Roofing Materials
D2	2992, 2999	Miscellaneous Products of Petroleum and Coal

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code[1]	Activity Represented
SECTOR E: GLASS, CLAY, CEMENT, CONCRETE, AND GYPSUM PRODUCTS		
E1	3251-3259	Structural Clay Products
	3261-3269	Pottery and Related Products
E2	3271-3275	Concrete, Gypsum, and Plaster Products
E3	3211	Flat Glass
	3221, 3229	Glass and Glassware, Pressed or Blown
	3231	Glass Products Made of Purchased Glass
	3241	Hydraulic Cement
	3281	Cut Stone and Stone Products
	3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products
SECTOR F: PRIMARY METALS		
F1	3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills
F2	3321-3325	Iron and Steel Foundries
F3	3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals
F4	3363-3369	Nonferrous Foundries (Castings)
F5	3331-3339	Primary Smelting and Refining of Nonferrous Metals
	3341	Secondary Smelting and Refining of Nonferrous Metals
	3398, 3399	Miscellaneous Primary Metal Products
SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
	1094,1099	Miscellaneous Metal Ores
SECTOR H: COAL MINES AND COAL MINING-RELATED FACILITIES		
H1	1221-1241	Coal Mines and Coal Mining-Related Facilities
SECTOR I: OIL AND GAS EXTRACTION AND REFINING		
I1	1311	Crude Petroleum and Natural Gas
	1321	Natural Gas Liquids
	1381-1389	Oil and Gas Field Services
SECTOR J: MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Nonmetallic Minerals Services, Except Fuels
	1499	Miscellaneous Nonmetallic Minerals, Except Fuels
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code[1]	Activity Represented
SECTOR K: HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES		
K1	HZ	Hazardous Waste Treatment, Storage, or Disposal Facilities, including those that are operating under interim status or a permit under subtitle C of RCRA
SECTOR L: LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS		
L1	LF	All Landfill, Land Application Sites and Open Dumps, except Municipal Solid Waste Landfill (MSWLF) Areas Closed in Accordance with 40 CFR 258.60
SECTOR M: AUTOMOBILE SALVAGE YARDS		
M1	5015	Automobile Salvage Yards
SECTOR N: SCRAP RECYCLING FACILITIES		
N1	5093	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling
N2	5093	Source-separated Recycling Facility
SECTOR O: STEAM ELECTRIC GENERATING FACILITIES		
O1	SE	Steam Electric Generating Facilities, including coal handling site
SECTOR P: LAND TRANSPORTATION AND WAREHOUSING[2]		
P1	4011, 4013	Railroad Transportation
	4111-4173	Local and Highway Passenger Transportation
	4212-4231	Motor Freight Transportation and Warehousing
	4311	United States Postal Service
	5171	Petroleum Bulk Stations and Terminals
SECTOR Q: WATER TRANSPORTATION[2]		
Q1	4412-4499	Water Transportation Facilities
SECTOR R: SHIP AND BOAT BUILDING AND REPAIRING YARDS		
R1	3731, 3732	Ship and Boat Building or Repairing Yards
SECTOR S: AIR TRANSPORTATION FACILITIES[2]		
S1	4512-4581	Air Transportation Facilities
SECTOR T: TREATMENT WORKS		
T1	TW	Treatment Works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA
SECTOR U: FOOD AND KINDRED PRODUCTS		
U1	2041-2048	Grain Mill Products
U2	2074-2079	Fats and Oils Products
U3	2011-2015	Meat Products
	2021-2026	Dairy Products
	2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code[1]	Activity Represented
U3 (continued)	2051-2053	Bakery Products
	2061-2068	Sugar and Confectionery Products
	2082-2087	Beverages
	2091-2099	Miscellaneous Food Preparations and Kindred Products
	2111-2141	Tobacco Products
SECTOR V: TEXTILE MILLS, APPAREL, AND OTHER FABRIC PRODUCT MANUFACTURING; LEATHER AND LEATHER PRODUCTS		
V1	2211-2299	Textile Mill Products
	2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials
	3131-3199	Leather and Leather Products (note: see Sector Z1 for Leather Tanning and Finishing)
SECTOR W: FURNITURE AND FIXTURES		
W1	2434	Wood Kitchen Cabinets
	2511-2599	Furniture and Fixtures
SECTOR X: PRINTING AND PUBLISHING		
X1	2711-2796	Printing, Publishing, and Allied Industries
SECTOR Y: RUBBER, MISCELLANEOUS PLASTIC PRODUCTS, AND MISCELLANEOUS MANUFACTURING INDUSTRIES		
Y1	3011	Tires and Inner Tubes
	3021	Rubber and Plastics Footwear
	3052, 3053	Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting
	3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified
Y2	3081-3089	Miscellaneous Plastics Products
	3931	Musical Instruments
	3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods
	3951-3955 (except 3952 – see Sector C)	Pens, Pencils, and Other Artists' Materials
	3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal
	3991-3999	Miscellaneous Manufacturing Industries
SECTOR Z: LEATHER TANNING AND FINISHING		
Z1	3111	Leather Tanning and Finishing
SECTOR AA: FABRICATED METAL PRODUCTS		
AA1	3411-3499 (except 3479)	Fabricated Metal Products, Except Machinery and Transportation Equipment, and Coating, Engraving, and Allied Services.
	3911-3915	Jewelry, Silverware, and Plated Ware
AA2	3479	Fabricated Metal Coating and Engraving

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code[1]	Activity Represented
SECTOR AB: TRANSPORTATION EQUIPMENT, INDUSTRIAL OR COMMERCIAL MACHINERY		
AB1	3511-3599 (except 3571-3579)	Industrial and Commercial Machinery, Except Computer and Office Equipment (see Sector AC)
	3711-3799 (except 3731, 3732)	Transportation Equipment Except Ship and Boat Building and Repairing (see Sector R)
SECTOR AC: ELECTRONIC, ELECTRICAL, PHOTOGRAPHIC, AND OPTICAL GOODS		
AC1	3571-3579	Computer and Office Equipment
	3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic and Optical Goods, Watches, and Clocks
	3612-3699	Electronic and Electrical Equipment and Components, Except Computer Equipment
SECTOR AD: NON-CLASSIFIED FACILITIES		
AD1	Other stormwater discharges designated by the Director as needing a permit (see 40 CFR 122.26(a)(9)(i)(C) & (D)) or any facility discharging stormwater associated with industrial activity not described by any of Sectors A-AC. NOTE: Facilities may not elect to be covered under Sector AD. Only the Director may assign a facility to Sector AD.	

[1] Internet hosted resources are available to determine the applicable SIC Code at http://www.osha.gov/pls/imis/sicsearch.html and conversions from NAICS to SIC at http://www.census.gov/epcd/www/naicstab.htm SIC codes may also be determined using the *Handbook of Standard Industrial Classifications*, Office of Management and Budget, 1987.

[2] Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which do not have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations are not covered under this section. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning, or which are otherwise identified under 40 CFR Part 122.26(b)(14)(i)-(vii) or (ix)-(xi) are associated with industrial activity.

Appendix E

Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Appendix E. Calculating Hardness in Receiving Waters for Hardness Dependent Metals

Overview

The benchmarks for six hardness-dependent metals (i.e., cadmium, copper, lead, nickel, silver, and zinc) have been adjusted to further ensure compliance with water quality standards and provide additional protection for endangered species and their critical habitat. For any sectors required to conduct benchmark samples for a hardness-dependent metal, this permit includes 'hardness ranges' from which benchmark values are determined. To determine which hardness range to use, you must collect data on the hardness of your receiving water(s). Once the site-specific hardness data have been collected, the corresponding benchmark value for each metal is determined by comparing where the hardness data fall within 25 mg/L ranges, as shown in Table 1.

Table E-1. ***Hardness Ranges to Be Used to Determine Benchmark Values for Cadmium, Copper, Lead, Nickel, Silver, and Zinc.***

All Units mg/L	Benchmark Values (mg/L, total)					
	Cadmium	Copper	Lead	Nickel	Silver	Zinc
0-25 mg/L	0.0005	0.0038	0.014	0.15	0.0007	0.04
25-50 mg/L	0.0008	0.0056	0.023	0.20	0.0007	0.05
50-75 mg/L	0.0013	0.0090	0.045	0.32	0.0017	0.08
75-100 mg/L	0.0018	0.0123	0.069	0.42	0.0030	0.11
100-125 mg/L	0.0023	0.0156	0.095	0.52	0.0046	0.13
125-150 mg/L	0.0029	0.0189	0.122	0.61	0.0065	0.16
150-175 mg/L	0.0034	0.0221	0.151	0.71	0.0087	0.18
175-200 mg/L	0.0039	0.0253	0.182	0.80	0.0112	0.20
200-225 mg/L	0.0045	0.0285	0.213	0.89	0.0138	0.23
225-250 mg/L	0.0050	0.0316	0.246	0.98	0.0168	0.25
250+ mg/L	0.0053	0.0332	0.262	1.02	0.0183	0.26

How to Determine Hardness for Hardness-Dependent Parameters.

You may select one of three methods to determine hardness, including; individual grab sampling, grab sampling by a group of operators which discharge to the same receiving water, or using third-party data. Regardless of the method used, you are responsible for documenting the procedures used for determining hardness values. Once the hardness value is established, you are required to include this information with your benchmark monitoring records so that the Agency can make appropriate comparisons between your benchmark monitoring results and the corresponding benchmark. You must retain all records and monitoring data in accordance with Part 7. of the permit. The three method options for determining hardness are detailed in the following sections.

(1) Permittee Samples for Receiving Stream Hardness

This method involves collecting samples in the receiving water and submitting these to a laboratory for analysis. If you elect to sample your receiving water(s) and submit samples for analysis, hardness must be determined from the closest intermittent or perennial stream downstream of your point of discharge. The sample can be collected during either dry or wet weather. Collection of the sample during wet weather is more representative of conditions during stormwater discharges; however, collection of in-stream samples during wet weather events may be impracticable or present safety issues.

Hardness must be sampled and analyzed using approved methods as described in 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants).

(2) Group Monitoring for Receiving Stream Hardness

You can be part of a group of permittees discharging to the same receiving waters and collect samples that are representative of the hardness values for all members of the group. In this scenario, hardness of the receiving water must be determined using 40 CFR Part 136 procedures and the results shared by group members. To use the same results, hardness measurements must be taken on a stream reach within a reasonable distance of the discharge points of each of the group members.

(3) Collection of Third-Party Hardness Data

You can locate receiving stream hardness data collected by a third party provided the results are collected consistent with the approved 40 CFR Part 136 methods. These data may come from a local water utility, previously conducted stream reports, TMDLs, peer reviewed literature, other government publications, or data previously collected by the permittee. Data should be less than 10 years old.

Water quality data for many of the nation's surface waters are available on-line or by contacting EPA or a state environmental agency. EPA's data system STORET, short for STOrage and RETrieval, is a repository for receiving water quality, biological, and physical data and is used by state environmental agencies, EPA and other federal agencies, universities, private citizens, and many others. Similarly, state environmental agencies and the U.S. Geological Service (USGS) also have water quality data available that, in some instances, can be accessed online. "Legacy STORET" codes for hardness include: 259 hardness, carbonate; 260 hardness, noncarbonated; and 261 calcium + magnesium, while more recent, "Modern STORET" data codes include: 00900 hardness, 00901 carbonate hardness, and 00902 noncarbonate hardness; or the discrete measurements of calcium (00915) and magnesium (00925) can be used to calculate hardness. Hardness data historically has been reported as "carbonate," "noncarbonate," or "Ca + Mg." If these are unavailable, then individual results for calcium (Ca) and magnesium (Mg) may be used to calculate hardness using the following equation:

$$\text{mg/L } CaCO_3 = 2.497 \text{ (Ca mg/L)} + 4.118 \text{ (Mg mg/L)}$$

When interpreting the data for carbonate and non-carbonate hardness, note that total hardness is equivalent to the sum of carbonate and non-carbonate hardness if both forms are reported. If only carbonate hardness is reported, it is more than likely that non-carbonate hardness is absent and the total hardness is equivalent to the available carbonate hardness.

Attachment 1

Procedures Related to Threatened and Endangered Species

(For New or Expanded Dischargers)

THREATENED & ENDANGERED SPECIES GUIDANCE CHECKLIST
For NPDES Industrial Storm Water General Permit #NER910000
(For New or Expanded Dischargers)

Disclaimer: This checklist was developed for guidance purposes only in an effort to assist Industrial Storm Water permit applicants to identify potential locations of threatened and endangered species that could be affected by storm water run-off from industrial sites. Completion of this checklist is not a requirement for permit authorization and is not intended to be used as a substitute for a professional environmental review. The use of this form does not relieve the permittee from further review or enforcement action by the Nebraska Department of Environmental Quality (NDEQ) or the Nebraska Game and Parks Commission (NGPC)

1.	Does the action area drain to a stream of concern? *(See attached Stream and River Reaches of Concern for Nebraska Fish Species map.)*	☐ Yes	☐ No
2.	Does the action area drain to rivers, streams, ponds, lakes or wetlands within the range of American burying beetle? (*See attached American Burying Beetle Distribution map.*)	☐ Yes	☐ No
3.	Does the action area drain to a Salt Creek, Little Salt Creek, Rock Creek or saline wetlands in Lancaster or Saunders County?	☐ Yes	☐ No
4.	Does the action area drain to Lodgepole Creek from Kimball to the Wyoming State line?	☐ Yes	☐ No
5.	Does the action area drain to wetlands or wet meadows in the range of the western prairie fringed orchid or small white lady's slipper. (*These are both species of orchids. See attached Orchid Distribution map.*)	☐ Yes	☐ No
6.	Does the action area drain to a river within the range of interior least tern or piping plover? (*See attached Tern & Plover Distribution map.*)	☐ Yes	☐ No
7.	Does the action area drain to a river, stream, lake, pond, or wetland within the range of massasauga? (*See attached Massasauga Distribution map.*)	☐ Yes	☐ No
8.	Does the action area drain to a river within the range of river otter? (*See attached River Otter Distribution map.*)	☐ Yes	☐ No
9.	Does the action drain to wetlands or to the Republican, Platte, Loup, Middle Loup, North Loup, or Niobrara Rivers within the primary whooping crane migration corridor? (*See attached Primary Migration Corridor of Whooping Crane map.*)	☐ Yes	☐ No

If you answered "no" to all questions, a review by NGPC may not be needed (*see disclaimer above*). Include this form with your permit application.

If you answered "yes" to any of these questions, consultation with the Nebraska Game and Parks Commission may be necessary. Include this form with your permit application. Permit authorizations will vary from those identified in Table 1-2 depending on the additional time required to evaluate potential impacts.

All NOI submissions received from new or expanded dischargers without documentation relating to threatened and endangered species will be considered incomplete.

If you have questions, please call the Environmental Analyst Supervisor at (402) 471-5438.

Additional Resources

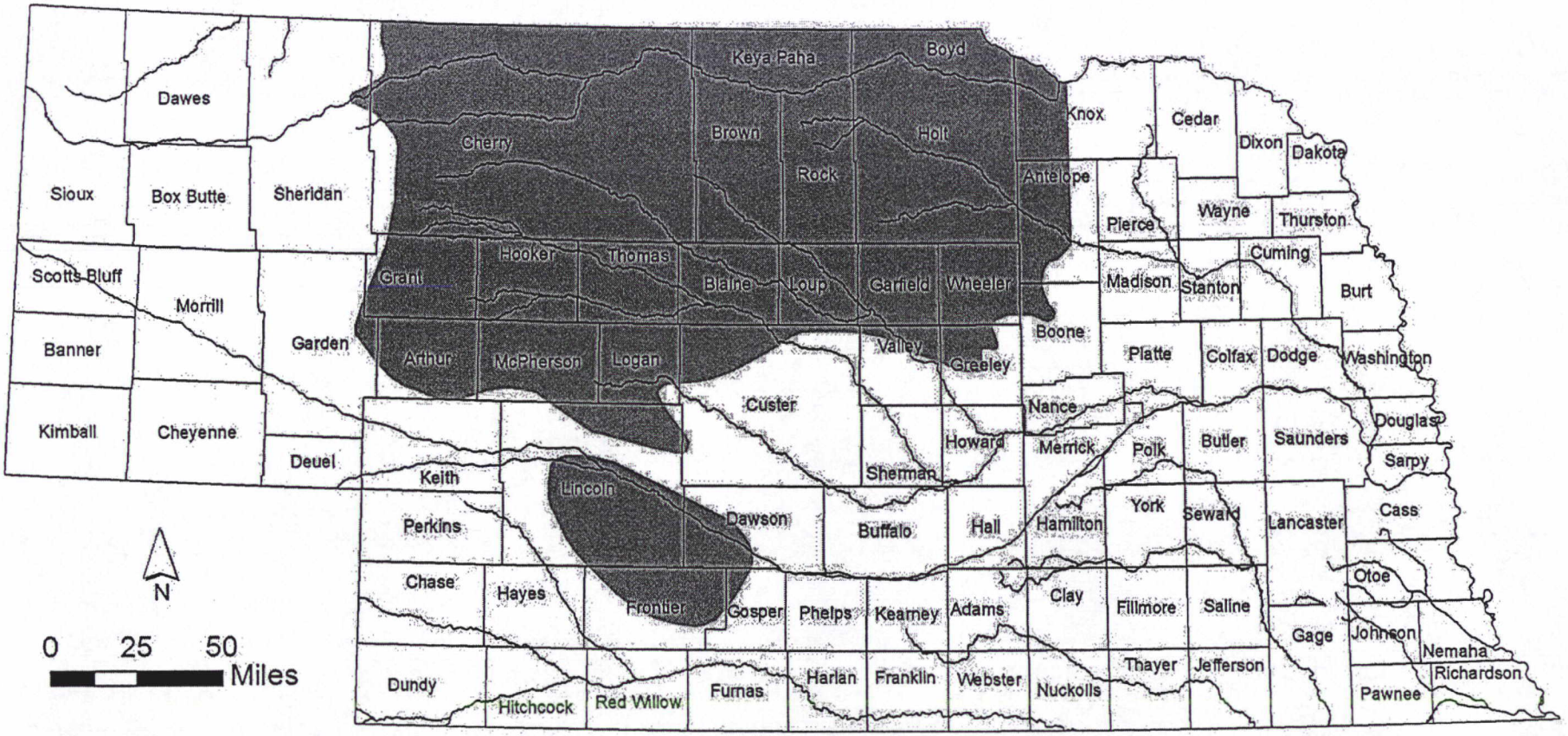
• Nebraska Game and Parks Commission Nongame and Endangered Species
http://outdoornebraska.ne.gov/wildlife/programs/nongame/list.asp

• Range Maps for Nebraska's Threatened and Endangered Species (includes listing by county)
http://digitalcommons.unl.edu/nebgamewhitepap/30/

• Endangered, threatened, proposed, and Candidate species in Nebraska Counties (USFWS)
http://www.fws.gov/mountain-prairie/endspp/CountyLists/Nebraska.pdf

• Listings and occurrences for Nebraska (USFWS)
http://ecos.fws.gov/tess_public/pub/stateListingAndOccurrenceIndividual.jsp?state=NE

Estimated Current Range of American Burying Beetle (*Nicrophorus americanus*)



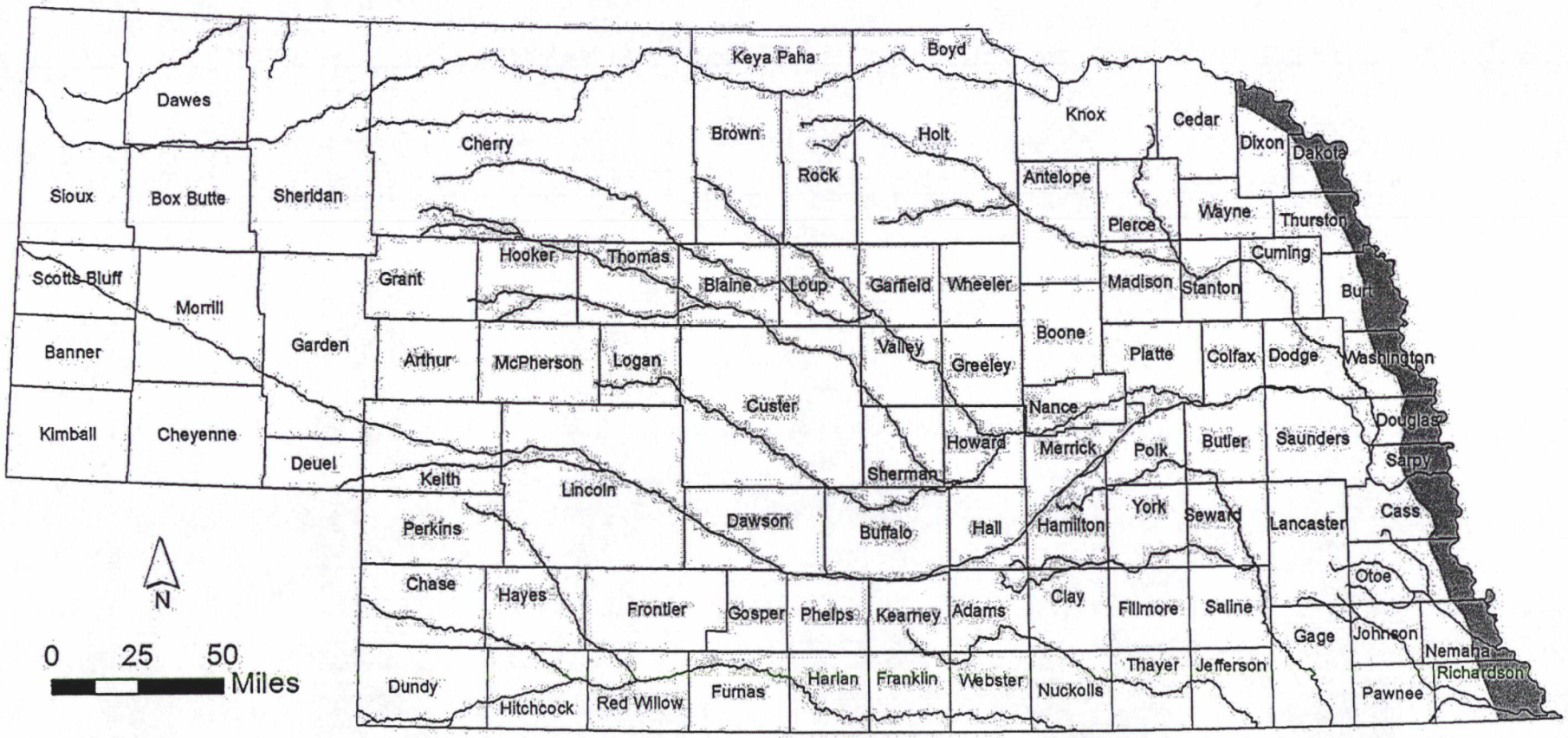
NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

The Sandhills portion of this range was based largely on a distribution model created using data collected from 2001 through 2011 by various government and non-government organizations. Logistic regression was used to predict probability of occurrence of American Burying Beetle based on data collected in the Sandhills and a number of climate, soil, and land cover variables. The model was created by The US Fish and Wildlife Service, University of Nebraska Kearney, Rainwater Basin Joint Venture, and Nebraska Game and Parks Commission. The Sandhills probability model and range map was combined with other known distribution data to create the overall range map shown here. Work is being undertaken to create comparable models outside of the Sandhills.

Map produced by the Nebraska Natural Heritage Program, Nebraska Game and Parks Commission, March 2014.

Estimated Current Range of American Ginseng (*Panax quinquefolius*)

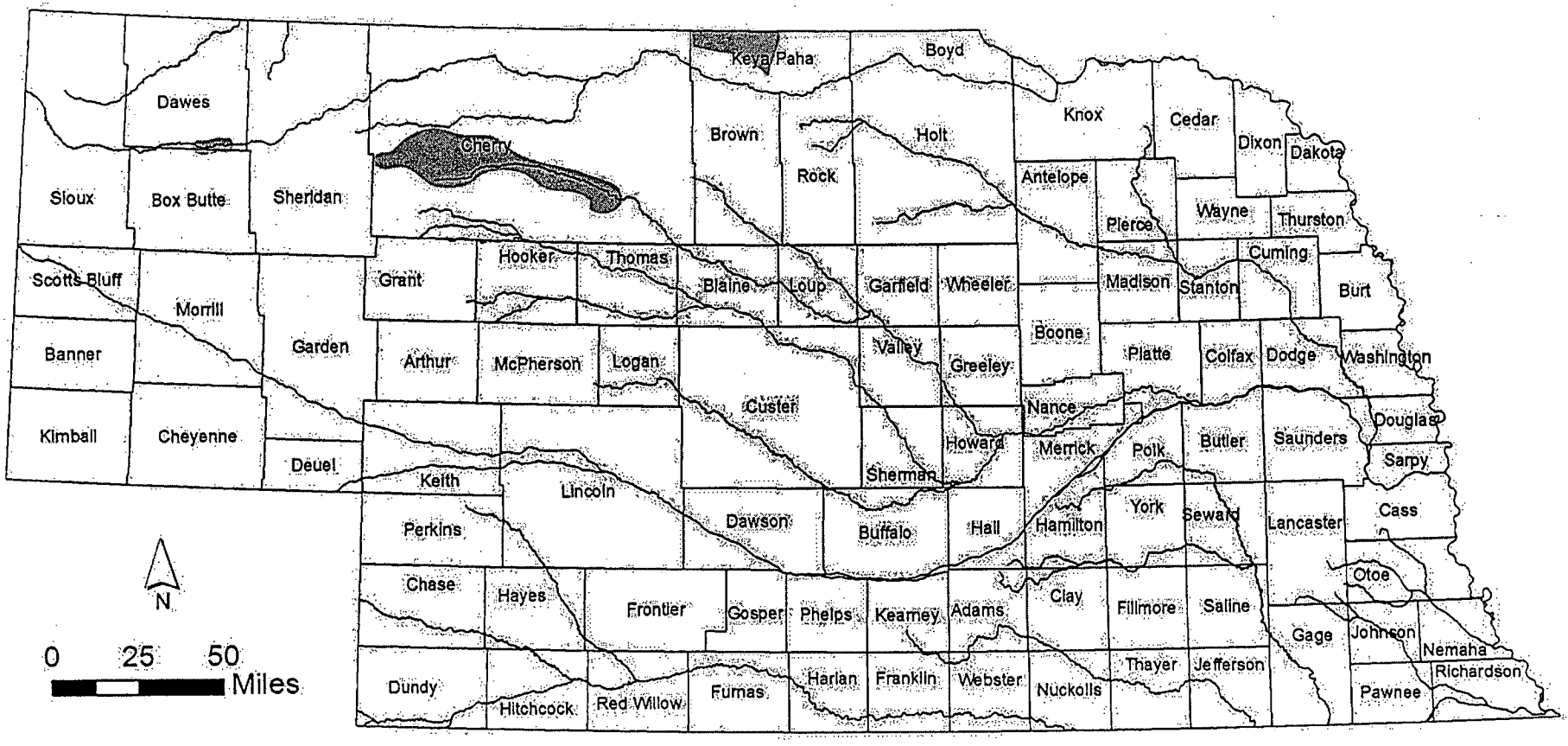


NEBRASKA
GAME PARKS

NEBRASKA
Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
June 2015

Estimated Current Range of Blacknose Shiner (*Notropis heterolepis*)

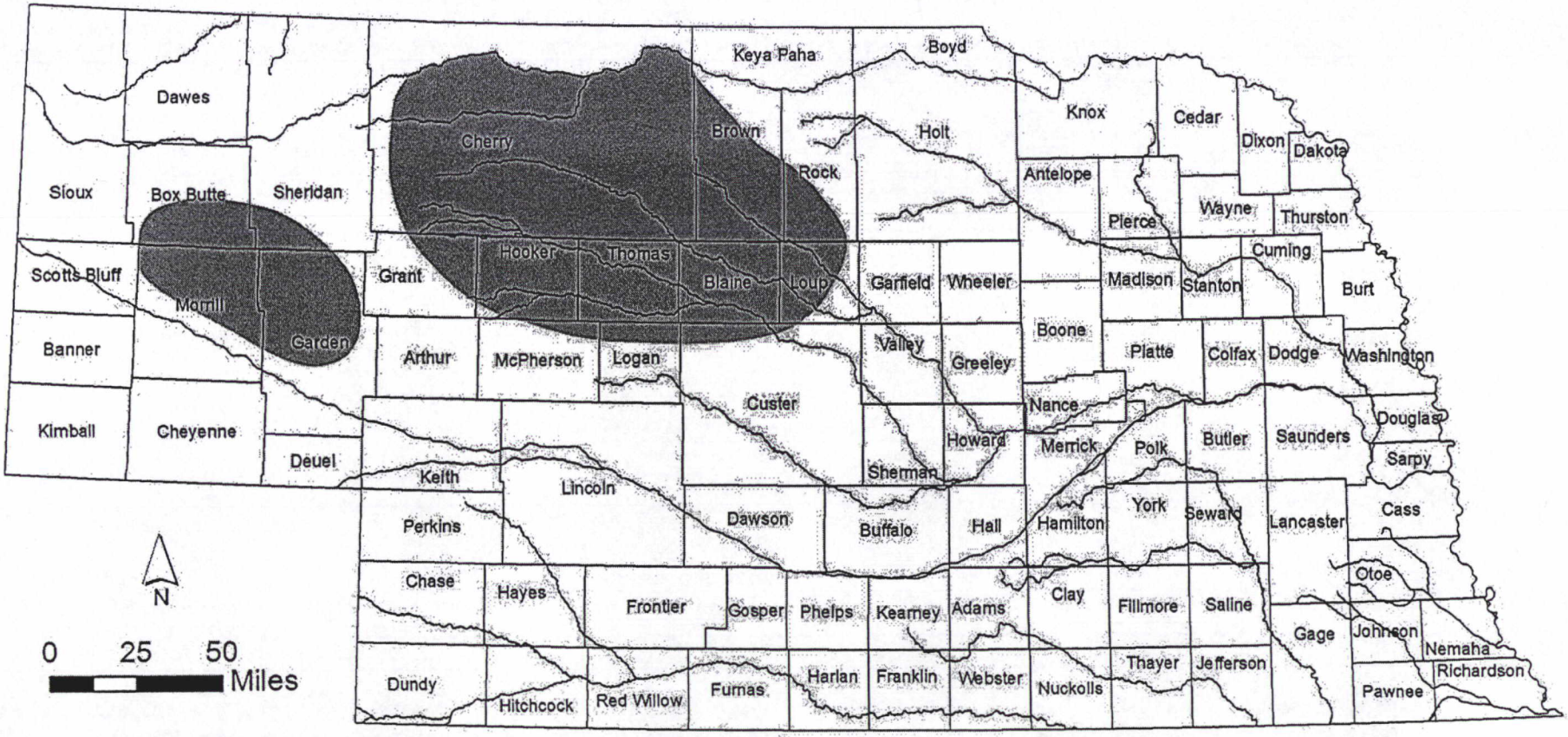


NEBRASKA GAME & PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
December 2012

Estimated Current Range of Blowout Penstemon (*Penstemon haydenii*)

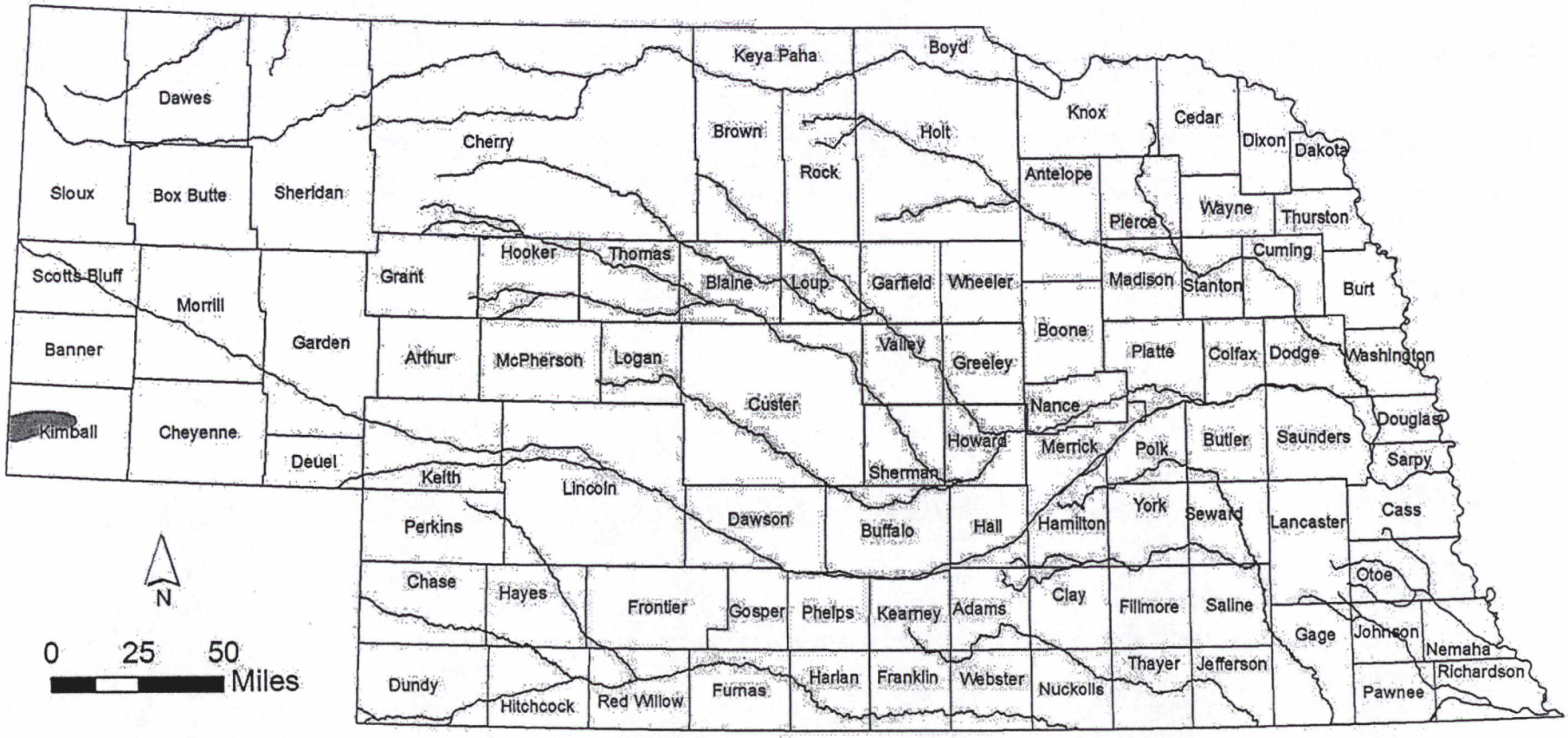


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
September 2012

Estimated Current Range of Colorado Butterfly Plant (*Gaura neomexicana ssp. coloradensis*)

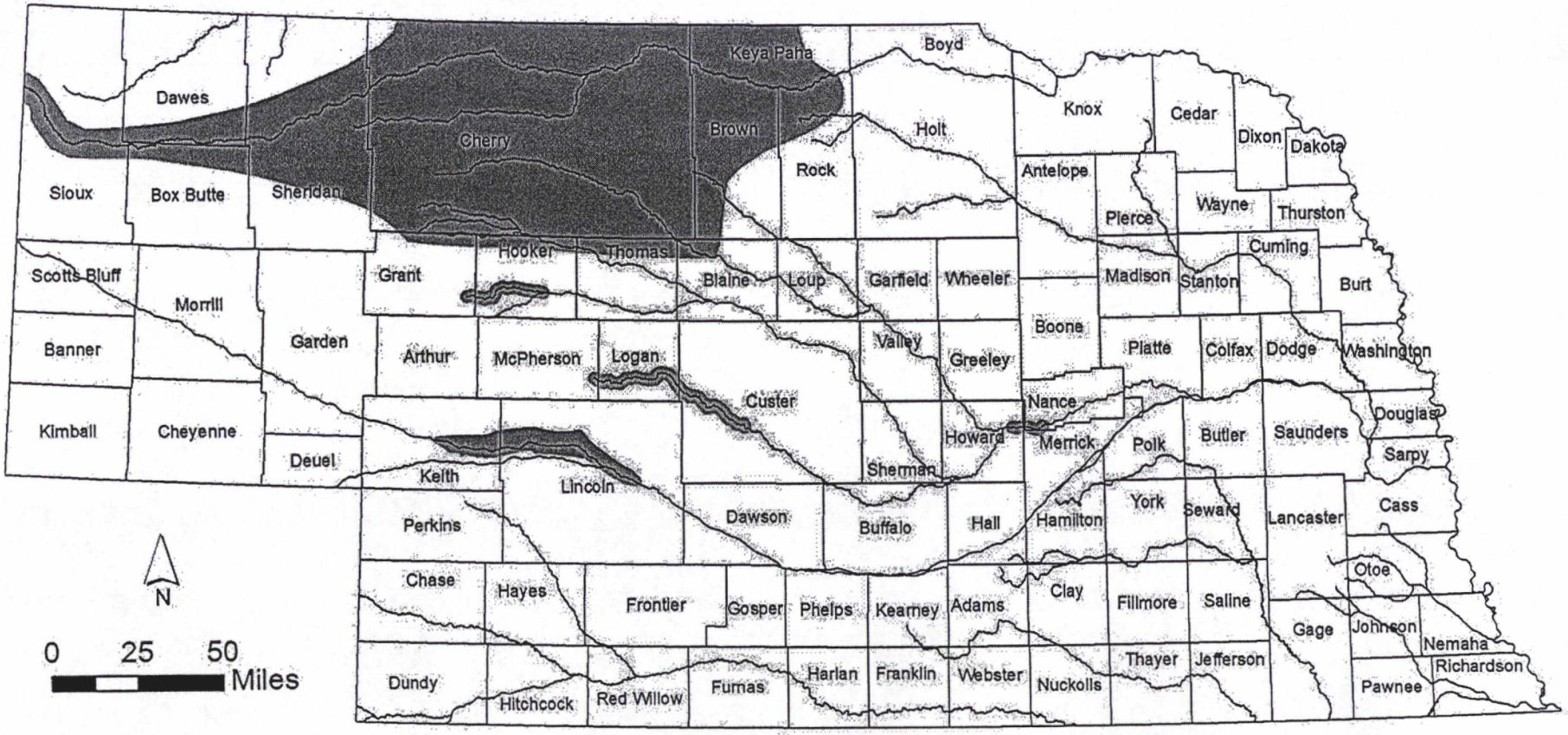


NEBRASKA GAME & PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
May 2011

Estimated Current Range of Finescale Dace (*Phoxinus neogaeus*)

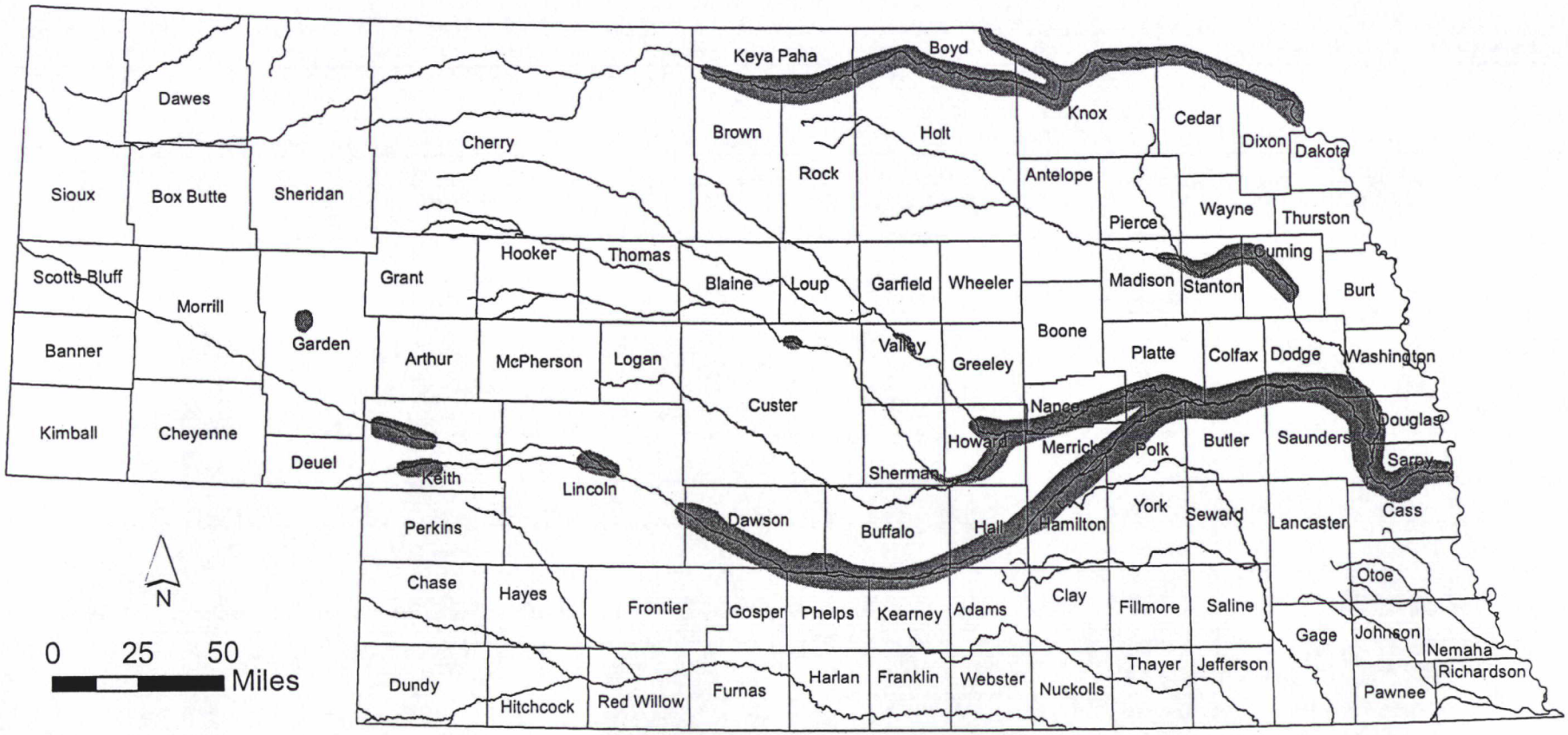


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
December 2012

Estimated Current Breeding Range of Piping Plover (*Charadrius melodus*) and Interior Least Tern (*Sternula antillarum athalassos*)



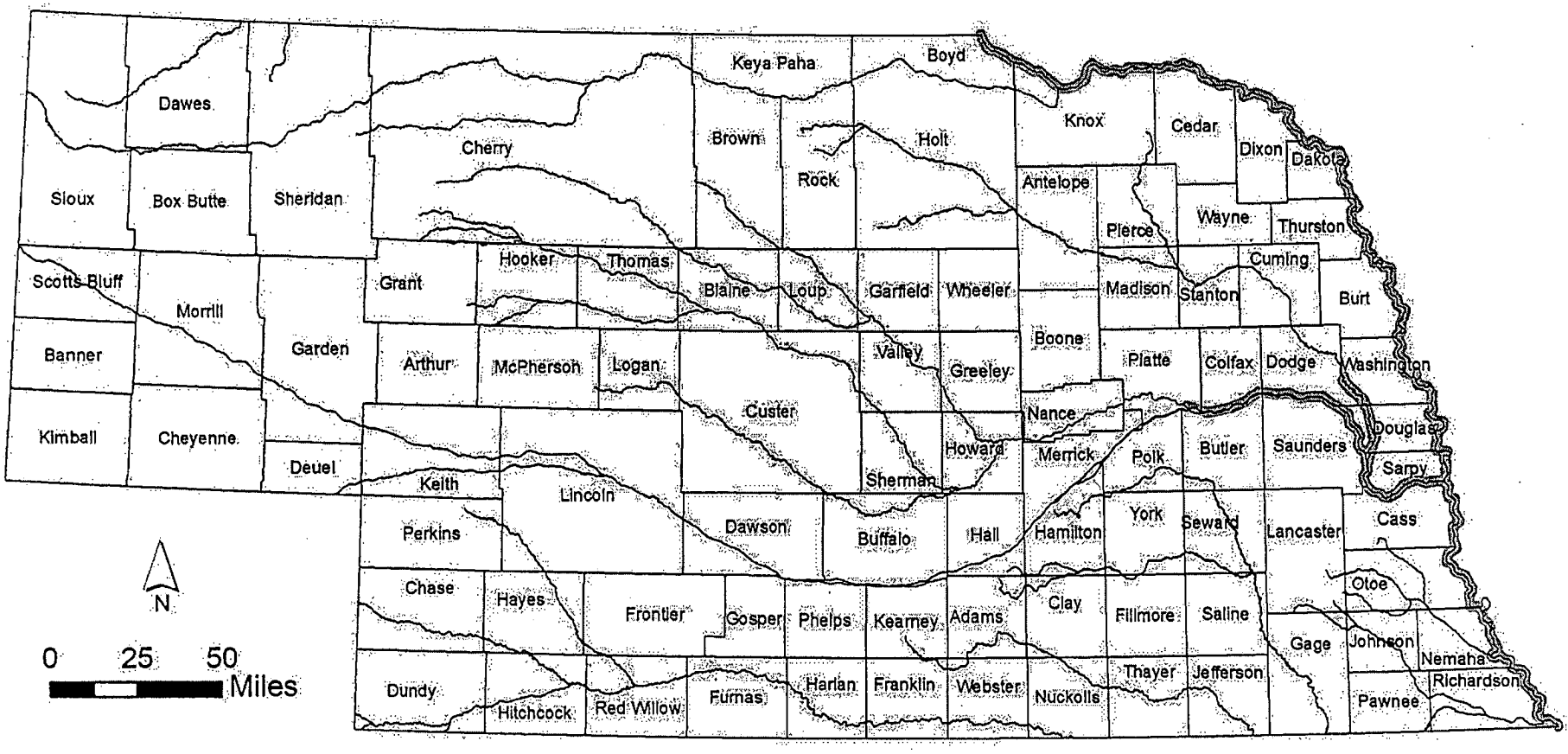
NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Garden County portion of map pertains to Piping Plover only.

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
August 2011

Estimated Current Range of Lake Sturgeon (*Acipenser fulvescens*)

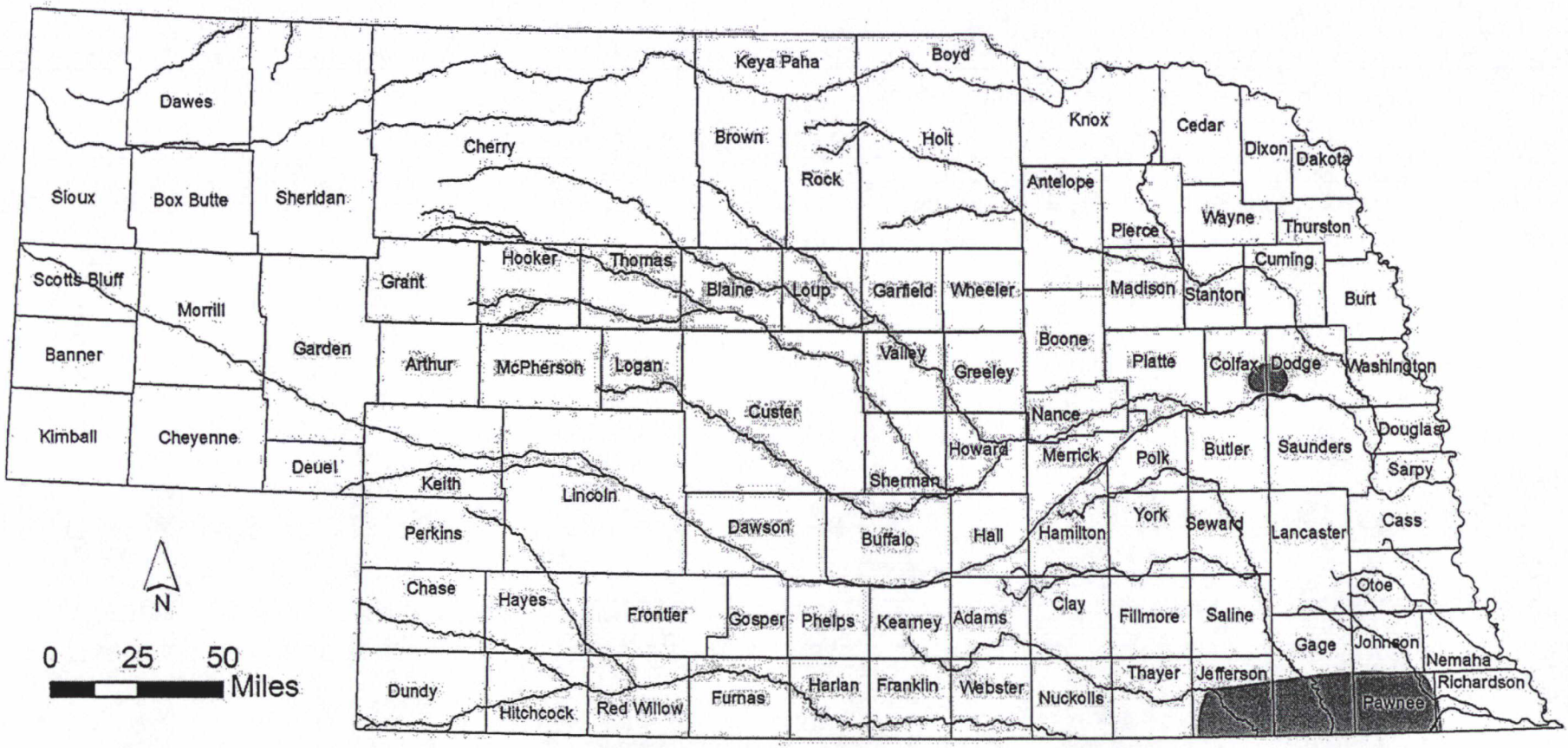


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
May 2011

Estimated Current Range of Massasauga (*Sistrurus catenatus*)

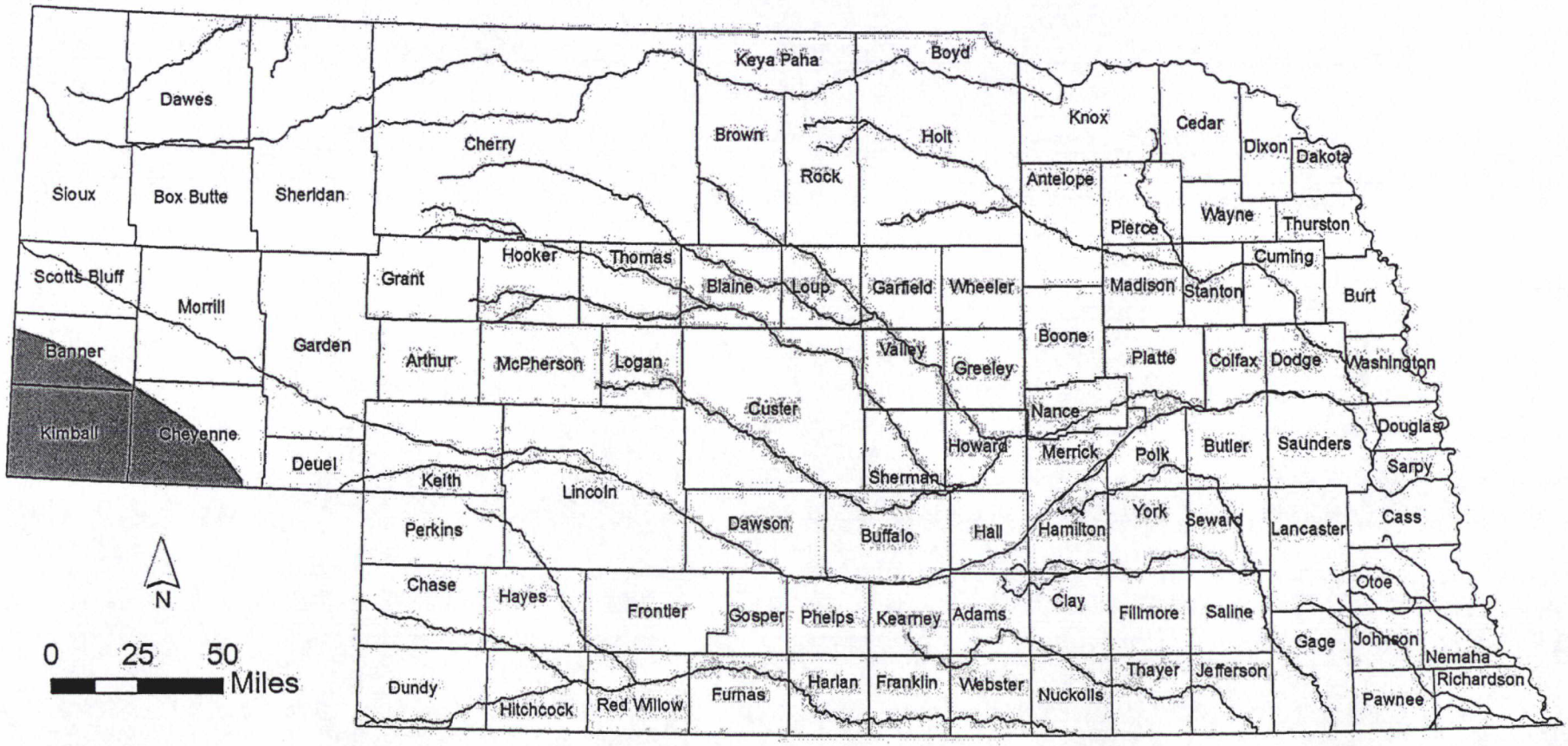


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
May 2011

Estimated Current Range of Mountain Plover (*Charadrius montanus*)

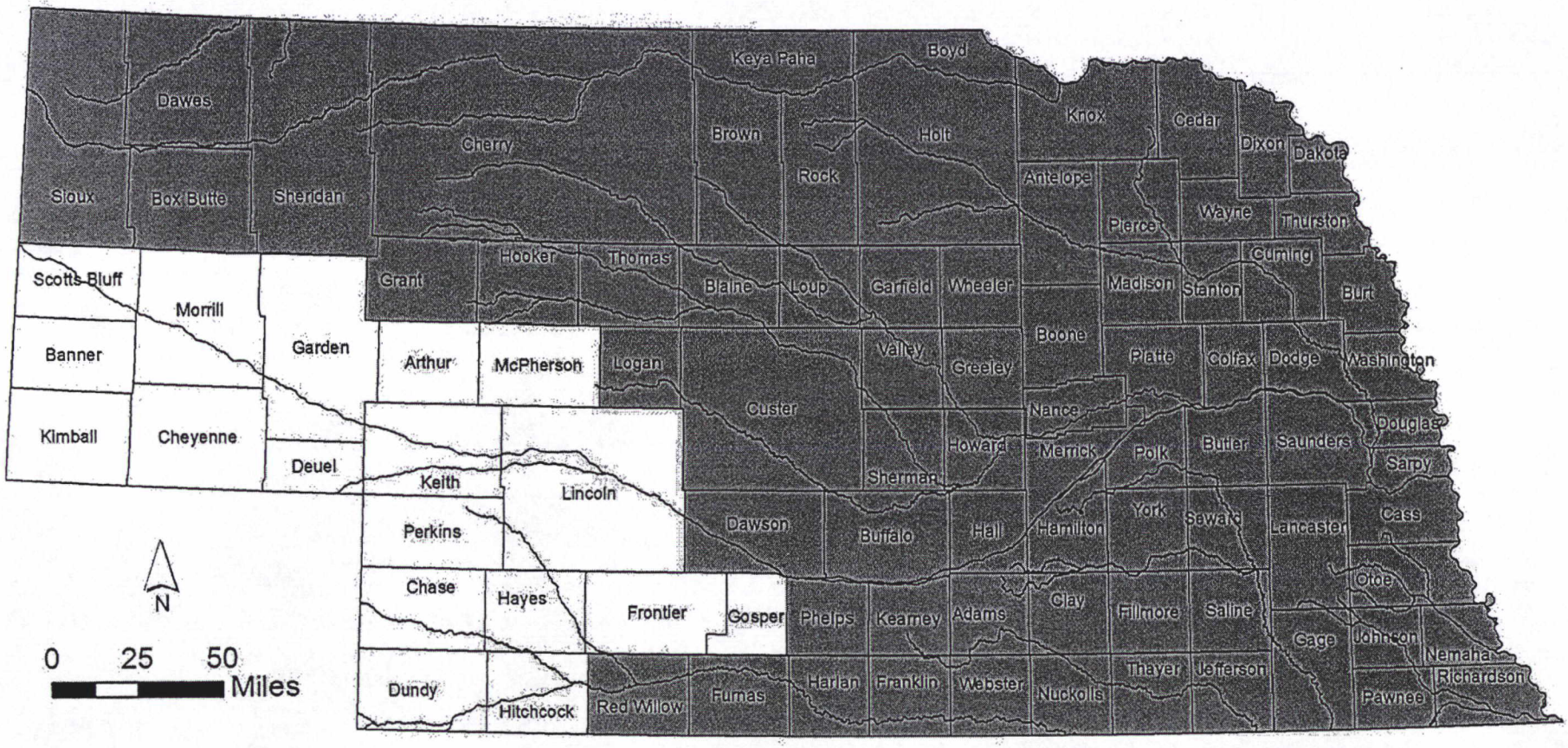


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
May 2011

Estimated Current Range of Northern Long-eared Bat (*Myotis septentrionalis*)

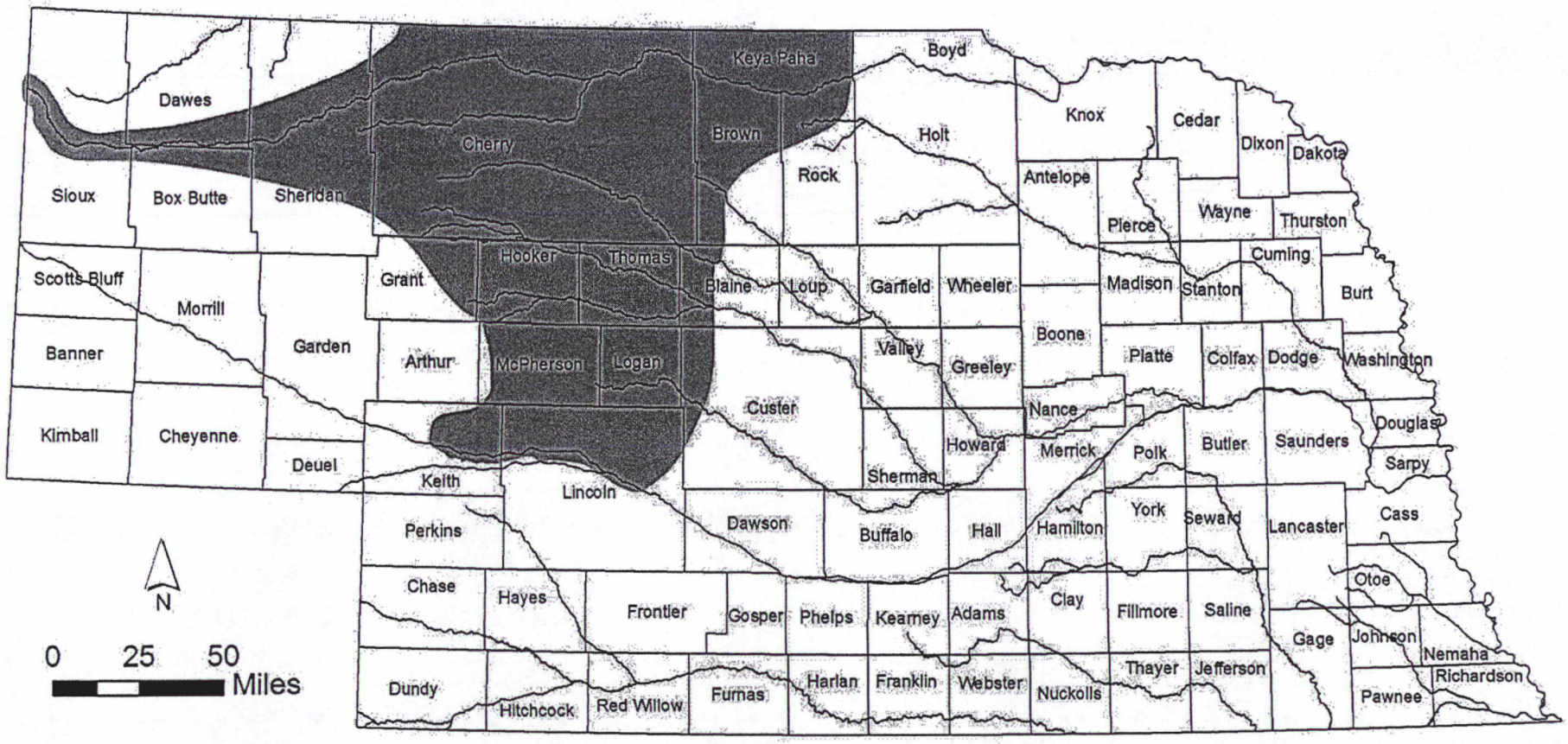


NEBRASKA
GAME PARKS

NEBRASKA
Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
June 2015

Estimated Current Range of Northern Redbelly Dace (*Phoxinus eos*)

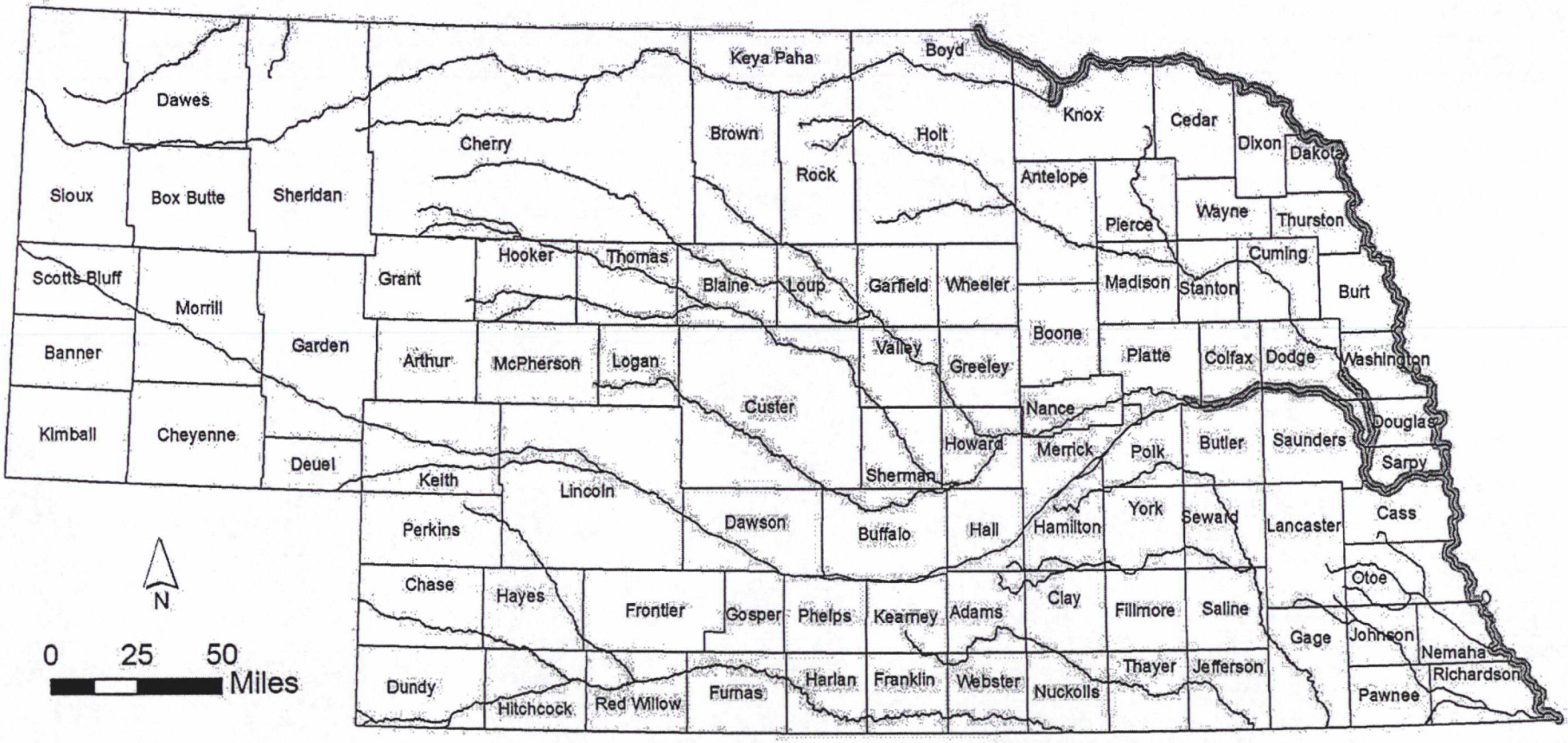


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
March 2011

Estimated Current Range of Pallid Sturgeon (*Scaphirhynchus albus*)

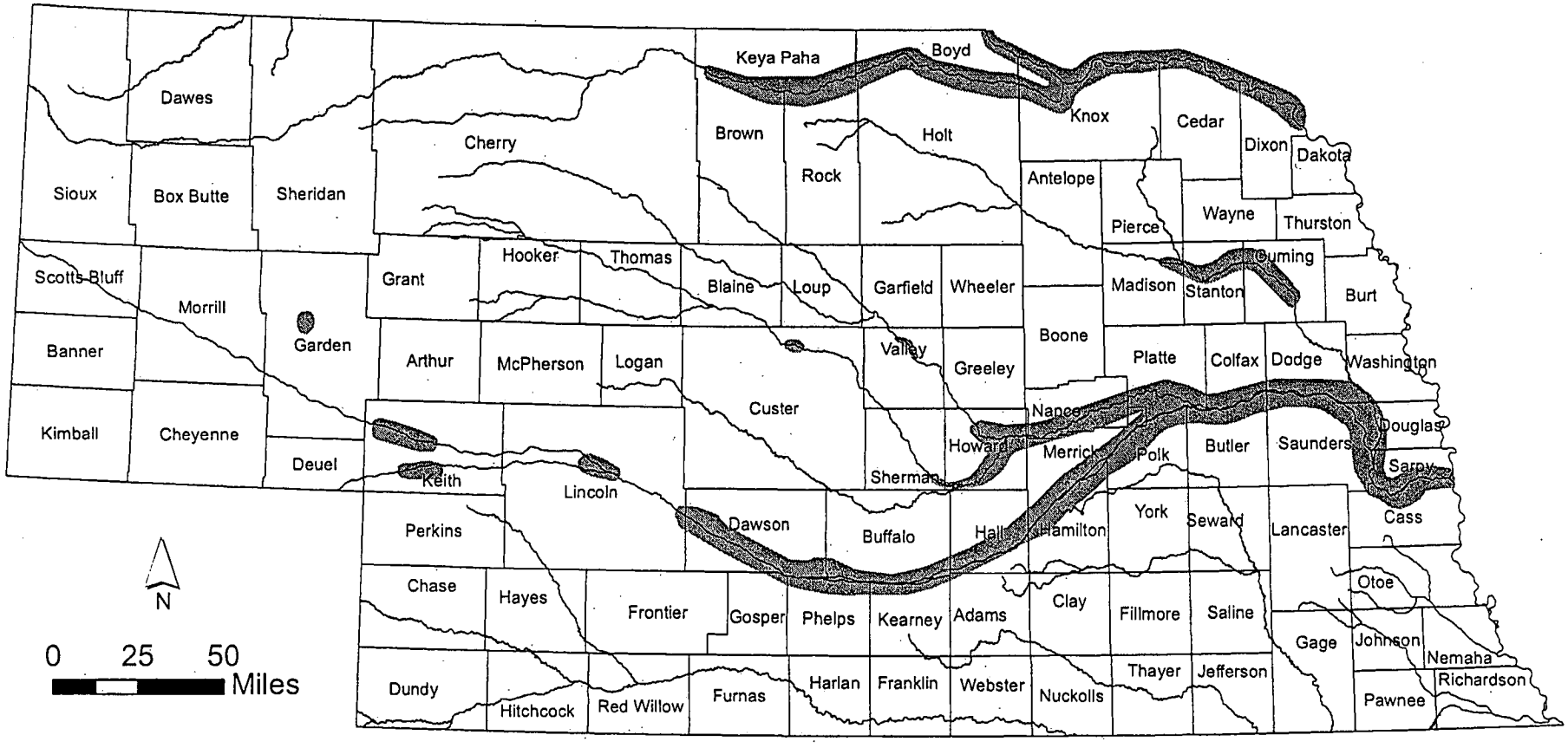


NEBRASKA GAME & PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
August 2011

Estimated Current Breeding Range of Piping Plover (*Charadrius melodus*) and Interior Least Tern (*Sternula antillarum athalassos*)



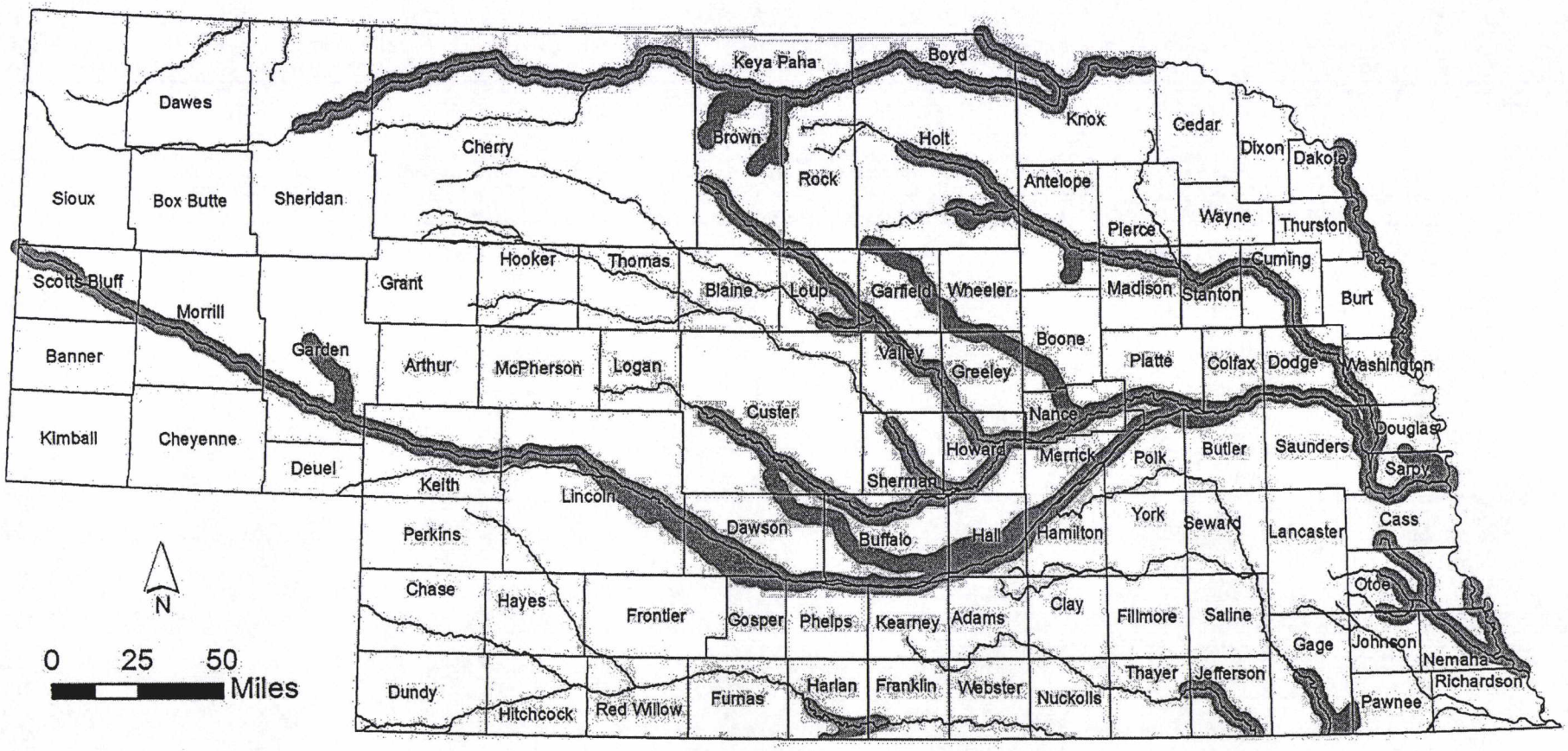
NEBRASKA GAME & PARKS

NEBRASKA Natural Heritage Program

Garden County portion of map pertains to Piping Plover only.

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
August 2011

Estimated Current Range of River Otter (*Lontra canadensis*)

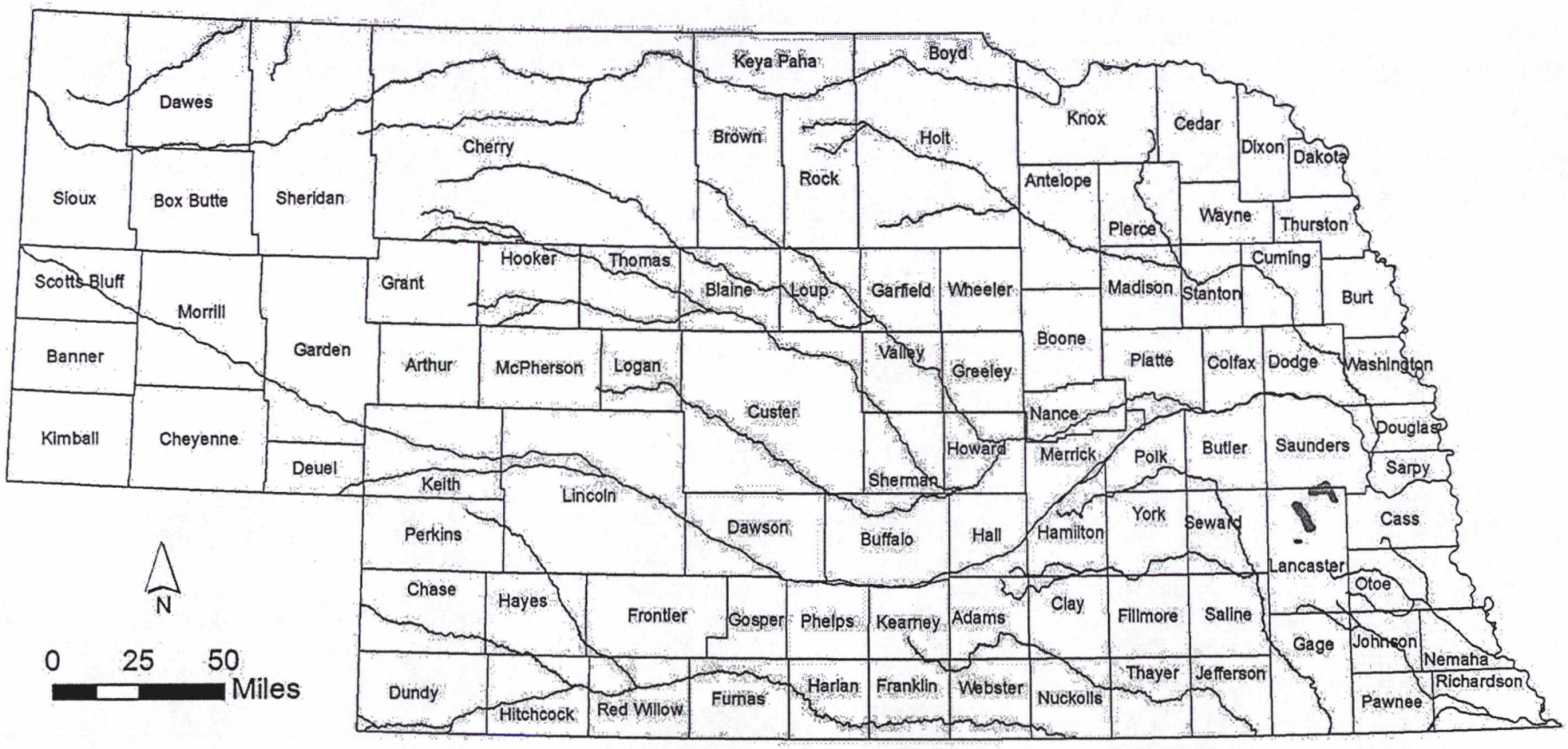


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
June 2015

Estimated Current Range of Salt Creek Tiger Beetle (*Cicindela nevadica lincolniana*)

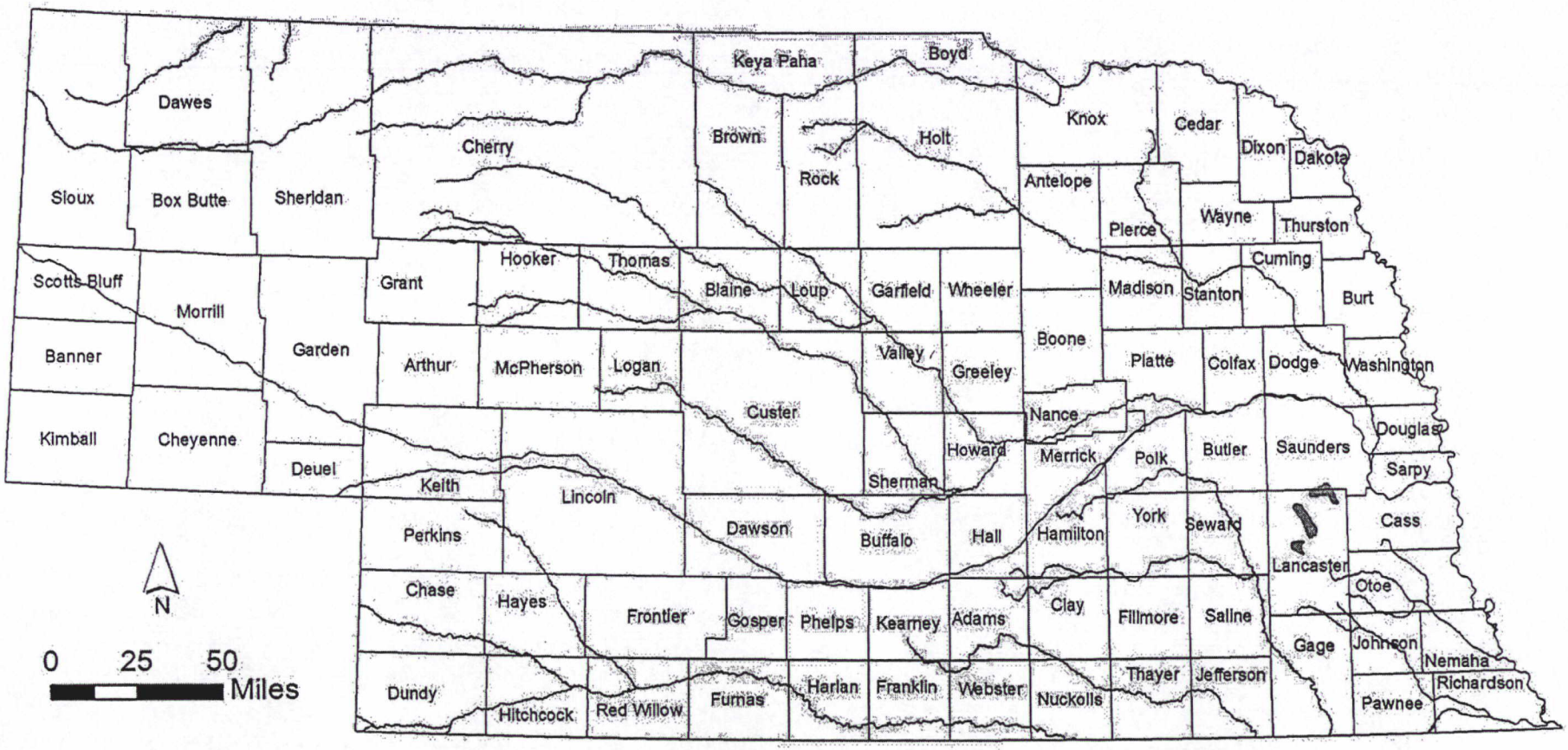


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
February 2014

Estimated Current Range of Saltwort (*Salicornia rubra*)

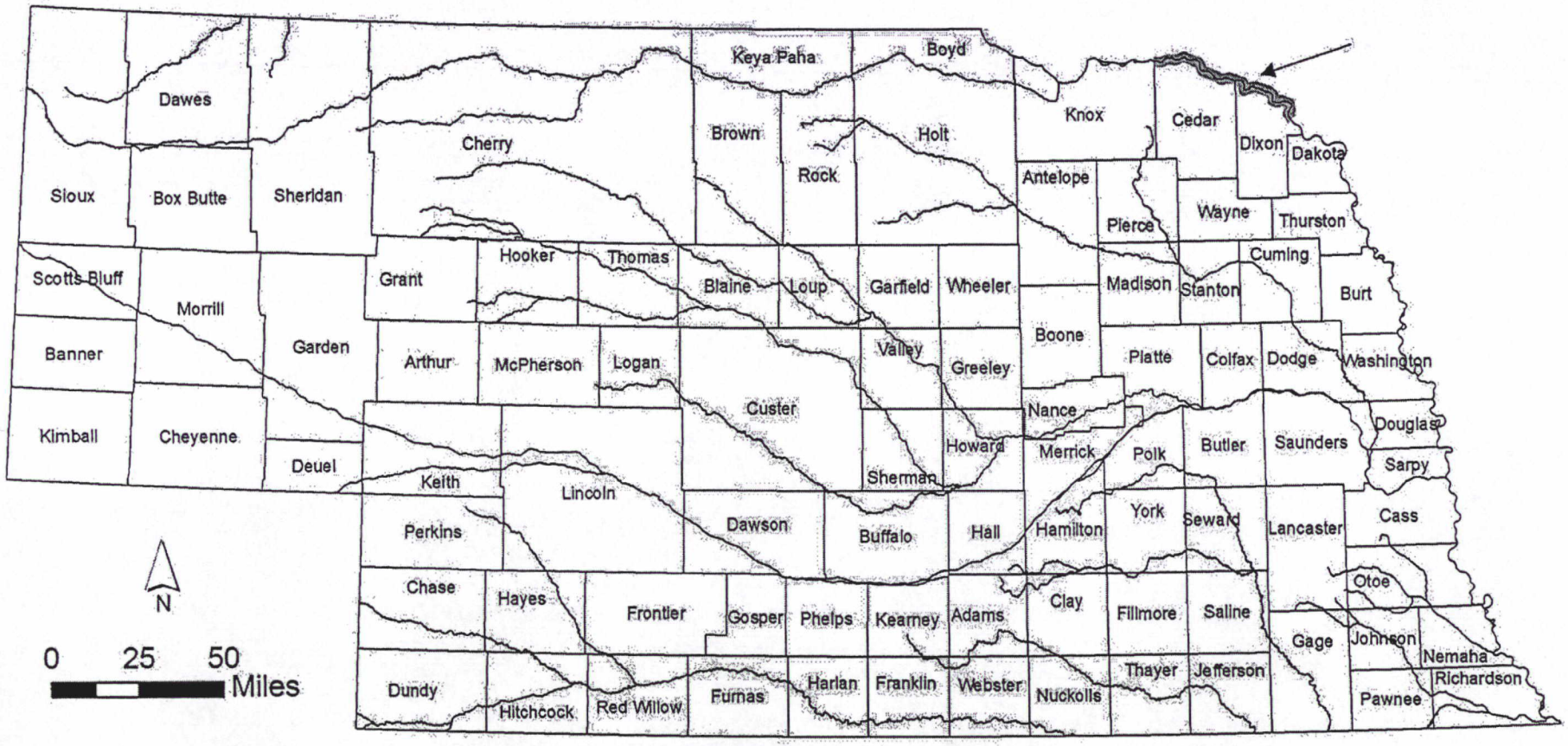


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
February 2014

Estimated Current Range of Scaleshell Mussel (*Leptodea leptodon*)

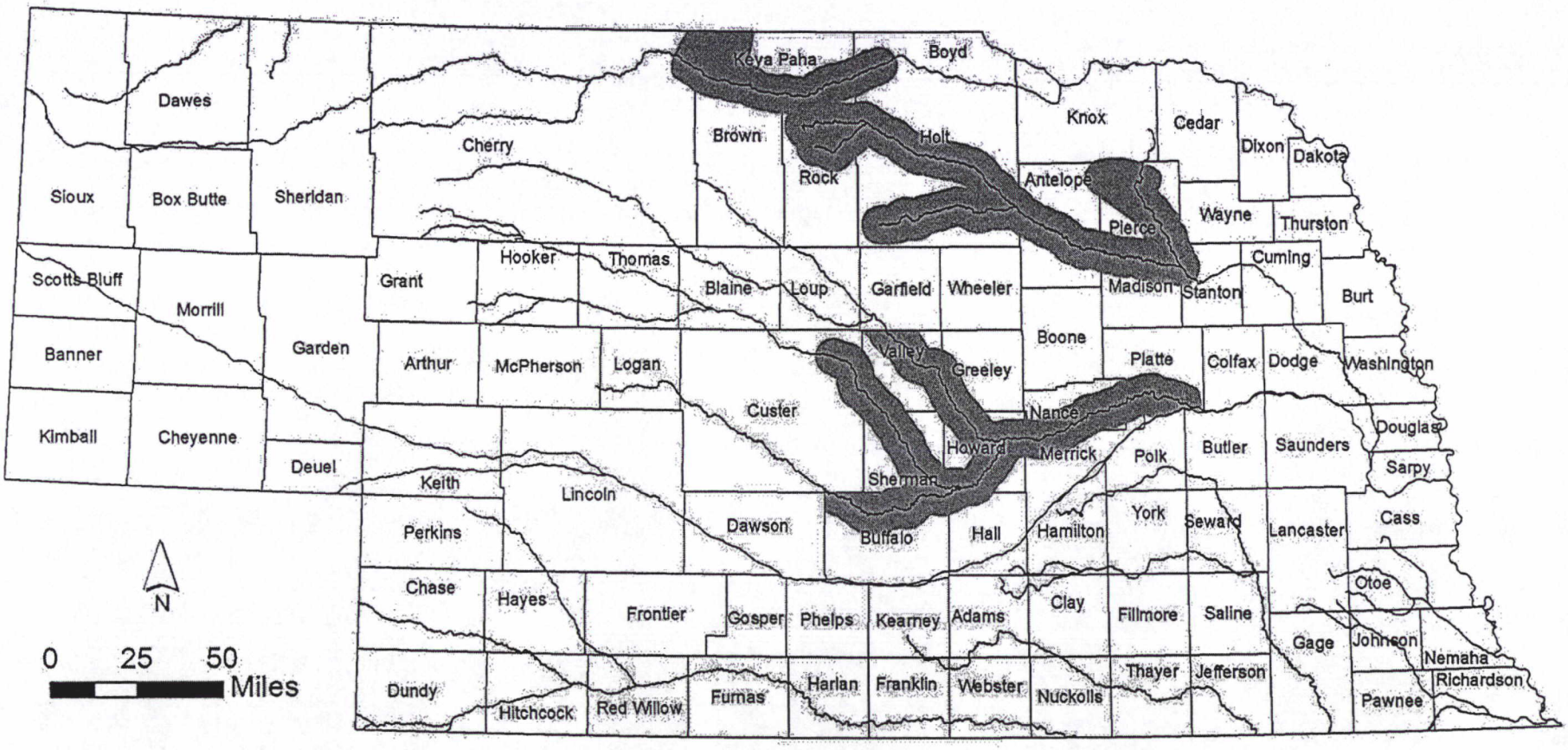


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
May 2011

Estimated Current Range of Small White Lady's Slipper (*Cypripedium candidum*)

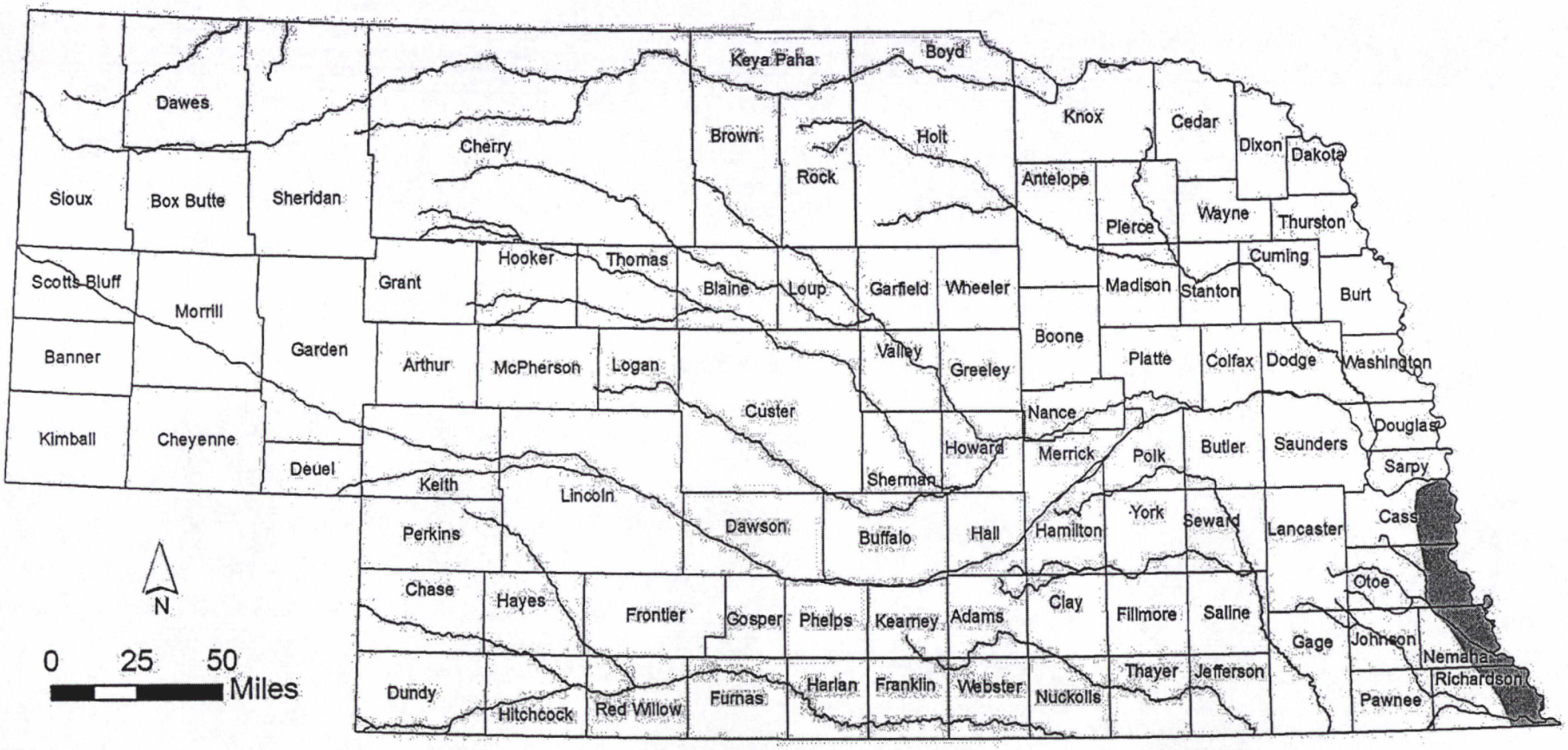


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
February 2014

Estimated Current Range of Southern Flying Squirrel (*Glaucomys volans*)

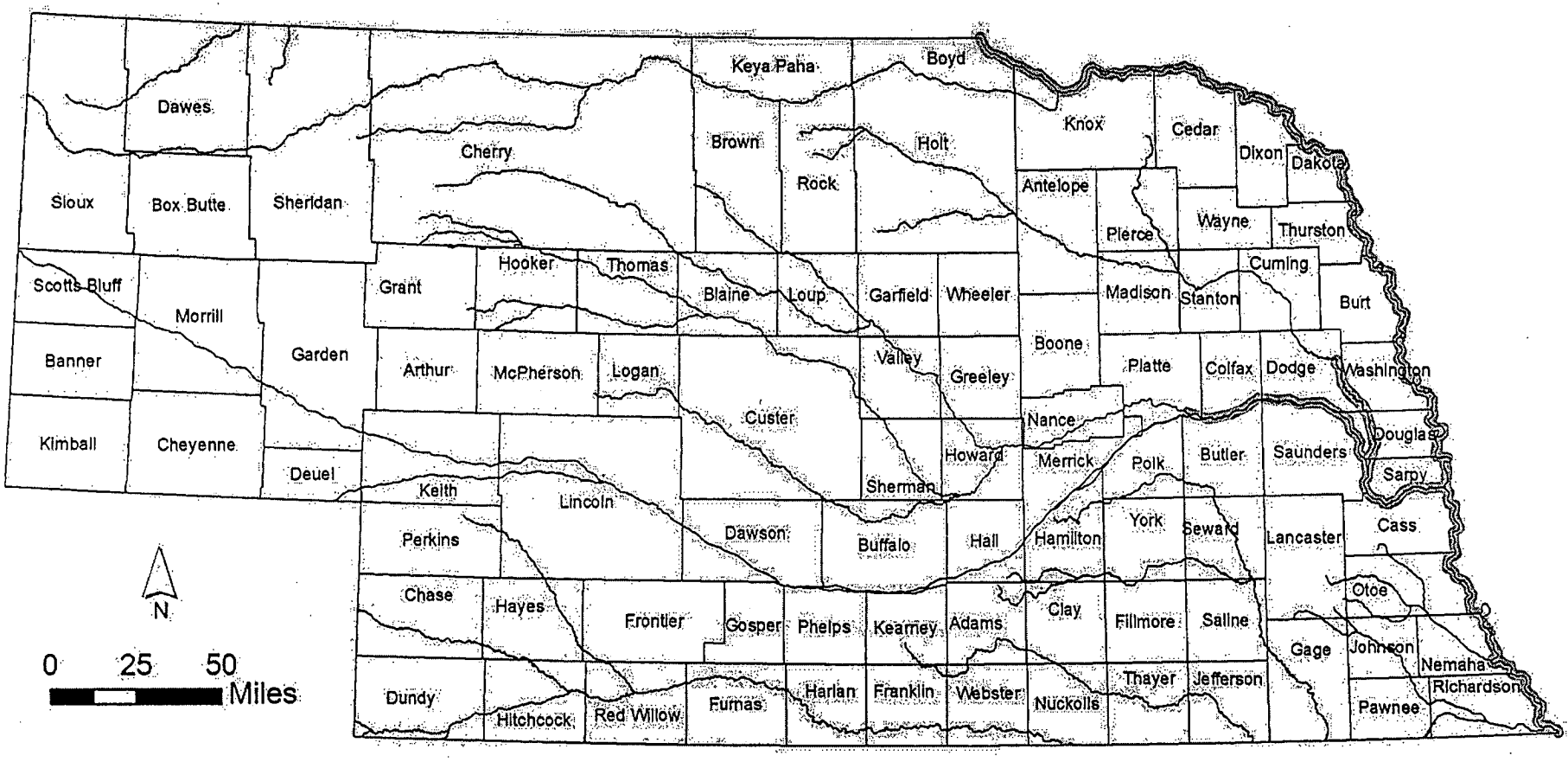


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
May 2011

Estimated Current Range of Sturgeon Chub (*Macrhybopsis gelida*)

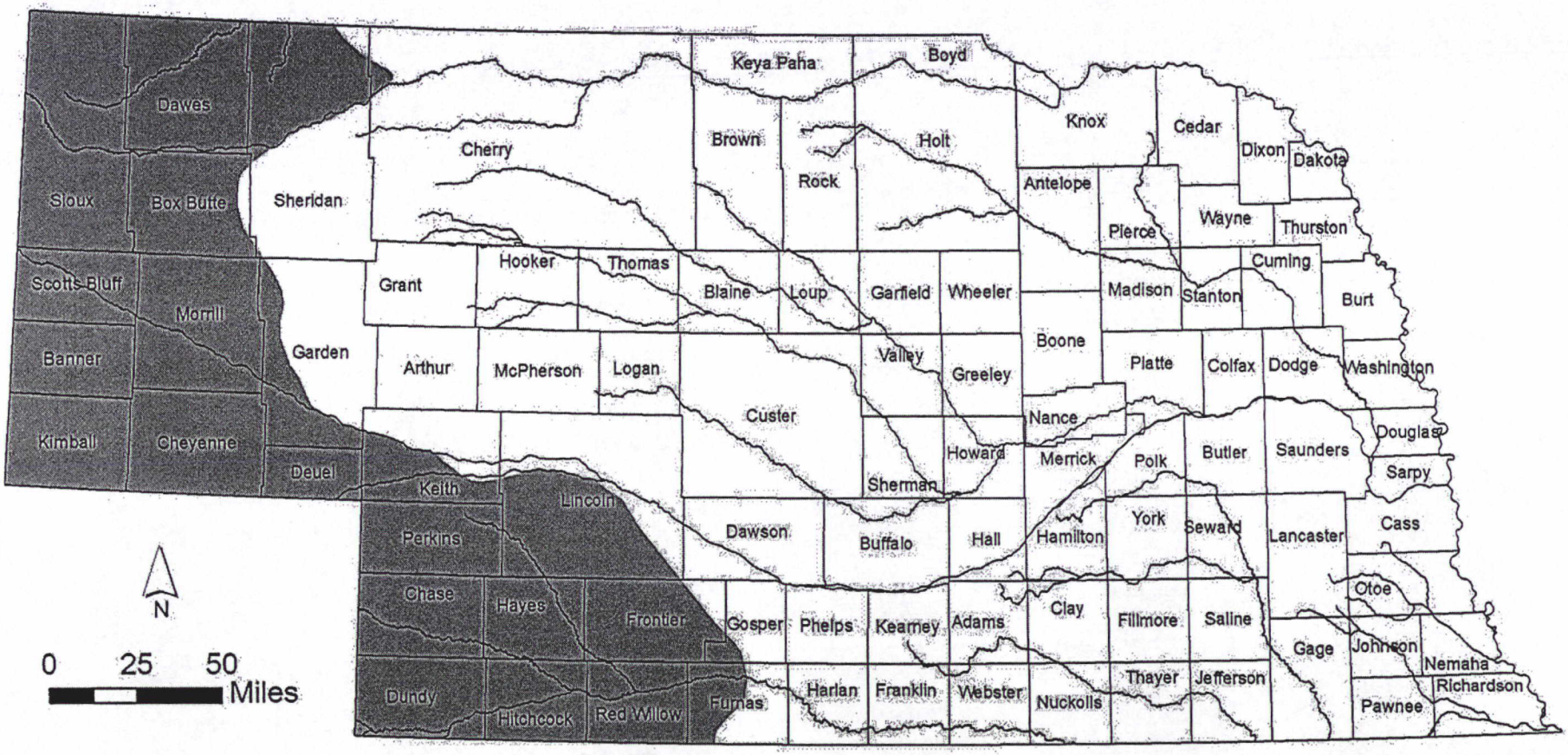


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
May 2011

Estimated Current Range of Swift Fox (*Vulpes velox*)

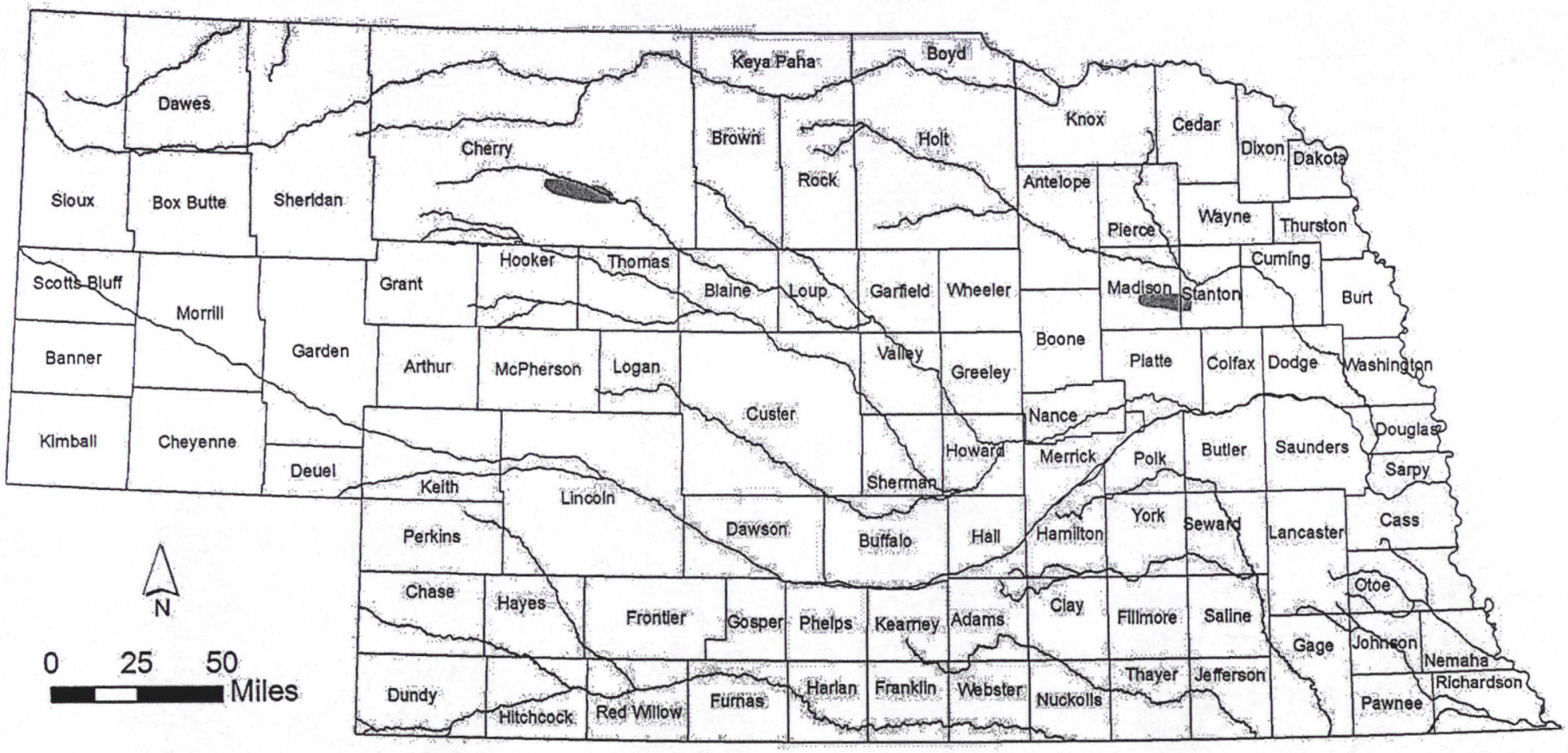


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
May 2011

Estimated Current Range of Topeka Shiner (*Notropis topeka*)

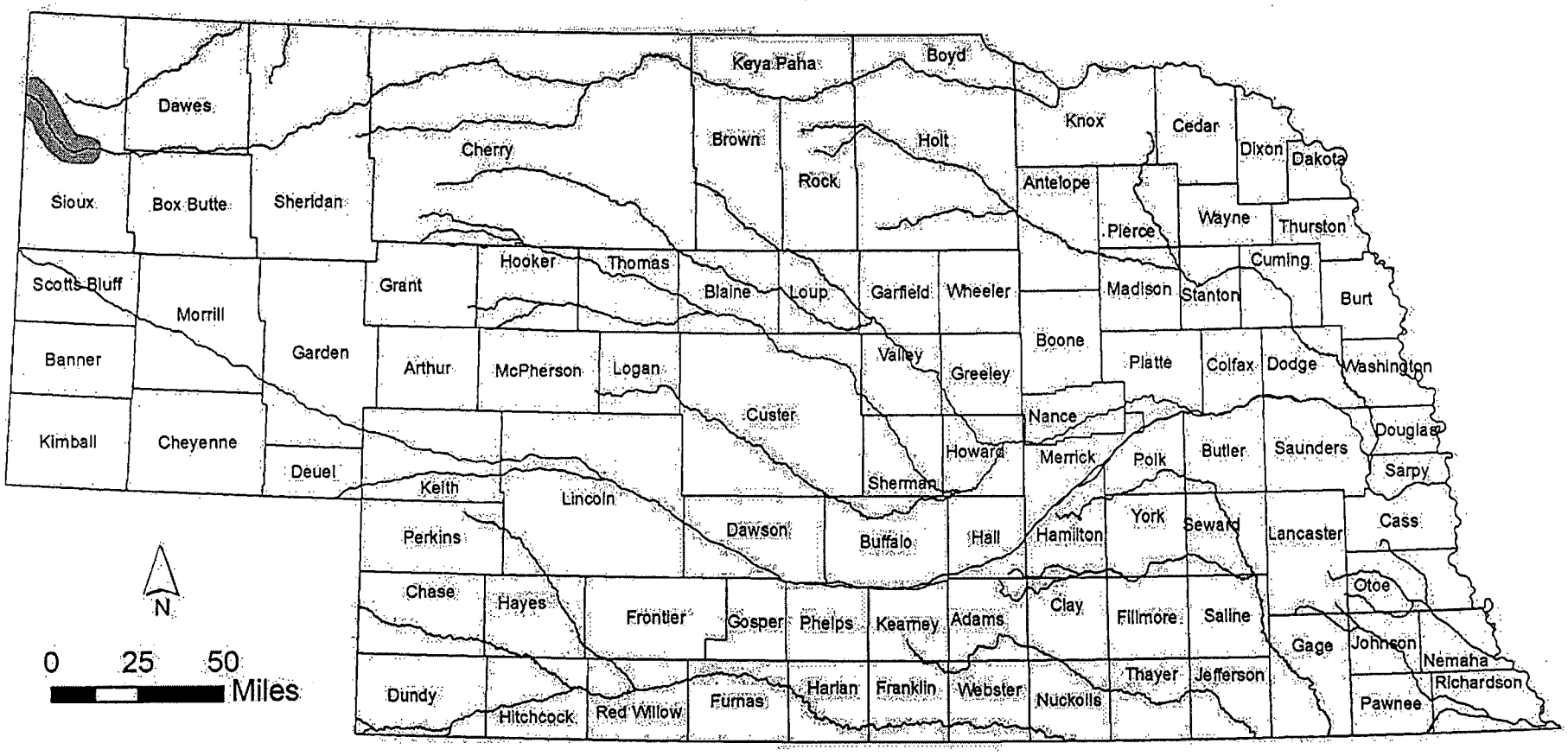


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
March 2011

Estimated Current Range of Ute Ladies'-tresses (*Spiranthes diluvialis*)

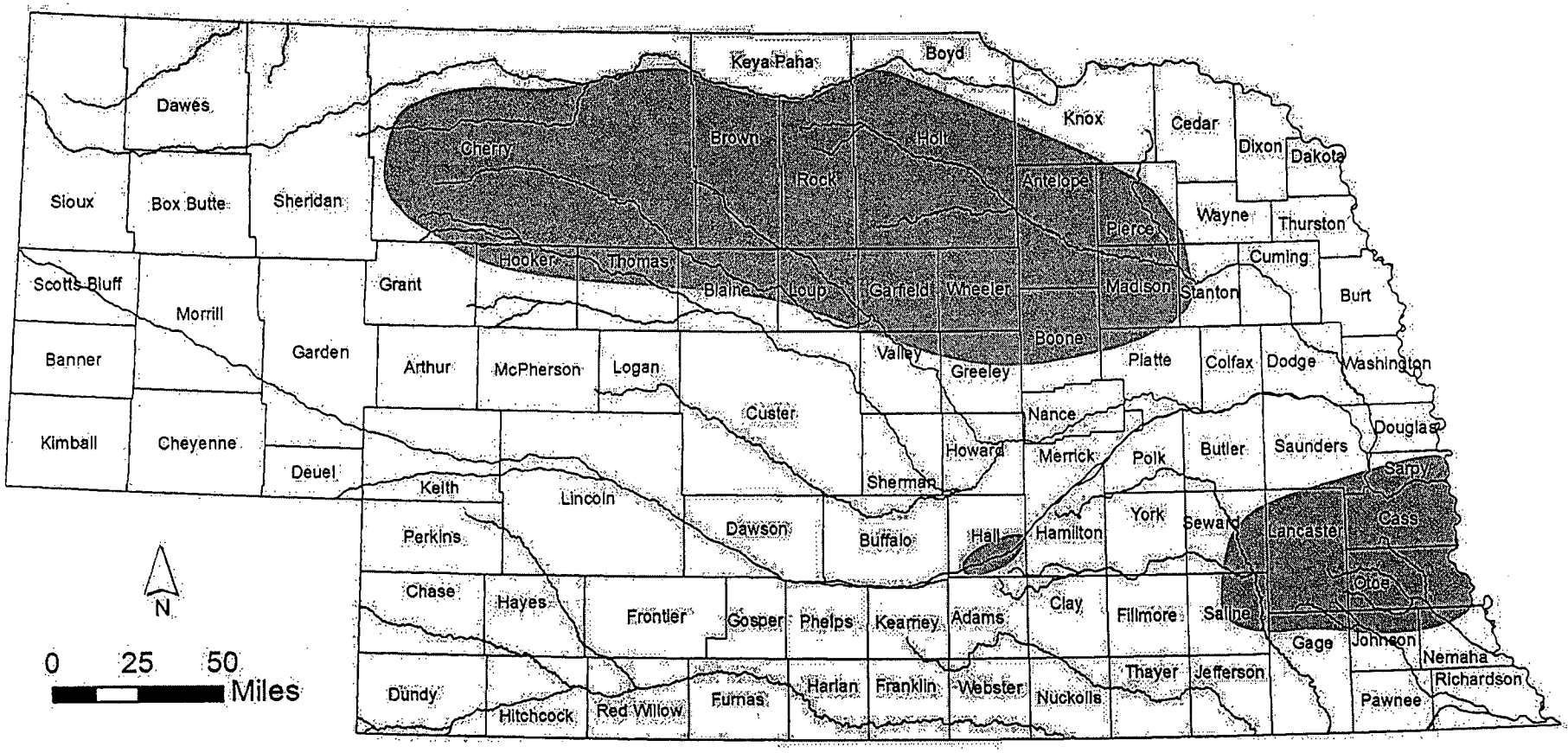


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
May 2011

Estimated Current Range of Western Prairie Fringed Orchid (*Platanthera praeclara*)

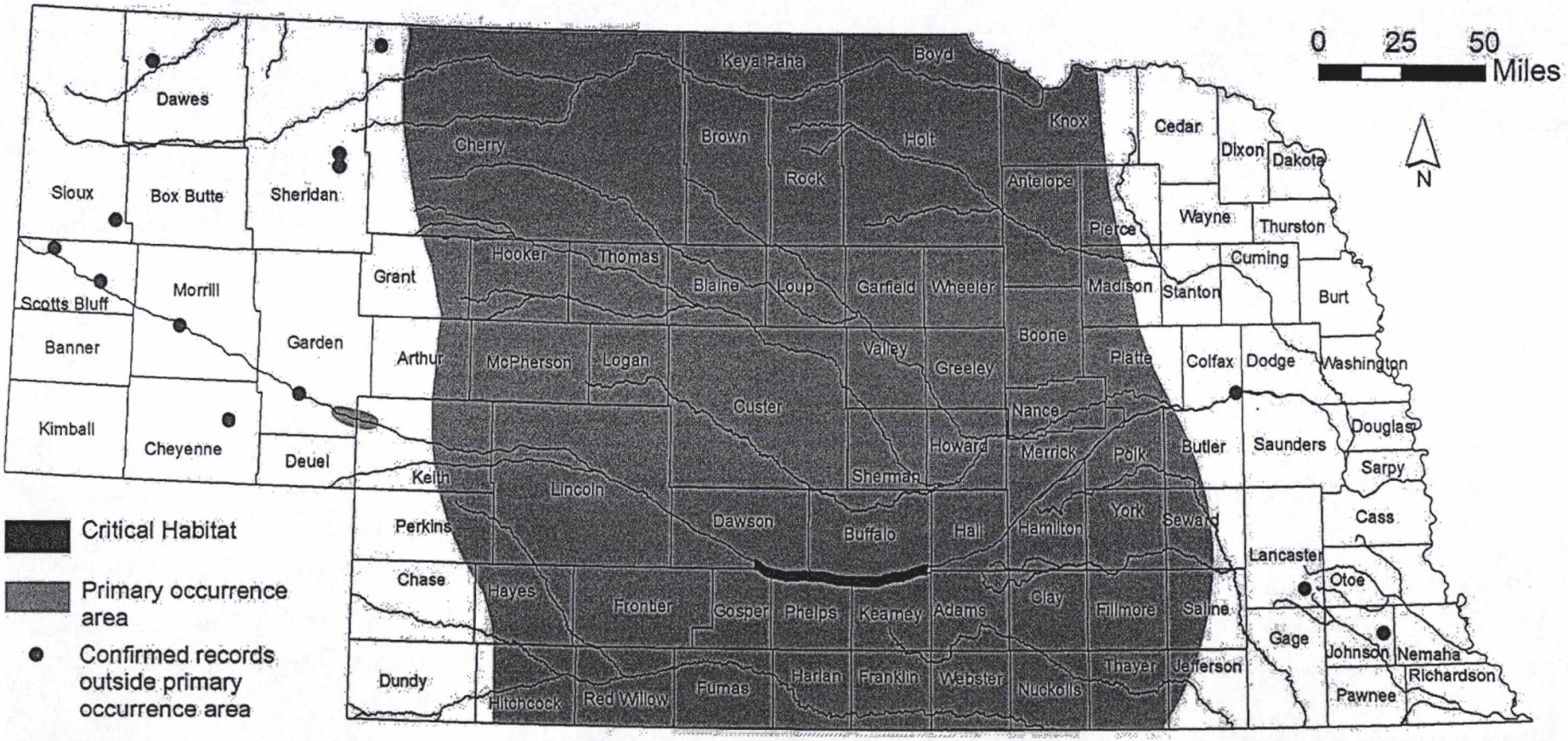


NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
September 2012

Whooping Crane (*Grus americana*): Migration Use Area and USFWS-designated Critical Habitat



The primary occurrence area is a modification of the area identified by the U.S. Fish and Wildlife Service (USFWS) as encompassing 95% of documented Whooping Crane migratory stopovers between 1975 and 2007. The modification consisted of incorporating additional locations known to have repeated use. Data source: USFWS. State-specific Nebraska flyway for Whooping Crane. Vector digital data Unpublished shapefile received October 27, 2008 from USFWS, Region 6, Grand Island, NE.

Critical Habitat areas are considered essential for the conservation of a listed species. Data source: U.S. Fish and Wildlife Service, Region 2. 2003. Whooping Crane critical habitat. Vector digital data. Downloaded October 29, 2008 from http://crithab.fws.gov.

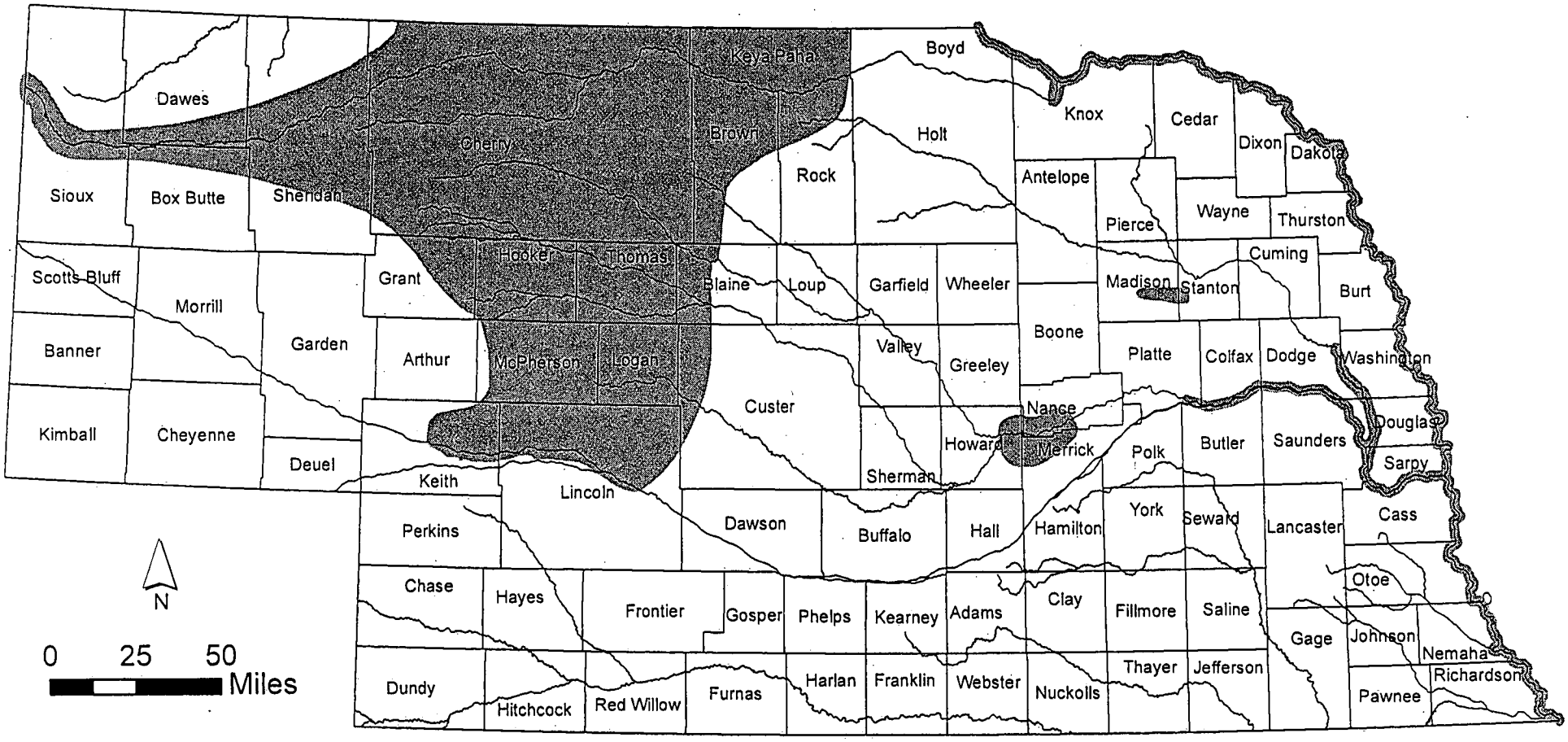
Confirmed records are current through Fall 2010 (Source: USFWS, Region 6).

Map produced by the Nebraska Natural Heritage Program, Nebraska Game and Parks Commission, July 6, 2011.

NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Stream and River Reaches of Concern for Nebraska Fish Species



NEBRASKA GAME PARKS

NEBRASKA Natural Heritage Program

Nebraska Natural Heritage Program,
Nebraska Game and Parks Commission
September 2011

Attachment 2

Notice of Intent (NOI)

Nebraska DEQ

Nebraska Department of Environmental Quality
Notice of Intent (NOI) for Authorization to Discharge Under the
NPDES General Permit for Storm Water Discharges Associated with
Industrial Activity (NPDES Permit No. NER910000)

Form Approved
05/04/2016

A. Facility Operator Information

1. Name: _____
2. IRS Employer Identification Number (EIN): ____ - _____
   (The only alternative to having the EIN on file with the Department is for the owner(s) or chief officer of the corporation to submit a United States Citizenship Attestation Form).
3. Mailing Address: *(All correspondence will be mailed to this address)*
   Street or P.O. Box: _____
   City: _____ State: ____ Zip code: _____
   Phone: ____ – ____ – _____ E-mail *(optional)*: _____

B. Facility Information

1. Facility Name: _____
2. Street / Location: _____
   City: _____ County: _____
   Zip code: _____
3. Identify the coordinates of the main entrance to the facility from the public roadway:
   Latitude: _____ ° N Longitude: _____ ° W
   Use decimal degrees (Example: 40.812731, 96.703264)
4. List the facility's Standard Industrial Classification (SIC) or Activity Code(s): _____
   Refer to Appendix D of the Industrial Storm Water General Permit (ISW-GP) for a list of industrial activities that are covered by the permit. See Instructions.
5. Is this facility Portable and subject to relocation *(as defined in Appendix A of the ISW-GP)*?
   ☐ YES It is expected to operate at this location for _____ months.
   ☐ NO
6. Is your site presently inactive and unstaffed?
   ☐ YES It is expected be inactive and unstaffed for _____ months.
   ☐ NO

C. For New or Expanded Dischargers Only

1. Complete the Endangered and Threatened Species Checklist (ISW-GP Attachment 1) and include it with this form. *(Attach the one- page checklist only.)*
2. Under Part 1.1.4.5 of the ISW-GP, which Endangered Species Protection criterion applies to this facility?
   ☐ Criterion A ☐ Criterion B
3. According to Attachment 9 of the ISW-GP, this facility discharges to receiving waters that are designated as State Resource Water:
   ☐ Class A ☐ Class B ☐ neither Class A nor Class B

D. Discharge Information

1. Storm Water Pollution Prevention Plan (SWPPP):
   Provide the following information from the site's SWPPP. DO NOT attach the entire SWPPP. Attach or provide only the information requested here:
   a. Site Map as specified in Section 5.1.2 of the ISW-GP. *(See instructions.)*
   b. List of the pollutants exposed to storm water as specified in Section 5.1.3.2 of the ISW-GP.
   c. Does this site discharge storm water into a regulated municipal separate storm sewer system (MS4)?
   ☐ YES, discharges to MS4 belonging to: _____
   (See list of MS4s in ISW-GP Attachment 6):
   ☐ The facility will submit a copy of this Notice of Intent to the MS4 identified above.
   ☐ NO, does not discharge to a regulated MS4
   d. SWPPP Contact Person or Authorized Representative:
   Name: _____
   Phone: ____ - ____ - _____ Email: _____
2. Effluent Limitation Guidelines and Process Discharges
   Check all that apply:
   ☐ This facility has storm water discharges subject to federal effluent limitation guidelines.
   (See Table 1-1 of the ISW-GP.)
   ☐ This facility generates industrial process wastewater or wash water as described below:

Source of Discharge	Discharge Location
EXAMPLE: Cooling Tower Water	*EXAMPLE: Direct discharge to stream*
EXAMPLE: Equipment Washwater	*EXAMPLE: Discharge to Publicly Operated Treatment Works*

E. Certification

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 gather and evaluate 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.

1. Print Name: _____
   Title: _____
   Signature: _____ Date: _____
   See Instructions to determine who may sign this Certification.
   E-mail: _____ *(optional)*
2. NOI Preparer *(complete if NOI was prepared by someone other than the Certifying Official)*
   Prepared by: _____
   Company/Affiliation: _____
   Phone: ____ - ____ - _____ Ext.: ____ E-mail: _____

Instructions for Completing the Notice of Intent for Stormwater Discharges Associated with Industrial Activity under the Industrial Storm Water General Permit (ISW-GP)

NOI Submittal Deadlines/Discharge Authorization Dates		
Category	**NOI Deadline**	**Discharge Authorization Date[1]**
Existing Dischargers: in operation and previously authorized for coverage under the ISW-GP (originally issued September 18, 1997)	No later than (January 1, 2017)	30 days after NDEQ receives a complete and accurate NOI. Your authorization under the ISW-GP is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
New Dischargers or New Sources: commencing discharging after issuance of this General Permit	A minimum of 30 days prior to commencing operation of the facility	30 days after NDEQ receives a complete and accurate NOI or upon notification of authorization from the NDEQ.
Other Eligible Dischargers: in operation prior to issuance of this General Permit but not covered under the previous General Permit or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized	60 days after NDEQ receives a complete and accurate NOI.

[1] Based on a review of your NOI or other information, NDEQ may delay your authorization for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in ISW-GP Part 1.6. In these instances, NDEQ will notify you in writing of the delay or the request for submission of an individual NPDES permit application.

Who Must File a Notice of Intent with NDEQ?

Under section 402(p) of the Clean Water Act (CWA) and regulations at Title 119, Chapter 10 and 40 CFR Part 122, stormwater discharges associated with industrial activity are prohibited to waters of the State unless authorized under a National Pollutant Discharge Elimination System (NPDES) permit. You can obtain coverage under the ISW-GP by submitting a completed NOI if you operate a facility:

- that is located in a jurisdiction where NDEQ is the permitting authority (Generally, NDEQ is the permitting authority in the State of Nebraska, excluding certain Indian Country Lands as identified in the ISW-GP, Part 9),
- that discharges stormwater associated with industrial activities, identified in Appendix D of the ISW-GP,
- that meets the eligibility requirements in Part 1.1 of the permit,
- that develops a stormwater pollution prevention plan (SWPPP) in accordance with Part 5 of the ISW-GP; and
- that installs and implements control measures in accordance with Part 2 to meet non-numeric effluent limits.

One NOI must be submitted for each facility or site for which you are seeking permit coverage. You do not need to submit separate NOIs for each type of industrial activity present at your facility (co-located industrial activities), provided your SWPPP covers all activities.

When to File the NOI Form

Do not file your NOI until you have obtained and thoroughly read a copy of the ISW-GP. A copy of the ISW-GP is located on the NDEQ website. The ISW-GP describes procedures to ensure your eligibility, prepare your SWPPP, install and implement appropriate stormwater control measures, and complete the NOI form questions – all of which must be done before you sign the NOI certification statement attesting to the accuracy and completeness of your NOI. You will also need a copy of the ISW-GP once you have obtained coverage so that you can comply with the implementation requirements of the permit (electronic copy acceptable, should be readily available to facility staff).

Where to File the NOI Form

Mail Address:
NPDES Permits & Compliance Section
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, NE 68509-8922

Location Address:
NPDES Permits & Compliance Section
Nebraska Department of Environmental Quality
1200 'N' Street, The Atrium, Suite 400
Lincoln, NE 68508

- When filing the NOI, please submit the original with a signature in ink – do NOT send copies or faxes.
- Your SWPPP does NOT need to be submitted for review unless specifically requested by NDEQ. You must keep a copy of your SWPPP on-site or otherwise make it available (i.e. electronic copy) to facility personnel responsible for implementing provisions of the permit.

If you have questions, please contact NPDES Program of the Nebraska Department of Environmental Quality (NDEQ) at (402) 471-4220.

Completing the NOI Form

To complete this form, type or print in the appropriate areas only. Please make sure you complete all questions, and make a photocopy for your records before you send the completed original form to the address above. If using the electronic fillable form, please note that you will not be able to save a copy of the completed form unless you have the appropriate software to do so. ***Print a copy prior to closing the form.***

Section A. Facility Operator Information

1. Provide the legal name of the firm, public organization, person or any other public entity that operates the facility described in this application. This may or may not be the same name as in Section B. DO NOT use a manager's name. The operator is the legal entity that controls the operation of the facility. Do not use a colloquial name.
2. Provide the Employer Identification Number (EIN) from the Internal Revenue Service, commonly referred to as your taxpayer ID number. The only alternative to having the EIN on file with the Department is for the owner(s) or chief officer of the company to complete and file a United States Citizenship Attestation Form (available on the Department's website).
3. Provide the operator's mailing address, telephone number, and email address (optional). Correspondence will be sent to this address, so a P.O. Box is acceptable.

Section B. Facility Information

1. Enter the facility's official or legal name. This may or may not be the same name as in Section A.
2. Enter the street address, including city, state, zip code, county of the actual physical location of the facility. Do not use a P.O. Box. If no street address is available, give exact directions (e.g., "on the east side of Highway 87, 0.5 miles north of County Road D").
3. Provide the facility latitude and longitude in degrees decimal format (e.g., 40.812593, 96.703398). You can obtain your facility's latitude and longitude though online mapping tools, Global Positioning System (GPS) receivers, or U.S. Geological Survey quadrangle or topographic maps, among other methods. For consistency, take measurements or identify the location of the facility's main entrance from the public road.
4. Appendix D of the ISW-GP has a list of activities covered by the General Permit. Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged. The industrial activity that requires permit coverage may or may not be the primary activity of the facility. The equivalent six-digit North American Industry Classification System (NAICS) codes may also be used.
5. If the facility will operate at more than one location during the term of this permit and is subject to the Relocation Notice requirements, indicate yes and enter the number of months it is expected to remain at the current location.
6. If your facility is currently inactive and unstaffed, indicate yes and enter the number of months you expect the facility to be inactive and unstaffed.

Section C. For New or Expanded Dischargers Only

Facilities that have previously been issued an Industrial Stormwater Authorization may skip this section and proceed to Section D. All new dischargers, new applicants, and those with expanded facilities must complete this section.

1-2. This permit does not authorize discharges which may negatively affect threatened or endangered species; for new or expanded dischargers, these impacts must be evaluated to assure that they do not occur. Refer to Part 1.1.4.5. of the permit. For new or expanded dischargers, Attachment 1 of this permit may be used to determine which criterion will apply. The one-page checklist in Attachment 1 must be included with the initial NOI in order for the submission to be considered complete.

3 Appendix A of the Industrial Storm Water General Permit has definitions of State Resources Water Classes A and B. A list of State Resource Waters is provided as Attachment 9, If you discharge into these waters, NDEQ may impose additional permit conditions to ensure that you do not violate the State's anti-degradation policy.

Section D. Discharge Information

1. Refer to the site's Storm Water Pollution Prevention Plan (SWPPP) to complete questions a-d.
   a. The requirements for the Site Map are listed in Section 5.1.2 of the ISW-GP and include:
      - a general location map showing the facility's location and all stormwater receiving waters
      - a highly detailed site map. Refer to the permit's requirements before attaching this information. Not all the requirements listed in Section 5.1.2 will apply to all facilities, but all relevant information MUST be included.

b. Provide a list of the pollutants present at the facility that are exposed to stormwater (see Section 5.1.3.2).
c. Indicate whether stormwater from your site will be discharged into a regulated municipal separate storm sewer system (MS4). An MS4 is a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, storm drains, curbs and gutters, ditches and man-made channels, owned or operated by a state, city, town, county, association or other public body, used to collect or convey stormwater. See Attachment 6 of the ISW General Permit for a list of regulated MS4s and enter its name in the space provided. If the response is "YES", check the box on the next line to indicate that a copy of the NOI will be sent to the appropriate MS4 operator.
d. Identify the name, telephone number, and email address of the person who will serve as a contact for NDEQ on issues related to stormwater management at your facility. This person should be able to answer questions related to stormwater discharges, the SWPPP, and other issues related to stormwater permit coverage, or have immediate access to individuals with that knowledge. This person does not have to be the facility operator or certifying official, but should have intimate knowledge of stormwater management activities at the facility.

2. Depending on your industrial activities, your facility may be subject to federal effluent limitation guidelines (ELGs) which include additional effluent limits and monitoring requirements for your facility. The ISW-General Permit does not authorize these discharges. Please review the effluent limitation guidelines listed in Table 1-1 of the permit and indicate if any of these apply to the facility, and check any appropriate box on the NOI form. Table 1-1 does not include all promulgated ELGs, but does list discharges often associated with Industrial Storm Water discharges.

   Also indicate if processes at the facility generate process wastewater or washwater. If so, provide the source and the location of the discharge. In certain instances, these flows may not be discharged from the facility and instead may be re-circulated back into the process; indicate if so.

Section E. Certification

1. Enter certifier's printed name, title and email address. Sign and date the form. State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:
   - ***For a corporation***: by a responsible corporate officer, which means
     - 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
     - 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;
   - ***For a limited liability company***: by a member of the company as set out in its articles of incorporation, by a principal executive officer, or by the facility manager as described above;
   - ***For a partnership or sole proprietorship***: by a general partner or the proprietor; or
   - ***For a municipal, State, Federal, or other public facility***: by either a principal executive or ranking elected official. A principal executive officer of a Federal agency includes: the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency
2. If the NOI was prepared by someone other than the certifier (for example, by the facility SWPPP contact or a consultant prior to the certifier's signature), include the name, organization, phone number and email address of the NOI preparer. During the administrative process prior to authorization, this individual may be contacted for clarification.

Attachment 3

Notice of Termination (NOT)

Form Approved
2016

Nebraska Department of Environmental Quality
Notice of Termination (NOT) of Coverage Under the NPDES General Permit for Storm Water Discharges Associated with Industrial Activity
(NPDES Permit No. NER910000)

Nebraska DEQ

Submission of this Notice of Termination (NOT) constitutes notice that the party identified in Section B of this form is no longer authorized to discharge stormwater associated with industrial activity under the NPDES program for the facility identified in Section C of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form. (Note: facilities which have qualified for the No Exposure Conditional Exclusion and submitted the No Exposure Certification are not required to submit this form, see Part 1.5)

A. Permit Number

1. NPDES Permit Tracking Number: NER_____

2. Reason for Termination (check one only):

a. ☐ You transferred operational control to another operator.

b. ☐ You no longer have a stormwater discharge associated with industrial activity subject to regulation under the NPDES program, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5.

c. ☐ You are a Sector G, H, or J facility and you have met the applicable termination requirements..

d. ☐ You obtained coverage under an alternative NPDES permit.

B. Facility Operator Information

1. Name: _____

2. IRS Employer Identification Number (EIN): ___ - _____

3. Mailing Address:

a. Street: _____

b. City: _____ c. State: ___ d. zip code: _____ - _____

e. Phone: ____ - ____ - _____ f. E-mail (optional): _____

C. Facility Information

1. Facility Name: _____

2. Location Address:

a. Street: _____

b. City: _____ c. County: _____

d. State: ___ e. zip code: _____ - _____

D. Certifying Official Name and Title

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 gather and evaluate 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.

1.a. Print Name: _____

b. Title: _____

c. Signature: _____ d. Date: __/__/____ (MM/DD/YYYY)

e. E-mail: _____ (optional)

Instructions for Completing the Notice of Termination for Stormwater Discharges Associated with Industrial Activity under the Industrial Storm Water General Permit (ISW-GP)

Who May File a Notice of Termination (NOT) with NDEQ?

Permittees currently covered by NDEQ's NPDES Stormwater Industrial Storm Water General Permit may submit a Notice of Termination (NOT) form. You must submit an NOT within 30 days after one or more of the following conditions have been met:

- a new owner or operator has assumed responsibility for the facility; or
- you have ceased operations at the facility and there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5;
- you are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- you have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

See the ISW-GP Part 1.4 for more information.

Where to File the NOT Form

You must send the NOT to the address listed below. If you have questions, please contact NDEQ's NPDES Program at (402) 471-4220.

Mail Address:
NPDES Municipal and Industrial Section
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, Ne 68509-8922

Location Address:
NPDES Municipal and Industrial Section
Nebraska Department of Environmental Quality
1200 'N' Street, The Atrium, Suite 400
Lincoln, Ne 68509-8922

- **When filing the NOT, please submit the original with a signature in ink – Do Not Send Copies. Also, faxed copies will not be accepted.**

Completing the NOT Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above. If using the electronic fillable form, please note that you will not be able to save a copy of the completed form unless you have the appropriate software to do so, print a copy prior to closing the form.

Section A. Permit Information

1. Enter the NPDES tracking number assigned by NDEQ to the facility. If you do not know the tracking number, you can find the tracking number assigned to your facility in the confirmation letter sent by NDEQ notifying the facility of the initial receipt of the NOI.

2. Indicate your reason for submitting this Notice of Termination by checking the appropriate box (see ISW-GP Part 1.4 for more information).

Section B. Facility Operator Information

1. Provide the legal name of the person, firm, public organization or any other public entity that operates the facility described in this application. An operator of a facility is a legal entity that controls the operation of the facility, rather than the plant or site manager. Do not use a colloquial name.

2. Provide the Employer Identification Number (EIN from the Internal Revenue Service (IRS)), commonly referred to as your taxpayer ID number. If the operator does not have an EIN, enter "NA" in the space provided.

3. Provide the operator's mailing address, telephone number, fax number (optional), and email address. Any future correspondence will be sent to this address.

Section C. Facility Information

1. Enter the facility's official or legal name.

2.a-f. Enter the street address, including city, state, zip code, county or similar government subdivision of the actual physical location of the facility. Do not use a P.O. Box. Provide an email address (optional).

Section D. Certification

Certification statement and signature (see Section B.11 of Appendix B of the MSGP for more information). Enter certifier's printed name, title and email address. Sign and date the form. State statutes provide for severe penalties for submitting false information. State regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

(i) 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

(ii) 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;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official. A principal executive officer of a Federal agency includes: The chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency

Attachment 4

Corrective Actions Report

Form Approved
2016

Nebraska Department of Environmental Quality
Corrective Actions Report for NPDES General Permit for Storm Water Discharges Associated with Industrial Activity
(NPDES Permit No. NER910000)

Nebraska DEQ

A. General Information

1. Facility Name: _____

2. NPDES Permit Tracking Number: NER_____

3. Location Address:

a. Street: _____

b. City: _____ c. County: _____

d. State: ___ e. zip code: _____ - _____

B. Corrective Actions Section 1 (complete this section for each specific condition requiring a corrective action or a review determining that no corrective action is needed. Copy this page for additional corrective actions or reviews)

1. Corrective Action # ___ of ___ for this report

2. Is this corrective action:

☐ An update on a corrective action from a previous corrective action report?

☐ A new corrective action?

3. Identify the condition(s) triggering the need for this review:

☐ Unauthorized release or discharge

☐ Control measures inadequate to meet applicable water quality standards

☐ Control measures inadequate to meet non-numeric effluent limitations

☐ Control measures not properly operated or maintained

☐ Change in facility operations necessitated change in control measures

☐ Average benchmark value exceedance

☐ Other (please describe): _____

4. Briefly describe the nature of the problem identified:

5. Date problem identified: __/__/_____

6. How was the problem identified:

☐ Comprehensive site inspection

☐ Quarterly visual assessment

☐ Routine facility inspection

☐ Benchmark monitoring

☐ Notification by EPA, State, or local authorities

☐ Other(please describe): _____

B. Corrective Actions Section 2 **(complete this section for each specific condition requiring a corrective action or a review determining that no corrective action is needed. Copy this page for additional corrective actions or reviews)**

7. Description of corrective action(s) taken or to be taken to eliminate or further investigate the problem (e.g., describe modifications or repairs to control measures, analyses to be conducted, etc.) or if no modifications are needed, basis for that determination:

8. Did/will this corrective action require modification of your SWPPP? ☐ YES ☐ NO

9. Date corrective action initiated: ___/___/_____

10. Date corrective action completed: ___/___/_____ or expected to be completed: ___/___/_____

11. If corrective action not yet completed, provide the status of corrective action at the time of this submission and describe any remaining steps (including timeframes associated with each step) necessary to complete corrective action:

C. Report Certification

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 gather and evaluate 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.

(This report may be signed by the SWPPP Contact/Authorized Representative, it does not require the signature of the facility Certifying Official, though the Certifying Official Signature is also acceptable)

1.a. Print Name: _____

b. Title: _____

c. Signature: _____ d. Date: ___/___/_____ (MM/DD/YYYY)

e. The signatory on this form is the facility: ☐ Authorized Representative ☐ Certifying Official

Attachment 5

No Exposure Certification

Nebraska DEQ

Nebraska Department of Environmental Quality
No Exposure Certification for Conditional Exclusion from NPDES
Industrial Storm Water Permitting

Form Approved
05/04/2016

Submission of this No Exposure Certification constitutes notice that the entity identified in Section A does not require permit authorization for its storm water discharges associated with industrial activity in the State of Nebraska due to the existence of a condition of no exposure. This form must be submitted at least once every five years. The Department recommends that reviews be conducted at least semi-annually to ensure that the facility maintains a condition of no exposure. It is the responsibility of the owner/operator of the facility to ensure compliance with the no exposure condition. Significant potential penalties exist for failure to comply with the NPDES regulations. Additional reporting may be required for facilities that discharge through a permitted MS4 or Combined Sewer.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product. A storm-resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products intended for outdoor use, other than products that would be mobilized in stormwater discharges (e.g., rock salt).

A No Exposure Certification must be provided for each qualified facility. In addition, exclusion from NPDES permitting is available on a facility-side basis only, not for individual outfalls.

By signing and submitting this No Exposure Certification form, the entity in Section A is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and condition of 40 CFR 122.26(g). ALL INFORMATION MUST BE PROVIDED ON THIS FORM. PROVIDE ORIGINAL SIGNATURE IN INK. DO NOT SUBMIT COPIES. **Detailed instructions for completing and submitting this form are provided on pages 3 and 4.**

A. Facility Operator Information

1. Name: _____
2. IRS Employer Identification Number (EIN): ___ – _____ *(The only alternative to having the EIN on file with the Department is for the owner(s) or chief officer of the corporation to submit a United States Citizenship Attestation Form).*
3. Mailing Address: *(All correspondence will be mailed to this address)*
   Street or P.O. Box: _____
   City: _____ State: ___ Zip code: _____
   Phone: ___ – ___ – _____ E-mail *(optional)*: _____

B. Facility Information

1. Facility Name: _____
2. Street / Location: _____
   City: _____ County: _____
   Zip code: _____
3. Identify the coordinates of the main entrance to the facility from the public roadway:
   Latitude: _____ ° N Longitude: _____ ° W
   Use decimal degrees (Example: 40.812731, 96.703264)
4. Has this facility previously been issued an Industrial Stormwater Authorization or individual permit?
   ☐ YES List number(s) *(if known)*: _____
   ☐ NO
5. Enter the facility's 4-digit SIC or 6-digit NAICS code(s): _____

C. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check "Yes" or "no" in the appropriate box.) **If you answer "Yes" to any of Questions (1) through (11), you are not eligible for the no exposure conditional exclusion.**

		Yes	No
1.	Using, storing, or cleaning industrial machinery or equipment, and areas where residuals from using, storing, or cleaning industrial machinery or equipment remain and are exposed to stormwater	☐	☐
2.	Materials or residuals on the ground or in stormwater inlets from spills/leaks.	☐	☐
3.	Materials or products from past industrial activity	☐	☐
4.	Material handling equipment (except adequately maintained vehicles)	☐	☐
5.	Materials or products during loading/unloading or transporting activities	☐	☐
6.	Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)	☐	☐
7.	Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	☐	☐
8.	Materials or products handled/stored on roads or railways owned or maintained by the discharger	☐	☐
9.	Waste material (except waste in covered, non leaking containers [e.g., dumpsters])	☐	☐
10.	Application or disposal of process wastewater (unless otherwise permitted)	☐	☐
11.	Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater outflow	☐	☐

D. Municipal Separate Storm Sewer Systems

1. Does your facility discharge stormwater into a regulated Municipal Separate Storm Sewer System (MS4)? *(See Attachment 6, List of MS4s.)* ☐ ☐

   If yes, name of MS4 operator: *(e.g.: City of Fremont, Offutt AFB)* _____

E. Certification

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 gather and evaluate 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.

1. Print Name: _____

   Title: _____

   Signature: _____ Date: _____

   E-mail: _____ *(optional)*

2. Follow-up Contact

   Print Name: _____

   Company: _____

   Phone: _____ - _____ - _____ Ext.: _____ E-mail: _____

Instructions for Completing the No Exposure Certification for Conditional Exclusion from the NPDES Stormwater Permitting

Who May File a No Exposure Certification

Federal law at 40 CFR Part 122.26 and State regulations (NDEQ Title 119) prohibit point source discharges of stormwater associated with industrial activity to waters of the U.S. without a NPDES permit. However, NPDES permit coverage is not required for discharges of stormwater associated with industrial activities identified at 40CFR 122.26(b)(14)(i)-(ix) and (xi) if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

Stormwater discharges from construction activities identified in 40 CFR 122.26(b)(14)(x) and (b)(15) are not eligible for the no exposure exclusion.

Obtaining and Maintaining the No Exposure Exclusion

This form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification is only applicable in the State of Nebraska where NDEQ is the NPDES permitting authority and must be re-submitted at least once every five years.

The industrial facility operator must maintain a condition of no exposure at its facility or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the facility operator must obtain coverage under an NPDES stormwater permit immediately.

Where to File the No Exposure Certification Form

Mail Address:
NPDES Permits & Compliance Section
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, NE 68509-8922

Location Address:
NPDES Permits & Compliance Section
Nebraska Department of Environmental Quality
1200 'N' Street, The Atrium, Suite 400
Lincoln, NE 68508

- **When filing the NOI, please submit the <u>original with a signature in ink</u> – do NOT send copies or faxes.**

If you have questions, please contact NPDES Program of the Nebraska Department of Environmental Quality (NDEQ) at (402) 471-4220.

Completing the No Exposure Certification Form

To complete this form, type or print in the appropriate areas only. Please make sure you complete all questions, and make a photocopy for your records before you send the completed original form to the address above. If using the electronic fillable form, please note that you will not be able to save a copy of the completed form unless you have the appropriate software to do so. ***Print a copy prior to closing the form.***

Section A. Facility Operator Information

1. Provide the legal name of the firm, public organization, person or any other public entity that operates the facility described in this application. This may or may not be the same name as in Section B. DO NOT use a manager's name. The operator is the legal entity that controls the operation of the facility. Do not use a colloquial name.
2. Provide the Employer Identification Number (EIN) from the Internal Revenue Service, commonly referred to as your taxpayer ID number. The only alternative to having the EIN on file with the Department is for the owner(s) or chief officer of the company to complete and file a United States Citizenship Attestation Form (available on the Department's website).
3. Provide the operator's mailing address, telephone number, and email address (optional). Correspondence will be sent to this address, so a P.O. Box is acceptable.

Section B. Facility Information

1. Enter the facility's official or legal name. This may or may not be the same name as in Section A.
2. Enter the street address, including city, state, zip code, county of the actual physical location of the facility. Do not use a P.O. Box. If no street address is available, give exact directions (e.g., "east side of Hwy. 87, 0.5 miles north of County Road D").
3. Provide the facility latitude and longitude in degrees decimal format (e.g., 40.812593, 96.703398). You can obtain your facility's latitude and longitude though online mapping tools, Global Positioning System (GPS) receivers, or

U.S. Geological Survey quadrangle or topographic maps, among other methods. For consistency, take measurements or identify the location of the facility's main entrance from the public road.

4. List the number(s) of any previous Industrial Storm Water (ISW) Authorizations or individual permits issued for this facility. ISW Authorization numbers begin with NER and are followed by 6 digits, e.g. NER012345. Individual permit numbers begin with NE and are followed by 7 digits, e.g. NE0123456.
5. List the four-digit Standard Industrial Classification (SIC) or the equivalent six-digit North American Industry Classification System (NAICS) code(s) for the facility's activities that require permit coverage. The industrial activity that requires permit coverage may or may not be the primary activity of the facility. Appendix D of the ISW-GP has a list of activities covered by the General Permit.

Section C. Exposure Checklist

Check "Yes" or "No" as appropriate to describe the exposure condition at your facility. If you answer "Yes" to ANY of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under an NPDES stormwater permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

Section D. Municipal Separate Storm Sewer Systems

1.a Indicate whether stormwater from your site will be discharged into a regulated municipal separate storm sewer system (MS4). An MS4 is a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, storm drains, curbs and gutters, ditches and man-made channels, owned or operated by a state, city, town, county, association or other public body, used to collect or convey stormwater.

1.b. To determine if the MS4 to which you discharge is regulated, refer to Attachment 6 of the General Permit. If you check "Yes" then identify the name of the MS4 operator on the line provided. If you answered "Yes" to this question, a copy of this form may be required to be submitted to the operator of the MS4.

Section E. Certification

1. Enter certifier's printed name, title and email address. Sign and date the form. State statutes provide for severe penalties for submitting false information on this application form. State regulations require this application to be signed as follows:

- ***For a corporation***: by a responsible corporate officer, which means
  - 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
  - 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;
- ***For a limited liability company***: by a member of the company as set out in its articles of incorporation, by a principal executive officer, or by the facility manager as described above;
- ***For a partnership or sole proprietorship***: by a general partner or the proprietor; or
- ***For a municipal, State, Federal, or other public facility***: by either a principal executive or ranking elected official. A principal executive officer of a Federal agency includes: the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency

2. If this form was prepared by someone other than the certifier (for example, by the facility's compliance specialist or a consultant prior to the certifier's signature), include the name, organization, phone number and email address of the form preparer. During the administrative process prior to authorization, this individual may be contacted for clarification.

Attachment 6

List of MS4s

Table 6-1. Permitted MS4s			
MS4		**Contact information**	
Traditional MS4s			
Cities	City of Beatrice	James Burroughs City Engineer 205 N 4th St. Beatrice, NE 68310	(402) 228-5208 jburroughs@beatrice.ne.gov
	City of Bellevue	Dan Berlowitz City Administrator 210 W. Mission Ave. Bellevue, NE 68005	(402) 293-3021 dan.berlowitz@bellevue.net
	Village of Boys Town	Scott Kardell Director of Facilities 355 McBreen Circle Boys Town, NE 68010	(402) 498-1138
	City of Columbus	Michael Middendorf Engineering Department 2424 14th Street Columbus, NE 68601	(402) 562-4237 OR 562-4235 mmidden@columbusne.us
	City of Dakota City	See South Sioux City	
	City of Fremont	Justin Zetterman Public Works Department 400 E. Military Avenue, 3rd Floor Fremont, NE 68025	(402) 727-2636 justin.zetterman@fremontne.gov
	City of Grand Island	Terry A. Brown Assistant Public Works Director 100 E. First Street Grand Island, NE 68801-1968	(308) 385-5444 Ext. 260
	City of Hastings	Deb Bergman Engineering Department 220 N. Hastings Ave. Hastings, NE 68901	(402)461-2339 dbergman@cityofhastings.org
	City of Kearney	Dan Lillis Engineering Department 1919 15th Avenue Kearney, NE 68845	(308) 233-3273 dlillis@kearneygov.org
	City of La Vista	John M. Kottmann, P.E. City Engineer 9900 Portal Road City of La Vista, NE 68128	(402) 331-8927 jkottmann@cityoflavista.org
	City of Lexington	Bill Brecks Building Inspection/Planning/Zoning PO Box 70 Lexington, NE 68850	(308) 324-2341 bbrecks@cityoflex.com
	City of Lincoln	Ben Higgins Watershed Management 555 South 10th Street, Suite 203 Lincoln, NE 68508	(402) 441-7589 bhiggins@lincoln.ne.gov
	City of Norfolk	Trent Howard Prevention Bureau 127 N. 1st Street Norfolk, NE 68701	(402) 844-2060 thoward@ci.norfolk.ne.us

	City of North Platte	Thomas Werblow North Platte Engineering Dept. 211 West Third Street North Platte, NE 69101 (308) 535-6724 WerblowTC@ci.north-platte.ne.us
	City of Omaha	James Kee, Jr. City of Omaha – Environmental Services Stormwater Program 5600 S. 10th Street Omaha, NE 68107 (402) 444-3915 Ext. 238 jkee@ci.omaha.ne.us
	City of Papillion	Marty Leming Public Works Director 9909 Portal Rd Papillion, NE 68046 (402) 597-2043 mleming@papillion.org
	City of Ralston	Dan Freshman Public Works Department 5500 S. 77th Street Ralston, NE 68127 (402) 331-6677 Ext. 1310 dfreshman@cityofralston.com
	City of Scottsbluff	Leann Sato City of Scottsbluff – Stormwater Program 2525 Circle Drive Scottsbluff, NE 69361 (308) 630-8011 lsato@scottsbluff.org
	City of South Sioux City	Derek Morris Public Works Department 125 East 26th Street South Sioux City, NE 68776 (402) 494-7534 stormwater@southsiouxcity.org
Counties	Dakota County	See South Sioux City
	Douglas County	Kent Holm Environmental Services 3015 Menke Circle Omaha, NE 68134 (402) 444-6181 kent.holm@douglascounty-ne.gov
	Sarpy County	Sarpy County Administration 1210 Golden Gate Drive, Suite 1126 Papillion, NE 68046 (402) 593-2347 markw@sarpy.com

Non-Traditional MS4s	
Nebraska Department of Roads	Not applicable
NDOR is a permitted MS4 for properties or locations owned by NDOR within all regulated (permitted) MS4s	
University of Nebraska - Lincoln	Brenda K. Osthus, Director Environmental Health & Safety University of Nebraska-Lincoln 3630 East Campus Loop Lincoln, NE 68583-0824 (402) 472-2925
Offutt Air Force Base	Andrew Heuerman 55 CES/CEVC Environmental Management Flight/ Storm Water 106 Peacekeeper Drive, STE 2N3 Offutt AFB, NE 68113-4019 402-232-5876 Andrew.heuerman@us.af.mil

If required or upon request, copies of all required submissions to NDEQ shall be concurrently submitted to the appropriate Combined Sewer (CS), or Municipal Separate Storm Sewer Systems (MS4s) operator. A list of permitted Municipal Separate Storm Sewer Systems (MS4s) is attached as Attachment 6. The contact information provided may not be the appropriate or most current contact information for required submissions. The MS4 operator should be contacted for the appropriate address.

Permittees located within a CS or MS4 shall contact the operator at the time of application to determine if submissions are required to the CS or MS4. The operator has discretion to determine if they would like to receive the concurrent submissions, and for which documents a concurrent submission is required. The CS or MS4 operator has discretion to modify their policies during the term of the permit by notifying affected permittees.

Attachment 7

Relocation Notice

STATE OF NEBRASKA

Nebraska Department of Environmental Quality
1200 'N' Street, Suite 400, The Atrium
PO Box 98922
Lincoln, NE 68509-8922
Tel. 402/471-2186
Fax 402/471-2909

ATTENTION TO:

☐ **Air Program**

☐ **NPDES Program**

Relocation Notice – Form RN

This form is intended for use by facilities subject to Air Program and/or NPDES Storm Water reporting requirements. The second page of this form contains sections that apply specifically to either the Air or NPDES programs. Sources subject to regulation under only one program will not need to complete both sections.

Questions concerning the completion of this form should be directed to the Air Quality Section at 402/471-2189 or to the Permits and Compliance Section at 402/471-4220.

1) Owner/Operator Identification

Name Owner/Operator: _____

Contact Person: _____ Tel.: _____

Address: _____

_____

2) Facility Identification

Facility Name/Number: _____

Facility Type (asphalt, concrete, etc.): _____

Facility ID # _____ NPDES ID # NER 91 ___ ___ ___ ___

Pollution Control Equipment: _____

3) Relocation Site – Note: <u>Relocation onto tribal land requires EPA and/or tribal approval</u>

Street Address or brief narrative description of the facility location: _____

_____

_____

Legal Description: _____ Quarter of the _____ Quarter, or _____

Section _____, Township _____ N, Range _____ (E or W), _____ County

4) Relocation Schedule - Provide the anticipated dates for the following:

Start of Site Development: _____ Start of Facility Operations: _____

End of Facility Operations: _____

5) Air Program Information: This section applies to sources subject to the Air Program regulations.

Provide a description of the site location, adjacent surroundings, including proximity of occupied buildings.

_____

_____

_____

_____

6) NPDES Storm Water Information: This section applies to sources subject to NPDES Storm Water regulations and requirements. Please refer to Attachment 9 of the Industrial Storm Water General Permit for information concerning the identification of State Resource Waters.

Name of Water Body Receiving Storm Water flows: _____

Is the receiving stream identified in Attachment 9 of the NPDES permit? _____

If yes, written notification from the Department of authorization to discharge is required, and the relocation site may be denied due to concerns over water quality impacts. Additional information concerning the Storm Water Pollution Prevention Plan and the potential impact of storm water discharges on water quality may be required (See Section 1.8 of the permit).

7) Certification and Signature

I have examined and am familiar with the information submitted on this application. To the best of my knowledge the information supplied is true and accurate.

_____ _____

Signature of Certifying Official, Authorized Representative or Responsible Official* Date

_____ _____

Printed Name Title

*For facilities subject to the terms and conditions of the Industrial Storm Water General Permit (NPDES Permit NER910000), this form must be signed by the certifying official or authorized representative (See Appendix B, Subsection B.2 of the permit or the instructions for this application).

Submit copies of the completed form to:

Nebraska Department of Environmental Quality
1200 'N' St., Atrium Suite 400
PO Box 98922
Lincoln, NE 68509-8922

If you are submitting the Relocation Notice to satisfy both the Air and NPDES Program requirements, include two copies of the form. One form should be marked "Attention to: Air Program" and the other "Attention to: NPDES Program."

Relocation Form Instructions

This form can be used for notifying the Department of the relocation of portable air emission sources and industrial storm water dischargers. Portable facilities that are subject to the Air Program requirements and/or National Pollutant Discharge Elimination System (NPDES) Storm Water Permits will need to use this form.

This notification form is to be submitted 20 days prior to a proposed relocation. Relocation Notices are subject to review and proposed relocation sites may be rejected based upon air quality (NDEQ Title 129 Chapter 10) or water quality (NPDES Permit # NER910000, Section 1.8) concerns.

Questions concerning this form should be directed either to the Air Quality Section at 402/471-2189 or the Water Quality, Permits and Compliance Section at 402/471-4220.

Please indicate at the top of the page if the form should be sent to the attention of the Air Program or the NPDES Program. If you need to send a form to each program, include two copies of the form: one to the attention of Air and one to the attention of NPDES.

1) **Name and Address** - Provide the name and mailing address of the facility owner. The mailing address provided should be that of the Contact Person.

   Contact Person, Address & Telephone - Provide the name, address and telephone number of the person to be contacted concerning any questions the Department may have on the application or the relocation site. This contact need not be the Certifying Official or Authorized Representative (See below).

   Plant Name/Number - The descriptive designation used by the owner to identify the facility.

   Type - The type of facility being relocated; for example: an asphalt plant, a concrete plant, or a rock crusher.

2) **Facility Identification (FID) #** - The identification number assigned to the facility by the Department. This is a unique number assigned to each plant.

   NPDES # - This is a 9 digit alpha/numeric designator starting with "NER 91"; please fill in the last 4 digits.

   If the FID or NPDES numbers have not been assigned or are not known, write in "NONE" or "UNKNOWN" over the blanks.

   Air Pollution Control Equipment - Provide a description of the equipment used by the facility.

3) **Relocation Site** - A narrative description of the site location. For example: 3 miles west of Wahoo on Hwy 92. Note that if you are relocating onto tribal land, you must get approval from the Environmental Protection Agency (EPA) and/or the Tribe.

   Legal Description of Relocation Site - Provide the legal description in the following format to the nearest quarter section. For example: NW Quarter, Section 12, Township 10N, Range 2W, York County.

4) **Anticipated Relocation Dates** - Provide the dates requested as best known at time of submittal. If the start or finish dates change by more than two weeks, a follow-up notification should be provided.

5) **Air Program Information** - Provide a narrative description of the site and adjacent surroundings, including proximity to occupied buildings. A map of the site area may also prove useful and facilitate processing.

6) **Signature** For NPDES permitted facilities, the notification form must be signed by a "Certifying Official" or "Authorized Representative" meeting the following criteria:

a. The "**certifying official**" is responsible for signing all permit applications and meets the requirements in NDEQ Title 119 Chapter 10.001:

All permit applications submitted to the Department shall be signed:

001.01 In the case of corporation, by a principal executive officer of at least the level of vice-president;

001.02 In the case of a partnership, by a general partner;

001.03 In the case of a sole partnership, by a general partner; and

001.04 In the case of a municipal, State or other public facility by either a principal executive officer or ranking elected official.

b. The "**authorized representative**" is the primary facility contact for correspondence and monitor reporting, and must meet the requirements set forth in NDEQ Title 119 Chapter 10.002:

All other correspondence, reports and DMR's shall be signed by a person designated in 001.01 through 001.04 above or a duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge originates; the authorization is made in writing by the person designated under 001.01 through 001.04 above; and the written authorization is submitted to the Director.

An authorization form is available for designating an Authorized Representative. This authorization requires the signature of the Certifying Official. Please contact the Permits and Compliance Sections at 402/471-4220.

For Air Program permitted facilities, the notification form must be signed by a "Responsible Official." A "**responsible official**", according to NDEQ Title 129 Chapter 1.089, means one of the following:

089.01 For a corporation: 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 a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit...

089.02 For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

089.03 For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official.

089.04 For affected sources:

089.04A The designated representative in so far as actions, standards, requirements or prohibitions under Chapter 26 are concerned; and

089.04B The designated representative for any other purposes under the Title V Program."

7) **Mailing the Notification Form** - The completed and signed form should be mailed or delivered to the addresses provided on the bottom of the application form. If the form will satisfy both NPDES and Air Program requirements, include two copies. Each copy should either be marked "Attention: Air Program" or "Attention: NPDES Program."

Attachment 8

Industrial Storm Water – Storm Event Monitoring Report
(ISW – SEMR)

Form Approved 2016

Nebraska Department of Environmental Quality
Industrial Storm Water – Storm Event Monitoring Report
(ISW – SEMR)

Nebraska DEQ

A. Permit Tracking Number: NER_____

B. Facility Information

1. Facility Name: _____

2. Facility Location Address:

a. Street: _____

b. City: _____ c. State: ___ d. zip code: _____ - _____

3. Additional Facility Information (Optional)

Contact Name: _____ Phone: ___ - ___ - _____ Ext. _____

E-mail (optional): _____

4. ISW – SEMR Preparer (Complete if ISW – SEMR was prepared by someone other than the person signing the certification section)

Prepared by: _____

Organization: _____

Phone: ___ - ___ - _____ Ext. _____

E-mail (optional): _____

C. Discharge Information

1. Identify Monitoring Period:

☐ Check here if proposing alternative monitoring periods due to semi-arid climate, or freezing conditions

☐ Quarter 1 (January 1 – March 31) ☐ Quarter 1: From __/__ To __/__

☐ Quarter 2 (April 1 – June 30) ☐ Quarter 2: From __/__ To __/__

☐ Quarter 3 (July1 – September 30) ☐ Quarter 3: From __/__ To __/__

☐ Quarter 4 (October 1 – December 31) ☐ Quarter 4: From __/__ To __/__

2.a. Are you required to monitor for any hardness dependent metals (cadmium, copper, chromium, lead, nickel, silver, zinc)? ☐ YES ☐ NO

2.b. If so, what is the hardness of the receiving water? _____ mg/L

D. Outfall Information

1. How many outfalls are identified in the SWPPP? ___ List the identification code (name, 'SW-outfall 1') for each outfall in the table below.

2. Do any of the outfalls discharge substantially identical effluents? ☐ YES ☐ NO

3. If yes, for each monitored outfall, indicate outfall names that are substantially identical in the table below.

3.a. Monitored Outfall Name*	3.b. Substantially Identical Outfalls (list those determined to be substantially identical to outfall identified in 3.a.)	3.c. No Discharge?
		☐
		☐
		☐
		☐
		☐
		☐
		☐

*Reference attachment if additional space is needed to complete the table.

Form Approved
2016

Nebraska Department of Environmental Quality
Industrial Storm Water – Storm Event Monitoring Report
(ISW – SEMR)

Nebraska DEQ

E. Monitoring Information

Permit Tracking Number: NER_____

1. Nature of Discharge: ☐ Rainfall (Complete line items 1.a., 1.b., & 1.c.) ☐ Snowmelt

1.a. Duration of Rain event (hours): ___ 1.b. Rainfall amount (inches) : ___._ 1.c. Time since previous measureable storm event (days): ____

2.a. Outfall Name	2.b. Monitoring Type (QBM, I, O)*	2.c. Parameter	2.d. Quantity or concentration	2.e. Units	2.f. Results Description	2.g. Collection Date	2.h. Exceedance due to natural background pollutant levels	2.i. No further pollutant reductions achievable?
							☐	☐
							☐	☐
							☐	☐
							☐	☐
							☐	☐
							☐	☐
							☐	☐
							☐	☐
							☐	☐

* (QBM) – Quarterly benchmark monitoring; (I) – Impaired waters monitoring; (O) – Other monitoring as required by NDEQ

3. Comments and/or Explanation of any monitoring results (also reference attachments here)

F. Certification

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 gather and evaluate 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.

1.a. Print Name: _____

b. Title: _____

c. Signature: _____ d. Date: __/__/____ (MM/DD/YYYY)

e. E-mail: _____ (optional)

Attachment 9

Special Waters

Table 9-1. Special Waters (as designated in Title 117)						
COUNTY	WATER BODY NAME	WATER BODY SEGMENT IDENTIFIER	SEGMENT DESCRIPTION	PUBLIC DRINKING WATER SUPPLY	STATE RESOURCE WATERS (Class A or B)	Threatened or Endangered Species
Adams	Platte River	MP2-10000	Kearney Canal Return (Sec 11-8N-16W) to Wood River	X		
Blaine	Goose Creek	LO2-20100	Sec 16-26N-25W to North Loup River			Northern redbelly dace, Finescale dace
Box Butte	Niobrara River	NI4-40000	Whistle Creek to Box Butte Reservoir Dam (Sec 28-29N-49W)			Finescale dace
Boyd	Niobrara River	NI2-10000	Keya Paha River to Missouri River		A	
Brown	Calamus River	LO2-11300	Sec 25-25N-21W to North Loup River		B	
Brown	Calamus River	LO2-11400	Sec 28-26N-22W to Sec 25-25N-21W		B	
Brown	Calamus River	LO2-11500	Sec 28-27N-23W to Sec 28-26N-22W		B	
Brown	Calamus River	LO2-11600	Headwaters to Sec 28-27N-23W		B	
Brown	Goose Creek	LO2-20100	Sec 16-26N-25W to North Loup River			Northern redbelly dace, Finescale dace
Brown	Niobrara River	NI3-10000	Plum Creek to Keya Paha River		A	
Brown	Sand Draw	NI3-12221				Northern redbelly dace, Finescale dace
Brown	Bone Creek	NI3-12230	Headwaters to Unnamed Creek (Sec 23-30N-22W)			Northern redbelly dace, Finescale dace
Brown	Long Pine Creek	NI3-12300	Willow Creek to Bone Creek		B	
Brown	Long Pine Creek	NI3-12400	Headwaters to Willow Creek		B	
Brown	Niobrara River	NI3-20000	Snake River to Plum Creek		A	
Brown	Fairfield Creek	NI3-20500				Northern redbelly dace

Brown	**South Fork Fairfield Creek**	**NI3-20510**				Northern redbelly dace, Finescale dace
Buffalo	**Platte River**	**MP2-10000**	Kearney Canal Return (Sec 11-8N-16W) to Wood River	**X**		
Burt	**Missouri River**	**MT1-10000**	Big Sioux River to Platte River	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Cass	**Platte River**	**LP1-10000**	Elkhorn River to Missouri River	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Cass	**Missouri River**	**NE1-10000**	Platte River to Nebraska-Kansas border (Sec 32-1N-19E)	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Cass	**Rock Creek**	**NE1-13700**		**X**		
Cedar	**Missouri River**	**MT2-10000**	Niobrara River to Big Sioux River	**X**	**A**	Lake sturgeon, Pallid sturgeon, Scaleshell mussel
Cherry	**Goose Creek**	**LO2-20100**	Sec 16-26N-25W to North Loup River			Northern redbelly dace, Finescale dace
Cherry	**Goose Creek**	**LO2-20200**	Headwaters to Sec 16-26N-25W			Northern redbelly dace, Finescale dace
Cherry	**Pass Creek**	**LO2-30100**				Northern redbelly dace
Cherry	**Brush Creek**	**LO2-40100**				Northern redbelly dace, Finescale dace, Blacknose shiner, Topeka shiner
Cherry	**Big Creek**	**LO2-40200**				Northern redbelly dace, Finescale dace
Cherry	**North Loup River**	**LO2-60000**	Sec 10-28N-34W to Sec 21-28N-31W			Northern redbelly dace
Cherry	**Mud Creek**	**LO2-70100**				Northern redbelly dace
Cherry	**South Branch Middle Loup River**	**LO3-70100**				Finescale dace
Cherry	**North Branch Middle Loup River**	**LO3-70200**	Middle Branch Middle Loup River to South Branch Middle Loup River			Finescale dace

Cherry	Middle Branch Middle Loup River	LO3-70210				Finescale dace
Cherry	North Branch Middle Loup River	LO3-70300	Headwaters to Middle Branch Middle Loup River			Finescale dace
Cherry	Niobrara River	NI3-20000	Snake River to Plum Creek		A	
Cherry	Fairfield Creek	NI3-20500				Northern redbelly dace
Cherry	South Fork Fairfield Creek	NI3-20510				Northern redbelly dace, Finescale dace
Cherry	Minnechaduza Creek	NI3-21900	Dry Creek to the Niobrara River			Northern redbelly dace, Finescale dace
Cherry	Dry Creek	NI3-21930				Northern redbelly dace
Cherry	Minnechaduza Creek	NI3-22000	Headwaters to Dry Creek			Northern redbelly dace, Finescale dace, Blacknose shiner
Cherry	Gordon Creek	NI3-22200	Betsy Creek to Niobrara River			(Pearl dace, downgraded to S3 species)
Cherry	Betsy Creek	NI3-22210				Northern redbelly dace
Cherry	Gordon Creek	NI3-22300	Headwaters to Betsy Creek			Northern redbelly dace, Finescale dace, Blacknose shiner
Cherry	Sandy Richards Creek	NI3-22320				Northern redbelly dace, Finescale dace
Cherry	Snake River	NI3-22400	Merritt Reservoir Dam (Sec 30-31N-30W) to the Niobrara River			(Pearl dace, downgraded to S3 species)
Cherry	Snake River	NI3-22500	Clifford Creek to Merritt Reservoir Dam (Sec 30-31N-30W)			Northern redbelly dace, Finescale dace
Cherry	Boardman Creek	NI3-22510				Finescale dace
Cherry	Willow Creek	NI3-22521				Finescale dace
Cherry	Snake River	NI3-22600	Headwaters to Clifford Creek			Northern redbelly dace, Finescale dace
Cherry	Leander Creek	NI4-10200				Finescale dace
Custer	Sand Creek	LO4-30100	Sec 1-15N-23W			Finescale dace

Custer	**Unnamed Creek**	**LO4-30200**	Sec 28-17N-25W			Northern redbelly dace
Dakota	**Missouri River**	**MT1-10000**	Big Sioux River to Platte River	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Dakota	**Missouri River**	**MT2-10000**	Niobrara River to Big Sioux River	**X**	**A**	Lake sturgeon, Pallid sturgeon, Scaleshell mussel
Dawes	**Niobrara River**	**NI4-40000**	Whistle Creek to Box Butte Reservoir Dam (Sec 28-29N-49W)			Finescale dace
Dawes	**White River**	**WH1-10000**	Whitney Pipe Line (Aqueduct)(Sec 26-32N-52W) to Nebraska-South Dakota border (Sec 22-35N-47W)	**X**		
Dawes	**Chadron Creek**	**WH1-11300**		**X**		
Dawes	**Cunningham Creek**	**WH1-11710**			**A**	
Dawes	**White River**	**WH1-20000**	Soldier Creek to Whitney Pipe Line (Aqueduct) (Sec 26-32N-52W)	**X**		
Dawes	**Squaw Creek**	**WH1-20120**	Headwaters to Nebraska National Forest boundary (Sec 20-31N-51W)		**A**	
Dawes	**Soldier Creek**	**WH1-20300**	Middle Fork Soldier Creek to White River	**X**	**A**	
Dawes	**White River**	**WH1-30000**	Kyle Creek (Sec 35-31N-54W) to Soldier Creek	**X**	**B**	
Dawes	**Dead Man's Creek**	**WH1-30100**		**X**		
Dixon	**Missouri River**	**MT2-10000**	Niobrara River to Big Sioux River	**X**	**A**	Lake sturgeon, Pallid sturgeon, Scaleshell mussel
Douglas	**Platte River**	**LP1-20000**		**X**		Sturgeon chub
Douglas	**Missouri River**	**MT1-10000**	Big Sioux River to Platte River	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Grant	**South Branch Middle Loup River**	**LO3-70100**				Finescale dace
Grant	**Middle Branch Middle Loup River**	**LO3-70210**				Finescale dace
Hall	**Platte River**	**MP2-10000**	Kearney Canal Return (Sec 11-8N-16W) to Wood River	**X**		

Hamilton	**Platte River**	**MP2-10000**	Kearney Canal Return (Sec 11-8N-16W) to Wood River	**X**		
Holt	**Elkhorn River**	**EL4-40000**	Confluence of South Fork North Fork Elkhorn River to Holt Creek		**B**	
Holt	**Missouri River**	**NI1-10000**	Nebraska-South Dakota Border (Sec 21-35N-10W) to Niobrara River		**A**	
Holt	**Camp Creek**	**NI2-11710**				Northern redbelly dace
Holt	**Niobrara River**	**NI3-10000**	Plum Creek to Keya Paha River		**A**	
Hooker	**South Branch Middle Loup River**	**LO3-70100**				Finescale dace
Jefferson	**Little Blue River**	**LB1-10000**	Big Sandy Creek to Nebraska Kansas border	**X**		
Kearney	**Platte River**	**MP2-10000**	Kearney Canal Return (Sec 11-8N-16W) to Wood River	**X**		
Keith	**Sand Creek**	**NP1-30800**				Northern redbelly dace
Keith	**North Platte River**	**NP1-40000**	Kingsley Dam to Whitetail Creek		**B**	
Keith	**Otter Creek**	**NP2-10300**	Headwaters to Lake C.W. McConaughy		**B**	
Keya Paha	**Niobrara River**	**NI3-10000**	Plum Creek to Keya Paha River		**A**	
Keya Paha	**Holt Creek**	**NI3-10250**	East Branch Holt Creek to Nebraska-South Dakota border (Sec 19-35N-20W)			Northern redbelly dace, Finescale dace, Blacknose shiner
Keya Paha	**East Branch Holt Creek**	**NI3-10251**				Northern redbelly dace
Keya Paha	**Holt Creek**	**NI3-10260**	Headwaters to East Branch Holt Creek			Northern redbelly dace, Finescale dace, Blacknose shiner
Keya Paha	**Unnamed Creek**	**NI3-10261**	Sec 21-34N-21W			Northern redbelly dace
Keya Paha	**Timber Creek**	**NI3-10270**	Headwaters to the Nebraska-South Dakota border (Sec 19-35N-21W)			Northern redbelly dace
Keya Paha	**Cottonwood Creek**	**NI3-10280**	Headwaters to the Nebraska-South Dakota border (Sec 21-35N-22W)			Northern redbelly dace, Finescale dace
Keya Paha	**Lost Creek**	**NI3-10290**	Headwaters to the Nebraska-South Dakota border (Sec 22-35N-23W)			Northern redbelly dace

Keya Paha	**Shadley Creek**	**NI3-10300**	Headwaters to the Nebraska-South Dakota border (Sec 23-35N-24W)			Northern redbelly dace
Knox	**Missouri River**	**MT2-10000**	Niobrara River to Big Sioux River	**X**	**A**	Lake sturgeon, Pallid sturgeon, Scaleshell mussel
Knox	**Missouri River**	**NI1-10000**	Nebraska-South Dakota Border (Sec 21-35N-10W) to Niobrara River		**A**	
Knox	**Niobrara River**	**NI2-10000**	Keya Paha River to Missouri River		**A**	
Knox	**Verdigre Creek**	**NI2-10100**	North Branch Verdigre Creek to Niobrara River		**A**	
Logan	**South Loup River**	**LO4-50000**	Headwaters to North Fork South Loup River			Northern redbelly dace
Loup	**Calamus River**	**LO2-11300**	Sec 25-25N-21W to North Loup River		**B**	
Madison	**Taylor Creek**	**EL1-22010**				Topeka shiner
Merrick	**Platte River**	**MP2-10000**	Kearney Canal Return (Sec 11-8N-16W) to Wood River	**X**		
Nemaha	**Missouri River**	**NE1-10000**	Platte River to Nebraska-Kansas border (Sec 32-1N-19E)	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Otoe	**Missouri River**	**NE1-10000**	Platte River to Nebraska-Kansas border (Sec 32-1N-19E)	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Richardson	**Missouri River**	**NE1-10000**	Platte River to Nebraska-Kansas border (Sec 32-1N-19E)	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Richardson	**Unnamed Creek**	**NE1-10700**	Sec 5-3N-17E		**A**	
Rock	**Calamus River**	**LO2-11300**	Sec 25-25N-21W to North Loup River		**B**	
Rock	**Niobrara River**	**NI3-10000**	Plum Creek to Keya Paha River		**A**	
Rock	**Willow Creek**	**NI3-11300**				Northern redbelly dace
Sarpy	**Platte River**	**LP1-10000**	Elkhorn River to Missouri River	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Sarpy	**Platte River**	**LP1-20000**		**X**		Sturgeon chub
Sarpy	**Missouri River**	**MT1-10000**	Big Sioux River to Platte River	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Saunders	**Platte River**	**LP1-10000**	Elkhorn River to Missouri River	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Saunders	**Platte River**	**LP1-20000**		**X**		Sturgeon chub

Sheridan	**Snake River**	**NI3-22600**	Headwaters to Clifford Creek			Northern redbelly dace, Finescale dace
Sheridan	**Pine Creek**	**NI4-10900**	Headwaters to Sec 11-28N-44W			Finescale dace
Sioux	**Niobrara River**	**NI4-40000**	Whistle Creek to Box Butte Reservoir Dam (Sec 28-29N-49W)			Finescale dace
Sioux	**Niobrara River**	**NI4-50000**	Nebraska-Wyoming border (Sec 18-31N-57W) to Whistle Creek			Finescale dace
Sioux	**Soldier Creek**	**WH1-20300**	Middle Fork Soldier Creek to White River	**X**	**A**	
Sioux	**Middle Fork Soldier Creek**	**WH1-20310**			**A**	
Sioux	**Soldier Creek**	**WH1-20400**	Headwaters to Middle Fork Soldier Creek		**A**	
Sioux	**White River**	**WH1-30000**	Kyle Creek (Sec 35-31N-54W) to Soldier Creek	**X**	**B**	
Sioux	**Dead Man's Creek**	**WH1-30100**		**X**		
Sioux	**White River**	**WH1-40000**	Headwaters to Kyle Creek (Sec 35-31N-54W)	**X**	**B**	
Thurston	**Missouri River**	**MT1-10000**	Big Sioux River to Platte River	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub
Washington	**Missouri River**	**MT1-10000**	Big Sioux River to Platte River	**X**		Lake sturgeon, Pallid sturgeon, Sturgeon chub

A water body segment which extends into multiple counties will be listed for each of the counties in which it is encountered. This list does not replace Title 117. Title 117 is periodically updated and revised. Any conflicts between this list and Title 117 are resolved in favor of Title 117.

Nebraska Department of Environmental Quality

Routing Sheet

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