

Nebraska Department of Environmental Quality

Wastewater Section

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Fact Sheet General NPDES Permit Authorizing Small Municipal Separate Storm Sewer System Discharges Located in Douglas and Sarpy Counties, State of Nebraska NPDES General Permit Number NER220000

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A. General Information

6. Floatables including litter, plastic bags, cigarette refuse, and other debris;

- b. Minimum control measure recommendations set forth in 40 CFR Part 122.34 have been updated.
 - c. Adequate legal authority requirements as well as enforcement measures and tracking requirements for all MCMs are centralized in one location.
 - d. Minimum Control Measures requirements are brought up to date with recommended enforceable language recommendations in EPA 833-R-10-001, April 2010.
8. Part VI updates the minimum Annual Reporting requirements in order to improve consistency of reported information provided to the NDEQ. Semi-annual reporting requirements have been removed. The reporting requirements will include:
- a. A summary report on a template provided by NDEQ
 - b. A detailed report of descriptive SWMP compliance information.
9. Part VI has been changed to include Evaluation and Assessment Requirements regarding program effectiveness to be consistent with EPA 833-R-10-001, April 2010. MS4s will utilize evaluation and assessment information through performance and effectiveness measures to evaluate overall program effectiveness. This replaces wet weather monitoring requirements which have been removed. Wet weather monitoring requirements were added in error originally and have not proven to be beneficial to water quality standards or the MS4 requirements. The evaluation and assessment requirements are designed to better meet water quality and MS4 requirements.

H. Permit Requirements and Conditions

The content of each section is summarized in the following paragraphs. An explanation of the basis is provided when appropriate. The draft permit consists of authorization page, table of contents, main parts, two Appendices, and seven attachments.

1. Permit Authorization Page

This is the first page of the permit has the following information:

- a. The Federal and Nebraska State laws that authorize sMS4 discharges under this NPDES permit;
- b. The NPDES Permit Number;
- c. The issuance and expiration dates; and
- d. The Director or a delegated representative prior to permit issuance shall sign this page.

2. Table of Contents

This is a list of the individual Parts, Appendices, and Attachments of the permit. This is intended as an aid in reviewing and using the permit.

3. Part I ó Applicability

- a. This part describes the eligible sMS4 discharges authorized to discharge under the terms and conditions of this permit. This permit has applicability to sMS4s located within Douglas and Sarpy Counties in the State of Nebraska.
- b. This portion explains those discharges that are authorized by this permit.
- c. The limitations on coverage are set forth in this part of permit.

4. Part II ó Notice Intent Requirements

This part sets forth the following procedures:

- a. How to obtain a discharge authorization (Section A);
 - 1) Any permittee wishing authorization to discharge under the terms and conditions of this general permit must submit a Notice of Intent (NOI). The permit specifies minimum and additional information requirements for potential applicants. This permit section specifically spells out what is required in an NOI. It also contains information that may aid applicants in completing and submitting the NOI. The NDEQ may request additional information in order to make an

informed decision. This information may include, but is not limited to, the information required under 40 CFR Part 122.33(b)(2)(i).

- 2) Any permittee must submit accompanying SWMP documents with the NOI. These documents are meant to detail BMPs in the SWMP and may include spill response plans, storm water pollution prevention plans, facility maintenance plans related to storm water, etc. These

- d. Implement clear, specific, measurable goals for each of the best management practices;
 - e. Develop or maintain adequate legal authority, enforcement tools, and tracking mechanisms to enforce local compliance with SWMP requirements; and
 - f. Minimum Control Measures ó This part outlines the permit requirements for each of the six minimum control measures. In addition, it outlines the decisions that are required to implement these requirements. EPA guidance set forth in 40 CFR Part 122.34 is also included along with minimum control measure requirements. The six minimum control measures are:
 - 1) Public Education and Outreach on Storm Water Impacts;
 - 2) Public Involvement/Participation;
 - 3) Illicit Discharge Detection and Elimination;
 - 4) Construction Site Storm Water Runoff Control;
 - 5) Post- Construction Site Storm Water Management in New Development and Redevelopment; and
 - 6) Pollution Prevention/Good Housekeeping for Municipal Operations.
8. Part V ó Sharing Responsibility
These are provisions that allow a municipality to share responsibilities with another municipality.
9. Part VI ó Reporting Requirements
- a. This part of the draft permit sets forth the reporting requirements.
 - 1) Annual Report meets the requirements of NDEQ Title 119, Chapter 10 002.12K2 and is intended to include an annual review and assessment of the SWMP. The Annual Reports would be due on or before April 1st of each year.
 - 2) Amendment of Reporting Requirements ó There are provisions included in the draft permit for making changes to Reporting Requirements (Also see NPDES Permit Part VII. - Amendment Procedures and Requirements).
 - 3) Immediate Reporting Requirements ó There are also some immediate, non-routine reporting requirements for event-related circumstances.
 - b. Comprehensive Evaluation and Assessment Program ó MS4 compliance will be evaluated using narrative effluent limitations requiring implementation of BMPs. The evaluation and assessment program is intended to assess compliance with the permit, measure effectiveness of the SWMP using performance and effectiveness measures, evaluate appropriateness of identified BMPs using appropriate assessment indicators, and assess progress towards achieving measurable goals.
 - c. Evaluation of Overall Program Effectiveness ó On an annual basis permittees will evaluate the SWMP as a whole using appropriate environmental and administrative indicators in addition to documenting progress towards achieving stated measurable goals. This information is intended to provide rationale for modifications and improvement to the SMWP.
 - d. MS4s are encouraged to utilize shared information when available to help support the Evaluation and Assessment program.
 - e. Attachment 4 of the sMS4 permit is the sMS4 Report Form. This is an optional format for annual reports. It is a methodology for reporting program details, work performed, and effectiveness. It is one possible method for reporting and assessing program effectiveness, a requirement of the permit.
10. Part VII ó Amendment Procedures and Requirements
- a. Amendment Procedures ó This part contains provisions for making mutually agreeable (i.e., to the NDEQ and the Municipality) changes to the SWMP, the monitoring requirements, and/or reporting requirements. It is anticipated that improvements will be recognized as implementation experience is gained.

- b. Endangered or Threatened Species ó This part also recognizes the possible need to change or modify provisions of the SWMP, the monitoring requirements, and/or reporting requirements to address endangered and threatened species.
- c. Total Maximum Daily Loads (TMDL) - This part also recognizes the possible need to change or modify provisions of the SWMP, the monitoring requirements, and/or reporting requirements to address TMDL issues.
- d. Coordination of Information ó The requirement of the permittee to share and coordinate relevant monitoring data is set forth in NDEQ Title 119.
- e. Additional Monitoring by Permittees ó The condition in NDEQ Title 119, Chapter 119-30, requires increases in monitoring frequencies and monitoring for additional parameters are in accordance with NDE(p)-E(p)-E(p)-ies and not may require y0.00000912 0mg/liz ae.

3. NDEQ Title 119 - Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System (Revised May 16, 2005);
4. Technical Support Document for Water Quality-based Toxic Control (EPA 505/2-90-001 PB91-127415, March, 1991);
5. 40 CFR, Part 122, 124, and 125, NPDES Regulations;
6. Nebraska Non-game and Endangered Species Conservation Act (Neb. Rev. Stat. §§ 37-430 through 317 ó 438);
7. NPDES Municipal Separate Storm Sewer System General Permit Remand Rule [EPA-HQ-OW-2015-0671; FRL-9955-11-OW; RIN 2040-AF57, December 9, 2016]
8. USEPA MS4 Permit Improvement Guidance [EPA 833-R-10-001, April 2010];
9. USEPA Memorandum ó Establishing TMDL Wasteload Allocations for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs, November 11, 2002; and
10. NDEQ,