TITLE 119 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 5 – PERMIT APPLICATION – GENERAL REQUIREMENTS

001 -Duty to Apply. Any person who discharges or proposes to discharge pollutants or who owns or operates a "sludge-only facility" whose sewage sludge use or disposal practice is regulated by 40 CFR part 503, and who does not have an effective permit, except persons covered by general permits under Chapter 25, excluded under Chapter 3, or a user of a privately owned treatment works unless the Director requires otherwise under Chapter 17, must submit a complete application to the Director in accordance with this section and Chapter 11. The requirements for concentrated animal feeding operations are described in Title 130 – Livestock Waste Control Regulations.

001.01 -Applicants for State-issued permits must submit the information required and may use a standard form issued by the Department which must require at a minimum the information listed in the appropriate Chapters of this Title.

001.02 -An electronic submittal may be ~~required~~provided ~~using~~through an online Department application when available ~~using~~that uses an electronic signature process assigned by the Department.

002- Time to Apply.

0021.01 Any person proposing a new discharge, shall submit a NPDES application at the same time as application is made to the Department for a construction permit for a new source, not less than 180 days before the date on which the discharge is to commence, unless permission for a later date has been granted by the Director.

002.02 -Facilities proposing a new discharge of storm water associated with industrial activity shall submit an application 180 days before that facility commences industrial activity which may result in a discharge of storm water associated with that industrial activity.

002.03 Facilities involving construction activities subject to storm water regulations in chapter 10 shall submit applications at least 90 days before the date on which construction is to commence. Different submittal dates may be required under the terms of applicable general permits.

0021.042 —An existing treatment works treating domestic sewage (TWTDS) sewage sludge use or disposal must submit an application to the Director at least 180 days prior to the date proposed for commencing operations.

0032 Duty to reapply. Except with respect to portions of the permit application required pursuant to paragraph 007, all permittees, including any POTW, with a currently effective

permit, shall submit a new application 180 days before the expiration date of the existing permit. The Director may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date.

0043 Who Applies? When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

0054 Completeness. All permit applicants shall furnish any and all information necessary to complete an application for a permit except for general permits. An application for a permit is complete when the Director receives an application and any supplemental information which are completed to his or her satisfaction in accordance with this Title. No application will be processed until a complete application has been received. The 180 day deadline for filing for expiring permits and new discharges shall commence after a complete application has been receivedThe Director shall not issue a permit before receiving a complete application for a permit except for NPDES general permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

0065 Information requirements. All applicants for NPDES permits must provide the information in 40 CFR 122.21(f) to the Director. Applicants may use a standard form issuedprovided by the Director.using the application forms provided by the Director found in appendix A through F.

006 The owner or operator of a facility which is a new source or new discharger intending to discharge into a water quality limited segment must also demonstrate, at the time of applying for a permit, that there are sufficient remaining pollutant load allocations to allow the discharge and that the facility is entitled to these allocations.

007 Applications for facilities with cooling water intake structures

007.01 New facilities with new or modified cooling water intake structures. New facilities with cooling water intake structures as defined in part 125, subpart I which is adopted and incorporated by reference, must report the information required under paragraphs 007.02, 007.03, 007.04 of this section and 40 CFR part 125.86 of this chapter. Requests for alternative requirements under 40 CFR part 125.85 which is adopted and incorporated by reference must be submitted with the permit application.

007.02 Phase II existing facilities. Phase II existing facilities as defined in part 125, subpart J which is adopted and incorporated by reference, must report the information required under paragraphs 007.02, 007.03, and 007.05 of this chapter and all applicable provisions of 40 CFR part 125.95 which are adopted and incorporated by reference, must be submitted with the permit application except for

~~the Proposal for Information Collection which must be provided in accordance with 40 CFR part 125.95(b) (1).~~

~~007.02 Source water physical data. These include:~~

~~007.02A A narrative description and scaled drawings showing the physical configuration of all source water bodies used by your facility, including real dimensions, depths, salinity and temperature regimes, and other documentation that supports your determination of the water body type where each cooling water intakes structure is located;~~

~~007.02B Identification and characterization of the source waterbody's hydrological and geomorphological features, as well as the methods you used to conduct any physical studies to determine your intake's area of influence within the waterbody and the results of such studies; and~~

~~007.02C Locational Maps.~~

~~007.03 Cooling water intake structure data. These include:~~

~~007.03A A narrative description of the configuration of each of your cooling water intake structures and where it is located in the water body and in the water column;~~

~~007.03B Latitude and longitude in degrees, minutes, and seconds for each of your cooling water intake structures;~~

~~007.03C A narrative description of the operation of each of your cooking water intake structures including design intake flows, its relationship to cooling water intake flows, the proportion of the design intake flow that is used in the system, daily hours of operation, number of days of the year in operation and seasonal changes, if applicable;~~

~~007.03D A flow distribution and water balance diagram that includes all sources of water to the facility, recirculating flows, and discharges; and~~

~~007.03E Engineering drawings of the cooling water intake structure.~~

~~007.03F Design and engineering calculations prepared by a qualified professional and supporting data to support the description required in 007.03C of this chapter.~~

~~007.04 Source water baseline biological characterization data. This information is required to characterize the biological community in the vicinity of the cooling water intake structure and to characterize the operation of the cooling water intake structures. The Director may also use this information in subsequent permit renewal proceedings to determine if your Design and Construction Technology Plan as required in 40 CFR part 125.86(b)(4) of this~~

~~chapter should be revised. This supporting information must include existing data (if they are available). However, you may supplement the data using newly conducted field studies if you choose to do so. The information you submit must include:~~

~~007.04A A list of the data in paragraphs 007.04B through 007.04F of this section that are not available and efforts made to identify sources of the data;~~

~~007.04B A list of species (or relevant taxa) for all life stages and their relative abundance in the vicinity of the cooling water intake structure;~~

~~007.04C Identification of the species and life stages that would be most susceptible to impingement and entrainment. Species evaluated should include the forage base as well as those most important in terms of significance to commercial and recreational fisheries;~~

~~007.04D Identification and evaluation of the primary period of reproduction, larval recruitment, and period of peak abundance for relevant taxa;~~

~~007.04E Data representative of the seasonal and daily activities (e.g., feeding and water column migration) of biological organisms in the vicinity of the cooling water intake structure;~~

~~007.04F Identification of all threatened, endangered, and other protected species that might be susceptible to impingement and entrainment at your cooling water intake structures;~~

~~007.04G Documentation of any public participation or consultation with Federal or State agencies undertaken in development of the plan; and~~

~~007.04H If you supplement the information requested in paragraph 007.04A of this section with data collected using field studies, supporting documentation for the Source Water Baseline Biological Characterization must include a description of all methods and quality assurance procedures including a description of the study area; taxonomic identification of sampled and evaluated biological assemblages (including all life stages of fish and shellfish); and sampling and data analysis methods. The sampling and/or data analysis methods you use must be appropriate for a quantitative survey and based on consideration of methods used in other biological studies performed within the same source water body. The study area should include, at a minimum, the area of influence of the cooling water intake structure.~~

~~007.05 Cooling water system data. Phase II existing facilities as defined in part 125, subpart J of this chapter must provide the following information for each cooling water intake structure they use:~~

~~007.05A A narrative description of the operation of the cooling water system, its relationship to cooling water intake structures, the proportion of the design intake flow that is used in the system, the number of days of the year the cooling water system is in operation and seasonal changes in the operation of the system, if applicable; and~~

~~007.05B Design and engineering calculations prepared by a qualified professional and supporting data to support the description required by 007.05A of the paragraph.~~

~~008. National Pollutant Discharge Elimination System--Final Regulations to Establish Requirements for Cooling Water Intake Structures at Phase I New Facilities. The requirements of Volume 67 No. 248 pages 65337-65345 (December 26, 2002) are adopted and incorporated by this reference.~~

~~009. National Pollutant Discharge Elimination System--Final Regulations to Establish Requirements for Cooling Water Intake Structures at Phase II Existing Facilities. The requirements of Volume 69 No. 131 page 41682-61693(July 9, 2004) are adopted and incorporated by this reference.~~

Enabling Legislation: Neb. Rev. Stat. §81-1505

Legal Citation: Title 119, Chapter 5, Nebraska Department of Environmental Quality