

NEBRASKA ADMINISTRATIVE CODE

Title 119 - Nebraska Department of Environmental Quality

Chapter 25 - GENERAL PERMITS

001 The Director may issue a general permit in accordance with the following:

001.01 Area. The general permit shall be written to cover one or more categories or subcategories of discharges or sludge use or disposal practices or facilities described in 001.02A of this section, except those covered by individual permits, within a geographic area. The area should correspond to existing geographic or political boundaries such as:

001.01A Designated planning areas under sections 208 and 303 of Clean Water Act;

001.01B Sewer districts or sewer authorities;

001.01C City, county, or State political boundaries;

001.01D State highway systems;

001.01E Standard metropolitan statistical areas as defined by the Office of Management and Budget;

001.01F Urbanized areas as designated by the Bureau of the Census according to criteria in 30 FR 15202 (May 1, 1974); or

001.01G Any other appropriate division or combination of boundaries.

001.02 Sources. The general permit may be written to regulate one or more categories or subcategories of

discharges or sludge use or disposal practices or facilities, within the area described in paragraph 001.01 of this section, where the sources within a covered subcategory of discharges are either:

001.02A Storm water point sources; or

001.02B One or more categories or subcategories of point sources other than storm water point sources, or one or more categories or subcategories of "treatment works treating domestic sewage", if the sources or "treatment works treating domestic sewage" within each category or subcategory all:

001.02B1 Involve the same or substantially similar types of operations;

001.02B2 Discharge the same types of wastes or engage in the same types of sludge use or disposal practices;

001.02B3 Require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal;

001.02B4 Require the same or similar monitoring; and, in the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

001.03 Water quality-based limits. Where sources within a specific category or subcategory of dischargers are subject to water quality-based limits imposed pursuant to 40 CFR part 122.44 hereby adopted and incorporated by reference, the sources in that specific category or subcategory shall be subject to the same water quality-based effluent limitations.

001.03A Other requirements.

001.03A1 The general permit must clearly identify the applicable conditions for each category or subcategory of dischargers or treatment works treating domestic sewage covered by the permit.

001.03A2 The general permit may exclude specified sources or areas from coverage.

002 Administration.

002.01 In general. General permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements this regulation.

002.02 Authorization to discharge, or authorization to engage in sludge use and disposal practices.

002.02A Except as provided in paragraphs 002.02E and 002.02F of this section, dischargers (or treatment works treating domestic sewage) seeking coverage under a general permit shall submit to the Director a written notice of intent to be covered by the general permit. A discharger (or treatment works treating domestic sewage) who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge, (or in the case of sludge disposal permit, to engage in a sludge use or disposal practice), under the terms of the general permit unless the general permit, in accordance with paragraph 002.02E of this section, contains a provision that a notice of intent is not required or the Director notifies a discharger (or treatment works treating domestic sewage) that it is covered by a general permit in accordance with paragraph 002.02F of this section. A complete and timely, notice of intent (NOI), to be covered in accordance with general permit requirements, fulfills the requirements for permit applications.

002.02B The contents of the notice of intent shall be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream(s). General permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on Federal lands where an operator cannot be identified may contain alternative notice of intent requirements. All notices of intent shall be signed in accordance with Chapter 13 of this regulation.

002.02C General permits shall specify the deadlines for submitting notices of intent to be covered and the date(s) when a discharger is authorized to discharge under the permit.

002.02D General permits shall specify whether a discharger (or treatment works treating domestic sewage) that has submitted a complete and timely notice of intent to be covered in accordance with the general permit and that is eligible for coverage under the permit, is authorized to discharge, (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice), in accordance with the permit either upon receipt of the notice of intent by the Director, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the Director. Coverage may be terminated or revoked in accordance with this chapter.

002.02E Discharges other than discharges from publicly owned treatment works, combined sewer overflows, municipal separate storm sewer systems, primary industrial facilities, and storm water discharges

associated with industrial activity, may, at the discretion of the Director, be authorized to discharge under a general permit without submitting a notice of intent where the Director finds that a notice of intent requirement would be inappropriate. In making such a finding, the Director shall consider: the type of discharge; the expected nature of the discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges; other means of identifying discharges covered by the permit; and the estimated number of discharges to be covered by the permit. The Director shall provide in the public notice of the general permit the reasons for not requiring a notice of intent.

002.02F The Director may notify a discharger (or treatment works treating domestic sewage) that it is covered by a general permit, even if the discharger (or treatment works treating domestic sewage) has not submitted a notice of intent to be covered. A discharger (or treatment works treating domestic sewage) so notified may request an individual permit under paragraph 002.03 of this section.

002.03 Requiring an individual permit.

002.03A The Director may require any discharger authorized by a general permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. Cases where an individual NPDES permit may be required include the following:

002.03A1 The discharger or "treatment works treating domestic sewage" is not in compliance with the conditions of the general NPDES permit;

002.03A2 A change has occurred in the availability of demonstrated technology or

practices for the control or abatement of pollutants applicable to the point source or treatment works treating domestic sewage;

002.03A3 Effluent limitation guidelines are promulgated for point sources covered by the general NPDES permit;

002.03A4 A Water Quality Management plan containing requirements applicable to such point sources is approved;

002.03A5 Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;

002.03A6 Standards for sewage sludge use or disposal have been promulgated for the sludge use and disposal practice covered by the general NPDES permit; or

002.03A7 The discharge(s) is a significant contributor of pollutants. In making this determination, the Director may consider the following factors:

002.03A7(a) The location of the discharge with respect to waters of the United States;

002.03A7(b) The size of the discharge;

002.03A7(c) The quantity and nature of the pollutants discharged to waters of the United States; and

002.03A7(d) Other relevant factors;

002.03B For EPA issued general permits only, the Regional Administrator may require any owner or operator authorized by a general permit to apply for an individual NPDES permit, only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit the general permit as it applies to the individual permittee shall automatically terminate. The Director may grant additional time upon request of the applicant.

002.03C Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application, with reasons supporting the request, to the Director no later than 90 days after the publication by EPA of the general permit in the Federal Register or the publication by a State in accordance with applicable State law. The request shall be granted by issuing of any individual permit if the reasons cited by the owner or operator are adequate to support the request.

002.03D When an individual NPDES permit is issued to an owner or operator otherwise subject to a general NPDES permit, the applicability of the general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit.

002.03E A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked, and that it be covered by the general permit. Upon

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revocation of the individual permit, the general permit shall apply to the source.

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

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