

NEBRASKA ADMINISTRATIVE CODE

TITLE 119 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 26 – GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

001 The purpose of the pretreatment regulations are to prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge; to prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

002 Definitions. For the purpose of this chapter, the following definitions shall apply:

002.01 Approval Authority means the Department of Environmental Quality.

003 Prohibited discharges.

003.01 General prohibitions. A user may not introduce into a POTW any pollutant(s) which cause pass through or interference. These general prohibitions and the specific prohibitions in 003.02 apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards.

003.02 Specific prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

003.02A Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in Title 128 – Nebraska Hazardous Waste Regulations;

003.02B Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;

003.02C Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;

003.02D Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference

with the POTW;

003.02E Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;

003.02F Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

003.02G Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

003.02H Any trucked or hauled pollutants, except at discharge points designated by the POTW.

003.02I Affirmative Defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions and the specific prohibitions of this section where the user can demonstrate that it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference.

004 Permit conditions.

004.01 In the case of Indirect Discharges, permit limitations, standards, or prohibitions shall be calculated based on design flow, unless actual flow is less than design flow in which case the quantity will be based on daily average flow, or calculated based on the actual production and not the designed production capacity where the promulgated discharge standards are based on production.

004.02 The Director shall for each issued pretreatment permit, describe the level of pollutants in the authorized discharge in terms of maximum daily and average monthly quantitative concentration and/or weight limitations (except pH, temperature, or any other pollutants not appropriately expressed by weight).

004.03 In the application of Categorical Pretreatment Standards, the Director shall, for each issued pretreatment permit, describe discharge limits as concentration limits or mass limits.

004.04 Unless authorized by an applicable Categorical Pretreatment Standard, no Industrial User shall increase the use of process water or dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Categorical Pretreatment Standard.

004.05 Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, an equivalent concentration limit will be derived by the Director and applied to the mixed effluent so as to account for the presence of flows not contributed by the regulated process. An equivalent pretreatment limit may not be used if the regulated pollutants would no longer be detectable by the equipment monitoring the combined wastewaters.

004.06 Noncompliance reporting to the department and POTW.

004.06A If the permittee does not comply with or will be unable to comply with any discharge limitations or standards specified in the permit, the permittee shall:

004.06A1 Notify the Department within 24 hours of becoming aware of the violation. In addition, a written report shall be filed with the Department and the POTW on a noncompliance report form, within five (5) days after becoming aware of the noncompliance, and in the case of any discharge subject to any applicable Categorical Pretreatment Standards under Section 307(b) or (c) of the Clean Water Act or other discharges which constitute a threat to human health, welfare, or the environment, shall report the same to the Department within 24 hours from the time the permittee becomes aware of the circumstances.

004.06A2 Conduct or repeat sampling and analysis and submit the results of the repeat analysis to the Department within 30 days of becoming aware of the violation.

004.06B An Industrial User shall immediately notify the POTW and the Department of any discharges that could cause problems to the POTW, including slug loads that are discharged at such volume or concentration as to constitute a threat to human health, welfare, or the environment, or could cause interference at the POTW. A slug load control plan may be required and as a minimum must contain the following items:

004.06B1 Description of discharge practices, including non-routine batch discharges.

004.06B2 Description of stored chemicals.

004.06B3 Procedures for immediate notification to the POTW and the Department with follow-up written notification within five (5) days.

004.06B4 Develop procedures to prevent adverse impacts from accidental spills including inspection and maintenance of storage areas, handling of materials, control of plant site runoff, training of employees and general housekeeping.

004.07 Noncompliance report. An Industrial User reporting a noncompliance discharge shall provide:

004.07A A description of the indirect discharge and the cause of noncompliance;

004.07B The period of noncompliance, including exact dates and times, or if not corrected the anticipated time the noncompliance is expected to continue; and

004.07C Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

004.08 Industrial Users shall notify the POTW, the Director, and Regional Administrator, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under Title 128 - Nebraska Hazardous Waste Regulations. Such notification must include the name of the hazardous waste as set forth in Title 128, the DEQ/EPA hazardous waste identification number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this Section need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of the user's permit.

004.08A Discharges are exempt from the requirements above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Title 128. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Title 128, requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

004.08B In the case of any new regulations under Title 128 identifying additional characteristics of hazardous wastes or listing any additional substance as a hazardous waste, the user must notify the POTW, the director, and the Regional Administrator, of the discharge of such substance within ninety (90) days of the effective date of such regulations.

004.08C In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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004.08D This provision does not create a right to discharge any substance not otherwise permitted to be discharged by a Nebraska Pretreatment permit, or any Federal or State law.

005 Net/Gross calculation.

005.01 A permittee may request that the Director adjust categorical pretreatment standards to reflect the presence of pollutants in the industrial user's intake water in accordance with this section on a net basis, if:

005.01A The permittee shows that its intake water is drawn from the same body of water into which the discharge from its POTW is made; provided, no net- gross credit shall be given for pollutants found in city water even if the water originates from the same source to which the Industrial User's POTW discharges;

005.01B The treatment system operated by the Industrial User will not entirely remove the pollutants present in the intake water;

005.01C The pollutants in the intake water do not vary chemically or biologically from the pollutants limited by the applicable standard; and

005.01D The Industrial User does not significantly increase concentrations of pollutants in the intake water, even if the total amount of pollutants remains the same; or

005.01E The applicable effluent limitations and standards provide for such net basis application.

005.02 Adjustments made under Section 005 shall be calculated on the basis of the amount of pollutants present after any treatment steps have been performed on the intake water by or for the permittee. The adjustments shall be given only to the extent that pollutants in the intake water which are limited by the applicable Standards are not removed by the treatment technology employed by the Industrial User.

005.03 The Industrial User shall notify the Director if there are any significant changes in the quantity of the pollutants in the intake water or in the level of treatment provided.

005.04 Additional monitoring shall be required (i.e., for flow and concentration of pollutants) to determine continued eligibility for and compliance with any adjustments. The Director shall make a written determination of the applicable credit(s) and state the reasons for his determination, and send a copy to the Industrial User and its POTW.

006 Requests for applicability of categorical standards. Within 30 days after the effective date of a Pretreatment Standard by the Council for an industrial subcategory, an Industrial User or POTW may request the director to provide written certification whether the industrial user falls

within that particular subcategory. A new source must request this certification prior to the commencement of discharge.

007 Compliance date.

007.01 After a categorical standard is effective specifying quantities or concentrations of pollutant properties which may be discharged or introduced to a POTW by existing or new industrial users, compliance by existing sources shall be within three years of the date the standard is effective or earlier if a shorter compliance time is specified.

007.02 Compliance for new sources shall be required immediately upon the effective date of the standard.

007.03 Existing sources which become industrial users subsequent to the establishment and adoption of an applicable categorical standard shall be considered existing industrial users except where such a source meets the definition of a new source.

008 Reporting requirements for POTWs and industrial users.

008.01 Industrial users currently discharging in or scheduled to discharge into a POTW shall be required to submit a baseline report to the director within 180 days of the effective date of a categorical pretreatment standard or within 180 days after final administrative decision made on a categorical determination in accordance with 008. The report must contain the following information.

008.01A The name and address of the Industrial User;

008.01B A description of the location of the Industrial User's treatment system and the point of entrance into the POTW;

008.01C A description of the Industrial User's existing water pollution control facility;

008.01D A schematic flow diagram of the Industrial User's water system including water supply, process wastewater systems, and points of discharge;

008.01E A list of any environmental control permits held by or for the facility;

008.01F A description of the operations carried out by the Industrial User, the average rate of production, and Standard Industrial Classification of the operation carried out by such Industrial User;

008.01G The measured average and maximum flow of the discharge from such Industrial User to the POTW in gallons per day, or the average and maximum flow of the discharge as estimated by verifiable techniques; and

008.01H The nature, concentration, and mass of pollutants in the discharge from each regulated process from the Industrial User and identification of the applicable Categorical Standards and Requirements. The concentration and mass shall be reported as a maximum or average level as provided for in the applicable Categorical Standard. If an equivalent concentration limit has been calculated in accordance with this Chapter, this adjusted concentration limit shall also be submitted to the Director for approval.

008.01I A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the Industrial User to meet the pretreatment standards and requirements.

008.01J New sources shall be required to submit to the Director a report which contains the information listed in chapter 8.

008.02 Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Department a report containing the information listed in subsections 008.01 in this chapter.

008.03 The reports required by this chapter shall be signed by an authorized representative meeting the requirements pursuant to Chapter 13 and shall include the certification statement as follows;

"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 and willful violations."

009 Any POTW receiving from Industrial Users, a pollutant or flow which causes treatment process upsets, violations of the POTW's effluent limitations, contamination of the POTW's sludge or which interferes with the POTW's process or passes through untreated pollutants, may request the Director to modify its NPDES permit to incorporate a local POTW Pretreatment Program. A POTW may develop an appropriate POTW Pretreatment Program for submission and approval by the director in accordance with 40 CFR part 403.08, 403.09, and 403.10 which are adopted and incorporated by this reference.

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010 General Pretreatment Regulations for Existing and New Sources of Pollution. The requirements of 40 CFR part 403 are adopted and incorporated by this reference.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(4), (11), (12), (15), (20), (21), (24), (25), and (30); 81-1505(6), (7), (8), (11), and (20)

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