

NEBRASKA ADMINISTRATIVE CODE

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 provided through an online Department application when available that uses an electronic signature process assigned by the Department.

002 Time to Apply.

002.01 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.

002.04 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.

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003 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.

004 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.

005 Completeness. The 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.

006 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 provided by the Director.

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

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