

# NEBRASKA

Good Life. Great Environment.

DEPT. OF ENVIRONMENTAL QUALITY



Pete Ricketts, Governor

MAR 27 2018

Jean Stothert, Mayor  
Omaha MS4  
1819 Farnam Street, Suite 300  
Omaha, NE 68183

RE: Omaha MS4  
NDEQ ID: 999428  
PROGRAM ID: NE0133698

Enclosed is the facility's:

NPDES Permit       NPP Permit       NPDES/NPP Permit

A copy of the permit shall be routed to the facility contact person who is responsible for retaining the NPDES facility records. Also enclosed is a Permit Compliance Checklist, this provides a general overview of what NDEQ evaluates to determine compliance during routine inspections.

Questions regarding the permit or monitoring reports should be directed to the NDEQ compliance specialist as indicated below:

<input checked="" type="checkbox"/>	Brett Anderson	402-679-1429	NDEQ Omaha Field Office
<input type="checkbox"/>	John Flint	308-641-7273	NDEQ Scottsbluff Field Office
<input type="checkbox"/>	Vacant	402-471-4220	NDEQ Norfolk Office
<input type="checkbox"/>	Tim Lindeen	402-471-2023	NDEQ Lincoln Office
<input type="checkbox"/>	Mark Pomajzl	402-471-2936	NDEQ Lincoln Office
<input type="checkbox"/>	Jeff Stittle	308-530-0873	NDEQ North Platte Field Office
<input type="checkbox"/>	Jason Windhorst	402-471-4205	NDEQ Lincoln Office

Thank you.

Kim Bubba, Staff Assistant  
NPDES Permits and Compliance Section  
Water Permits Division

cc\ with enclosures  
James Kee, Jr., Quality Control Manager  
Omaha MS4  
5600 S 10th Street  
Omaha, NE 68107



20180015068

# NEBRASKA

## DEPT. OF ENVIRONMENTAL QUALITY

*This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.*

17-003

February 2017

### Industrial Wastewater Facility Permit Compliance Checklist

Your permit provides the requirements you must meet to be in compliance with the National Pollutant Discharge Elimination System (NPDES). The Nebraska Department of Environmental Quality (NDEQ) performs routine inspections to verify compliance. These inspections include a review of your required NPDES records, a review of your operation and maintenance activities, and observations of the physical condition of your wastewater treatment facility (WWTF). Further details may be found in the body and Attachment A of your permit and NDEQ Titles 119, 123, and 197, available on the Department website. During a records review and the inspection, as applicable to your facility, we will evaluate the following list to determine compliance:

#### General Permit Compliance

- Meeting Limits
- Meeting Compliance Schedule (if included)
- Effluent Sampling
- Meeting Narrative Requirements
- Visual Observation of the Effluent Discharge to the receiving water/sanitary sewer.

#### Records Review

- 3 years of required records:
  - Permit/Fact sheet/Application
  - DMRs
  - Analytical Results/Lab Documentation
  - Sample Collection/Handling Documentation
  - Flow records

#### Discharge Monitoring Reports (DMRs)

- Electronic Reporting
- DMRs Submitted On Time
- DMR Copies Retained

#### Reporting

- DMRs Submitted On Time
- DMR Copies Retained

#### Flow Measurement

- Condition of Equipment
- Calibration of Equipment

#### Lagoon Treatment

- Splitter Box
- Operating Depth
- Vegetation Control
- Erosion Control
- Animal Control
- Lagoon Appearance
- Fence/Signs Condition
- Gate Closed and Locked

#### Mechanical Treatment

- Operation
- Process Control
- Physical Condition of the Equipment

#### Sludge

- Required Records and Land Application Setback Compliance, Agronomic Rate

#### Laboratory

- Analytical Equipment Calibration
- Complete Bench Sheets
- Correct Analytical Methods
- Correct Laboratory Procedures

#### Sample Handling

- Correct Collection Method/Frequency
- Holding Time/Preservation/Temperature

#### General Operation and Maintenance (O&M)

- Maintenance Record Keeping
- SCADA/Alarms

#### Operator Certification

- Certified Operator
- Sufficient Backup

#### Nebraska Pretreatment Program

- Reporting to the Publically Owned Treatment Works (POTW)
- Prohibited Discharge Standards
- Effluent Violation Repeat Sampling
- Slug Loads
- 90 Day Compliance Reports
- Total Toxic Organics

#### Industrial Stormwater Permit

- Notice of Intent
- SWPPP/Reviews and Updates
- Training
- BMPs
- Inspections, Routine and Comprehensive
- Benchmark Monitoring
- Corrective Actions
- Housekeeping
- Outfalls
- No Exposure Certification

If you have questions please call the Wastewater Section at 402-471-4220.



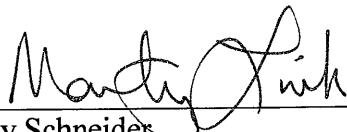
## Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES)

This NPDES permit is issued in compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Secs. 1251 *et. seq.* as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Secs. 81-1501 *et. seq.* as amended to date), and the Rules and Regulations promulgated pursuant to these Acts. The municipal separate storm sewer system (MS4) identified in this permit is authorized to discharge storm water and other authorized flows, and is subject to the limitations, requirements, prohibitions and conditions set forth herein. This permit regulates and controls the release of pollutants in the discharges authorized herein. This permit does not relieve Permittees of other duties and responsibilities under the Nebraska Environmental Protection Act, as amended, or established by regulations promulgated pursuant thereto.

NPDES Permit No.     **NE0133698**  
NDEQ ID No           **73881**  
Permittee             **City of Omaha, Nebraska**  
Coverage             **All discharges from the Omaha MS4 system that discharge to waters of the State, including any MS4 discharges that may reach waters of the State through intermediate drainage ways or conduits.**  
Receiving Water      **Missouri River, Papillion Creek, Elkhorn River, and several tributaries**  
Effective Date        **April 1, 2018**  
Expiration Date      **March 31, 2023**

Pursuant to the Delegation Memorandum dated August 22, 2016 and signed by the Director, the undersigned hereby executes this document on the behalf of the Director.

Signed this 20<sup>th</sup> day of March, 2018

  
\_\_\_\_\_  
for Shelley Schneider  
Water Permits Division Administrator



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Appendix B – Storm Water Management Plan for the City of Omaha

## Part I: Discharges Authorized Under this Permit

### A. Permit Area

This permit covers all areas within the corporate boundaries of the City of Omaha, served by or otherwise contributing to discharges into the Municipal Separate Storm Sewer System (MS4), including all areas that are incorporated in the City during the effective term of the permit.

### B. Authorized Discharges

This permit authorizes point-source discharges of municipal storm water and other authorized flows from within the City of Omaha MS4. The discharges provided coverage under this permit are limited to the following:

1. Municipal storm water that originates from within the coverage area;
2. Storm water from areas outside the coverage area that flows into and through the MS4;
3. Storm water discharges associated with industrial activity as defined in 40 CFR 122.26 (b)(14) and Title 119, Ch. 10 that are authorized under a separate NPDES permit or that are in-compliance with the No Exposure Certification requirements;
4. Non-Storm water discharges that are either:
  - a. authorized under a separate NPDES permit;
  - b. being addressed in accordance with either the Illicit Discharge Identification procedures set forth in the City's Storm Water Management Plan; or
  - c. other *Allowable Non-Storm water Discharges and flows* as identified in the following list: routine water line flushing, lawn watering, landscape irrigation, irrigation water, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, springs, water from crawl space pumps, footing drains, sump pumps, uncontaminated heat pumps, individual residential vehicle washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges (0.019 ppm or less concentration of chlorine), street wash water, discharges or flows from emergency firefighting activities, and other similar discharges determined by the Department not to be significant pollutant sources.

### C. Limitations on Authorization

This permit does not authorize:

1. Discharges that are mixed with sources of non-stormwater unless such non-stormwater discharges are:
  - a. In compliance with a separate NPDES permit (e.g. non-contact cooling water);
  - b. Stormwater discharges currently covered under another permit;
  - c. Determined not to be a substantial contributor of pollutants to waters of the State of Nebraska as determined by the Nebraska Department of Environmental Quality (hereafter referred to as the Department).
2. Stormwater discharges associated with industrial activity as defined in NDEQ Title 119, Chapter 1 117.
3. Stormwater discharges associated with construction activity as defined in NDEQ Title 119, Chapter 1 118.
4. Stormwater discharges that may impact threatened or endangered species or their habitat.
5. Discharges that do not comply with the state's anti-degradation policy for water quality standards. State anti-degradation policies can be obtained from the NDEQ web site.

### D. Compliance to the Maximum Extent Practicable

Pursuant to state regulation Title 119, Chapter 10 004.02D and federal regulation 40 CFR 122.26(d)(2)(iv) this permit requires implementation of control measures and other management practices to reduce pollutants in storm water discharges to the maximum extent practicable (MEP). As a permittee, Omaha must enact eight minimum control measures (MCMs) comprised of best management practices (BMPs) that reduce pollutants discharged from the MS4 to the MEP. The BMPs of each MCM consist of target goals detailing clear, specific, measurable goals in the storm water management plan (SWMP).

## **Part II: Program and Resource Requirements**

### **A. Legal Authority**

1. The City of Omaha must provide relevant ordinances or other regulatory mechanisms that provide it with adequate legal authority to control pollutant discharges into and from its MS4, and to meet the requirements of this permit. Omaha must specifically develop or maintain ordinances or mechanisms to address the following SWMP components:
  - a. Illicit discharge and detection and elimination;
  - b. Construction requirements and control measures; and
  - c. Post-construction storm water management program(s).
2. To be considered adequate, this legal authority must, at a minimum, address the following:
  - a. Control the contribution of pollutants and the quality of storm water discharged from sites of industrial activity and construction activity;
  - b. Authority to require installation, implementation, and maintenance of control measures;
  - c. Authority to prohibit illicit discharges to the MS4;
  - d. Allowable non-stormwater discharges;
  - e. Authority to prohibit the discharge of spills, dumping, or disposal of materials other than storm water to the MS4;
  - f. Require compliance with conditions in ordinances, permits, contracts or orders;
  - g. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with the conditions of this permit;
  - h. Authority to receive and collect information;
  - i. Interagency agreements where MS4 boundaries intersect, if required in adjacent MS4's NPDES Permit.

### **B. Enforcement Measures and Tracking**

1. The City of Omaha must develop and implement an Enforcement Response Plan (ERP), which sets out the city's potential responses to violations and addresses repeat and continuing violations through progressively stricter responses as needed to achieve compliance. The ERP is developed primarily to enforce permit requirements in three MCMs: Illicit Discharge Detection and Elimination, Construction Site Runoff Control, and Post-Construction Runoff Control. The city must consider the local feasibility and appropriateness of the following enforcement measures when developing the local ERP:
  - a. Verbal Warnings
  - b. Written Notices of Violation
  - c. Escalated Enforcement Measures including:
    - 1) Citations (with fines);
    - 2) Stop Work Orders;
    - 3) Withholding of Plan Approvals or Other Authorizations;
    - 4) Payment Against Bonds;
    - 5) Assessment for Work and Materials Against Property.
  - d. The City of Omaha must track instances of non-compliance either in hard-copy files or electronically. For each violation, the enforcement case documentation must include, at a minimum, the following:
    - 1) Name of owner/operator of facility or site of violation;
    - 2) Location of stormwater source and type (i.e., construction project, industrial facility);
    - 3) Description of violation;
    - 4) Required schedule for returning to compliance;
    - 5) Description of enforcement response used, including escalated responses if repeat violations occur, if violations are not resolved in a timely manner;
    - 6) Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices

of violations);

- 7) Any referrals to different departments or agencies; and
- 8) Date violation was resolved

### **C. Discharges to Water Quality Impaired Waters**

The following conditions may be required; if the MS4 discharges into impaired receiving waters or to protect threatened or endangered species or their habitat (impaired waters are identified within the latest Integrated Report):

1. SWMP changes;
2. Monitoring requirements; and
3. Reporting requirements.

### **D. Total Maximum Daily Load (TMDL) Allocations**

1. If a TMDL has been approved for the MS4 receiving waters, the SWMP must address the Waste Load Allocation (WLA) for the pollutants of concern. All actions taken to meet TMDL requirements shall conform to the Federal Clean Water Act and the November 26, 2014 Memorandum published by EPA establishing guidance for TMDL WLAs for stormwater sources and NPDES permit requirements based on those WLAs.
2. To comply with any TMDL requirements, the City of Omaha MS4 must address Water Quality Standards or implement BMPs under conditions for the SWMP. If BMPs alone, selected in accordance with 40 CFR 122.44(k)(2) & (3), adequately meet the WLAs, then additional controls are not necessary.
  - a. When Omaha elects to achieve Water Quality Standards in the form of BMPs, the city shall also specify BMP performance evaluation necessary to assess if the expected load reductions attributed to the BMPs implementation are achieved. Unless specified by NDEQ, the City of Omaha evaluation and assessment of its program effectiveness in the annual report shall satisfy this monitoring requirement.
  - b. When Omaha elects or NDEQ requires that Water Quality Standards are achieved in the form of mass or volume discharge reductions, the city shall submit the details of the monitoring plan as a part of the evaluation and assessment section of the annual report for approval by NDEQ.
3. Each annual review of the MS4 permit shall consider any adjustments to the required BMPs implemented to achieve Water Quality Standards as necessary to ensure their adequate performance. If an impairment of a receiving waterbody is introduced during the permit term, the City of Omaha shall evaluate their SWMP and its effectiveness in the annual report to determine if the existing BMPs or standards are adequate to meet the TMDL.

### **E. Large MS4 Application Requirements**

The City of Omaha must update, maintain, and make available for review a map following the requirements set forth in 40 CFR Part 122.26(d)(1)(iii)(B). The map shall be completed to the maximum extent practicable within one (1) year after issuance of this permit. The map may be either a physical copy or be made available as an online application or in an electronic format. The map must be submitted or made available with reapplication for permit reissuance.

## **Part III: Storm Water Management Plan (SWMP)**

### **SWMP Requirements and Schedules of Compliance**

The SWMP provides an approach over the permit period to address Total Maximum Daily Load (TMDL) pollutants of concern and to reduce the discharge of other pollutants to the Maximum Extent Practicable (MEP). The detailed SWMP Requirements and Schedule of Compliance are included in Appendix B.

The SWMP must detail how the MS4 program will evaluate and assess its effectiveness at implementing and maintaining BMPs. An assessment should be submitted with the MS4 annual report.

The SWMP approach includes the following minimum control measures (MCMs), which are used to implement BMPs with target goals:

### **A. Public Education and Outreach**

The City of Omaha must develop and implement a comprehensive stormwater education and outreach program for the MS4. The education and outreach program must at a minimum:

1. Define the goals and objectives of the program based on defined high priority, community-wide issues;
2. Maintain and update appropriate messages for defined targeted audience(s) for residential, construction, and commercial issues;
3. Define methods and process of distribution; and
4. Distribute appropriate educational materials and media to the target audience each year, using whichever methods and procedures determined appropriate by the city.

### **B. Public Participation and Involvement**

The public participation and involvement program must involve the public in the planning and implementation of programs and activities related to the development and implementation of the SWMP. At a minimum, the city must:

1. Provide public notice of opportunities to review and comment on new rules, ordinances, regulations, and SWMP revisions drafted by the MS4;
2. Create opportunities for citizens to participate in the implementation of stormwater controls;
3. Ensure the public can readily find information about the City of Omaha's SWMP.

### **C. Illicit Discharge Detection and Elimination**

The City of Omaha must provide an Illicit Discharge Detection and Elimination (IDDE) Program to detect, investigate, and eliminate non-stormwater discharges, including illegal dumping, into its system. The IDDE is discussed again in Part IV of this permit. The IDDE program must include or address the following:

1. Illicit Discharge Detection and Elimination Program
  - a. Omaha must, as part of the IDDE program, develop or maintain an enforcement plan or mechanism following the requirements of Part II.B of this permit.
  - b. A storm sewer system map that receives updates in a strategy designated in the SWMP. The storm sewer system map must show the following, at a minimum:
    - i. The geographic location and identification number of all known MS4 outfalls and the boundary of drainage areas contributing to those outfalls;
    - ii. The location of all state-designated waters receiving direct discharges from MS4 outfall pipes;
    - iii. Dry-weather field screening locations;
    - iv. Municipally-owned storm drain infrastructure and collection system;
    - v. Structural water quality BMP locations; and
    - vi. Land use within outfall drainage area boundaries.
  - c. Outfall field screening procedures and priority locations to investigate for detecting illicit discharges;
    - i. The city must document a written dry weather field screening and analytical monitoring procedures which are to be used at a number of outfall locations specified in the SWMP each year to detect discharges to the MS4;
    - ii. The screening procedures must identify the minimum staff, equipment, and discharge evaluation process used by the city and subject to the requirements of 40 CFR Part 122.26(d)(1)(iv)(D); and
    - iii. The city must document the basis for its selection of each priority location and maintain a current list of all priority locations identified in the system.
  - d. Procedures, staff and equipment required for investigating and tracing the source of all identified illicit discharges:
    - i. The city must report immediately the occurrence of any dry weather flows believed to be an immediate threat to human health or the environment to NDEQ by calling (402) 471-2186 or (402) 471-4545 after business hours, weekends and holidays; and



- or strategy of training appropriate for the municipal staff and detail the methodology in the SWMP.
- b. Training program documents must be available for review by the permitting authority.
  - c. The city must identify the frequency or implement a strategy for training staff identified in Part III.C.6.a above on the identification of an illicit discharge or connection. The city must document and maintain records of the training provided and the staff trained.

#### **D. Construction Site Runoff Control**

1. The City of Omaha must provide a program which requires operators of public or private "construction activities" to select, install, implement, and maintain stormwater control measures that comply with local erosion and sediment control, pollution prevention, and other stormwater requirements, including applicable Construction Storm Water General Permit, State, and local requirements. "Construction activity" for this permit includes, at a minimum, all public and private construction sites that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan of development or sale. Omaha's construction program must ensure the following minimum requirements are effectively implemented for all construction activity discharging to its MS4:
  - a. Erosion and Sediment Controls. Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants;
  - b. Soil Stabilization. Temporary and permanent stabilization must be completed within a period of time determined by the City of Omaha;
  - c. Dewatering. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls;
  - d. Pollution Prevention Measures. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants from all sources found on the construction sites that pose a threat to water quality;
  - e. Prohibited Discharges. The city shall define all prohibited discharges that are considered a violation of local regulations; and
  - f. Surface Outlets. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible (as defined in 40 CFR Part 450).
2. The city must, as part of the construction requirements and control measures, develop an enforcement plan or mechanism following the requirements of Part II.B of this permit.
3. The city must require each operator of a regulated construction activity described above to prepare and submit for review an erosion and sediment control plan prior to the disturbance of land for the city's review and written or electronic authorization. The city must implement site plan review procedures that meet the following minimum requirements:
  - a. The City of Omaha must not approve any erosion and sediment control plan unless it contains appropriate site-specific construction site control measures that meets the minimum local requirements for stormwater protection of construction activity;
  - b. The city must use qualified individuals, knowledgeable in the technical review of erosion and sediment control plans to conduct such reviews; and
  - c. The city must document its review of erosion and sediment control plan using a checklist or similar process.
  - d. The city must maintain an inventory that is continually updated of all active public and private construction sites authorized by the City of Omaha within the MS4 jurisdiction.
4. Construction Site Inspection and Enforcement
  - a. The City of Omaha must inspect public and private construction activity according to local procedures with a strategy documented in the SWMP
  - b. The City must provide trained and qualified inspectors for construction site compliance inspections at permitted sites. The city must also provide written procedures outlining the local inspection and enforcement procedures. Inspections of construction sites must, at a minimum:

- i. Check for coverage under the NDEQ NPDES general construction permit by requesting a copy of any application or Notice of Intent (NOI) or other relevant application form during initial inspections;
    - ii. Review the applicable erosion and sediment control plan and conduct a thorough site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the plan;
    - iii. Assess compliance with the city's ordinances and permits related to storm water runoff, including the implementation and maintenance of designated BMPs and components
    - iv. Visually observe and record non-stormwater discharges, potential illicit connections, and potential discharge of pollutants in stormwater runoff;
    - v. Provide education and outreach on stormwater pollution prevention, as needed; and
    - vi. Provide a written or electronic inspection report generated from findings in the field
  - c. The city must track the number of inspections for the inventoried construction sites throughout the reporting period. Inspection findings must be documented and maintained for review by the permitting authority.
  - d. Based on site inspection findings, the city must take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance in accordance with the City of Omaha's enforcement response plan. These follow-up and enforcement actions must be tracked and maintained for review by the permitting authority.
5. The City of Omaha must ensure that the staff whose primary job duties are related to implementing the construction stormwater program, including permitting, plan review, construction site inspections, and enforcement, are trained to conduct these activities. Training must be provided, sponsored, or required in a strategy established in the SWMP.
6. Construction Site Operator Education and Public Involvement
  - a. The City of Omaha must provide educational materials to construction site operators in a strategy outlined in the SWMP.
    - i. The city must either provide information on existing training opportunities or develop new training for construction operators on control measure selection, installation, implementation, and maintenance as well as overall program compliance.
    - ii. The city must develop or utilize existing outreach tools (i.e. brochures, posters, website, plan notes, manuals etc.) aimed at educating construction operators on installation, implementation, and maintenance of stormwater controls, as well as overall program compliance. The city must make these outreach tools available to construction operators who will be disturbing land within the MS4 jurisdiction.
    - iii. The city must provide information on the installation and maintenance of controls on the city's website or be made publically accessible by whichever methods and procedures are determined appropriate by the City of Omaha and approved by the NDEQ.
  - b. Public Involvement - The city must have procedures for tracking complaints and submitting information by the public regarding construction projects and must also provide the city's response.

## **E. Post Construction Runoff Control**

1. Post-Construction Stormwater Management Program
  - a. The City of Omaha must provide a program to control stormwater discharges from new development and redeveloped sites that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan of development or sale that discharge into the MS4. The program must apply to private and public development sites, including roads.
  - b. The city must, as part of the post-construction management program, develop an enforcement plan or mechanism following the requirements of Part II.B of this permit.

- c. The city may develop divergent standards for distinct categories of development (i.e., infrastructure projects, redevelopment, greenfield development, etc.), divergent standards are allowable but not required.
  - d. Written procedures for implementing or maintaining the program(s) must be incorporated into the SWMP. The city may reference outside procedures or documents, though referenced material must be publically accessible.
2. Site Performance Standards
    - a. The city must review current ordinances to ensure compliance with post-construction storm water standards to ensure compliance within one year. These local post construction storm water standards are for designing, installing, implementing, and maintaining storm water control measures which include BMPs that infiltrate, evapotranspire, harvest, and/or use storm water discharges.
    - b. The city must adopt or maintain local storm water discharge design standards that consider parameters such as site discharge volume, rate, duration, and frequency for new development and redevelopment sites. The local storm water discharge design standards must describe the site design strategies, control measures, and other practices deemed necessary by the city to protect pre-development hydrology to the maximum extent practicable.
  3. Post-Construction Site Plan Review
    - a. To ensure that all applicable new development and redeveloped sites conform to the performance standards required in Part III.E.2, the City of Omaha must conduct project review, approval, and enforcement procedures that include:
      - i. Procedures for the site plan review and approval process(es) and modification when changes to an approved plan are desired; and
      - ii. A requirement for submittal of "as-built" certifications in a strategy defined in the SWMP and approved by the NDEQ.
  4. Long-Term Maintenance of Post-Construction Stormwater Control Measures
    - a. Procedures must be established to ensure certified structural stormwater control measures installed and implemented and are maintained in perpetuity.
    - b. The city must establish procedures to respond to complaints and notifications to ensure the long-term maintenance of structural controls.
  5. Tracking Post-Construction Stormwater Control Measures
    - a. The city must maintain a current inventory of all post-construction structural stormwater control measures installed and implemented pursuant to this section at new development and redeveloped sites, including both public and private sector sites located within the MS4 jurisdiction.
    - b. A survey or number of new post-construction certified BMPs sorted by type (bio-retention, catch basins, etc.) must be included in the annual report.
    - c. Based on inspections conducted under Part III.E.6, the city must update the inventory as appropriate where changes occur in property ownership or the specific control measures implemented at the site. This inventory must be maintained and available for review by the permitting authority. Changes will be documented in the annual report.
  6. Post-Construction Stormwater Inspection and Enforcement
    - a. The city must conduct post-construction inspections of project sites covered under Part III.E to verify that performance standards have been met, in a strategy defined in the SWMP. A description of inspection and reporting procedures must be kept on file for review.
    - b. The city must document and maintain records of inspection findings and any enforcement actions taken and make them available for review by the permitting authority.

## **F. Pollution Prevention and Good Housekeeping**

1. Municipal Facility and Control Inventory
  - a. The City of Omaha must provide an inventory of municipally-owned or operated facilities and municipally-owned stormwater controls that is available for review by the permitting authority.

- b. The city must identify on a map where the municipally-owned or operated facilities and municipally-owned stormwater controls are located within the MS4. The map must be maintained and updated regularly and be available for review by the permitting authority.
2. Municipally-owned or Operated Facility Assessment
    - a. The city must maintain current assessments of municipally-owned or operated facilities identified in Part III.F.1. The strategy and description of the assessment procedure must be included in the annual report.
    - b. The city must identify “high-priority” facilities that have a high potential to generate stormwater pollutants. High priority facilities are facilities which have the high potential to generate stormwater pollutants. A description of the evaluation criteria for determining “high-priority” must be included in the annual report.
    - c. The city must document the results of the assessments and maintain copies of all site evaluation documents used to conduct the assessment.
  3. Development of Facility Runoff Control Plans and Implementation of Facility Stormwater Controls
    - a. The city must develop and maintain Facility-specific Runoff Control Plans (RCPs) for “High Priority” Facilities to control the contribution of pollution in stormwater runoff.
      - i. For each “high priority” facility or operation identified in Part III.F.2, the City of Omaha must develop or maintain the Runoff Control Plan that identifies stormwater control measures, inspection strategy, and visual monitoring procedures.
      - ii. A copy of the facility-specific stormwater management RCP must be maintained and be available for review by the permitting authority. The RCP must be kept on-site at each of the municipally-owned or operated facilities’ offices for which it was completed (hard copy or electronic). The RCP must be updated as necessary.
    - b. All “high priority” municipally-owned or operated facility RCPs must include provisions for general good housekeeping practices, storage of de-icing materials, fueling operations, vehicle maintenance, and equipment and vehicle washing.
    - c. Municipal activities and operations
      - i. The city must develop a set of pollution prevention measures that, when applied during municipal operations and maintenance (O&M) activities, will reduce the discharge of pollutants in stormwater.
      - ii. All pollution prevention measures implemented at municipal facilities must be visually inspected in a strategy defined in the RCP to ensure they are working properly; a log of inspections must be maintained and made available for review by the permitting authority upon request.
  4. Storm Sewer System Maintenance Activities
    - a. MS4 storm water inlet and catch basin maintenance
      - i. The City of Omaha must develop a strategy to inspect and clean stormwater inlets as needed in the SWMP. The results of the implementation or maintenance of this strategy shall be included in the annual report.
      - ii. The city must have or maintain a plan to label inlets with a legible storm water awareness message.
      - iii. The city must visually monitor city-owned open channels and other drainage structures for debris and evidence of ongoing dumping in a strategy defined in the SWMP.
      - iv. The city shall include the removal of trash and debris from city-owned open channels and other drainage structures as part of maintenance planning activities and document drainage structure maintenance activity in a log that is to be made available for review by the permitting authority upon request.
      - v. The city must develop a procedure to dewater and dispose of materials extracted from catch basins so that water removed during the catch basin cleaning process and waste material will not reenter the MS4.

- b. Street Sweeping and Cleaning
  - i. The city must sweep municipally-owned streets, roads, and public parking lots in accordance with a strategy defined in the SWMP.
  - ii. The city must provide a procedure to dewater and dispose of street sweeper waste material. This procedure must ensure that water and material will not reenter the MS4.
- c. Maintenance of municipally-owned and/or maintained structural stormwater controls
  - i. The city must inspect and maintain if necessary municipally-owned or maintained structural stormwater controls in accordance with a strategy provided in the SWMP.
  - ii. The city must also maintain municipally-owned or maintained green infrastructure practices through regularly scheduled maintenance activities.
5. Training and Education - The City of Omaha must provide an employee training program for employees involved in implementing pollution prevention and good housekeeping practices in this Part. The city must also identify and track all personnel requiring training and records must be maintained. The training program and target audience must be described in the SWMP.
6. Contractor Requirements and Oversight - Any contractors hired by the city to perform municipal maintenance activities must be contractually required and overseen by the City of Omaha to ensure compliance with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management SOPs described above.

#### **G. Industrial and Related Facilities**

1. The City of Omaha must maintain a program which requires operators of public or private "industrial activities" to select, install, implement, and maintain stormwater control measures that comply with local industrial pollution prevention and stormwater requirements, including applicable NPDES Industrial Storm Water General Permit, State, and local requirements. "Industrial activity" for this permit includes, at a minimum, all public and private industrial activities described at 40 CFR Part 122.26(b)(14)(i)-(xi) (excluding 122.26(b)(x), Construction Activity). Omaha's industrial program must ensure the following minimum requirements are effectively implemented for all industrial activity discharging to its MS4:
  - a. Prohibited Discharges. The city shall define prohibited discharges that are considered a violation of local regulations;
  - b. Identification of Potential Pollutant Sources. Identification of significant pollutant sources associated with industrial activity at the site.
  - c. Pollution Prevention Measures. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants from all sources found on the industrial sites that pose a threat to water quality;
2. The City of Omaha must maintain an inventory of all active public and private regulated industrial sites known to the city within the MS4 boundary. The inventory must be updated annually and as notified when new sites are permitted and when permitted sites are closed or modified. The city will request from NDEQ relevant contact and location information for each site.
3. The city shall inform operators of a regulated industrial activity that are inspected by the city that they need to:
  - a. Comply with the No Exposure Certification for Conditional Exclusion from NPDES Industrial Storm Water Permitting; or
  - b. Prepare a Storm Water Pollution Prevention Plan and make this plan available for the city's review. The plan may be made available during onsite inspections or through other means.
  - c. Operators of regulated industrial activity which do not comply with provisions (a) or (b) above may be treated as illicit discharges.
4. Industrial Site Inspection and Enforcement
  - a. The City of Omaha must inspect public and private industrial activity according to local procedures at a frequency documented in the SWMP.
  - b. The city must provide trained and qualified inspectors for industrial inspections. Inspections of industrial sites must, at a minimum:

- i. Check for coverage under the NDEQ NPDES general permit for Industrial Storm Water Discharges by requesting a copy of any Notice of Intent (NOI) or other relevant documentation or communication between the discharger and the Department;
  - ii. Review the applicable plan and conduct a thorough site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the plan;
  - iii. Visually observe non-stormwater discharges, potential illicit connections, and potential discharge of pollutants in stormwater runoff;
  - iv. Provide education and outreach on stormwater pollution prevention, as needed;
  - v. The city must track the number of inspections for the inventoried industrial sites throughout the reporting period.; and
  - vi. A prioritization scheme may be used to determine the inspection frequency for regulated industrial sites. Potential for pollutant discharges shall be used along with past inspection results to establish priority sites.
5. The city must ensure that all staff whose primary job duties are related to implementing the industrial stormwater program are trained to conduct these activities.

#### **Part IV: Monitoring Requirements**

##### **A. Dry Weather Discharge Screening and Monitoring**

A dry-weather, field-screening program shall continue to detect and eliminate illicit discharges to the MS4. The field screening procedures shall be incorporated into the Illicit Discharge Detection and Elimination program described in Part III.C and shall include physical characteristic examinations. If the field screening indicates the potential presence of pollution, additional monitoring and investigation shall be conducted to determine the source(s) of the discharge.

##### **B. Wet Weather and BMP Assessment Monitoring**

The City of Omaha shall continue to conduct a wet weather monitoring program to assess the effectiveness of BMP control measures and to facilitate future SWMP planning. The Department may approve alternate monitoring schedules with alternative monitoring sites or schedules being provided to the NDEQ in written form. This program is described in detail in Appendix B, Monitoring Program.

##### **C. Coordination of Information**

The City of Omaha and NDEQ shall share and coordinate monitoring data. Data collected by other governmental entities can be used by the City to help assess the effectiveness of BMP's. The data may be used to meet the evaluation and assessment requirements of this permit.

#### **Part V: Reporting Requirements**

##### **A. Annual Report**

The City of Omaha shall submit an annual report no later than April 1 of each year. The annual report will at a minimum include:

1. The status of implementing and maintaining the MCMs and associated BMPs of the SWMP that are established as permit conditions. The documentation of compliance may be used in conjunction with the evaluation assessment listed in Part V.A.4 to identify modification and improvements needed to maximize SWMP effectiveness;
2. Proposed changes to the SWMP BMPs that are established as a permit condition;
3. A summary of data, including any monitoring and quantitative data, that is accumulated throughout the reporting year including wet weather monitoring information as follows:
  - a. Rainfall event, flow, and pollutant concentration summary information;
  - b. The Event Mean Concentrations (EMCs) from the Municipal Separate Storm Sever Area, separated by land use (residential, commercial, industrial);
  - c. Identification of any water quality improvements or degradation recognized; and
  - d. A summary of any conclusions concerning SWMP BMPs and target goals that were drawn from any monitoring or pollutant data.

4. An evaluation assessment of program effectiveness. This evaluation will assess the effectiveness of each BMP of the MCMs in the SWMP and the implementation of the SWMP as a whole. The evaluation will use appropriate environmental and administrative indicators to the maximum extent practicable as described below:
  - a. Environmental Indicators: If available, the City of Omaha must use any monitoring data or data collected by other parties to evaluate the impact of the MS4 program on physical, hydrological, biological, and water quality indicators;
  - b. Administrative Indicators: The city must evaluate the effectiveness of the MS4 program using data such as social, programming, and website indicators; and
  - c. Any other indicators that assess BMP and target goal(s) effectiveness at maintaining water quality and complying with permit requirements.
5. A summary of MS4 annual expenditures for the previous year.

**B. Alternative Procedures for Re-application**

1. The City of Omaha may use the fourth year annual report as a reapplication mechanism as an alternative to re-submitting a Notice of Intent.
2. The contents of such an alternative re-application shall include at a minimum:
  - a. The name and mailing address(es) of the permittee(s) that operate the MS4;
  - b. Names and titles of the primary administrative and technical contacts for the municipal permittee(s); and
  - c. Proposed significant changes to the SWMP in the upcoming permit term, unless already submitted to the Department.

**C. Amendments Procedures and Requirements**

1. Either the Department or the municipality entity may propose amendments to the SWMP, monitoring requirements and reporting requirements. Amendments may be proposed either formally or informally. Proposed amendments shall not be implemented without agreement from both the City and the Department.
2. Any such amendments must comply with the applicable federal requirements set forth in 40 CFR Parts 122.26(d)(2), 122.42(c), and 122.42(d), and in NDEQ Title 119, Chapter 10 002.12K2.

Amendments that are mutually applicable shall be implemented in accordance with written Department approval.

## Appendix A

### Conditions Applicable to all MS4 NPDES Permits

The following conditions apply to all NPDES permits:

#### 1. Information Available

All permit applications, fact sheets, permits, discharge data, monitoring reports, and any public comments concerning such shall be available to the public for inspection and copying, unless such information about methods or processes is entitled to protection as trade secrets of the owner or operator under Neb. Rev. Stat. §81-1527, (Reissue 1999) and NDEQ Title 115, Chapter 4.

#### 2. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Federal Clean Water Act and the Applicable State Statutes and Regulations and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
- b. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

#### 3. Violations of this Permit

- a. Any person who violates this permit may be subject to penalties and sanctions as provided by the Clean Water Act.
- b. Any person who violates this permit may be subject to penalties and sanctions as provided by the Nebraska Environmental Protection Act.

#### 4. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

#### 5. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### 6. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

#### 7. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective performance based on designed facility removals, effective management, adequate operator staffing and training, adequate process controls, adequate funding that reflects proper user fee schedules, adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary

facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

#### **8. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### **9. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

#### **10. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.

#### **11. Inspection and Entry**

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

#### **12. Monitoring and Records**

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- c. Records of monitoring information shall include:
  - i) The date(s), exact place, time and methods of sampling or measurements;
  - ii) The individual(s) who performed the sampling or measurements;
  - iii) The date(s) analyses were performed;
  - iv) The individual(s) who performed the analyses;
  - v) The analytical techniques or methods used; and

- vi) The results of such analyses.
- d. Monitoring must be conducted according to test procedures approved under NDEQ Title 119, Chapter 27 002 unless another method is required under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 or O – Sewer Sludge Parts 501 and 503.
- e. Falsifies, Tampers, or Knowingly Renders Inaccurate
  - i) On actions brought by EPA, the Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction: be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
  - ii) On action brought by the State, The Nebraska Environmental Protection Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished pursuant to Neb. Stat. §81-1508.01.

### 13. Signatory requirements

- a. All applications, reports, or information submitted to the Director shall be signed and certified.
  - i) All permit applications shall be signed as follows:
    - (a) For a corporation
      - (i) By a responsible corporate officer: For the purpose of this section, a responsible corporate officer means:
        - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
        - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
    - (b) For a partnership or sole proprietorship
      - (i) By a general partner or the proprietor.
    - (c) For a municipality, State, Federal, or other public agency
      - (i) By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
        - (a) The chief executive officer of the agency, or
        - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. Reports and Other Information
  - i) All reports required by permits, and other information requested by the Director shall be signed by a person described in this section [paragraphs 13. a. i) (a),(b), or (c)], or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (a) The authorization is made in writing by a person described in paragraphs 13. a. i) (a),(b), or (c);
- (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position) and;
- (c) The written authorization is submitted to the Director.

c. Changes to Authorization

If an authorization of paragraphs 13. a. i) (a),(b), or (c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification

All applications, reports and information submitted as a requirement of this permit shall contain the following certification statement:

- i) 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 gathered and evaluated 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 violations.

e. False Statement, Representation, or Certification

- i) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- ii) The Nebraska Environmental Protection Act provides criminal penalties and sanctions for false statement, representation, or certification in any application, label, manifest, record, report, plan, or other document required to be filed or maintained by the Environmental Protection Act, the Integrated Solid Waste Management Act, the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts.

## 14. Reporting Requirements

a. Planned Changes

- i) The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - (a) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in NDEQ Title 119, Chapter 4 and 8.
  - (b) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under NDEQ Title 119, Chapter 15.
  - (c) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions

that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. The sludge program is not delegated to the State so notification to the EPA Regional Administrator in addition to the State is required.

b. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

c. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under NDEQ Title 119, Chapter 24 in some cases, modification or revocation and reissuance is mandatory.

d. Monitoring Reports

- i) Monitoring results shall be reported at the intervals specified elsewhere in this permit.
- ii) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Director.
- iii) Monitoring results shall be submitted on a quarterly basis using the reporting schedule set forth below, unless otherwise specified in this permit or by the Department.

Monitoring Quarters

DMR Reporting Deadlines

January - March  
April - June  
July - September  
October - December

April 28  
July 28  
October 28  
January 28

- iv) For reporting results of monitoring of sludge use or disposal practices
- v) Additional reports may be required by the EPA Regional Administrator.
- vi) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved in NDEQ Title 119, Chapter 27 002, or another method required for an industry-specific waste stream under 40 CFR Subchapters N – Effluent Guidelines and Standards Parts 425 to 471 and O – Sewer Sludge Parts 501 and 503, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Director or EPA Regional Administrator.
- vii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

e. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

f. Twenty-four Hour Reporting

- i) The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
  - (a) Any unanticipated bypass which exceeds any effluent limitation in this permit.
  - (b) Any upset which exceeds any effluent limitation in this permit.
  - (c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours.
- g. The Director may waive the written report on a case-by-case basis for reports under section 14. f. ii) (a), (b) and (c) if the oral report has been received within 24 hours.
- h. Other noncompliance
 

The permittee shall report all instances of noncompliance not reported under paragraphs d., e., and f. of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph f. of this section.
- i. Other information
 

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
- j. Noncompliance Report Forms
  - i) Noncompliance Report Forms are available from the Department and shall be submitted with or as the written noncompliance report.
  - ii) The submittal of a written noncompliance report does not relieve the permittee of any liability from enforcement proceedings that may result from the violation of permit or regulatory requirements.

## 15. Bypass

- a. Definitions
  - i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
  - ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b. Bypass Not Exceeding Limitations
 

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 15.c. and d. of this section.
- c. Notice
  - i) Anticipated Bypass
 

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
  - ii) Unanticipated Bypass
 

The permittee shall submit notice of an unanticipated bypass as required in paragraph 14.f. of this section (24-hour notice).
- d. Prohibition of Bypass
 

Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

- i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii) The permittee submitted notices as required under paragraph 15.c. of this section.
- e. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 15.d.

## 16. Upset

### a. Definition

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

### b. Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 16.c. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

### c. Conditions Necessary for a Demonstration of Upset.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- i) An upset occurred and that the permittee can identify the cause(s) of the upset;
- ii) The permitted facility was at the time being properly operated;
- iii) The permittee submitted notice of the upset as required in paragraph 14.f. ii) (a), of this section (24-hour notice).
- iv) The permittee complied with any remedial measures required under paragraph (d) of this section.

### d. Burden of Proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## 17. Other Rules and Regulations Liability

The issuance of this permit in no way relieves the obligation of the permittee to comply with other rules and regulations of the Department.

## 18. Severability

If any provision of this permit is held invalid, the remainder of this permit shall not be affected.

## 19. Other Conditions that Apply to NPDES and NPP Permits

### a. Land Application of Wastewater Effluent

The permittee shall be permitted to discharge treated domestic wastewater effluent by means of land application in accordance with the regulations and standards set forth in NDEQ Title 119, Chapter 12 002.

The Wastewater Section of the Department must be notified in writing if the permittee chooses to land apply effluent.

b. Toxic Pollutants

The permittee shall not discharge pollutants to waters of the state that cause a violation of the standards established in NDEQ Titles 117, 118 or 119. All discharges to surface waters of the state shall be free of toxic (acute or chronic) substances which alone or in combination with other substances, create conditions unsuitable for aquatic life outside the appropriate mixing zone.

c. Oil and Hazardous Substances/Spill Notification

Nothing in this permit shall preclude the initiation of any legal action or relieve the permittee from any responsibilities, liabilities or penalties under section 311 of the Clean Water Act. The permittee shall conform to the provisions set forth in NDEQ Title 126, Rules and Regulations Pertaining to the Management of Wastes. If the permittee knows, or has reason to believe, that oil or hazardous substances were released at the facility and could enter waters of the state or any of the outfall discharges authorized in this permit, the permittee shall immediately notify the Department of a release of oil or hazardous substances. During Department office hours (i.e., 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays), notification shall be made to the Nebraska Department of Environmental Quality at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free). When NDEQ cannot be contacted, the permittee shall report to the Nebraska State Patrol for referral to the NDEQ Immediate Response Team at telephone number (402) 471-4545. It shall be the permittee's responsibility to maintain current telephone numbers necessary to carry out the notification requirements set forth in this paragraph.

d. Removed Substances

- i) Solids, sludge, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of at a site and in a manner approved by the Nebraska Department of Environmental Quality.
  - (a) The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 257.
  - (b) The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR Part 503.
  - (c) If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in NDEQ Title 132.
- ii) Publicly owned treatment works shall dispose of sewage sludge in a manner that protects public health and the environment from any adverse effects which may occur from toxic pollutants as defined in Section 307 of the Clean Water Act.
- iii) This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR Part 503.

e. Representative Sampling

- i) Samples and measurements taken as required within this permit shall be representative of the discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to the Department and with the written approval of the Director.
- ii) Composite sampling shall be conducted in one of the following manners;
  - (a) Continuous discharge - a minimum of one discrete aliquot collected every three hours,
  - (b) Less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or

- (c) Batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.
  - (d) Composite samples shall be collected in one of the following manners:
    - (i) The volume of each aliquot must be proportional to either the waste stream flow at the time of sampling or the total waste stream flow since collection of the previous aliquot,
    - (ii) A number of equal volume aliquots taken at varying time intervals in proportion to flow,
    - (iii) A sample continuously collected in proportion to flow, and
  - (e) Where flow proportional sampling is infeasible or non-representative of the pollutant loadings, the Department may approve the use of time composite samples.
  - (f) Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.
- iii) All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21 006 unless:
- (a) In the case of sludge samples, alternative techniques are specified in 40 CFR Part 503, or
  - (b) Other procedures are specified in this permit.
- iv) Flow Measurements
- Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be used to insure the accuracy and reliability of measurements. The devices shall be installed, calibrated and maintained to insure the accuracy of the measurements. The accepted capability shall be consistent with that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of +/- 10%. The amount of deviation shall be from the true discharge rates throughout the range of expected discharge volumes. Guidance can be obtained from the following references for the selection, installation, calibration and operation of acceptable flow measurement devices:
- (a) "Water Measurement Manual," U.S. Department of the Interior, Bureau of Reclamation, Third Edition, Revised Reprint, 2001.  
(Available online at <http://www.usbr.gov/tsc/techreferences/mands/wmm/index.htm>)
  - (b) "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-77, September 1981, 147 pp.  
(Available online at <http://www.epa.gov/nscep>, and enter 'NPDES Compliance Flow Measurement Manual, Publication MCD-77' in the search box)
- f. Changes of Loadings to Publicly Owned Treatment Works (POTWs)
- All POTWs must provide adequate notice to the Director of the following:
- i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to NDEQ Title 119, Chapter 26, if it were directly discharging those pollutants;
  - ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  - iii) For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

## 20. Definitions

**Authorized Representative:** Individual or position designated the certifying official to submit reports, notifications, or other information requested by the Director on behalf of the owner under the circumstances that the authorization is made in writing by the owner, the authorization specifies the individual or position that is duly authorized, and the authorization is submitted by the Director.

**Best Management Practices (BMPs):** Schedules of activities, practices (and prohibitions of practices), structures, maintenance procedures, and other water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

### **Certifying Official:**

- For a corporation, by a reasonable corporate officer, which means:
  - A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
  - The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- For a partnership or sole proprietorship: By a general partner or proprietor respectively
- For a municipality, state, federal, or other public agency:
  - By either a principal executive officer of the agency, or
  - A senior executive officer having responsibility for the operations of a principal geographic unit of the agency

**Combined Sewer System (CSO):** Defined as a collection system that collects both storm water and sanitary wastewater with outfalls directly discharging into Waters of the State.

**Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement, or physical demarcation indicating that land-disturbing activities may occur.

**Construction Activity:** Includes large construction activity and small construction activity. This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into waters of the state or urban drainage systems. Construction activity includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more and includes all areas of support activity.

**Coverage:** A permittee status of compliant operation under the terms and conditions of this general permit once a discharge authorization number has been obtained until that authorization is terminated.

**Department:** The Nebraska Department of Environmental Quality.

**Dependent:** Construction activity with direct relation to the stream such as bank stabilization, bridge construction activity, culvert construction, if the permittee is required to have a US Army Corps of Engineers 404 permit, etc.

**Director:** The Director of the Nebraska Department of Environmental Quality.

**Discharge Authorization Number:** A specific authorization number (NER 1xx xxx) issued to a specific permittee that meets the application requirements for coverage under this general permit.

**Erosion Prevention:** Measures employed to prevent sediment from moving from its existing location including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

**Final Stabilization:** Condition where all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a minimum density of 70 percent of the native background vegetative cover has been established on all non-impervious surfaces and areas not covered by permanent structures unless equivalent permanent stabilization measures have been employed (e.g., riprap, gabions, or geotextiles).

**Impervious Surface:** A constructed hard surface that either prevents or retards the entry of water into the soil and caused water flow off the surface in greater quantities and at an increased rate of flow than prior to development (e.g., streets, sidewalks, parking lots, roofs, and in some cases highly compacted soil).

**Infeasible:** No technologically possible, or not economically practicable and achievable in light of best industry practices.

**Large Construction Activity:** This activity is the clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five (5) acres of land or will disturb less than five (5) acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five (5) acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic captivity, or original purpose of the site.

**Major Municipal Separate Storm Sewer Outfall:** A municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

**Municipal Separate Storm Sewer System (MS4):** A separate storm water sewer system in urbanized cities and counties as having populations of 10,000 or greater as determined by the Bureau of Census 2010 Decennial Census.

**National Pollutant Discharge Elimination System (NPDES):** Program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and CFR Title 33, Sections 1317, 1328, 1342, and 1345.

**Notice of Termination (CSW-NOT):** Note to terminate coverage under this permit after construction is completed, the site has undergone final stabilization, and maintenance agreements for all permanent facilities have been established, in accordance with all applicable conditions of this permit.

**Operator:** Person (often the general contractor) designated by the owner, who has day-to-day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The person shall be knowledgeable in those areas of the permit for which the operator is responsible.

**Outfall:** A point source where a municipal separate storm sewer discharges to waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State. A **Major Outfall** is a **major municipal separate storm sewer outfall**.

**Owner:** Person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual as the lease holder; or the contacting government agency responsible for the construction activity.

**Permittee:** Person(s), firm, or governmental agency or other institution that signs the application submitted to the Department and is responsible for compliance with the terms and condition of this permit.

**Pre-Development Hydrology:** The combination of runoff, infiltration and evapotranspiration rates, volumes, durations and temperatures that typically existed on the site with natural soils and vegetation before human-induced land disturbance occurred. In the context of requirements in this permit the environmental objective is a stable, natural hydrologic site condition that protects or restores to the degree relevant for that site, stable hydrology in the receiving water, which will not necessarily be the hydrologic regime of that receiving water prior to any human disturbance in the watershed.

**Qualified Personnel:** A person knowledgeable in the principles and practice of erosion and sediment controls that possesses the skills to implement and assess the effectiveness of any erosion and sediment control measures. The qualified personnel must possess the skills to assess conditions at the construction site that could impact storm water quality, and possess the skills to assess the effectiveness of any storm water controls selected and installed to meet the requirements of this permit.

**Receiving Waters:** A general term used to describe all waters of the state.

**Responsible Corporate Officer:** The owner or operator meeting either of the following conditions: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one of more manufacturing, production, or operating facilities. Provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental law and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

**Sediment Control:** Methods employed to prevent sediment from leaving the construction site after it has eroded from its existing location. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

**Small Construction Activity:** This activity is the clearing, grading, and excavation that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres including disturbance of less than one acre of total land area that is part of a larger common plan of development of sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres. Small construction activity does not include routine maintenance that is preformed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

**Spill Prevention Control and Countermeasure Plan (SPCC):** Federal regulation set forth in 40 CFR Part 112.1 requiring a SPCC plan to be developed for temporary or permanent facilities that store oil in vessels that have following storage capacity:

- A single above ground oil storage with 660 gallons or more capacity.
- Two or more above ground storage vessels with an aggregate of 1320 gallons or more capacity.
  - Include storage vessels stored above ground with a capacity of 55 gallons or more with the aggregate total capacity.
- Below ground oil storage vessels of 42,000 gallons or more.

For the SPCC, oil refers to any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes.

**Stabilized:** Exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, established grass bed, or other material that prevents erosion from occurring.

**Steep Slope:** Generally any slope greater than 15° or has significant potential for erosion.

**Storm Water:** Storm water runoff, snow melt runoff, and surface runoff and drainage.

**Storm Water Pollution Prevention Plan (SWPPP):** A plan for storm water discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease offsite, non-point source pollution.

**Support Activity:** Associated construction activity that is directly related to the construction site (such as disposal areas or borrow areas) required to have NPDES permit coverage for discharges of storm water that may be located on site or in a remote location, but is not a commercial operation serving multiple unrelated construction projects by different operators nor operates beyond the completion of the construction activity at the last construction project it supports.

**Temporary Erosion Protection:** Methods employed to temporarily prevent erosion during the construction sequence or while final stabilization is being established. Examples of temporary erosion protection include: straw, mulch, wood chips, and erosion netting.

**Total Maximum Daily Load (TMDL):** The sum of the individual wasteload allocations (WLAs) for point sources and load (load allocations) for nonpoint sources and natural background levels for a specific pollutant. The Department establishes TMDLs that are expressed in terms of either mass per unit of time, relative level of toxicity, or other appropriate measure.

**Toxic Pollutant:** Pollutants or combination of pollutants, including disease-causing agents, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains will, on the basis of information available to the Department, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunction (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

**Waters of the State:** All waters within the jurisdiction of this state including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

## 21. Abbreviations

**CFR:** Code of Federal Regulations

**kg/Day:** Kilograms per Day

**MGD:** Million Gallons per Day

**mg/L:** Milligrams per Liter

**NOI:** Notice of Intent

**NDEQ:** Nebraska Department of Environmental Quality

**NDEQ Title 115:** Rules of Practice and Procedure

**NDEQ Title 117:** Nebraska Surface Water Quality Standards

**NDEQ Title 118:** Ground Water Quality Standards and Use Classification

**NDEQ Title 119:** Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System

**NDEQ Title 126:** Rules and Regulations Pertaining to the Management of Wastes

**NDEQ Title 132:** Integrated Solid Waste Management Regulations

**NPDES:** National Pollutant Discharge Elimination System

**NPP:** Nebraska Pretreatment Program

**POTW:** Publicly Owned Treatment Works

**µg/L:** Micrograms per Liter

**WWTF:** Wastewater Treatment Facility

## Appendix B: City of Omaha - Storm Water Management Plan

Measurable goals listed in the Storm Water Management Plan are target goals on which progress will be reported on in the annual report.

<b>A. Public Education and Outreach</b>		
<b>BMP #</b>	<b>SWMP Element Description</b>	<b>Target Goals &amp; Implementation Schedule</b>
1, 3, & 4.	Develop a plan for outreach that defines the goals, objectives, target audience and distribution process of materials for the public education and outreach program.	<b>Year 1</b> – Develop a 5-year education and outreach plan. Submit the plan to NDEQ with the Annual Report. <b>Years 2-5</b> – Review and update the plan each permit year and include the revised plan in the Annual Report.
2.	Maintain and update appropriate messages for targeted residential, construction, and commercial issues.	<b>Year 1</b> – Inventory current outreach materials in each of these targeted areas and develop new materials as needed. <b>Years 2-5</b> – Provide copies of new outreach materials in the annual report.

<b>B. Public Participation and Involvement</b>		
<b>BMP #</b>	<b>SWMP Element Description</b>	<b>Target Goals &amp; Implementation Schedule</b>
1.	Provide opportunities for citizens to comment on new rules, ordinances, and regulations regarding the MS4.	<b>On-Going All Years</b> – Post on the City Stormwater Website proposed changes to rules, ordinances, and regulations. Provide information in the annual report on approved changes and input received from the public.
2.	Create opportunities for citizens to participate in the implementation of stormwater controls.	<b>On-Going All Years</b> – Post on the City Stormwater Website opportunities for public involvement in stormwater control related activities.
3.	Provide access to information about the City's SWMP.	<b>On-Going All Years</b> – Maintain current City SWMP and MS4 annual reports on the Omaha Stormwater website.

**C. Illicit Discharge Detection and Elimination**

<b>BMP #</b>	<b>SWMP Element Description</b>	<b>Target Goals &amp; Implementation Schedule</b>	
1.	a	Maintain a compliance plan or mechanism to follow up on illicit discharges.	<b>On-Going All Years</b> – Maintain the compliance procedures per the permit requirements.
1.	b	Maintain a map showing all known MS4 outfalls and the location of all state-designated waters receiving direct discharges from MS4 outfalls.	<b>On-Going All Years</b> – Maintain a continually updated storm sewer system map per the permit requirements.
1.	c	Conduct field screening activities per the permit requirements (set forth in 40 CFR Part 122.26(d)(1)(iv)(D)) specifically geared to local TMDL pollutants of concern such as <i>E. Coli</i> and to eliminate illicit discharges,	<b>Year 1</b> – Develop dry weather screening, sampling, and quality control plan to address pollutants of concern. Conduct screening under current plan during Year 1. <b>On-Going All Years</b> – Annually conduct dry weather monitoring according to screening and sampling plan.
1.	d	Implement procedures to investigate and trace sources of identified illicit discharges to the MS4.	<b>On-Going All Years</b> – Document investigations include date observed, result of investigation(s) and date closed.
1.	e	Implement procedures to remove illicit discharges to the MS4. Document all interactions with potentially responsible parties.	<b>On-Going All Years</b> – Use the code enforcement procedures to eliminate unauthorized non-stormwater discharges identified during an investigation
1.	f	Identify and address allowable non-stormwater discharges determined to be significant contributors to pollutants. Identify any additional non-stormwater discharges that will not be addressed as illicit discharges.	<b>On-Going All Years</b> – Report on any local controls or conditions placed upon exempt non-stormwater discharges and additional identified exempted non-stormwater discharges.
2 & 3.		Coordinate with adjacent permitted MS4s to report illicit discharges to the appropriate authority having jurisdiction and respond to reports from other MS4s.	<b>Year 1</b> – Develop procedures for coordination with adjacent permitted MS4's. <b>On-Going All Years</b> – Include in the annual report any known illicit discharge reports to and from adjacent MS4s.
4.		Maintain written procedures for the IDDE component of the MS4 permit.	<b>On-Going All Years</b> – Make available upon request the standard operating procedures developed under this program component.
5.		Receive reports and complaints, internally and from the public, of illicit discharges and illegal dumping into the MS4. Respond to and investigate complaints about spills, dumping, or disposal of materials other than stormwater to the MS4.	<b>On-Going All Years</b> – Coordinate with others in the City to resolve complaints. Develop a system to generate reports and track the number of calls per year in regard to spills, dumping or improper disposal of material to the MS4. Include a count of complaints received and investigations completed in the annual report.
6.		Develop, implement and maintain a training program for municipal field staff with respect to IDDE.	<b>Year 1</b> – Develop a strategy which identifies field staff and appropriate levels of training. <b>Years 2 - 5</b> – Provide a count of employees which have received training in the annual report.

**D. Construction Site Runoff Control**

<b>BMP #</b>	<b>SWMP Element Description</b>	<b>Target Goals &amp; Implementation Schedule</b>
1.	Maintain the established program requiring operators of public or private construction activities to comply with local erosion and sediment control requirements.	<b>On-Going All Years</b> – Include any updates to City Code or Permit requirements in the annual report.
2.	Maintain a compliance plan or mechanism to follow up on construction site non-compliance.	<b>On-Going All Years</b> – Maintain the compliance procedures per the permit requirements.
3.	Review grading permit applications and maintain a continually updated inventory of all private and public construction sites.	<b>On-Going All Years</b> – Include in the annual report the number and type of grading permits reviewed.
4.	Maintain the electronic records for inspection of construction sites and enforcement of erosion and sediment control measures.	<b>Year 1</b> – Develop a strategy for site inspections by municipal staff, and include in the annual report. <b>On-Going All Years</b> – Inspect construction sites on a regular basis and on a complaint basis. Track the number of sites inspected annually in a database. Initiate enforcement proceedings as appropriate to address violations. Include a summary of inspections completed and enforcement actions taken in the annual report.
5.	Provide training for municipal staff with respect to their assigned duties as it relates to sediment and erosion control from construction activity. One formal training course for inspection staff during their employment with the City and internal training on an as needed basis to maintain consistent reporting among all inspectors.	<b>On-Going All Years</b> – Include in the annual report the number of staff and their sediment and erosion control training completed.
6.	Communicate with the regulated community and other groups affected by the Construction Site Runoff program and provide a mechanism to receive complaints from the public.	<b>On-Going All Years</b> – Conduct workshops for developers, builders, site designers, contractors, and/or City staff as determined necessary (i.e., a rule or regulation is changed). Track reports from the public regarding construction sites. Include the number of reports received in the annual report and the permittees response.

**E. Post Construction Runoff Control**

<b>BMP #</b>	<b>SWMP Element Description</b>	<b>Measurable Commitments &amp; Implementation Schedule</b>
1.	Continue to implement the Post Construction Program as stipulated in the OMC. Periodically update guidance material and develop divergent standards for difficult sites such as linear projects. Update as needed the Omaha Regional Stormwater Design Manual (ORSDM).	<b>Year 1</b> – Develop divergent standards for guidance document and update guidance as needed. Submit standards with the annual report. <b>On-going All Years</b> – Revise as necessary. Include a summary of revisions in the annual report.
2.	Review and update, if needed, the standards outlined in the OMC and ORSDM for consistency with required performance standards as they relate to post-construction stormwater management plans.	<b>On-going All Years</b> – Report on any updates to the OMC or ORSDM.
3.	Maintain an online submittal and review process for site plans, easement and maintenance agreements, as built drawings, deed recordings and drainage studies.	<b>On-going All Years</b> – Report number of PCSMP projects and the status of their progress in the annual report.
4.	Develop SOP's for responding to complaints regarding Post Construction BMPs and a strategy for verifying BMPs are being installed & maintained in perpetuity.	<b>Year 1</b> – Submit SOP's with the annual report. <b>On-going All Years</b> – Report on any complaints and/or BMP's which have been certified as complete.
5.	Maintain a database that stores information on approved PCSMPs.	<b>On-going All Years</b> – Provide an inventory of certified stormwater control measures installed as part of the PCSMP requirements. Include a count of BMP types as well as any known changes to BMPs in the annual report.
6.	Inspect sites that are certified by the engineer of record and all sites identified as deficient on a complaint basis. Develop a protocol to bring sites in to compliance.	<b>Year 1</b> – Develop protocol for compliance assistance, and inspection strategy <b>On-going All Years</b> – Document and maintain inspection records of the certified PCSMP projects as identified in the strategy developed. Document any enforcement actions taken. Summarize activities in annual report.

**F. Pollution Prevention and Good Housekeeping**

<b>BMP #</b>	<b>SWMP Element Description</b>	<b>Target Goals &amp; Implementation Schedule</b>
1.	Maintain an inventory and map of municipal facilities. Review annually and update if needed.	<b>On-Going All Years</b> – Maintain an inventory and map of all municipal facilities.
2.	Conduct assessments of municipal maintenance facilities and review their municipal runoff control plans as applicable. Revise plans as needed if facilities expand or reduce activities and implement recommendations based on annual inspections.	<b>Year 1</b> – Develop a strategy to assess municipal facilities and prioritize them based upon a defined set of criteria, include strategy in the annual report. <b>Years 2 - 5</b> – Track the number of assessments for municipal facilities based upon the strategy developed in year 1. Include the number of assessments completed, a description of the assessment procedure and any changes in facilities ranking in the annual report.
3.	Continue to implement Omaha’s Good Housekeeping Program for municipal facilities that addresses “high-priority” facilities (hot spot score of 20-30 out of 30) and site specific SOPs.	<b>On-Going All Years</b> – Annually report new, removed, or significantly updated municipal facilities
4.	Implement practices for maintaining the storm sewer system that includes catch basin maintenance, open channels and other drainage structures, street sweeping, and structural stormwater controls. All maintenance procedures are to be performed such that waste water and waste materials do not enter the MS4.	<b>Year 1</b> – Provide a description of the maintenance programs in the annual report. <b>On-Going All Years</b> – Annually report on Sewer Maintenance activities related to maintaining the storm sewer system and changes to any of the maintenance practices.
5.	Provide training for municipal employees in pollution prevention and good housekeeping.	<b>Year 1</b> – Develop a strategy for municipal employee training in pollution prevention and good housekeeping, include strategy in annual report. <b>On-Going All Years</b> – Conduct training events for municipal staff include number of employees trained, based on strategy developed in year 1, in annual report.
6.	Provide educational material to contractors hired to perform maintenance activities on the MS4.	<b>Year 1</b> – Develop materials to provide to contractors and include in the annual report. <b>Years 2 - 5</b> – Include in the annual report any new materials or updates to existing materials.

**G. Industrial and Related Facilities**

<b>BMP #</b>	<b>SWMP Element Description</b>	<b>Target Goals &amp; Implementation Schedule</b>
1.	Maintain a program that identifies Industries within the MS4 area which fall into sectors identified in the ISW- NPDES permit.	<b>Year 1</b> – Develop strategy that will identify industries and their compliance with NPDES permits. <b>On-going All Years</b> – Review and update strategy developed in year on and report on any changes in the annual report.
2.	Request a list of permitted facilities and the NOI from NDEQ in January of each permit year.	<b>On-going All Years</b> – Maintain a database to track NPDES permitted facilities.
3.	Inform industries about the NPDES ISW Permit and notify the state when industries are not in compliance with the state regulations.	<b>On-going All Years</b> – Develop industry specific publications regarding the NPDES regulations and distribute to inspected facilities.
4.	Inspect NPDES permitted industries from a list provided by NDEQ in January of each year. Maintain a tracking system for inspections and SWPPP reviews. Review the SWPPP or NEC prior to completing an inspection.	<b>On-going All Years</b> – Inspect 20% of the facilities on the list provided by NDEQ each year so that all industries are inspected once in the permit cycle.
5.	Ensure inspectors completing industrial stormwater inspections are competent.	<b>On-going All Years</b> – Report inspection activities in the annual report.

**H. Monitoring Program**

<b>BMP #</b>	<b>SWMP Element Description</b>	<b>Measurable Commitments &amp; Implementation Schedule</b>
1.	Dry Weather Screening	<b>On-going All Years</b> – Implement a dry weather screening of priority outfalls for IDDE following screening and sampling plan. Keep a record of outfalls observed and a record of the field screening results. Follow strategy in SWMP Program Component C - IDDE for outfalls showing presence of an illicit discharge. Update priority list based on observations.
2.	<p>Develop a wet weather BMP assessment monitoring plan for demonstration BMPs to facilitate future SWMP planning. Evaluate the effectiveness of the selected BMPs. BMP assessment may include flow based monitoring, or water quality sampling. Biological systems may include plant assessments and visual observations.</p> <p>Construct structural BMPs and implement non-structural BMPs to evaluate the effectiveness of their ability to address pollutants of concern. Include in the BMP assessment program if appropriate.</p>	<p><b>Year 1</b> – Revise the BMP assessment monitoring plan and submit to NDEQ for approval. Amend as necessary when new demonstration projects have been constructed.</p> <p><b>On-going All Years</b> – Implement monitoring plan in demonstration projects. Report findings in the Annual Report.</p> <p>The following information shall be included in the Annual Activity Report:</p> <ol style="list-style-type: none"> <li>1) the location of the monitoring site</li> <li>2) the intensity and duration of the storm event monitored;</li> <li>3) the timing of sampling in comparison to the occurrence of the storm event and to the discharge of peak storm water flows;</li> <li>4) the monitoring data; and a summary of the findings.</li> </ol>
3.	Utilize data collected by others to help assess the effectiveness of BMPs.	<b>On-going All Years</b> -- Gather data from others and include in the annual report with a summary of findings.

# Nebraska Department of Environmental Quality

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### FACT SHEET

#### Municipal Separate Storm Sewer System Discharge Permit City of Omaha, Nebraska

NPDES NE0133698 / NDEQ ID 73881

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## **A. General Information**

### **1. Proposed Action - Tentative Determination**

On the basis of a preliminary staff review, the Nebraska Department of Environmental Quality has made a tentative determination to reissue with change the NPDES Permit, NE0133698, authorizing discharges from the City of Omaha's (hereinafter referred to as "City") Municipal Separate Storm Sewer System (MS4).

### **2. Authority and Purpose**

The primary function of this permit is to reduce and/or control pollutant discharges from the City of Omaha's MS4. This draft general permit was developed according to the Nebraska Department Environmental Quality Title 119 – *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System*. This regulation was promulgated pursuant to the Nebraska Environmental Protection Act (Neb. Rev. Stat. §§ 81-1501 et seq.) and the Federal Clean Water Act (33 U.S.C. §§ 1251 et seq.). The National Pollutant Discharge Elimination System (NPDES) is set forth in Section 402 of the Federal Clean Water Act.

The City of Omaha permit contains required "best management practices" (BMPs) to regulate the pollutant discharges from its MS4. These BMPs are intended to enable the municipality to improve water quality from the MS4 discharges. Permit requirements must be expressed in clear, specific, and measureable terms. The water quality improvements will be measured using the standards established in NDEQ Title 117 – *Nebraska Surface Water Quality Standards* and Title 118 – *Ground Water Standards*.

The regulations set forth in 40 CFR Part 122.34(a) require that SWMPs be designed to reduce pollutants discharged from the MS4 "to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act." EPA has interpreted the MEP standard to apply to all MS4s, including both large and small MS4s (Federal Register Vol. 64, No. 235, page 68754). One provision of the MEP standard is that it needs to be determined for each new permit term, a requirement of the Clean Water Act Section 402(p)(3)(iii). A foundational principle of MS4 permits is that from permit term to permit term iterative progress will be made towards meeting water quality objectives, and that adjustments in the form of modified permit requirements will be made where necessary to reflect current water quality conditions, BMP effectiveness, and other current relevant information. The requirements set forth in 40 CFR Part 122.34(a) will be combined with the requirements in 40 CFR part 122.26(d) to implement this permit.

### **3. Permit Term**

The permit would be issued with a five year term. Five years is the maximum time period allowed pursuant to NDEQ Title 119, Chapter 16 002. Part V sets forth procedures for the City to propose amendments to the Storm Water Management Plan (SWMP), monitoring requirements, and reporting requirements.

### **4. Applicant and Facility Information**

**Applicant:** City of Omaha  
**Address** Omaha Public Works Department  
1819 Farnam Street, Suite 600  
Omaha, NE 68183

## **B. Summary of Proposed Changes in the Draft Permit**

The highlights of the proposed draft permit requirements are summarized below. See the attached draft permit for specific information on the permit conditions.

1. Descriptions of the requirements for the minimum control measures for the City of Omaha have been detailed.
2. Multiple sections of the storm water management plan have been changed. See Part M for changes.
3. Options for co-permittees or coordinated programs have been added and detailed.
4. An E-reporting requirement has been added to the permit.

## **C. Discharges Authorized under the Permit – Part I**

### **1. Permit Area**

This permit covers all areas within the corporate boundaries areas of the City of Omaha, Nebraska served by or otherwise contributing to discharges to the Municipal Separate Storm Sewer System (MS4), including all areas that are incorporated in the City during the effective term of the permit.

### **2. Authorized Discharges**

The discharges provided coverage under this permit are limited to the following:

1. Municipal storm water that originates from within the coverage area;
2. Storm water from areas outside the coverage area that flows into and through the MS4;
3. *Storm water discharges associated with industrial activity* as defined in 40 CFR 122.26 (b)(14) that are authorized under a separate NPDES permit or that are in-compliance with the No Exposure Certification requirements;
4. Non-Storm water discharges that are either;
  - i) Authorized under a separate NPDES permit;
  - ii) Being addressed in accordance with the Illicit Discharge Identification procedures set forth in the City's Storm Water Management Plan; or
  - iii) *Allowable Non-Storm Water Discharges* as identified in the following list; routine water line flushing, lawn watering, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, springs, water from crawl space pumps, footing drains, sump pumps, uncontaminated heat pumps, individual residential vehicle washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, discharges or flows from emergency firefighting activities, and other similar discharges determined by the Department not to be significant pollutant sources.

**D. Basin, Segment, and Use Designations**

At this time, the City’s MS4 outfalls discharge into 11 water bodies or their tributaries. These water bodies and their designated uses are identified in Table FS-A. All of the identified segments are within the Missouri Tributaries River Basin, MT1 Sub-basin. Segment assignments and use designations are set forth in NDEQ Title 117, *Nebraska Surface Water Quality Standards*.

Table FS-A: Receiving Water Bodies and Their Use Designations						
Receiving Stream or Water Body	Segment Designation	Designation and/or Applicable Uses				
		Aesthetics	Aquatic Life	Recreation	Water Supply	Key Species
Missouri River	MT1-10000	Yes	WW-A	Yes	Public Drinking Ag-A Industrial	Lake Sturgeon Pallid Sturgeon Sturgeon Chub Paddlefish Blue Catfish Channel Catfish Flathead Catfish
Big Papillion Creek	MT1-10100	Yes	WW-A	Yes	Ag-A	Channel Catfish
	MT1-10110	Yes	WW-A	Yes	Ag-A	None Listed
	MT1-10120	Yes	WW-A	Yes	Ag-A	None Listed
Little Papillion Creek	MT1-10111	Yes	WW-B	Yes	Ag-A	None Listed
	MT1-10112	Yes	WW-B	No	Ag-A	None Listed
Cole Creek	MT1-10111.1	Yes	WW-B	Yes	Ag-A	None Listed
Hell Creek	MT1-10220	Yes	WW-B	No	Ag-A	None Listed
West Papillion Creek	MT1-10250	Yes	WW-B	No	Ag-A	None Listed
Boxelder Creek	MT1-10251	Yes	WW-B	No	Ag-A	None Listed
Ed Zorinsky Lake	MT1-L0050	Yes	WW-A	Yes	Ag-A	None Listed
Carter Lake	MT1-L0090	Yes	WW-A	Yes	Ag-A	None Listed
Standing Bear Lake	MT1-L0100	Yes	WW-A	Yes	Ag-A	None Listed
Glenn Cunningham Lake	MT1-L0120	Yes	WW-A	Yes	Ag-A	None Listed
Abbreviations: Ag-A = Agricultural Class A Water Supply      Ag-B = Agricultural Class B Water Supply WW-A = Aquatic Life Class A    WW-B = Aquatic Life Class B						

Table FS-B identifies pollutants or stressors identified as having impaired the receiving stream or water body.

Table FS-B: Non-Attainment Status of Receiving Water Bodies <sup>(1)</sup>		
Receiving Stream or Water Body	Segment Designation	Identified Pollutants or Stressors
Missouri River	MT1-10000	<i>E. coli</i>
Big Papillion Creek	MT1-10100	Selenium, <i>E. coli</i>
	MT1-10110	<i>E. coli</i>
	MT1-10120	<i>E. coli</i>
Little Papillion Creek	MT1-10111	<i>E. coli</i>
	MT1-10112	None Identified
Cole Creek	MT1-10111.1	<i>E. coli</i> , Unknown
Hell Creek	MT1-10220	None Identified
West Papillion Creek	MT1-10250	Hazard Index Compounds <sup>(2)</sup>
Boxelder Creek	MT1-10251	None Identified
Ed Zorinsky Lake	MT1-L0050	Total Phosphorus, Total Nitrogen, Hazard Index Compounds <sup>(2)</sup> , Mercury
Carter Lake	MT1-L0090	Total Phosphorus, Total Nitrogen, Hazard Index Compounds <sup>(2)</sup> , Mercury
Standing Bear Lake	MT1-L0100	Total Phosphorus, Total Nitrogen, Hazard Index Compounds <sup>(2)</sup> , Mercury, Sediment
Glenn Cunningham Lake	MT1-L0120	Total Phosphorus, Total Nitrogen
Footnotes:		
(1) If pollutants or stressors are listed, the stream segment is considered to be in non-attainment with the water quality standards set forth in NDEQ Title 117, and the segment is listed as such pursuant to Section 303(d) of the Clean Water Act.		
(2) Hazard index compounds- Aroclor-1254 (PCB-1254), Lindane (g-BHC), cis-chlordane, trans-chlordane, DDT, Dieldrin, Heptachlor, Heptachlor Epoxide, Hexachlorobenzene, cis-nonachlor, trans-nonachlor, Oxychlordane, Pentachloroanisole, Trifluralin, Mercury, Cadmium, Selenium		

**E. Anti-Degradation Review**

An anti-degradation review was performed for purposes of developing the permit pursuant to 40 CFR § 131.12. The results of the evaluation indicate that the receiving water bodies for the discharges addressed by the permit likely have habitat for aquatic life. The designated uses of the receiving water bodies were considered during permit development. The limitations in the draft permit are protective of the Clean Water Act § 101(a)(2) goals, and ensures the existing quality of water in the receiving streams is not lowered.

## **F. Potential Pollutants and Description of Discharge**

The following pollutants may be present in storm water discharges:

1. Suspended solids (soil particles) from residential, commercial and industrial sites, municipal infrastructure maintenance sites and construction sites;
2. Fertilizer and pesticide chemicals from lawns, parks and golf courses;
3. Oil, grease and metals from parking lots and streets;
4. A variety of pollutants from the improper storage and disposal of waste material; and
5. Bacteria from the improper storage and disposal of pet wastes.

## **G. Resource Requirements - Part II**

The draft permit will require the City to maintain and improve those requirements under 40 CFR 122.26(d). Requirements include adequate legal authority, financing, staff, equipment, and support capabilities to continue to develop and implement the City's MS4 program. These requirements are consistent with those required for permit applications in 40 CFR 122.21(d), (e), (f).

The City will be required to implement and complete Large MS4 application requirements. One requirement is source identification of potential sources of storm water pollutants discharged to waters of the State. The City must submit or be made available:

- A map following the requirements of 40 CFR Part 122.26(d)(1)(iii)(B).

Due to the dynamic nature of zoning, development and public improvement as well as the content required under the regulation, the map may be made available through an online application or in an electronic format.

## **H. Storm Water Management Plan (SWMP) – Part III**

The City will be required to implement the Storm Water Management Plan (SWMP) set forth in Appendix B of the draft permit. The SWMP requirements:

- Are consistent with the requirements of 40 CFR Part 122.26(d).
- Are consistent with the Six Minimum Control Measures required of MS4s set forth in 40 CFR Part 122.34(b); and
- Acknowledge that the City has a program developed over the previous permit cycles and will continue to build on these past efforts.

For the most part, the federal requirements for large and medium MS4s (i.e., those set forth in 40 CFR Part 122.26(d)(2)(iv)), meet or exceed the requirements for Six Minimum Control Measures required for small MS4s (set forth in 40 CFR Part 122.34 (b)). This permit includes provisions in the draft permit to ensure consistency with the Six Minimum Control Measures. EPA interprets that compliance to the maximum extent practicable with the minimum control measures is the standard for all MS4 programs both large and small. The language regarding the Six Minimum Control Measures and the additional two Minimum Control Measures has been strengthened to comply with the requirements of the State of Nebraska and 40 CFR Part 122. The SWMP is organized into eight (8) major subparts based on the Six Minimum Control Measure requirements and the two additional elements required of Medium and Large MS4s:

### **1. Public Education and Outreach**

The permit must identify the minimum elements and require implementation of a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

### **2. Public Participation and Involvement**

The permit must identify the minimum elements and require implementation of a public involvement/participation program that complies with state, tribal, and local public notice requirements.

3. Illicit Discharge Detection and Elimination

The permit must identify the minimum elements and require the development, implementation, and enforcement of a program to detect and eliminate illicit discharges, as defined at 40 CFR Part 122.26(b)(2).

4. Construction Site Runoff Control

The permit must identify the minimum elements and require the development, implementation, and enforcement of a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

5. Post Construction Runoff Control

The permit must identify the minimum elements and require the development, implementation, and enforcement of a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The permit must ensure that controls are in place that would prevent or minimize water quality impacts.

6. Pollution Prevention and Good Housekeeping

The permit must identify the minimum elements and require the development and implementation of an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

7. Industrial and Related Facilities

The permit must control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity.

8. Monitoring Program

The permit must provide quantitative data through the use of sampling. This data is used to provide representative data sites for different regions throughout the MS4 region (i.e. residential versus industrial; type of industrial area). This data will be utilized to prove the effectiveness of best management practices for the MS4 system.

SWMP and BMP changes will be detailed in Part M of this fact sheet.

The specific regulatory basis for each subpart is included in the draft permit. The SWMP includes implementation schedules for the various subparts within it, as well as including provisions for making changes to the SWMP (Part V – Amendment Procedures and Requirements).

**I. Monitoring Requirements– Part IV**

1. The draft permit would require continued dry weather discharge screening and investigation, detection and removal of illicit discharges, and improper disposal into the MS4 as part of the Illicit Discharge Detection and Elimination program. All outfalls in which the screening indicates the potential presence of pollution will require monitoring and investigation to determine dry weather discharge sources.
2. The draft permit would also require continued wet weather monitoring for the City to assess the effectiveness of BMP control measures implemented under the SWMP as required by 40 CFR 122.26(d)(2)(iv) and (v). The draft permit would require the City to monitor the MS4 in order to provide the data necessary to assess:
  - The effectiveness and adequacy of SWMP Control Measures;
  - Estimate annual cumulative pollutant loadings for the MS4;
  - Identify and prioritize portions of the MS4 which may require additional BMP controls; and
  - Identify water quality improvements or degradation.

## **J. Reporting Requirements – Part V**

This part of the draft permit sets forth basic Annual Report requirements. The Annual Report meets the requirements of 40 CFR Part 122.42(c) for large and medium MS4s and is intended to include an annual review and assessment of the SWMP. The Annual Report will be due by 90 days past the start of the City's fiscal year. This deadline is to coordinate reporting with the City's fiscal deadlines.

## **K. Other Conditions and Requirements – Part VI**

1. Amendment Procedures – 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. This part would allow efficient implementation of such changes.
2. Endangered or Threatened Species – 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.
3. 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.
4. Coordination of Information – The requirement of the permittee to share and coordinate relevant monitoring data is set forth in NDEQ Title 119.
5. Additional Monitoring by Permittees – The conditions under which the Department may require increases in monitoring frequencies and monitoring for additional parameters are in accordance with NDEQ Title 119.
6. Electronic Reporting – On October 22, 2015, EPA published the Clean Water Act National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, which requires electronic reporting of NPDES information rather than the currently required paper based reports from the permitted facilities. Facilities must submit electronic information required in Appendix A of 40 CFR Part 127, 40 CFR 122.26(b)(15), and 40 CFR 122.26(b)(14)(x).

## **L. Appendix A**

This part includes requirements set forth in 40 CFR Part 122.41 and NDEQ Title 119, these are standard conditions applicable to all NPDES and NPP permits. This part also sets forth definitions for terms used (or potentially used) in the permit, modified slightly to refer to storm water terms.

## **M. Appendix B**

This is the Storm Water Management Plan (SWMP) that the City will be required to implement pursuant of Part III of the draft permit. The previous SWMP is available on the NDEQ Enterprise Content Management Portal as Document # 20160000226. Largely, the plan simplifies SWMP requirements by having specific elements put into plans rather than being spelled out in the SWMP itself.

Changes and updates for the proposed permit are detailed below.

### **1. Public Education and Outreach**

All specific elements will be detailed in a 5-year education and outreach plan that is due one year after issuance of the SWMP. The plan must be reviewed and updated in years two to five. Specific elements that are removed from the SWMP (and likely to be in the plan) include things like holding a sediment and erosion control seminar, continue existing drain marking program, and developing and maintaining a web site. The revised plan will be included with the annual report along with details of that year's education and outreach activities. A second element change is that outreach materials must be reviewed, with updated materials included in the annual report.

### **2. Public Participation and Involvement**

Participation and involvement is changed to three elements. Opportunities for citizen involvement and participation will be included on the City Stormwater Website along with storm water material.

### **3. Illicit Discharge Detection and Elimination**

The city must develop an illicit detection and elimination plan during the first year of permit issuance. This plan will codify the requirements of the program and implement a quality assurance system as well as maintain a compliance plan or mechanism. The draft SWMP also requires coordination with neighboring MS4s. The previous SWMP required maintaining inspections, eliminating illicit discharges, responding to spills, and enforcing city codes.

### **4. Construction Site Runoff Control**

The draft SWMP requires the development of a strategy for site inspections within the first year of permit issuance. The city must maintain a compliance plan or mechanism to address construction non-compliance. One new requirement is to conduct and continue training for staff to address erosion control for construction activity. Another new SWMP implement is to provide a mechanism to receive complaints from the public.

### **5. Post-Construction Runoff Control**

A new requirement is to develop divergent standards for the post-construction guidance document. In the first year of permit issuance, the city will be creating standard operating procedures for post-construction BMPs and developing a strategy for compliance assistance. The city will be maintaining these requirements for the permit term.

### **6. Pollution Prevention/Good Housekeeping for Municipal Operations**

A new requirement is to develop a strategy to assess municipal and prioritize facilities. The city must also develop a training program to conduct pollution prevention and good housekeeping. Inspection and maintenance of municipally-owned sewer channels, catch basins, and conduits is continued in the permit, with a description and log included in the annual report.

### **7. Industrial Facilities**

The city is maintaining a requirement that 20% of industrial facilities with storm water permits must be inspected. The SWMP will also ensure inspections completing inspectors are competent through training and review.

### **8. Storm Water Monitoring Plan**

This SWMP is implementing a requirement for a wet weather monitoring plan. The current plan will involve monitoring of implemented BMPs. The data gained will be used to assess program and BMP effectiveness. The previous SWMP monitoring plan required in-stream monitoring to assess effectiveness.

## **N. Supporting Documentation**

The following documents and regulations were used in the preparation of the draft permit:

1. NDEQ Title 117, *Nebraska Surface Water Quality Standards*, revised December 13, 2014.
2. NDEQ Title 119, *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*, revised July 2, 2017.
3. Technical Support Document for Water Quality-based Toxic Control (EPA 505/2-90-001 PB91-127415, March, 1991).
4. 40 CFR, Part 122, 124, and 125, NPDES Regulations.
5. 40 CFR Part 122.26(d) and 40 CFR Part 122.34.
6. Omaha MS4 Existing SWMP, in an email, Document # 20160000226.
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 – Establishing TMDL Wasteload Allocations for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs, November 11, 2002; and

10. NDEQ, *2016 Surface Water Quality Integrated Report*, April 1, 2016.

**O. Information Requests**

Inquiries concerning the draft permit, its basis or the public comment process may be directed to:

Lisa Giesbrecht    Tel. (402) 471-8830 or (402) 471-4220    Fax: (402) 471-2909

Individuals requiring special accommodations or alternate formats of materials should notify the Department by calling (402) 471-2186. TDD users should call (800) 833-7352 and ask the relay operator to call the Department at (402) 471-2186.

Copies of the application and other supporting material used in the development of the permit are available for review and copying at the Department's office between 8:00 A.M. and 5:00 P.M. on weekdays.

Office Location:    The Atrium, 1200 N Street, Suite 400, Lincoln, NE

Mail Address:        NPDES Permits Unit, Nebraska Department of Environmental Quality, PO Box 98922;  
Lincoln, Nebraska 68509-8922

**P. Submission of Formal Comments or Requests for Hearing**

The date on which the public comment period ends is specified in the public notice. During the public notice period, the public may submit formal comments or objections, and/or petition the Department to hold a public hearing concerning the issuance of the draft permit. All such requests need to: be submitted in written form, state the nature of the issues to be raised, and present arguments and factual grounds to support them. The Department shall consider all written comments, objections and/or hearing petitions, received during public comment period, in making a final decision regarding permit issuance.

Formal comments, objections and/or hearing requests need to be submitted to:

Lisa Giesbrecht; NPDES Permits Unit

Mailing Address:    Nebraska Department of Environmental Quality  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922

Location Address:   Nebraska Department of Environmental Quality  
The Atrium, 1200 N Street, Suite 400  
Lincoln, Nebraska